



# Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



Elizabeth Barrett-Anderson  
**Attorney General**  
Phone: (671) 475-3324  
ext. 5015/ 5030  
Fax: 477-4703  
[law@guamag.org](mailto:law@guamag.org)

Jacqueline Z. Cruz  
Chief of Staff  
**Administration**  
ext. 5010  
[jzcruz@guamag.org](mailto:jzcruz@guamag.org)

Phillip J. Tydingco  
Chief Prosecutor  
**Prosecution**  
ext. 2410  
[ptydingco@guamag.org](mailto:ptydingco@guamag.org)

Karl P. Espaldon  
Deputy AG  
**Solicitors**  
ext. 3115  
[kespaldon@guamag.org](mailto:kespaldon@guamag.org)

Kenneth D. Orcutt  
Deputy AG  
**Civil Litigation**  
ext. 3225  
[korcutt@guamag.org](mailto:korcutt@guamag.org)

Fred S. Nishihira  
Deputy AG  
**Consumer Counsel**  
ext. 3250  
[fnishihira@guamag.org](mailto:fnishihira@guamag.org)

Rebecca M. Perez  
Deputy AG  
**Child Support**  
ext. 1610  
[rebecca.perez@guamcse.net](mailto:rebecca.perez@guamcse.net)

Carol M. Hinkle-Sanchez  
Deputy AG  
**Family/Juvenile**  
ext. 4040  
[csanchez@guamag.org](mailto:csanchez@guamag.org)

Pauline U. Camacho  
Administrator  
**VWAS Unit / Notary Unit**  
ext. 5030  
[pcamacho@guamag.org](mailto:pcamacho@guamag.org)

March 12, 2015

## Memorandum

To: Speaker Judith T. Won Pat  
33<sup>rd</sup> Guam Legislature

From: Attorney General

Subject: **Notice of Transfer of Funding from Public Safety Vacancy Pool to Department of Corrections for an Electronic Locking System**

*Hafa adai* Madame Speaker. Pursuant to Section 1 of P.L. 33-01, the Bureau of Budget and Management Research (BBMR) with my written concurrence transferred \$1,700,000 from General Fund appropriations allocated to the Public Safety Vacancy Pool to the Department of Corrections (DOC) for an electronic locking system.

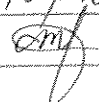
I approved the transfer of these funds on March 12, 2015 in accordance with complying with U.S. District Court of Guam Order dated January 16, 2015 in Civil Case No. 91-00020. A copy of supporting documents is attached for your reference.

  
**ELIZABETH BARRETT-ANDERSON**

## Attachment

cc: Governor Eddie Baza Calvo  
Jose San Agustin, Director, Department of Corrections  
Jose S. Calvo, Director, BBMR

33-15-0242  
Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 03-13-15  
Time: 4:10 pm  
Received By: 

2015 MAR 13 PM 4:19

0242



# BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO  
GOVERNOR

RAY TENORIO  
LIEUTENANT GOVERNOR

JOSE S. CALVO  
ACTING DIRECTOR

LESTER L. CARLSON, JR.  
DEPUTY DIRECTOR

MAR 12 2015

## Memorandum

To: Attorney General


From: Acting Director, Bureau of Budget and Management Research

Subject: Funding for Department of Corrections (DOC) Electronic Locking System

Pursuant to Section 1 of Public Law No. 33-01, the Bureau hereby request for your concurrence on the proposed transfer of \$1,700,000 from the General Fund appropriations allocated to the Public Safety Vacancy Pool Cost Account to the DOC to provide for the additional funding necessary to complete the Electronic Locking System project.

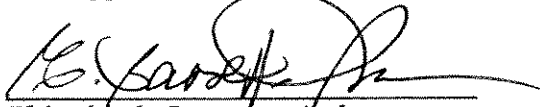
The Director of DOC in his memorandum to the Governor of Guam dated March 6, 2015 is requesting for the additional funding indicated as the current available funding of \$300,000 from the Department of Interior grant is insufficient based on a recent assessment conducted with interested vendors. The project is now estimated at a cost \$2,000,000. (See attachments.)

As you know, the DOC cannot proceed with the Request of Proposal (RFP) until the funds are made available and until such time the Bureau receives your concurrence on the proposed transfer.

  
JOSE S. CALVO

Attachments

Approve  Disapprove

  
Elizabeth Barrett-Anderson  
Attorney General of Guam

3/12/15  
Date:



DEPARTMENT OF CORRECTIONS

Depattamenton Mangngurihi  
P.O. Box 3236  
Hagatna, Guam 96932



Eddie Baza Calvo  
Governor  
Ray Tenorio  
Lt. Governor

Jose A. San Agustin  
Director  
Carleen G. Borja  
Deputy Director

RECEIVED  
3-6-15  
MAR 06 2015  
Bureau of Budget and  
Management Research


March 06, 2015

TO: Honorable Governor of Guam  
FROM: Director, Department of Corrections  
SUBJECT: Funding for Electronic Locking System

Hafa Adail! Please find the attached cost analysis for the Electronic Locking System, as provided by the Department of Public Works and the University of Guam. Through the Department of Interior funding, \$300,000 was allocated for the repairs and upgrade for this project. After conducting a walkthrough with interested vendors, it was concluded that the project exceeds the \$300,000 budget that was originally allocated. The project is now estimated at a cost of \$2,000,000.

Please be advised as per the Attorney General's Office we will not be able to proceed with the Request for Proposal (RFP) until the funds are made available. Therefore, this is to respectfully request your assistance in allocating the additional funding of \$1,700,000 to the department to be able to proceed with the RFP.

I thank you in advance for your continued support. If you should require any additional information please contact me at 735-5170.

  
JOSE A. SAN AGUSTIN



Tel. No.: 735-5170  
Fax. No.: 734-4490

Request No.: \_\_\_\_\_  
 Date Prepared: 9-Mar-15

**REQUEST FOR APPROPRIATION / ALLOTMENT MODIFICATION**

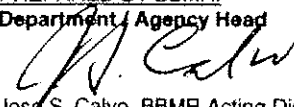
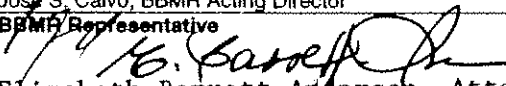
**DEPARTMENT:** CORRECTIONS  
**Division / Section:** Director's Office - Capital Improvement Project (CIP)  
Electronic Locking System Project

**TYPE:** **APPROPRIATION & ALLOTMENT** [ X ] **ALLOTMENT ONLY** [ ]

**Description of Action:** To transfer the amount of \$1.7M from the Public Safety Vacancy Pool Cost Account pursuant to Section 1 of Public Law 33-01 to DOC for the sole purpose of complying with the U.S. District Court of Guam Order dated January 16, 2015 in Civil Case No. 91-00020.

AS 400 Account Number	Qtr. / Mo.	CURRENT Approp. / Allot. Level(s):	Requested Modification(s): [ + or - ]	REVISED Approp. / Allot. Level(s):
<b>APPROPRIATIONS</b>				
5 100 A 15 0400 VP 008 - 111		\$3,168,953.00	(\$1,192,550.00)	\$1,976,403.00
5 100 A 15 0400 VP 008 - <del>111</del> <sup>113</sup>		\$1,288,387.00	(\$507,450.00)	\$780,937.00
5 100 D 15 1300 ** *** - 450		\$0.00	\$1,700,000.00	\$1,700,000.00
	<b>Net</b>		<b>\$0.00</b>	
<b>Allotments</b>				
5 100 A 15 0400 VP 008 - 111	Reserve	\$3,168,953.00	(\$1,192,550.00)	\$1,976,403.00
5 100 A 15 0400 VP 008 - <del>111</del> <sup>113</sup>	Reserve	\$1,288,387.00	(\$507,450.00)	\$780,937.00
5 100 D 15 1300 ** *** - 450	February	\$0.00	\$1,700,000.00	\$1,700,000.00
	<b>Net</b>		<b>\$0.00</b>	

