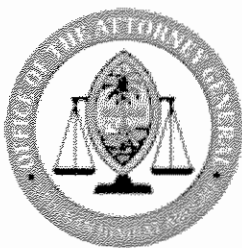


LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

December 10, 2014

The Honorable Benjamin J.F. Cruz
Vice Speaker, 32nd Guam Legislature
Chairman, Committee on Procurement, Cultural Affairs,
Public Broadcasting, Youth and Government Operation
155 Hesler Place
Suite 104
Hagåtña, GU 96932

32-14-2318
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 12/10/14
Time: 4:26 PM
Received By: CARL SANCHEZ

SUBJECT: Additional Comments on Bill 224-32, As Substituted 12/04/14; An Act To Amend Article 9 and Article 12 of Chapter 5, Title 5, Guam Code Annotated, Relative to Clarifying Legal and Contractual Remedies in Procurement Law. Ref: LEG 13-1107

Dear Chairman Cruz,

Buenas yan Hafa Adai. On December 5, 2014, this office submitted written commentary recommending significant revision of Bill 224-32 concerning four primary issues presented in the November 14, 2014 draft:

- 1) The legal remedies available to a party who files a protest must be clear and unambiguous, and should be expedited;
- 2) The term "aggrieved protestor" should be clearly defined;
- 3) The Office of the Attorney General of Guam should not be involved in the creation of any portion of the procurement record; and
- 4) The Office of Public Accountability and the Public Auditor should not have jurisdiction over governmental contract disputes which do not involve a protest, particularly those disputes involving money owed.


This office subsequently received the newest draft of Bill 224-32, as substituted on December 4, 2014. It is respectfully submitted that the commentary submitted by this office on December 5, 2014 remains relevant to this draft, as the issues presented above have not been resolved. It is still recommended that Bill 224-32, be revised to address the four primary issues raised in the commentary provided on December 5, 2014.

This matter is brought to your attention for the sole purpose of advocating the implementation of effective revisions to Article 9 and Article 12 of Chapter 5, Title 5, Guam Code Annotated, in order to clarify the legal and contractual remedies available in Guam's procurement laws through Bill 224-32; the intent of which is strongly supported. Please do not hesitate to contact Deputy Attorney General John Weisenberger if we may be of assistance. Mr.


2014 DEC 10 PM 4:47

Weisenberger can be reached at 475-3324 x 3115 or care of Marie L. Cruz at mlcruz@guamag.org. Thank you for your attention to this matter.

Sinceramente,



LEONARDO M. RAPADAS
Attorney General



JOHN WEISENBERGER
Deputy Attorney General, Civil Division

Cc: Senator Tina Rose Muña Barnes
 Senator Aline A. Yamashita, Ph.D.
 Senator Brant McCreadie
 Senator Dennis G. Rodriguez, Jr.
 Senator V. Anthony Ada
 Senator Michael F.Q. San Nicolas

 Speaker Judith T. Won Pat, Ed.D.
 Senator Thomas Morrison
 Senator Rory J. Respicio
 Senator Thomas C. Ada
 Senator Frank B. Aguon, Jr.