



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 31 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. 244 (COR) "AN ACT TO *AMEND* § 5702 (d)(1) AND (2) OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE BOARD MEMBERS OF THE PROCUREMENT APPEALS BOARD" which I have **signed** into law as **Public Law No. 26-91**.

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	
Time	11/11
Date	6/3/02

0803


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

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


This is to certify that Bill No. 244 (COR), "AN ACT TO AMEND § 5702 (d)(1) AND (2) OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE BOARD MEMBERS OF THE PROCUREMENT APPEALS BOARD," was on the 13th day of May, 2002, duly and regularly passed.


LAWRENCE F. KASPERBAUER
Acting Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 22nd day of May, 2002,
at 3:10 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 5-31-02

Public Law No. 26-91

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 244 (COR)

As amended.

Introduced by:

A. R. Unpingco

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

Mark Forbes

L. F. Kasperbauer

L. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

A. L.G. Santos

J. T. Won Pat

**AN ACT TO AMEND § 5702 (d)(1) AND (2) OF
TITLE 5 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE QUALIFICATIONS OF THE
BOARD MEMBERS OF THE PROCUREMENT
APPEALS BOARD.**

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Bente Sais Na*

3 *Lihselaturan Guåhan* finds that a need exists for a Procurement Appeals Board.

4 *I Mina'Bente Sais Na Lihselaturan Guåhan* further finds that the absence of a

5 duly constituted Procurement Appeals Board has resulted in deviations from

6 established procurement practices and laws that have resulted in arbitrary

1 decisions by agency directors and procurement officers. Attempts to fill
2 vacancies in the Procurement Appeals Board by *I Mina'Bente Sais Na*
3 *Lihseslaturan Guåhan* have been thwarted by *I Maga'laken Guåhan*. Therefore, it
4 is the intent of *I Mina'Bente Sais Na Lihseslaturan Guåhan* to change the
5 qualifications of the Procurement Appeals Board to allow for greater
6 community involvement.

7 **Section 2.** Section 5702(d)(1) of Article 12, Chapter 5 of Title 5 of the
8 Guam Code Annotated is hereby *amended* to read as follows:

9 “(1) One (1) member shall be a member in good standing of the
10 Guam Bar Association who has been admitted to practice before the
11 highest court of a state, territory or the District of Columbia for *at least*
12 five (5) years *prior* to that person’s appointment, one (1) member shall be
13 a certified public accountant, one (1) member shall have demonstrated
14 experience of *at least* five (5) years in procurement, one (1)
15 businessperson and three (3) members from the community-at-large.”

16 **Section 3.** Section 5702(d)(2) of Article 12, Chapter 5 of Title 5 of the
17 Guam Code Annotated is hereby *amended* to read as follows:

18 “(2) No member shall be an employee of the government of
19 Guam nor a member of any board or commission of the government of
20 Guam.”

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 5/13/02

VOTING SHEET

Bill No. 244 (COR)

Resolution No. _____

Question: _____

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

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence




MINA 'LENTE SAIS NA LIHES. ATURAN GUAHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

MEMORANDUM

TO: Committee Members

FROM: Chairman 

SUBJECT: Committee Report- BILL NO. 244: "An act to amend Section 5702 (d) subsections (1) and (2) of Article 12 of Division 1 of Chapter 5 Guam Code Annotated relative to the qualifications of the board members of the Procurement Appeals Board".

Transmitted herewith for your information and action is the report on Bill No. 244, from the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 244
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES


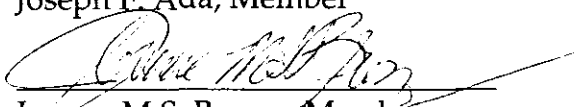
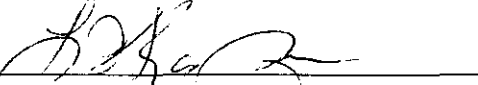
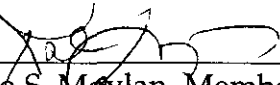
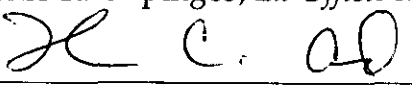
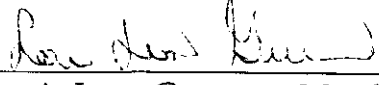
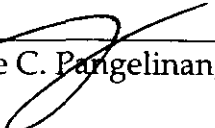
Attachments

**Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal,
Foreign and General Affairs**

I Mina' Bente Sais Na Liheslaturan Guåhan

Voting Record

BILL NO. 244: "An act to amend Section 5702 (d) subsections (1) and (2) of Article 12 of Division 1 of Chapter 5 Guam Code Annotated relative to the qualifications of the board members of the Procurement Appeals Board".

