



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

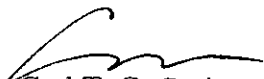
JUN 03 2002

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 Substitute Bill No. 197 (LS) "AN ACT REQUIRING DPW TO CREATE SOLID WASTE COLLECTION DISTRICTS AND TO ENTER INTO CONTRACTS WITH COMMERCIAL HAULERS FOR COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE" which I have **signed** into law as **Public Law No. 26-99**.

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 1:59 pm
Date 6/04/02

0811

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 Substitute Bill No. 197 (LS), "AN ACT REQUIRING DPW TO CREATE SOLID WASTE COLLECTION DISTRICTS AND TO ENTER INTO CONTRACTS WITH COMMERCIAL HAULERS FOR COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE," 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'lahaen's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 6-3-02

Public Law No. 26-99

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

Bill No. 197 (LS)

As substituted by the Committee
on Rules, General Governmental Operations,
Reorganization and Reform, and
Federal, Foreign and General Affairs,
and amended on the Floor.

Introduced by:

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

**AN ACT REQUIRING DPW TO CREATE SOLID
WASTE COLLECTION DISTRICTS AND TO
ENTER INTO CONTRACTS WITH
COMMERCIAL HAULERS FOR COLLECTION
AND DISPOSAL OF RESIDENTIAL SOLID
WASTE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that it is the declared policy of this government to reorganize and reduce
4 the size of the government and its spending through various measures. At the

1 same time, it is the responsibility of the government to ensure that the quality
2 of services must *not* be compromised.

3 It is further the established policy of the government to privatize,
4 through free and fair competition, the solid waste management operations of
5 Guam, from collection to disposal, without jeopardizing the job security for
6 the employees of the Solid Waste Management Division of the Department of
7 Public Works (“DPW”), as well as the private businesses currently engaged in
8 solid waste collection, recycling and other solid waste management
9 operations.

10 *I Liheslaturan Guåhan* further finds that currently the Solid Waste
11 Management Division of DPW, as a consequence of the early retirement
12 incentive and the voluntary separation programs of the government of Guam,
13 is experiencing a critical shortage of sanitary workers. Public Law Number
14 24-313, which enacted the Rules and Regulations for solid waste collection,
15 disposal, processing and recycling for the Solid Waste Management Division
16 of DPW, and amended by Public Law Number 25-93, authorizes the
17 government to enter into a contract, or contracts, with private haulers to
18 collect and dispose of Guam’s solid waste.

19 In accordance with the declared policy of the government, it is the intent
20 of *I Liheslaturan Guåhan* to achieve an incremental privatization of the DPW
21 Division to achieve efficiency, without the forced termination of any standing
22 employees of the Division, by partially contracting out the solid waste
23 collection and disposal services for the residents of Guam.

24 **Section 2. Solid Waste Collection Districts.**

1 (a) Within sixty (60) days of enactment of this Act, the Director
2 of DPW ("Director") shall develop a plan to divide Guam into three (3)
3 Solid Waste Collection Districts for the purposes of contracting out
4 residential solid waste collection and disposal services in accordance
5 with the rules and regulations for solid waste collection, disposal,
6 processing and recycling for the Solid Waste Management Division of
7 DPW ("Solid Waste Rules and Regulations"). Solid Waste Collection
8 Districts shall be divided in a manner to achieve the *most* efficient and
9 economical collection of residential solid waste, and its boundaries may
10 *not* be contiguous nor enclosed, and facilitate the expedient
11 implementation of the plan. DPW shall provide *I Liheslaturan Guåhan* a
12 copy of the developed plan, upon completion, and prior to issuance of
13 the Invitation for Bids.

14 (b) Within thirty (30) days after developing a plan, the
15 Department of Public Works ("DPW") shall duly advertise an Invitation
16 for Bids, for the purpose of contracting with a single or multiple-
17 licensed waste hauler, to collect solid waste from two (2) Solid Waste
18 Collection Districts.

19 The terms of said contract must, at a *minimum*, include the
20 following:

21 (i) that the contractor must comply with all pertinent
22 provisions of the Solid Waste Rules and Regulations;

23 (ii) guarantees against non-performance by the licensed
24 waste hauler;

25 (iii) *minimum* service requirements; *and*

(iv) clear scope of work required.

DPW must comply with all applicable laws of Guam for the awarding of bids through competitive sealed bidding.

(c) Provided that bids that meet the terms of the Invitation for Bids and the procurement laws of Guam are submitted within thirty (30) days of the issuance of the Invitation for Bids, DPW, or its successor agency, shall award a contract pursuant to this Act and the procurement laws of Guam within thirty (30) days of the receipt of the bids.

Section 3. Nothing herein shall be construed as authorizing the termination of any employee of the government of Guam.

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 5/13/02

VOTING SHEET

5 Bill No. 197 (^{LS}~~622~~)

Resolution No. _____

Question: _____

26-99

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.			<i>excused</i>		
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

13 1 1 _____

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

2001 (FIRST) Regular Session

Bill No. 197 (LS) (COR)

Introduced by:

v. c. pangelinan
MARK FONSECA
Jim S. Brown

AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC WORKS TO CREATE SOLID WASTE COLLECTION DISTRICTS AND TO ENTER INTO CONTRACTS WITH COMMERCIAL HAULERS FOR COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE.

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that it is
3 the declared policy of this government to reorganize reduce the size of
4 this government and its spending through various measures. At the
5 same time, it is the responsibility of this government to ensure that the
6 quality of services must not be compromised.

7 It is further the established policy of this government to privatize,
8 through free and fair competition, the solid waste management
9 operations of the island, from collection to disposal, without
10 jeopardizing the job security for the employees of the Solid Waste
11 Management Division of the Department of Public Works as well as the
12 private businesses currently engaged in solid waste collection, recycling
13 and other solid waste management operations.

14 *I Liheslaturan Guåhan* further finds that currently the Division of Solid
15 Waste and Management Department of Public Works, as a consequence
16 of the Early Retirement Incentive and the Voluntary Separation
17 programs of the government of Guam, is experiencing a critical
18 shortage of sanitary workers. Public Law Number 24-313, which
19 enacted the Rules and Regulations for Solid Waste Collection, Disposal,
20 Processing, and Recycling for the Division of Solid Waste and
21 Management Department of Public Works, and amended by Public Law
22 Number 25-93, authorizes the government to enter into a contract or

1 contracts with private haulers to collect and dispose the island's solid
2 waste.

3 In accordance with the declared policy of this government, it is the
4 intent of *I Liheslaturan Guåhan* to achieve an incremental privatization of
5 the Division to achieve efficiency, without the forced termination of any
6 standing employees of the Division, by partially contracting out the
7 solid waste collection and disposal services for the residents of Guam.

8 **Section 2. Solid Waste Collection Districts.** Within sixty (60) days of
9 enactment of this Act, the Director of the Department of Public Works
10 (the "Director") shall develop a plan to divide the island into three (3)
11 Solid Waste Collection Districts for the purposes of contracting out
12 residential solid waste collection and disposal services in accordance
13 with the Rules and Regulations for Solid Waste Collection, Disposal,
14 Processing, and Recycling for the Division of Solid Waste and
15 Management Department of Public Works ("Solid Waste Rules and
16 Regulations"). Solid Waste Collection Districts shall be divided in a
17 manner to achieve the most efficient and economical collection of
18 residential solid waste, and its boundaries may not be contiguous nor
19 enclosed and facilitate the expedient implementation of the plan.

20 Within thirty (30) days after developing a plan, the Department of
21 Public Works (the "Department") shall duly advertise an invitation for
22 bids, for the purpose of contracting with a single or multiple licensed
23 waste haulers to collect solid wastes from two (2) Solid Waste Collection
24 Districts.

25 The terms of said contract must, at a minimum, include the following:

26 (a) That the contractor must comply with all
27 pertinent provisions of the Solid Waste Rules
28 and Regulations;

29 (b) Guarantees against non-performance by the
30 licensed waste hauler;

31 (c) Minimum service requirements; and

32 (d) Clear scope of work required.

33 The Department of Public Works must comply with all applicable
34 laws of Guam for the awarding of bids through competitive sealed
35 bidding."

1 **Section 3.** Nothing herein shall be construed as authorizing the
2 termination of any employee of the government of Guam.
3

1 (i) That the contractor must comply with all
2 pertinent provisions of the Solid Waste Rules
3 and Regulations;

4 (ii) Guarantees against non-performance by the
5 licensed waste hauler;

6 (iii) Minimum service requirements; and

7 (iv) Clear scope of work required.

8 The Department of Public Works must comply with all applicable
9 laws of Guam for the awarding of bids through competitive sealed
10 bidding.

11 (c) Provided that bids that meet the terms of the Request for
12 Proposals and the procurement laws of Guam are submitted within 30
13 days of the issuance of the Request for Proposals, the Department of
14 Public Works, or its successor agency, shall award a contract pursuant
15 to this Act and the procurement laws of Guam within 30 days of the
16 receipt of the bids.

17 **Section 3.** Nothing herein shall be construed as authorizing the
18 termination of any employee of the government of Guam.



MINA ' BENTE SAIS NA LIHESLATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hiniråt, Rifotma yan Rinueba,
yan Asunton Fidiråt, Taotao Hiyong yan Hiniråt

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayuråt*

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

76-99

Dear Mr. Speaker:

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 197 was referred, wishes to report its findings and recommendations TO DO PASS BILL NO. 197, as substituted: "An act to require the Department of Public Works to create Solid Waste Collection Districts and to enter into contracts with commercial haulers for collection and disposal of residential solid waste."

The voting record is as follows:

TO PASS

8

NOT TO PASS

0

ABSTAIN

0

TO PLACE IN INACTIVE FILE

0

TO REPORT OUT

0

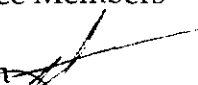
Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

MEMORANDUM

TO: Committee Members

FROM: Chairman 

SUBJECT: Committee Report- BILL NO. 197, as substituted: "An act to require the Department of Public Works to create Solid Waste Collection Districts and to enter into contracts with commercial haulers for collection and disposal of residential solid waste."

Transmitted herewith for your information and action is the report on Bill No. 197, as substituted, 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. 197, as substituted
4. Fiscal Note/Fiscal Note Waiver

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.



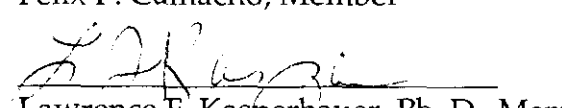
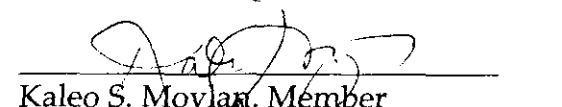
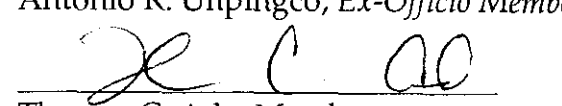
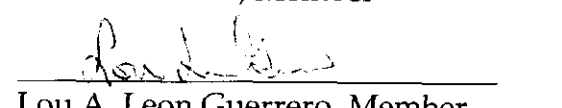
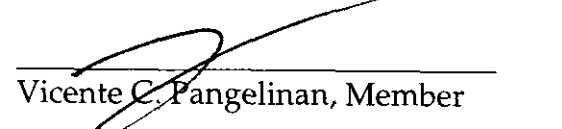
MARK FORBES

Attachments

**Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal,
Foreign and General Affairs**
I Mina' Bente Sais Na Liheslaturan Guáhan

Voting Record

BILL NO. 197, as substituted: "An act to require the Department of Public Works to create Solid Waste Collection Districts and to enter into contracts with commercial haulers for collection and disposal of residential solid waste."

	<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 F. Ada, Member					
 Joanne M.S. Brown, Member	✓				
Eddie B. Calvo, Member					
Felix P. Camacho, Member					
 Lawrence F. Kasperbauer, Ph. D., Member	+				
 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. 197, as substituted

“An act to require the Department of Public Works to create Solid Waste Collection Districts and to enter into contracts with commercial haulers for collection and disposal of residential solid waste.”

I. OVERVIEW

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs held a public hearing on November 29, 2001 at 10:00 a.m. in the Public Hearing Room, I Liheslaturan Guahan. Public Notice was advertised on the Pacific Daily News on Wednesday, November 28, 2001.

Senators present were:

Senator Mark Forbes, Chairman
Senator Joanne M.S. Brown, Member
Senator Vicente Pangelinan, Member
Senator Lou Leon Guerrero, Member
Senator Judith Won Pat

II. SUMMARY OF TESTIMONY

Individuals appearing before the Committee to present oral and written testimony on the bill are as follows:

David Bush, Administrative Manager, Guahan Waste Control (Oral & Written)
Allan Morrison, Morrico Equipment (Oral & Written)
Jesse Garcia, Director, Department of Public Works (Oral)

Mr. David Bush, Administrative Manager, Guahan Waste Control, read from his written testimony before the Committee on Bill No. 197. Mr. Bush said that "the privatization of residential services is another step in the process of allowing private industry to relieve some of the current burden from the government of Guam considering the apparent lack of resources." Mr. Bush discussed the complications with private waste haulers assuming residential collection; the most notable problem being the lack of street addresses for most residences, resulting in a difficulty in billing. He listed several different options, including a "bag-and-tag" system, billing waste fees with property taxes, and only privatizing those residential areas with sufficient street addresses. He said that the bill should require a payment guarantee or payment bond by the Government as a protection for the private haulers. He added that a necessary provision in privatizing waste hauling will be enforcement of dumping and litter violations.

Mr. Allan Morrison, president, Morrico Equipment Corporation, provided oral and written testimony to the Committee in favor of Bill No. 197. Mr. Morrison questioned the need for the bill to guarantee the job security of employees at the Department of Solid Waste. He said the privatization of residential trash collection is a perfect opportunity for the government to share the hardship of economic recession and lay-offs with the private sector. He said that the user tipping fees, instead of being used to receive federal funds and to close Ordot, have been squandered on the Solid Waste Division. He said he therefore questions the Department's ability to contract out the residential solid waste collection within the 60 days the bill requires. He strongly recommends a public/private partnership group or committee be formed to complete this plan instead of DPW. Finally, he said an efficient private residential trash collection cannot be achieved without: 1) prepayment of monthly residential collection and tipping fee accounts; 2) restricted weekly curbside trash volumes; 3)

curbside recycling collections; 4) a privately run recycling center in conjunction and at the same location as 5) a privately owned and operated landfill operation.

Mr. Jesse Garcia, director of the Department of Public Works, testified before the Committee on Bill No. 197. Garcia spoke of problems with the billing system for the new user tipping fee, and when Senator Forbes asked about the source database for the Department's billing list, Garcia responded that they were using the billing list from Guam Power Authority but are now using Guam Waterworks Authority's list. Senator Pangelinan said that the Department can bid out certain developed residential areas with street addresses for privatization and implement that right away, while working on a bag-and-tag system in other areas and working on refining and improving the system. Senator Forbes said that if this bill is implemented, he would like to continue to see the flat fee and not have an increase in fees.

III. FINDINGS AND RECOMMENDATION

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs finds that Bill No. 197, as substituted, is an important measure because of the dire financial condition of the government and the urgent need for reorganization and streamlining. There has long been a need for improvement of service in the area of waste collection, and this bill could be a good move in that direction.

Accordingly, the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 197 was referred does hereby submit its findings and recommendations to I Mina' Bente Sais Na Liheslaturan Guahan **TO DO PASS BILL NO. 197, as substituted**, "An act to require the Department of Public Works to create Solid Waste Collection Districts and to enter into contracts with commercial haulers for collection and disposal of residential solid waste."



Guahan Waste Control, Inc. dba Mr. Rubbishman

P.O. Box 24747 GMF, Barrigada, Guam 96921 Tel: (671) 649-5183 • Fax: (671) 649-5227
Email: rubbish@kuentos.guam.net



Testimony Regarding Bill 197 re: Residential Solid Waste Collection

The privatization of residential services is another step in the process of allowing private industry to relieve some of the current burden from the Government of Guam considering the apparent lack of resources. The private haulers on island are providing service to the commercial sector, multi-unit apartment complexes, and condominium dwellings. This service has been well established over the past 10 years such that the government specifically required that commercial and multi-residential service be privatized in the Integrated Solid Waste Management Plan (ISWMP) for the Island of Guam adopted 3 years ago.

The transition to residential waste hauling is complicated by the fact that there is no systematic street name and numbering for much of the island. For the private industry, there must be a way to correlate service address and billing address to ensure that services rendered can be accurately accounted for. There cannot be an "unlimited" service as now appears to be the case with DPW. The ISWMP limited service at two containers unless additional containers were to be paid for and it is only common sense that the more waste generated, the more a customer must pay for services. This provision has not been enforced by DPW. One solution since there are not addresses is to use a "bag or tag" system. In this program, distinctive trash bags or tags to attach to a trash can are purchased. Each bag or tag has a value for service and tipping fees and the costs are fairly and equally distributed by the volume of waste generated. This eliminates the need for individual billings and any resident wishing to haul their trash to the dump or a transfer station and pay their fees there is not billed for services that they do not wish. A different method used in some areas, the waste service and tipping fees are billed with property taxes. Another option is to partially privatize service, the private sector to service areas that have street names and numbers provided there are enough houses to make such service cost effective in that area. The government would service areas that cannot accurately accounted for. Access for trucks and service equipment must be available as well. The government would continue to provide service to those areas that cannot be serviced for these reasons.

In any case, the private waste haulers currently must collect and remit the tipping fees from their commercial customers. The invoices for residential hauling would need to be offset against these collected fees to avoid incurring large receivables from DPW. The balance of fees due to the

hauler would then be invoiced to DPW. Also, the bill calls for guarantees against non-performance by the waste hauler. It should also require a payment guarantee or payment bond by the Government as an equal provision.

A necessary component of any privatization plan will be enforcement of dumping and litter violations. Without such enforcement, the island will continue to suffer from the unsightly illegal trash piles and discarded appliances and vehicles. Advance disposal deposits and other incentives as well as more convenience in disposal of unwanted items can help minimize this problem as well.

As with all things, the solution here is not just "privatization". The Government must also still be part of the equation. A new EPA subtitle D landfill has been needed and even mandated for more than a decade. Education and enforcement of the laws regarding solid waste must be part of the program. The Government could even lead the way by having all Executive Branch line agencies, the Legislature, and the autonomous agencies participate in all programs for solid waste management and by paying the Government's fair share of the waste disposal costs in a prompt and timely manner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Bush". The signature is fluid and cursive, with the first name "David" being the most prominent.

David L. Bush
Administrative Manager



Sales, Rental, Parts and Service

www.morricequipment.com

ADDRESS: 197 YF ROAD TAMUNING GUAM 96913
OFFICE: PHONE 1-671-649-1946
FAX 1-671-649-1947
SPARE PHONE 1-671-646-7914
PARTS: FAX 1-671-646-7900
E-MAIL: morrico@ite.net



29 November 2001

Senator Mark Forbes
Chairman
Committee on Rules, General Governmental Operations,
Reorganization and Reform, and Federal, Foreign and General Affairs.
Guam Legislature
Hagatna, Guam.

Dear sir,

RE : Testimony in Favor of Bill 197.

Morrigo Equipment Corporation, dba Trashco Guam, one of the three commercial trash haulers on Guam, provides testimony in favor of bill 197 for the privatization of government of Guam residential trash hauling operations.

As a member of the private business community of Guam we question the need for the bill to state on three separate occasions that the job security of employees at the Department of Solid Waste, Government of Guam, is not to be jeopardized. How can the declared policy of the government, be achieved without terminating government employees ?

The government of Guam have currently not shared the hardship of the economic recession and associated employee lay-offs with Guam's private sector in any respect. This bill in privatizing Guam's residential trash collection is a perfect opportunity for the government to partake. The existing government refuse operation is pitiful in all respects, particularly in scheduled vehicle maintenance and employee overtime management. In a private company all those responsible individuals for the current fiasco would be terminated.

Until the elected leaders of Guam muster the intestinal fortitude to reduce the number of government employees, the resulting Guam laws will be irrelevant, lame and ineffective.





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E-MAIL: morrico@ite.net



Page 2. Bill # 197. 29 Nov 2001.

Having participated in the discussions for the existing Guam landfill user tipping fee bill # 289, as a member of the Guam Trash Haulers Association, it was our understanding that the Guam tipping fee funds received would trigger a federal fund grant dedicated to the closure of Ordot landfill. We also understood that the Guam government tipping fees funds were to be directed to the Ordot landfill closure fund.

Instead, we find the Guam tipping fees wholly directed to the funding of the DPW Solid Waste Division with no federal funds received, or requested by Gov Guam for the closure of Ordot landfill. DPW Solid Waste Division have proceeded to squander all of the Guam tipping fee proceeds on inadequate and outdated vehicle maintenance practices, poor overall management resulting in exorbitant overtime wages paid to DPW Solid Waste employees.

We therefore question DPW's and the DPW's Directors ability to develop a plan to contract out the residential solid waste collection in 60 years, or within 60 days as section 2 of this bill requires. This is the same DPW management team that analyzed and rejected all Guam vendors in a bid for replacement refuse trucks in a public invitation to bid on 8 June 2000. DPW then attempted to procure inferior trucks from a body company in Iowa at a higher price through the federal GSA system using Guam taxpayer funds !

The proposed federal GSA refuse trucks cost more than the Guam vendor offers by more than \$ 10,000.00 per unit. They also had significant specification deviations, no Guam dealership, no Guam 12-month warranty, or 12 months of Guam preventative maintenance service. You will also notice that the GSA procured trucks are not on Guam yet. It is now 14 months to the day that DPW issued the federal GSA purchase order for nine new refuse trucks, dated 29 Sept 2000. The Guam vendors were rejected because of 150 day Guam delivery quote instead of the poorly researched DPW bid requirement for a delivery time of 120 days.

We strongly suggest that a public / private partnership group or committee be formed to complete this plan instead of DPW. We are certain there will be a number of private industries willing to partake in this planning exercise at no cost to the government.





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PARTS: FAX 1-671-646-7900

E-MAIL: morrico@ite.net



Page 3. Bill # 197-29 Nov 2001.

Finally, an efficient private residential trash collection cannot be achieved on Guam in the absence of :

- 1) Prepayment of monthly residential collection and tipping fee accounts
- 2) Restricted weekly curbside trash volumes
- 3) Curbside recycling collections
- 4) A privately run recycling center in conjunction and at the same location as :
- 5) A privately owned and operated landfill operation.

All of these items are achievable on Guam within a six-month time frame and are now on display for all those interested at the Andersen Air Force Base, Military Family Housing, Guam.

Yours faithfully

Allan Morrison
President
Morrigo Equipment Corporation
Dab Trashco Guam.



2nd 3rd
4/25/02

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

2001 (FIRST) Regular Session

Bill No. 197 (LS)

As substituted by the Committee.

Introduced by:

v. c. pangelinan

Mark Forbes

J.M.S. Brown

**AN ACT TO REQUIRE THE DEPARTMENT
OF PUBLIC WORKS TO CREATE SOLID
WASTE COLLECTION DISTRICTS AND TO
ENTER INTO CONTRACTS WITH
COMMERCIAL HAULERS FOR
COLLECTION AND DISPOSAL OF
RESIDENTIAL SOLID WASTE.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that it is
3 the declared policy of this government to reorganize and reduce the size
4 of this government and its spending through various measures. At the
5 same time, it is the responsibility of this government to ensure that the
6 quality of services must not be compromised.

7 It is further the established policy of this government to privatize,
8 through free and fair competition, the solid waste management

1 operations of the island, from collection to disposal, without
2 jeopardizing the job security for the employees of the Solid Waste
3 Management Division of the Department of Public Works as well as the
4 private businesses currently engaged in solid waste collection, recycling
5 and other solid waste management operations.

6 *I Liheslaturan Guåhan* further finds that currently the Division of Solid
7 Waste and Management Department of Public Works, as a consequence
8 of the Early Retirement Incentive and the Voluntary Separation
9 programs of the government of Guam, is experiencing a critical
10 shortage of sanitary workers. Public Law Number 24-313, which
11 enacted the Rules and Regulations for Solid Waste Collection, Disposal,
12 Processing, and Recycling for the Division of Solid Waste and
13 Management Department of Public Works, and amended by Public Law
14 Number 25-93, authorizes the government to enter into a contract or
15 contracts with private haulers to collect and dispose the island's solid
16 waste.

17 In accordance with the declared policy of this government, it is the
18 intent of *I Liheslaturan Guåhan* to achieve an incremental privatization of
19 the Division to achieve efficiency, without the forced termination of any

1 standing employees of the Division, by partially contracting out the
2 solid waste collection and disposal services for the residents of Guam.

3 **Section 2. Solid Waste Collection Districts.** (a) Within sixty (60)
4 days of enactment of this Act, the Director of the Department of Public
5 Works (the "Director") shall develop a plan to divide the island into
6 three (3) Solid Waste Collection Districts for the purposes of contracting
7 out residential solid waste collection and disposal services in
8 accordance with the Rules and Regulations for Solid Waste Collection,
9 Disposal, Processing, and Recycling for the Division of Solid Waste and
10 Management Department of Public Works ("Solid Waste Rules and
11 Regulations"). Solid Waste Collection Districts shall be divided in a
12 manner to achieve the most efficient and economical collection of
13 residential solid waste, and its boundaries may not be contiguous nor
14 enclosed and facilitate the expedient implementation of the plan. . . .

See FA 1
PS

15 (b) Within thirty (30) days after developing a plan, the Department of
16 Public Works (the "Department") shall duly advertise a Request for
17 Proposals, for the purpose of contracting with a single or multiple
18 licensed waste haulers to collect solid wastes from two (2) Solid Waste
19 Collection Districts.

20 The terms of said contract must, at a minimum, include the following:

I MINA'BENTE SAIS NA LIHESLATURAN GUAHAN

**FLOOR AMENDMENTS/CHANGES
Bill No. 197**

Senator Proposing Amendment: T.C. Ada

p. 2. line 13

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add the following sentence to the end of subsection (a) of Section 2 to read:

" The Department of Public Works shall provide I Liheslaturan Guahan a copy of the developed plan upon completion and prior to issuance of Request for Proposals."

(Below only for Clerk of Legislature's use and processing)

Date: April 29, 2002

Floor Amendment No. 1 of a total of changes on above Bill.

Votes For Amendment: Votes Against Amendment:

AMENDMENT PASSED:

Amendment Failed:

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur *(initial)*

Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff



MINA ' JENTE SAIS NA LIHESLATURAN GUAHAN

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

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 197 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 197.

MARK FORBES

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

guampdn.com Pacific Daily News, Wednesday, November 28, 2001

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BEFORE THE PUBLIC UTILITIES COMMISSION OF GUAM
GUAM MEMORIAL HOSPITAL AUTHORITY
RATE HEARING
DOCKET 99-04
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Guam Public Utilities Commission will conduct a public hearing, commencing at 6:00 p.m. on November 30, 2001 at Room 202, GOC Building, 414 West Sealedale Avenue, Hagåtña, to receive and consider testimony, argument and public comment on the following:

- 22 interim fees for new, unaffiliated services, which GHHHA has instituted and which require Commission approval under 10 GCA 80105(b)
- Proposed increased fees for laboratory, radiology, respiratory and rehabilitative services and for GHHHA professional fees that are below 2001 Medicare rates.
- Proposed increased rates for certain pharmaceutical supplies.
- A proposal protocol to annually update GHHHA physician's fees based on Physician Fee Reference Handbook, using the 50th percentile, adjusted by geographic weighting for Hawaii.
- A methodology, including a possible surcharge to provide revenues to enable GHHHA to pay its bills to other autonomous government agencies. The commission's regulatory consultant (Georgetown) reports that all GHHHA fees, other than professional fees, must be increased by 5.5% +/- to produce the \$3.5 million in additional annual revenues necessary to fund the proposed surcharge. Georgetown's report dated August 22, 2001 reviews the details of the rate increases, which will be considered at this hearing, and is available for public inspection at the Commission's office.

Interested persons may participate in the hearing pursuant to Public Law 23-30.1, by application to the Commission at Suite 207, GOC Building, Hagåtña. The Commission will welcome public comments at the conclusion of the hearing. Public comments will be entertained in the order registered with Commission staff at Suite 202, GOC Building commencing at 5:30 p.m. on the evening of the hearing.

The Commission will also invite public comments on the above GHHHA rate matters of additional consolidated public hearings, which have been scheduled, for the public's convenience, at the following locations and times:

5:00 p.m. December 5, 2001 - Agat Mayor's Office (Route 2, Agat)
7:30 p.m. December 5, 2001 - Mangilao Mayor's Office (Route 10)

Public comment at the above hearings will be welcomed in the order registered with Commission staff prior to the hearings. Further information about the hearings may be obtained from Maonessa Leon Guerrero at 472-1907. Those with disabilities, who need special accommodation to attend the hearings, should contact Ms. Leon Guerrero of the number listed above.

Notice of Public Hearing

Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs
Senator Mark Forbes, Chairman

10 A.M. Thursday, November 29, 2001

The following Bills will be on the Agenda:

- *Bill 35: Act relative to the Antonio B. