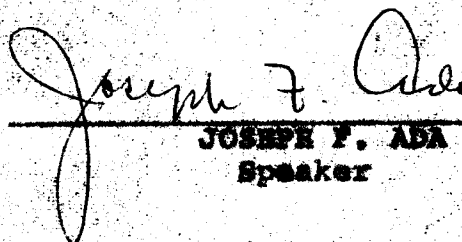



FOURTEENTH GUAM LEGISLATURE  
1977 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 43, "An Act to amend Section 10001.5 and to add a new Section 10001.7 all of the Government Code to give certain credits to those bidding for government contracts who employ more than the required percentage of U. S. citizens and permanent residents and for other purposes", was on the 4th day of March, 1977, duly and regularly passed.

  
JOSEPH F. ADA  
Speaker

ATTESTED:

  
FRANK F. BLAS  
Acting Legislative Secretary

This Act was received by the Governor this \_\_\_\_\_ day of \_\_\_\_\_, 1977, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M.

\_\_\_\_\_  
RUTH F. WON PAT  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
RUDOLPH G. SARLAN  
Acting Governor of Guam

DATED: 3-1-77

4:30 pm

P.L. 14-8

FOURTEENTH GUAM LEGISLATURE  
1977 (FIRST) Regular Session

Bill No. 43  
As Substituted by  
the Committee on  
Manpower, Resources &  
Economic Development

Introduced by E. T. Charfauros

AN ACT TO AMEND SECTION 10001.5 AND TO ADD  
A NEW SECTION 10001.7 ALL OF THE GOVERNMENT  
CODE TO GIVE CERTAIN CREDITS TO THOSE BIDDING  
FOR GOVERNMENT CONTRACTS WHO EMPLOY MORE THAN  
THE REQUIRED PERCENTAGE OF U. S. CITIZENS AND  
PERMANENT RESIDENTS AND FOR OTHER PURPOSES.

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

2 Section 1. Section 10001.5 of the Government Code is  
3 amended to read:

4 "Section 10001.5. Definitions. For purposes of  
5 this Chapter the term 'construction of public works' shall  
6 mean and include work performed pursuant to contract for  
7 the erection, maintenance, rehabilitation, repair or  
8 demolition of any public building, roadway or any public  
9 facility. The term 'alien' shall not include permanent  
10 residents of the United States or immigrant aliens eligible  
11 for United States citizenship. The term 'total workforce'  
12 shall include only the fulltime employees of the prime  
13 contractor and all subcontractors engaged by said prime  
14 contractor."

15 Section 2. A new Section 10001.7 is added to the Govern-  
16 ment Code to read:

17 "Section 10001.7. Credits for using citizens and per-  
18 manent residents; amounts thereof. (a) In order to induce  
19 contractors to hire more United States citizens and per-  
20 manent residents and to encourage training and apprentice-  
21 ship programs, all bids submitted for government of Guam

1 Public Works contracts, including service contracts, shall  
2 be adjusted in accordance with the following schedule:

3 (i) A bid credit of two and one-half percent  
4 (2-1/2%) for that bidder which has and maintains  
5 throughout the term of the contract a total workforce  
6 of which no less than twenty-five percent (25%) are  
7 citizens or permanent residents of the United States;

8 (ii) A bid credit of five percent (5%) for that  
9 bidder which has and maintains throughout the term of  
10 the contract a total workforce of which no less than  
11 thirty percent (30%) are citizens or permanent  
12 residents of the United States;

13 (iii) A bid credit of ten percent (10%) for  
14 that bidder which has and maintains throughout the  
15 term of the contract a total workforce of which  
16 no less than forty percent (40%) are citizens  
17 or permanent residents of the United States.

18 (b) To be eligible to participate in the above  
19 described credit system the bidder must have in force and  
20 effect a training and apprenticeship program to train  
21 local employees. All H-2 workers employed by any bidder  
22 must upon entering Guam be able to pass an English  
23 Proficiency Examination in both writing and verbal skills.  
24 The standard for this requirement is recommended as Grade  
25 Level 3.

26 (c) The Department of Labor shall certify to the  
27 agency awarding a contract as to the percentage of citizen  
28 and permanent resident employees of the bidders and their

1 subcontractors and shall monitor performance of such con-  
2 tract by the bidder and its subcontractors awarded the  
3 same to make certain that the percentage of such employees  
4 upon which the bid was awarded is maintained for the full  
5 term of the contract. If at anytime during the term of  
6 the contract the percentage of citizens and permanent  
7 residents in the total workforce is less than the percentage  
8 which was required for the award of a bid credit pursuant  
9 to Section 10001.7(a) amounts payable under said contract  
10 shall be reduced by the amount of the bid credit which  
11 the contractor was awarded, provided that said reduction  
12 shall be offset by the amount of bid credit said contractor  
13 would be entitled to by virtue of his employment of citizens  
14 or permanent residents within the total workforce.

15 (d) The Director of Labor is authorized to issue  
16 rules, pursuant to the provisions of the Administrative  
17 Adjudication Act, to carry out the provisions of this  
18 Section and of Section 10001.8 of this Chapter."

19 Section 3. Section 10001.7 (11101.7) of the Government  
20 Code added by Public Law 10-20 is hereby renumbered Section  
21 10001.9 of the Government Code.

22 Section 4. The following sums appropriated under Section 1  
23 of Public Law 13-149 are hereby reverted to the General Fund to  
24 finance the appropriation made by Section 5 of this Act:

25 "A. Office of the Governor  
26 1. Contractual Services \$ 2,400  
27 B. Office of the Lt. Governor  
28 1. Personal Services \$ 3,168  
29 2. San Francisco Federal Liaison  
30 Office \$ 30,008

1 C. Dept. of Public Health & Social  
2 Services.

3 1. Public Health Division

4 a. Personal Services \$374,732"

5 Section 5. The following sums are hereby appropriated to  
6 supplement the appropriation made by Section 1 of Public Law  
7 13-149 for the operation of the following agencies for the fiscal  
8 year ending June 30, 1977:

9 "A. Office of the Governor

10 1. Off-island conference

11 travel \$ 12,764

12 2. Supplies & Materials \$ 2,400

13 B. Government House

14 1. Miscellaneous Items \$ 6,000

15 C. Office of the Lt. Governor

16 1. Contractual Services \$ 960

17 2. Supplies & Materials \$ 500

18 3. Equipment \$ 1,540

19 D. Bureau of Budget & Management

20 Research

21 1. Personal Services \$ 7,157

22 2. Telephone Services \$ 1,107

23 3. Supplies & Materials \$ 500

24 E. Dept. of Public Health & Social

25 Services

26 1. Social Services Division

27 a. Miscellaneous Items,

28 Public Assistance Grants \$471,983"

29 Section 6. The appropriation for off-island conference  
30 travel made under Section 5 of this Act shall not be used to  
31 off-set expenditures incurred prior to enactment of this Act.

1           Section 7. There is hereby appropriated the sum of Twelve  
2 Thousand Six Hundred Eighteen and No/100 Dollars (\$12,618.00)  
3 from the available balance of the Parks Fund for the purpose of  
4 constructing a fish weighing scale at the Agana Boat Basin in  
5 the Municipality of Agana. The Department of Parks and Recrea-  
6 tion shall have jurisdiction over the construction, placement,  
7 and supervision of the activities centered around the fish  
8 weighing scale.

9           Section 8. Severability. If any provision of Sections  
10 1 to 3 of this Act or the application thereof to any person  
11 or circumstance is held invalid, the invalidity shall not affect  
12 other provisions or applications of the act which can be given  
13 effect without the invalid provision or application, and to  
14 this end the provisions of these sections are severable.

15           Section 9. Section 11102.1 of the Government Code is  
16 amended by adding the following paragraph thereto:

17           "The election provided for in this Chapter shall be  
18 non-partisan. No political party shall directly or  
19 indirectly sponsor, nominate or endorse any of the candi-  
20 dates for office."