**AUTHORIZED SIGNATURES:**

**Requested By:** \_\_\_\_\_ **PREPARED BY BBMR.** **March 9, 2015**  
**Department / Agency Head** **Date**  
  
**Approved / Disapproved By:** \_\_\_\_\_ **Jose S. Calvo, BBMR Acting Director** **MAR 12 2015**  
**BBMR Representative** **Date**  
  
**Account Modified By:** \_\_\_\_\_ **Elizabeth Barrett-Anderson, Attorney General of Guam** **3/12/15**  
**BBMR Analyst** **Date**

\* TOA: Type of Appropriation (Alpha); Act.: Activity (000 only); Acct. Code: Account Code (Object Classes)

# REQUEST FOR ESTABLISHMENT/MODIFICATION OF ACCOUNT

TO: DEPARTMENT OF ADMINISTRATION - DIVISION OF ACCOUNTS  
 VIA: BUREAU OF BUDGET & MANAGEMENT RESEARCH  
 FROM: **DIRECTOR, BUREAU OF BUDGET AND MANAGEMENT RESEARCH**  
 ACCOUNT TITLE: **Department of Corrections - Electronic Locking System**

**PURPOSE:**

- |   |   |
|---|---|
| <input type="checkbox"/> Grant Award [Original] - Federal               | <input type="checkbox"/> Appropriation [Original] - Local                                   |
| <input type="checkbox"/> Grant Award [Supplement] - Federal             | <input type="checkbox"/> Appropriation [Supplemental] - Local                               |
| <input type="checkbox"/> Grant Period Modification - Federal            | <input type="checkbox"/> Appropriation Period Modification                                  |
| <input type="checkbox"/> Grant Number Change - Federal                  | <input type="checkbox"/> Appropriation Type Change  |
| <input type="checkbox"/> Catalog Number Change - Federal                | <input type="checkbox"/> Object Class(es) - Add / Delete                                    |
| <input type="checkbox"/> Local/Federal Participation Ratio Modification | <input checked="" type="checkbox"/> Other [specify]: <b>Transfer of Funds Authorization</b> |

**APPROPRIATION TYPE:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Local Operation [A]      | <input type="checkbox"/> Federal 101 [E]              | <input type="checkbox"/> Subgrants [J]                   |
| <input type="checkbox"/> Federal Local Match [B]  | <input type="checkbox"/> Federal CIP [F]              | <input type="checkbox"/> Reimbursable Appropriations [X] |
| <input type="checkbox"/> Local Continuing [C]     | <input type="checkbox"/> Federal Match Continuing [G] | <input type="checkbox"/> Work Request [Z]                |
| <input checked="" type="checkbox"/> Local CIP [D] | <input type="checkbox"/> Federal 101 Continuing [H]   | <input type="checkbox"/> Other: _____                    |

RESPONSIBLE DEPARTMENT/DIVISION: \_\_\_\_\_

**OBJECT CLASS(ES) REQUIRED:**

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> 111 Salary               | <input type="checkbox"/> 220 Travel               | <input type="checkbox"/> 270 Worker's Comp Benefits | <input type="checkbox"/> 363 Utilities - Telephone     |
| <input type="checkbox"/> 112 Overtime/Premium Pay | <input type="checkbox"/> 30 Contractual           | <input type="checkbox"/> 271 Drug Testing           | <input checked="" type="checkbox"/> 450 Capital Outlay |
| <input type="checkbox"/> 113 Benefits             | <input type="checkbox"/> 233 Office Space Rental  | <input type="checkbox"/> 290 Miscellaneous          | <input type="checkbox"/> 700 Indirect - Local          |
| <input type="checkbox"/> 114 Health Benefit       | <input type="checkbox"/> 240 Materials / Supplies | <input type="checkbox"/> 361 Utilities - Power      | <input type="checkbox"/> 701 Indirect - Federal        |
| <input type="checkbox"/> 115 Life Benefit         | <input type="checkbox"/> 250 Equipment            | <input type="checkbox"/> 362 Utilities - Water      | <input type="checkbox"/> other _____                   |

