



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 24 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>[Signature]</i>
Time	10:38am
Date	3-27-00

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 381 (COR), "AN ACT TO ADD §§40119(a), 40119(b) AND 40119(c) TO CHAPTER 40, DIVISION 4 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MAYORS' COUNCIL AND THE COMMUNITY DEVELOPMENT FUND", which I have signed into law today as **Public Law No. 25-118**.

This legislation allows the Mayors to use the funds in their Community Development Fund for personnel services, contractual services, or a combination of these. It also allows the Mayors to directly solicit and administer contracts for construction, road repair and beautification projects, in accordance with procurement laws, up to an amount of \$50,000, as long as funding is available. The Department of Public Works will review and assist the Mayors in these activities.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable A.R. Unpingco
Speaker

00845

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

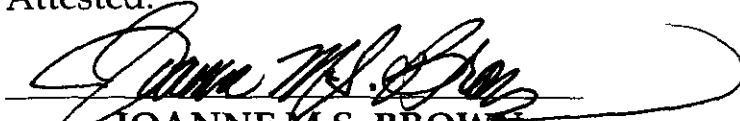
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 381 (COR) "AN ACT TO ADD §§40119(a), 40119(b) AND 40119(c) TO CHAPTER 40, DIVISION 4 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MAYORS' COUNCIL AND THE COMMUNITY DEVELOPMENT FUND," was on the 9th day of March 2000, duly and regularly passed.



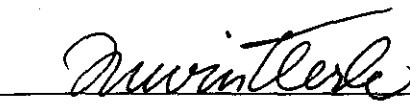
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 15th day of March, 2000,
at 12:40 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 3-24-00

Public Law No. 25-118

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 381 (COR)

As substituted by the Committee on
Power, Public Works, Tax and Regulatory
Reform, Municipal and Community
Affairs and as amended.

Introduced by:

E. B. Calvo
L. F. Kasperbauer
A. C. Lamorena, V
K. S. Moylan
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
M. G. Camacho
Mark Forbes
C. A. Leon Guerrero
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD §§40119(a), 40119(b) AND 40119(c)
TO CHAPTER 40, DIVISION 4 OF TITLE 5 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE
MAYORS' COUNCIL AND THE COMMUNITY
DEVELOPMENT FUND.**

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

2 **Section 1. Legislative Statement.** *I Liheslaturan Guåhan finds that*
3 *as elected officials, the Mayors of Guam should have more control over assets*

1 and resources allocated to them in order to expeditiously carry out their
2 responsibilities of meeting the needs of the Villages they represent without
3 having to wait for normal bureaucratic processes to take place.

4 **Section 2.** Section 40119(a) is hereby *added* to Chapter 40, Division 4 of
5 Title 5 of the Guam Code Annotated to read as follows:

6 **“(a) Community Development Fund Use Option.** Each
7 Mayor may expend funds appropriated from the Community
8 Development Fund for personnel services, contractual services or a
9 combination thereof.”

10 **Section 3.** Section 40119(b) is hereby *added* to Chapter 40, Division 4 of
11 Title 5 of the Guam Code Annotated to read as follows:

12 **“(b) Mayoral Administration.** Each Mayor is hereby
13 authorized to directly solicit and administer contracts for construction,
14 road repair and beautification projects in accordance with procurement
15 laws, and procurement rules and regulations, and availability of funds
16 *not* to exceed a cost of Fifty Thousand Dollars (\$50,000.00) per contract.
17 Such projects are to be reviewed by the Department of Public Works for
18 compliance assurance within five (5) working days. The issuance and
19 administration of purchase orders for items approved by the
20 Department of Public Works for procurement herein shall be the
21 responsibility of the Mayors’ Council.”

22 **Section 4.** Section 40119(c) is hereby *added* to Chapter 40, Division 4 of
23 Title 5 of the Guam Code Annotated to read as follows:

1 “(c) Procurement. The Mayors’ Council of Guam is
2 authorized under §6959.3 of the Procurement Law to procure supplies
3 or services of less than Fifteen Thousand Dollars (\$15,000.00) without
4 the approval of the General Services Administration.”

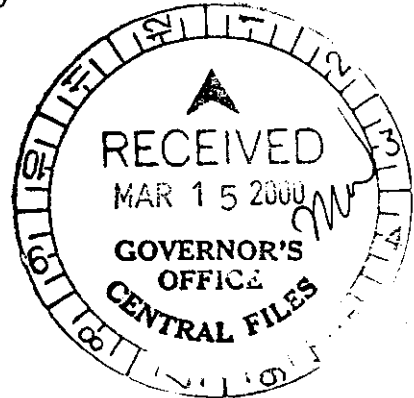
MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910



COPY

March 15, 2000


The Honorable Carl T.C. Gutierrez
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 240(LS) and 339(COR) and Substitute Bill No. 381(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on March 9, 2000.

Sincerely,



JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (3)

MINA'BENTE SINGKO NA LIHESLATUKAN GUAHAN
2000 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 381 (COR) "AN ACT TO ADD §§40119(a), 40119(b) AND 40119(c) TO CHAPTER 40, DIVISION 4 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MAYORS' COUNCIL AND THE COMMUNITY DEVELOPMENT FUND," was on the 9th day of March 2000, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 15th day of March, 2000,
at 12:40 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 381 (COR)

As substituted by the Committee on
Power, Public Works, Tax and Regulatory
Reform, Municipal and Community
Affairs and as amended.

Introduced by:

E. B. Calvo
L. F. Kasperbauer
A. C. Lamorena, V
K. S. Moylan
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
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M. G. Camacho
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J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD §§40119(a), 40119(b) AND 40119(c)
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2 **Section 1. Legislative Statement.** *I Liheslaturan Guåhan* finds that

3 as elected officials, the Mayors of Guam should have more control over assets

1 and resources allocated to them in order to expeditiously carry out their
2 responsibilities of meeting the needs of the Villages they represent without
3 having to wait for normal bureaucratic processes to take place.

4 **Section 2.** Section 40119(a) is hereby *added* to Chapter 40, Division 4 of
5 Title 5 of the Guam Code Annotated to read as follows:

6 **“(a) Community Development Fund Use Option.** Each
7 Mayor may expend funds appropriated from the Community
8 Development Fund for personnel services, contractual services or a
9 combination thereof.”

10 **Section 3.** Section 40119(b) is hereby *added* to Chapter 40, Division 4 of
11 Title 5 of the Guam Code Annotated to read as follows:

12 **“(b) Mayoral Administration.** Each Mayor is hereby
13 authorized to directly solicit and administer contracts for construction,
14 road repair and beautification projects in accordance with procurement
15 laws, and procurement rules and regulations, and availability of funds
16 *not* to exceed a cost of Fifty Thousand Dollars (\$50,000.00) per contract.
17 Such projects are to be reviewed by the Department of Public Works for
18 compliance assurance within five (5) working days. The issuance and
19 administration of purchase orders for items approved by the
20 Department of Public Works for procurement herein shall be the
21 responsibility of the Mayors’ Council.”

22 **Section 4.** Section 40119(c) is hereby *added* to Chapter 40, Division 4 of
23 Title 5 of the Guam Code Annotated to read as follows:

1 “(c) Procurement. The Mayors’ Council of Guam is
2 authorized under §6959.3 of the Procurement Law to procure supplies
3 or services of less than Fifteen Thousand Dollars (\$15,000.00) without
4 the approval of the General Services Administration.”

CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. 381 (cop)

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by:

and Date:

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *3*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *None*

Confirmed By: *[Signature]*

Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 381 (COR) "AN ACT TO ADD §§40119(a), 40119(b) AND 40119(c) TO CHAPTER 40, DIVISION 4 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MAYORS' COUNCIL AND THE COMMUNITY DEVELOPMENT FUND," was on the 9th day of March 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

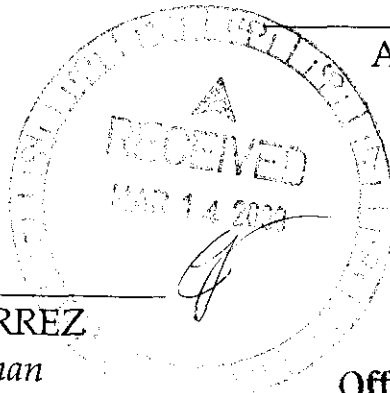
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this _____ day of _____, 2000,
at _____ o'clock _____.M.

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Assistant Staff Officer
Maga'lahaen's Office



Date: _____

Public Law No. _____

Office of the speaker
ANTONIO R. UNPINGCO

Date: 3-14-00

Time: 3:40pm

Rec'd by: [Signature]

Print Name: lauru

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 3/9/00 6/

VOTING SHEET

SBill No. 381 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.					✓
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

February 14, 2000

(DATE)

Memorandum

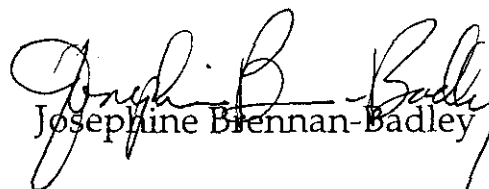
To: Senator EDDIE BAZA CALVO

From: Clerk of the Legislature

Subject: Report on Bill No. 381 (COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 381 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

None copy
12:01 pm
02-14-00



Liha' Bente Singko Na Liheslaturan Guåhan
TWENTY-FIFTH GUAM LEGISLATURE
SENATOR EDDIE BAZA CALVO

Chairman

COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM,
MUNICIPAL and COMMUNITY AFFAIRS

E-Mail address: sencalvo@ite.net
120 Father Dueñas Avenue, Capitol Plaza, Suite 109
Hagåtña, Guam 96910

Telephone: (671) 472-4040/4518
Facsimile: (671) 472-4100

February 1, 2000

The Honorable Antonio R. Unpingco
Speaker
I Mina' Bente Singko Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs, to which was referred **BILL NO. 381 (COR)** "AN ACT TO ADD A NEW SUBSECTION 40119 (a), (b) AND (c) TO CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE MAYORS' COUNCIL AND THE COMMUNITY DEVELOPMENT FUND.", does hereby report back, with the recommendation **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE.**

Votes of the Committee members are as follows:

To Pass	<u>6</u>
Not to Pass	_____
Abstain	_____
Off-Island	_____
Not Available	_____

A copy of the Committee Report is attached for your consideration.

Si Yu'os Ma'åse',

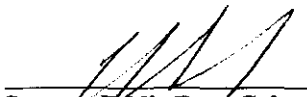
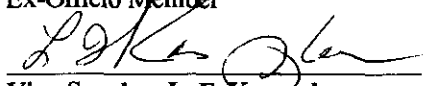

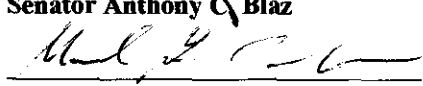

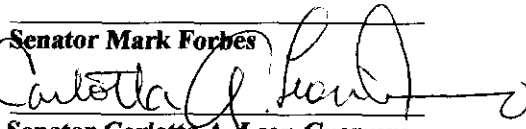


SENATOR EDDIE BAZA CALVO
Chairman

Attachments

**COMMITTEE ON POWER, PUBLIC WORKS,
TAX AND REGULATORY REFORM,
MUNICIPAL AND COMMUNITY AFFAIRS**
Mina Bente Singko Na Liheslaturan Guåhan
155 Hesler Street, Hagåtña, Guam 96910

VOTING SHEET:

SUBSTITUTE BILL NO. 381 (COR) “AN ACT TO ADD A NEW SUBSECTION 40119 (a), (b) AND (c) TO CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE MAYORS’ COUNCIL AND THE COMMUNITY DEVELOPMENT FUND.”

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 _____ Senator Eddie Baza Calvo Chairman	✓			
_____ Senator Kaleo S. Moylan Vice-Chairman				
_____ Speaker Antonio R. Unpingco Ex-Officio Member				
 _____ Vice-Speaker L. F. Kasperbauer	X			
_____ Senator Frank B. Aguon, Jr.				
 _____ Senator Eulogio C. Bermudes				
 _____ Senator Anthony A. Blaz	✓			
_____ Senator Marcel G. Camacho				
 _____ Senator Mark Forbes				
 _____ Senator Carlotta A. Leon Guerrero	✓			
 _____ Senator Simon A. Sanchez, II	✓			

**COMMITTEE ON POWER, PUBLIC WORKS,
TAX AND REGULATORY REFORM,
MUNICIPAL AND COMMUNITY AFFAIRS**

Mina Bente Singko Na Liheslaturan Guåhan
155 Hesler Street, Hagåtña, Guam 96910

COMMITTEE REPORT

ON

BILL NO. 381 (COR)

“AN ACT TO ADD A NEW SUBSECTION 40119 (a), (b) AND (c) TO CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE MAYORS’ COUNCIL AND THE COMMUNITY DEVELOPMENT FUND.”

COMMITTEE MEMBERS

Chairman: Senator Eddie Baza Calvo
Vice-Chairman: Senator Kaleo S. Moylan
Ex-Officio Member: Antonio R. Unpingco

Senator Frank B. Aguon, Jr.
Senator Anthony C. Blaz
Senator Mark Forbes
Senator Carlotta A. Leon Guerrero

Senator Eulogio C. Bermudes
Senator Marcel G. Camacho
Vice-Speaker Lawrence F. Kasperbauer
Senator Simon A. Sanchez, II

**COMMITTEE ON POWER, PUBLIC WORKS,
TAX AND REGULATORY REFORM,
MUNICIPAL AND COMMUNITY AFFAIRS**
Mina' Bente Singko Na Liheslaturan Guåhan
155 Hesler Street, Hagåtña, Guam 96910

BILL NO. 381(COR)

“AN ACT TO ADD A NEW SUBSECTION 40119 (a), (b) AND (c) TO CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE MAYORS’ COUNCIL AND THE COMMUNITY DEVELOPMENT FUND”

I. PUBLIC HEARING

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs (“PPWTRRM&CA”) called a public hearing to order at 4:00 p.m., Monday, January 31, 2000 to hear testimony on **BILL NO. 381 (COR)**. The hearing was held in the Public Hearing Room of *I Liheslaturan Guåhan* in Hagåtña. Notices were placed in the *Guam Variety News and Views* on January 25th and 28th and the *Pacific Daily News* on January 30th.

The hearing was called to order by Senator Eddie Baza Calvo, Chairman of PPWTRRM&CA. Committee members present included Senators Frank B. Aguon, Jr. and Eulogio C. Bermudes.

II. TESTIMONY

All those present testified in support of the measure. Mayors Haggard and Ungacta reiterated the sentiments expressed by Frank Camacho, Executive Director of the Mayors’ Council. Please refer to “Exhibit A.”

<u>Testimonies</u>	<u>Testimony Presented</u>	<u>Herein Attached As</u>
Frank J.C. Camacho , Executive Director, Mayors’ Council	Oral/Written	Exhibit “A”
Isabel Haggard , Mayor, Municipality of Piti	Oral	-----
Felix Ungacta , Mayor, Municipality of Hagåtña	Oral	-----

III. FINDINGS & RECOMMENDATION

The Committee finds that more authorization and control must be afforded to the Mayors of Guam, especially in relation to the administration and procurement procedures of their respective Community

Development Funds. With the enactment of the “Central Procurement Act,” the General Services Agency (“GSA”) has been tasked with the responsibility of purchasing supplies and services for mayoral offices and numerous agencies. This system has inadvertently hampered and hindered effective operations of said offices/agencies because each buyer at GSA is oftentimes responsible for purchasing supplies/services for ten or more agencies. This has resulted in the excessive delay of purchases. The Committee further finds that empowering the Mayors Council and affording them the authority and control needed, to expeditiously carry out their responsibilities, will allow them to meet the needs of the village/constituency they represent. It will also enable them to expeditiously mobilize village projects. The Committee further finds that the amendments to the measure presented in Mr. Camacho’s written statement be incorporated into the text of the bill. The Committee therefore, reports out **BILL NO. 381 (COR)**, to *I Liheslaturan Guåhan*, with the recommendation **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE.**

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 381(COR)

As substituted by the Committee on
Power, Public Works, Tax and Regulatory
Reform, Municipal and Community
Affairs

Eddie Baza Calvo

**AN ACT TO ADD A NEW SUBSECTION 40119 (a), (b)
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GUAM CODE ANNOTATED RELATIVE TO THE
MAYORS' COUNCIL AND THE COMMUNITY
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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Statement.** *I Liheslaturan Guåhan* finds that as
3 elected officials, the Mayors of Guam should have more control over assets and
4 resources allocated to them in order to expeditiously carry out their responsibilities of
5 meeting the needs of the villages they represent without having to wait for normal
6 bureaucratic processes to take place.

7 **Section 2.** New Subsections 40119(a), (b) and (c) are hereby added to
8 Chapter 40, Division 4 of Title 5, Guam Code Annotated to read:

9 “(a) Community Development Fund Use Option. Each Mayor may
10 expend funds appropriated from the Community Development Fund for personnel
11 services, contractual services or a combination thereof.

12 (b) Each Mayor is hereby authorized to directly solicit and administer
13 contracts for construction, road repair and beautification projects in accordance
14 with procurement laws and procurement rules and regulations, not to exceed a

1 cost of Fifty Thousand Dollars (\$50,000.00) per contract. Such projects shall
2 be reviewed and approved, within (5) working days, by the Department of
3 Public Works for compliance assurance. The issuance and administration of
4 purchase orders for items approved by the Department of Public Works for
5 procurement herein shall be the responsibility of the Mayors' Council.

6 (c) **Procurement.** The Mayors Council of Guam is authorized
7 under Section 6959.3 of the Procurement Law to procure supplies or services
8 of less than Fifteen Thousand Dollars (\$15,000.00) without the approval of the
9 General Services Administration.”

OFFICE OF THE LEGISLATIVE COUNCIL
ACKNOWLEDGEMENT RECEIVED
Date received by: *RP*

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 9:53A
2000 (SECOND) Regular Session 1/13/2000

Bill No. 381 (199)

Introduced by:

Eddie Baza Calvo *ERC*

AN ACT TO ADD A NEW SUBSECTION 40119 (a), (b) AND (c) TO CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE MAYORS' COUNCIL AND THE COMMUNITY DEVELOPMENT FUND.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 Finds that, as elected officials, the Mayors of Guam need to have more control
4 over assets and resources allocated to them in order to expeditiously carry out
5 their responsibilities in meeting the needs of the villages they represent
6 without having to wait for normal bureaucratic process to take place.

7 **Section 2.** New Subsections 40119(a), (b) and (c) are hereby added to
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10 may decide to expend funds appropriated from the Community
11 Development Fund for personnel services, contractual services or a
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14 administer contracts for construction, road repair and beautification

1 projects in accordance with procurement laws, rules and regulations,
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3 Such project is to be revised and approved, within (5) working days, by
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5 (c) **Procurement.** The Mayors Council of Guam is authorized
6 under Section 6959.3 of the Procurement Law to procure for supplies or
7 services of less than Fifteen Thousand Dollars (\$15,000) without General
8 Services Administration approval.



MAYORS' COUNCIL OF GUAM

Konsheledon Mahot Guahan

P.O. Box 786 Hagåtña, Guam 96932

TESTIMONY For Legislative Bill No. 381

FRANK J.C. CAMACHO

Good afternoon Mr. Chairman and members of the Committee on Power, Public Works, Tax and Regulatory Reform, Community and Municipal Affairs, my name is Frank J.C. Camacho and I am the Executive Director of the Mayors' Council of Guam. I have come before you today, on behalf of all the Mayors and Vice Mayors of Guam's nineteen (19) municipalities to thank the sponsor, Senator Eddie Baza Calvo and offer testimony in favor of the passage of Legislative Bill No. 381. Before I proceed with my testimony, on behalf of the Council, I would also like to acknowledge and thank Senators Kasperbauer and Lamorena for co-sponsoring Legislative Bill No. 383, which addresses basically the very same issues.

During Fiscal Years 1998 and 1999 the authorizations proposed in Section 2 (a) and (b) of Legislative Bill 381 were granted to the Mayors' Council, however this authority became void at the end of Fiscal Year 1999 as a result of verbiage contained in Section 15 of Public Law 24-143. Section 15 of this law states in part; "Notwithstanding any other provisions of law, the Mayors' Council is granted the following authorizations for Fiscal year 1998 and 1999 separately" (copy provided). The intent to reinstate these authorization equates to returning



Ancient Latte Stones

THE RICARDO I. BORDALLO GOVERNOR'S COMPLEX
Office: (671) 472-6940, 477-8461 • Fax: (671) 477-8777

"EXHIBIT A"

essential tools used in the day to day operations of the Council and provides us with the capacity to expeditiously mobilize village projects.

If the proponent of Bill No. 381 is amiable however, the Council respectfully request a change. Section 2(b), page 2 line 3 currently reads; "Such project is to be revised and approved, within five (5) working days, by the Department of Public Works for Compliance assurance." The Council is requesting that this sentence be replaced in its entirety, with the following sentences: "Such project is to be reviewed by the Department of Public Works for compliance assurance within five (5) working days. The issuance and administration of Purchase Orders for procurement herein shall be the responsibility of the Mayors' Council."

It is the opinion of the Council that if the authority to revise and approve Council projects is vested with the Department of Public Works then the authority proposed to be granted the Council, through this bill, virtually nullifies itself. The Council believes that if its projects are subject to revision and approval by Public Works, then they are also subject to total change and/or disapproval and therefore the Council have no authority over the final disposition of its projects. With this in mind, it is our hope that the requested change noted above be seriously considered.

Section 2(c) of the bill provides the Council with the tool necessary to expedite procurement of supplies or services having a dollar value which fall within the confines of the "Small Purchase Ceiling" as defined in General Services Agency Circular No. 99-02, dated April 9, 1999 (see attached).

Since the enactment of the "Central Procurement Act," each Buyer at General Services Agency have been tasked with the responsibility of purchasing supplies and services for numerous agencies, sometimes numbering in excess of ten (10) agencies per Buyer. Resulting from this burdensome system oftentimes when an immediate need for a certain commodity arises it may take as long as two weeks before the purchase is consummated. At times when a particular commodity is being offered by a vendor at a reduced price Mayors Offices are unable to take advantage of the offer due to the time it takes to have a Purchase Order processed. The authority established in this section is certainly welcomed by the Council.

In closing I wish to affirm that the Mayors' Council, as a body, support passage of Legislative Bill No. 381 and once again request that Section 2(b) be amended to reflect our concern and have the changes incorporated in the final form of the bill before deliberation on the floor.

Thank you Mr. Chairman for allowing us the time to present our views on Bill No. 381.

Carl T.C. Gutierrez
Governor



GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirad)
Government of Guam
148 Route 1 Marine Drive, Piti, Guam 96925
Tel: 477-8836-8 • Fax Nos.: 472-4217 / 472-7538

Madeleine Z. Bordallo
Lt. Governor

Accountability • Impartiality • Competence • Openness • Value

April 9, 1999

GENERAL SERVICES AGENCY CIRCULAR NO. 99-02

To: All Department and Agency Heads
Via: Director of Administration *[Signature]*
From: Chief Procurement Officer
Subject: **Adoption of the Amendments to the Guam Procurement Regulations**

Buenas yan saluda hamyo todo. We are pleased to inform you that the amendments to the Guam Procurement Regulations have been adopted and, therefore, we may commence utilization of these rules. Besides the incorporation of law changes into the rules, the following significant changes have been adopted:

1. Increase on the Small Purchase Ceiling for supplies and services from less than \$5,000 to less than \$15,000.
2. Increase on the Small Purchase Ceiling for construction from less than \$15,000 to less than \$50,000.
3. Inclusion of Blanket Purchase Agreements and the procedures in processing such agreements.

As this is the first amendments to the Guam Procurement Regulations since the inception on November 1, 1984, we believe that these significant changes will greatly enhance



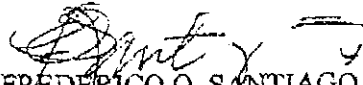
Page 2

Subject: Adoption of the Amendments to the Guam Procurement Regulations

and/or improve the procurement process. Additional GSA procedures will be forthcoming regarding this matter.

Should you need further information in this regard, please contact your GSA assigned buyers or procurement office personnel.

Si Yu'os Ma'ase' yan senseramente!


41299
FREDERICO Q. SANTIAGO
Acting

1 30 be less than one (1) quarter of the annual appropriations for that fiscal year.
2 Nothing in this Act shall preclude the accelerated release of these payments.
3 The receipt of monthly installments by the Legislative and Judicial Branches
4 Operating Funds shall occur no later than the twentieth (20th) day of the
5 month in which such payments are due.

6 (b) Any prior year appropriations which have not been released and
7 paid to the Legislative and Judicial Branches Operating Funds, shall be
8 released and paid by the Department of Administration by December 31,
9 1997.

10 Section 15. Section 10 of Chapter IV of Public Law Number 24-59 is
11 hereby amended to read as follows:

12 **"Section 10. Provisions and Allowances for Mayors' Council.**

13 Notwithstanding any other provisions of law, the Mayors'
14 Council is granted the following authorizations for Fiscal Year 1998 and
15 1999, separately:

16 (a) **Community Development Fund Use Option.** Each
17 Mayor may decide to expend funds appropriated from the
18 Community Development Fund for 'personnel services,'
19 'contractual services,' or a combination thereof.

20 (b) The Mayors' Council is hereby authorized to directly
21 solicit and administer contracts for construction, road repair and
22 beautification projects in accordance with procurement laws, rules
23 and regulations, not to exceed a cost of Twenty-five Thousand
24 Dollars (\$25,000.00) per contract. Such project is to be reviewed

1 and approved, within five (5) working days, by the Department of
2 Public Works for compliance assurance."

3 Section 16. Section 11 of Chapter IV of Public Law Number 24-59 is
4 hereby repealed and re-enacted to read as follows:

5 "Section 11. Section 8 of Public Law Number 22-50 is hereby
6 repealed and re-enacted to read as follows:

7 'Direct Purchase. The Mayor's Council is hereby
8 authorized to purchase supplies, equipment and services not to
9 exceed One Thousand Dollars (\$1,000.00) per purchase, provided
10 the Mayor's Council solicit a minimum of three (3) informal
11 written quotations from vendors able to supply the good or
12 supplies sought provided, however for purchase under Five
13 Hundred Dollars (\$500.00) each Mayor's Council is authorized to
14 procure supplies without the necessity of going through the
15 normal government procurement procedures. Mayors shall
16 ensure that none of the purchases under this Section shall be
17 artificially divided to meet the requirements of this Section. Any
18 violation by any Mayors shall cause that Mayor to lose the right to
19 purchase under this Section. A determination of whether a
20 violation of this Section occurred will be made by the Chief
21 Procurement Officer of the government of Guam General Services
22 Administration."

23 Section 17. Section 8122(b) of Article 1, Chapter 8 of Title 12 of the
24 Guam Code Annotated, as amended by P.L. No. 24-65, is hereby amended to
25 read as follows:

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NOTICE OF PUBLIC HEARING



Mina' Bente Singko Na Liheslaturan Guahan
Committee on Power, Public Works, Tax
and Regulatory Reform, Municipal and Community Affairs
~ Chairman, Senator Eddie Baza Calvo ~

9:00 A.M. MONDAY, JANUARY 31, 2000

AGENDA

APPOINTMENTS:

Member, Guam Boxing and Wrestling Commission:
Mr. Roque T. Mantanona

Member, Guam Council on Youth Affairs:
Miss Rochelle F. Blas
Ms. Patricia T. San Nicolas

Director, Department of Youth Affairs:
Mr. Rory Respicio

Director, Department of Public Works
Mr. James H. Underwood

Bill No. 381(COR): AN ACT TO ADD A NEW SUBSECTION 40119 (a) (b) AND (c) TO CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE MAYOR'S COUNCIL AND THE COMMUNITY DEVELOPMENT FUND. (Introduced by: E. B. Calvo)

Hearing will take place in the Public Hearing Room of
Liheslaturan Guahan, 155 Hesler Street, Hagatna, Guam.

Those in need of Special Accommodations please
Call 472-4040/4518 or fax us at 472-4100

THE PUBLIC IS ENCOURAGED TO ATTEND

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NOTICE OF PUBLIC HEARING



Mina' Bente Singko Na Liheslaturan Guahan
Committee on Power, Public Works, Tax
and Regulatory Reform, Municipal and Community Affairs
- Chairman, Senator Eddie Baza Calvo -

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THE PUBLIC IS ENCOURAGED TO ATTEND

JAN 18 2000

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 381 (cop)

Introduced by:

Eddie Baza Calvo *EB*

AN ACT TO ADD A NEW SUBSECTION 40119 (a), (b)
AND (c) TO CHAPTER 40, DIVISION 4 OF TITLE 5,
GUAM CODE ANNOTATED RELATIVE TO THE
MAYORS' COUNCIL AND THE COMMUNITY
DEVELOPMENT FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

3 Finds that, as elected officials, the Mayors of Guam need to have more control
4 over assets and resources allocated to them in order to expeditiously carry out
5 their responsibilities in meeting the needs of the villages they represent
6 without having to wait for normal bureaucratic process to take place.

7 Section 2. New Subsections 40119(a), (b) and (c) are hereby added to
8 Chapter 40, Division 4 of Title 5, Guam Code Annotated to read:

9 "(a) Community Development Fund Use Option. Each Mayor
10 may decide to expend funds appropriated from the Community
11 Development Fund for personnel services, contractual services or a
12 combination thereof.

13 (b) Each Mayor is hereby authorized to directly solicit and
14 administer contracts for construction, road repair and beautification

1 projects in accordance with procurement laws, rules and regulations,
2 not to exceed a cost of Fifty Thousand Dollars (\$50,000) per contract.
3 Such project is to be revised and approved, within (5) working days, by
4 the Department of Public Works for Compliance assurance.

5 (c) **Procurement.** The Mayors Council of Guam is authorized
6 under Section 6959.3 of the Procurement Law to procure for supplies or
7 services of less than Fifteen Thousand Dollars (\$15,000) without General
8 Services Administration approval.'