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>	<u>TO REPORT OUT</u>
 MARK FORBES, Chairman	✓				
Joseph E. Ada, Member					
 Joanne M.S. Brown, Member	✓				
Eddie B. Calvo, Member					
Felix P. Camacho, Member					
 Lawrence F. Kasperbauer, Ph. D., Member	X				
 Kaleo S. Moylan, Member	✓				
Antonio R. Unpingco, <i>Ex-Officio Member</i>					
 Thomas C. Ada, Member	✓				
 Lou A. Leon Guerrero, Member	✓				
 Vicente C. Pangelinan, Member	✓				

I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
COMMITTEE ON RULES, GENERAL GOVERNMENTAL
OPERATIONS, REORGANIZATION AND REFORM, AND
FEDERAL, FOREIGN AND GENERAL AFFAIRS

SENATOR MARK FORBES, CHAIRMAN

COMMITTEE REPORT
ON
BILL NO. 244

“An act to amend Section 5702 (d) subsections (1) and (2) of Article 12 of Division 1 of Chapter 5 Guam Code Annotated relative to the qualifications of the board members of the Procurement Appeals Board”

I. OVERVIEW

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs held a public hearing at 10:00 a.m. on January 25, 2002 in the Public Hearing Room, I Liheslaturan Guahan. Public notice was given in the January 24 and 25, 2002 editions of the Pacific Daily News.

Senators present at the public hearing were:

Senator Mark Forbes, Chairman
Senator Joanne Brown, Member
Senator Ben Pangelinan, Member
Senator Lou Leon Guerrero, Member
Senator Judith WonPat
Senator Frank Aguon Jr.

II. SUMMARY OF TESTIMONY

There was no testimony submitted and no individuals appeared to testify on Bill No. 244.

III. FINDINGS AND RECOMMENDATION

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs finds that Bill No. 244 is an important measure because of the strong need for a Procurement Appeals Board, which has yet to be filled.

Accordingly, the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 244 was referred does hereby submit its findings and recommendations to I Mina' Bente Sais Na Liheslaturan Guahan **TO DO PASS BILL NO. 244:** "An act to amend Section 5702 (d) subsections (1) and (2) of Article 12 of Division 1 of Chapter 5 Guam Code Annotated relative to the qualifications of the board members of the Procurement Appeals Board".

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN
2001 (FIRST) Regular Session

Bill No. 244 (COR)

Introduced by:

A. R. Unpingco

AN ACT TO AMEND SECTION 5702 (d)
SUBSECTIONS (1) AND (2) OF ARTICLE 12 OF
DIVISION 1 OF CHAPTER 5 GUAM CODE
ANNOTATED RELATIVE TO THE QUALIFICATIONS
OF THE BOARD MEMBERS OF THE PROCUREMENT
APPEALS BOARD.

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Bente Sais Na*
3 *Liheslaturan Guahan* finds that a need exists for a Procurement Appeals
4 Board. *I Mina'Bente Sais Na Liheslaturan Guahan* further finds that the
5 absence of a duly constituted Procurement Appeals Board has resulted in
6 deviations from established procurement practices and laws that have
7 resulted in arbitrary decisions by agency directors and procurement
8 officers. Attempts to fill vacancies in the Procurement Appeals Board by
9 the *I Mina'Bente Sais Na Liheslaturan Guahan* have been thwarted by *I*
10 *Maga'lahaen Guahan*. Therefore it is the intent of *I Mina'Bente Sais Na*
11 *Liheslaturan Guahan* to change the qualifications of the Procurement
12 Appeals Board to allow for greater community involvement.

13 **Section 2. Amendment to Section 5702 (d), Subsections (1) and (2)**
14 **of Article 12, of Division 1 of Chapter 5 of the Guam Code Annotated is**
15 **amended to read as follows:**

- 16 (1) One (1) member shall be a member in good standing of the
17 Guam Bar Association who has been admitted to practice
18 before the highest court of a state, Territory or the District of

1 Columbia for at least five (5) years prior to his appointment,
2 one (1) member shall be a certified public accountant ~~and the~~
3 ~~other~~ one (1) members shall have demonstrated experience of at
4 least five (5) years in procurement ~~;~~ , one (1) businessperson
5 and three (3) members from the community at large.

- 6 (2) No member shall be an employee of the government, ~~a~~
7 ~~recipient of any annuity from the government,~~ nor a member of
8 any board or commission of the government, ~~nor a member of~~
9 ~~the immediate family of an employee of the government. As~~
10 ~~used in this Section,~~ *immediate family* means a collective body of
11 ~~persons living together in one house under one head. "~~