



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 13 2002

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

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 379 (COR) "AN ACT TO REAPPROPRIATE THE UNSPENT OR REIMBURSED SCHOOL BOND PROCEEDS APPROPRIATED BY P.L. NO. 26-117 FOR THE REPAIR OR REPLACEMENT OF SCHOOL AIR CONDITIONING UNITS, AND TO PROVIDE FOR THE MAINTENANCE OF SUCH UNITS," which was **signed** into law by the Governor as **Public Law No. 26-128**.

This legislation provides some funds for the Guam Public School System, other than the bare minimum required for needed personnel and utilities that was previously provided in the budget for the Department of Education. There have been many complaints of conditions in the schools, caused by the lack of funds to do necessary repairs. Most frequent are the complaints concerning non-functioning air conditioning, especially in Simon Sanchez High School.

Simon Sanchez High School, like some other government buildings, was unfortunately built entirely enclosed, with no windows or ventilation other than that provided by air conditioning to carry in fresh air. The environment is very unpleasant if air conditioning units are not functioning. While some units were damaged due to typhoons, others were not and cannot be replaced or repaired with typhoon funds.


The current situation concerning lack of air conditioning was caused by the removal of funding for supplies and materials and contractual services for the Department of Education during the budget process. Finally, this legislation provides the necessary authority to spend school bond funds for the replacement and repair of the air conditioning. Authorization to expend the school bond funds for repairs to the school prior to these events would have avoided the entire situation.

0917

Legislative Secretary
SB379;PL26-128
September, 2002
Page 2

Please note that this legislation still **prevents** the maintenance and servicing of air conditioning in the public schools for the next 3-1/2 months. Hopefully, there will be no maintenance or servicing required during this time period.

Very truly yours,



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

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>8</u>
Time	<u>2:12 pm.</u>
Date	<u>09/13/02</u>

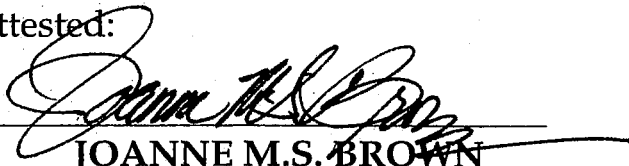
MINA'BENTE SAIS NA LIHESLATURAN GUĀHAN
2002 (SECOND) Regular Session

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

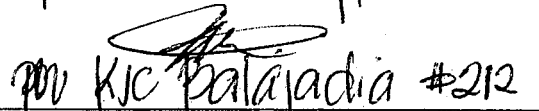
This is to certify that Bill No. 379 (COR), "AN ACT TO REAPPROPRIATE THE UNSPENT OR REIMBURSED SCHOOL BOND PROCEEDS APPROPRIATED BY P.L. NO. 26-117 FOR THE REPAIR OR REPLACEMENT OF SCHOOL AIR CONDITIONING UNITS, AND TO PROVIDE FOR THE MAINTENANCE OF SUCH UNITS," was on the 12th day of September, 2002, 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 Guāhan this 12 day of September, 2002,
at 11:07 o'clock P.M.


KJC Palayadia #212
Assistant Staff Officer
Maga'laha's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guāhan

Date: 9-13-02

Public Law No. 26-128

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>2:12 pm.</u>
Date	<u>09/13/02</u>

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 379 (COR)

As amended on the Floor.

Introduced by:

Mark Forbes
T. C. Ada
K. S. Moylan
J. F. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
F. P. Camacho
M. C. Charfauros
L. F. Kasperbauer
L. A. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO REAPPROPRIATE THE UNSPENT OR
REIMBURSED SCHOOL BOND PROCEEDS
APPROPRIATED BY P.L. NO. 26-117 FOR THE
REPAIR OR REPLACEMENT OF SCHOOL AIR
CONDITIONING UNITS, AND TO PROVIDE FOR
THE MAINTENANCE OF SUCH UNITS.**

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

2 **Section 1. Appropriation for Repair and/or Replacement of Air**
3 **Conditioning Units in Public Schools.** Notwithstanding any other
4 provisions of law, all unspent or unreserved funds from the Education Bond
5 Fund, and all funds reimbursed by the Federal Emergency Management

1 Agency ("FEMA") to the government of Guam that were spent from the
2 Education Bond Fund pursuant to Public Law Number 26-117, shall be
3 transferred by *I Maga'lahañ Guåhan* to the Department of Education to be used
4 for the repair and/or replacement of air conditioning units in all public
5 schools where such repairs are required.

6 The funds transferred pursuant to this Section shall *not* be used for any
7 purpose other than that purpose provided for in this Section. The Department
8 of Education shall solicit quotes from *not less than* three (3) air conditioning
9 vendors with the following options:

- 10 (a) repair of the existing air conditioning units;
- 11 (b) replacement of existing air conditioning units with similar
12 B.T.U. capacity;
- 13 (c) replacement of existing air conditioning units which have
14 been determined to have insufficient B.T.U. capacity to provide cooling
15 efficiently, except that this replacement category shall receive the lowest
16 priority;
- 17 (d) any combination of (a), (b) and (c); *and*
- 18 (e) the priority of repair and replacement shall be given to the
19 classroom where instructions are given.

20 **Section 2. Expedited Procurement Authorized.** Notwithstanding
21 the Guam Procurement Law, the Department of Education is hereby
22 authorized to contract for the repair and/or replacement of air conditioning
23 units in public schools as provided for in § 1 of this Act; *provided*, that the
24 Department of Education must solicit *at least* three (3) informal price
25 quotations, and must award the procurement to the firm with the best offer,

1 as determined by evaluating unit cost, inclusive of installation costs, and
2 project completion time. All units procured shall have a *minimum* warranty
3 coverage of one (1) year.

4 **Section 3. Outsourcing of Maintenance.** The Department of
5 Education shall solicit quotes from *not less than* three (3) air conditioning
6 vendors for the outsourcing of maintenance and servicing of air conditioning
7 systems in the public schools, following all requirements of the procurement
8 laws of Guam. This Section shall *not* take effect until the swearing in of the
9 elected Guam Education Policy Board. The Department of Education's
10 budgetary submittal for Fiscal Year 2003 shall contain funds sufficient for the
11 purposes of this Section.

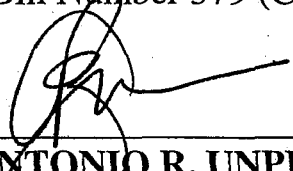


MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

2002 (SECOND) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Sais Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated § 2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 379 (COR), "AN ACT TO REAPPROPRIATE THE UNSPENT OR REIMBURSED SCHOOL BOND PROCEEDS APPROPRIATED BY PUBLIC LAW 26-117 FOR THE REPAIR OR REPLACEMENT OF SCHOOL AIR CONDITIONING UNITS, AND TO PROVIDE FOR THE MAINTENANCE OF SUCH UNITS," which was introduced on this date, September 12, 2002, and therefore waive the statutory requirements for a public hearing on Bill Number 379 (COR).

Dated: September 12, 2002



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

COPY

MINA'BENTE SAIS NA LIHESLATURAN GUĀHAN
2002 (SECOND) Regular Session

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

This is to certify that Bill No. 379 (COR), "AN ACT TO REAPPROPRIATE THE UNSPENT OR REIMBURSED SCHOOL BOND PROCEEDS APPROPRIATED BY P.L. NO. 26-117 FOR THE REPAIR OR REPLACEMENT OF SCHOOL AIR CONDITIONING UNITS, AND TO PROVIDE FOR THE MAINTENANCE OF SUCH UNITS," was on the 12th day of September, 2002, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guāhan* this 12 day of September, 2002,
at 11:17 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guāhan

Date: _____

Public Law No. _____



MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

2002 (SECOND) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Sais Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated § 2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 379 (COR), "AN ACT TO REAPPROPRIATE THE UNSPENT OR REIMBURSED SCHOOL BOND PROCEEDS APPROPRIATED BY PUBLIC LAW 26-117 FOR THE REPAIR OR REPLACEMENT OF SCHOOL AIR CONDITIONING UNITS, AND TO PROVIDE FOR THE MAINTENANCE OF SUCH UNITS," which was introduced on this date, September 12, 2002, and therefore waive the statutory requirements for a public hearing on Bill Number 379 (COR).

Dated: September 12, 2002



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/12/02

VOTING SHEET

Bill No. 379

Resolution No. _____

Question: w/out engrossment

26-128

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.					✓
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.					✓
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.					✓
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.					✓
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.					✓

TOTAL

10 _____ _____ _____ 5

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN
2002 (SECOND) Regular Session

Bill No. ³⁷⁹ (COR)

Introduced by:

Mark Forbes 

AN ACT TO REAPPROPRIATE THE UNSPENT OR REIMBURSED SCHOOL BOND PROCEEDS APPROPRIATED BY PUBLIC LAW 26-117 FOR THE REPAIR OR REPLACEMENT OF SCHOOL AIR CONDITIONING UNITS, AND TO PROVIDE FOR THE MAINTENANCE OF SUCH UNITS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Appropriation for Repair and/or Replacement of Air
3 Conditioning Units in Public Schools. Notwithstanding any other provision of
4 law, all unspent funds from the Education Bond Fund, and all funds reimbursed by the
5 Federal Emergency Management Agency to the Government of Guam that were spent
6 from the Education Bond Fund pursuant to Public Law 26-117, shall be transferred by
7 *I Maga'lahaen Guahan*, as are appropriate and reprogrammable, to the Department of
8 Education to be used for the repair and/or replacement of air conditioning units in all
9 public schools where such repairs are required. The funds transferred pursuant to this
10 Section shall not be used for any purpose other than that purpose provided for in this

1 Section. The Department of Education shall solicit quotes from not less than three (3)
2 air conditioning vendors with the following options:

- 3 (a) repair of the existing air conditioning units;
- 4 (b) replacement of existing air conditioning units with similar type units;
- 5 (c) replacement of existing air conditioning units with different type units;
- 6 (d) any combination of (a), (b) and (c).

7 **Section 2. Expedited Procurement Authorized.** Notwithstanding the Guam
8 Procurement Law, the Department of Education is hereby authorized to contract for
9 the repair and/or replacement of air conditioning units in public schools as provided
10 for in Section 1 of this Act; provided that the Department of Education must solicit at
11 least three (3) informal price quotations, and must award the procurement to the firm
12 with the best offer, as determined by evaluating cost and delivery time.

13 **Section 3. Outsourcing of Maintenance.** The Department of Education shall
14 solicit quotes from not less than three (3) air conditioning vendors for the outsourcing
15 of maintenance and servicing of air conditioning systems in the public schools,
16 following all requirements of the procurement laws of Guam. This Section shall not
17 take effect until the swearing in of the elected Guam Education Policy Board. The
18 Department of Education's budgetary submittal for Fiscal Year 2003 shall contain
19 funds sufficient for the purposes of this Section.