AUTHORITY / GRANT NO. / PLAN NO.	CATALOG NUMBER	START DATE	EXPIRATION DATE
P.L. 33-01:Section 1		2/25/2015	2/25/2020
FEDERAL SHARE PERCENTAGE	LOCAL SHARE PERCENTAGE	OBLIGATION END DATE	EXPENDITURE END DATE
	100.0%	2/25/2020	2/25/2020

APPROPRIATION ACCOUNT NUMBER	TOTAL FUNDS		
<b>5 100 D 15 1300 ** ***</b>	LOCAL	FEDERAL - AUTHORIZED (Cumulative)	FEDERAL - AWARDED
	<b>\$1,700,000</b>		

JOB ORDER ASSIGNED	** LOCAL MATCH ACCOUNT NUMBER	** NOTE
<b>1300 - 15 - ***</b>		IF LOCAL MATCH ACCOUNT DOES NOT EXIST, PLEASE ATTACH SEPARATE E.O.A. REQUEST.

REQUESTOR: Requested by BBMR. REQUESTED BY: _____ DATE: _____	BBMR'S REVIEW <b>MAR 12 2015</b> Jose S. Calvo, Acting Director APPROVED BY: _____ DATE: _____	DIVISION OF ACCOUNTS APPROVED BY: _____ DATE: _____
---	---	--

DIVISION OF ACCOUNTS - FEDERAL BRANCH USE ONLY					
DRAW TYPE	DRAW ACCT	SUB-ACCT	REPORTING REQ	REVENUE ACCOUNT	REVIEWED BY

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN***  
**2015 (FIRST) Regular Session**


**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÁHAN***

This is to certify that Substitute Bill No. 22-33 (COR), "AN ACT TO *ADD* A NEW SECTION 5 TO CHAPTER XIV OF PUBLIC LAW 32-181, RELATIVE TO AUTHORIZING *I MAGA'LAHEN GUÁHAN'S* TRANSFER AUTHORITY FROM THE PUBLIC SAFETY VACANCY POOL COST ACCOUNT TO COMPLY WITH THE UNITED STATES DISTRICT COURT OF GUAM ORDER DATED JANUARY 16, 2015 IN CIVIL CASE NO. 91-00020; TO AUTHORIZING THE ATTORNEY GENERAL OF GUAM TO PROCURE EXPERTS TO ASSIST IN COMPLYING WITH THE SAME; TO AUTHORIZING THE GENERAL SERVICES AGENCY TO PROCURE DISCOUNTED MEDICINE ON BEHALF OF THE DEPARTMENT OF CORRECTIONS; AND TO REQUIRING THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TO REPORT TO THE SPEAKER OF *I LIHESLATURAN GUÁHAN* ON MATTERS RELATIVE TO CIVIL CASE NO. 91-00020," was on the 20<sup>th</sup> day of February, 2015, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guáhan* this 20<sup>th</sup> day of FEB, 2015, at 8:58 o'clock P. .M.

  
Assistant Staff Officer  
Maga'lahi's Office

APPROVED:

  
RAYMOND S. TENORIO  
Acting Governor of Guam

Date: FEB 25 2015

Public Law No. 33-01

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1.** A new Section 5 is hereby *added* to Chapter XIV of Public Law  
3 32-181 to read:

4           **“Section 5. Additional Authorization.** Notwithstanding the  
5 department and agency appropriation allocations in Section 1 of this Chapter, *I*  
6 *Maga’lahen Guåhan*, subject to the requirements of this Section, *may* transfer  
7 General Fund appropriations allocated to the Public Safety Vacancy Pool Cost  
8 Account to the appropriate department and/or agency for the *sole* purpose of  
9 complying with the United States District Court of Guam Order dated January  
10 16, 2015 in Civil Case No. 91-00020. *Prior* to the transfer of any  
11 appropriations in this Section, the Attorney General of Guam *must* review and  
12 concur in writing that such transfer is for the *sole* purpose of complying with  
13 the United States District Court of Guam Order dated January 16, 2015 in Civil  
14 Case No. 91-00020. No appropriation that is transferred in this Section shall be  
15 used for the expenditure of private legal counsel for the government of Guam.  
16 No appropriation that is transferred in this Section shall be used for the  
17 expenditure of any contract for a term exceeding one (1) year; or for any  
18 purpose that may result in the extension, modification, addition, or change  
19 order to any existing contracts with the government prior to the enactment of  
20 this Act. Nothing in this Section shall constitute an authorization for the  
21 government to enter into any long-term contractual arrangement for  
22 construction and/or professional services exceeding one (1) year, nor shall any  
23 appropriations authorized for transfer herein be for such purpose(s). The  
24 Director of the Bureau of Budget and Management Research *shall* provide a  
25 notice and amount of each transfer authorized by this Section, including a copy  
26 of the written concurrence by the Attorney General of Guam, to the Speaker of

1           *I Liheslaturan Guåhan* no later than five (5) days after such transfer is  
2           authorized and/or made.”

3           **Section 2. Carryover of FY 2014 Appropriations for the Office of the**  
4 **Attorney General.** Notwithstanding any provision of law, the unexpended balance  
5 of appropriations from the General Fund to the Office of the Attorney General for its  
6 operations in Fiscal Year 2014 *shall not* lapse and *shall* carry over into Fiscal Year  
7 2015. Such funds *shall only* be expended up to Seven Hundred Thousand Dollars  
8 (\$700,000) for the purposes described in Section 3 of this Act.

9           **Section 3. Authority of the Attorney General to Procure Experts.**  
10 Notwithstanding any other provision of law, the Attorney General is authorized to  
11 procure consultants and/or expert witnesses, on a sole source basis, as necessary, to  
12 comply with the United States District Court of Guam Order dated January 16, 2015  
13 in Civil Case No. 91-00020. No government funds *except* those appropriations  
14 described in Section 2 of this Act may be expended for this purpose.

15           **Section 4. General Services Agency Permitted to Procure Medicine.**  
16 Notwithstanding any other provision of law, the General Services Agency is  
17 authorized to procure medication for the Department of Corrections directly from  
18 distributors or manufacturers for the *sole* purpose of complying with the United  
19 States District Court of Guam Order dated January 16, 2015 in Civil Case No. 91-  
20 00020; and may procure on a sole source basis, as necessary, *provided*, that the total  
21 cost savings *must* be more than twenty percent (20%) less than the cost paid by the  
22 Guam Memorial Hospital Authority. To the maximum extent possible, procurement  
23 *shall* be achieved expeditiously and competitively, as provided in Title 5 GCA  
24 Article 3. Sole source procurement *shall* be a method of last resort.

25           **Section 5. Reporting Requirements.** The Director of the Department of  
26 Corrections *shall* provide a written report to the Speaker of *I Liheslaturan Guåhan* no  
27 *later than* twenty (20) days after the end of each month on all matters agreed upon in



1 the United States District Court of Guam Status Report dated September 26, 2014 in  
2 Civil Case No. 91-00020; and matters addressed in the United States District Court of  
3 Guam Order dated January 16, 2015 in Civil Case No. 91-00020. The Director of the  
4 Department of Corrections *shall* also provide to the Speaker of *I Liheslaturan*  
5 *Guåhan* a copy of the weekly reports regarding clinical operations at the Department  
6 that are provided to the Monitor of Civil Case No. 91-00020, *no later than* five (5)  
7 days after such report is provided to said Monitor. *I Liheslaturan Guåhan* herein  
8 recognizes that the reports required under this Section *shall not* be released if such  
9 reports are under seal by the courts.

10 **Section 6. Effective Date.** This Act *shall* become effective upon enactment.

11 **Section 7. Severability.** *If* any provision of this Act or its application to any  
12 person or circumstance is held invalid, the invalidity *shall not* affect other provisions  
13 or applications of this Act which can be given effect without the invalid provision or  
14 application and to this end the provisions of this Act are severable.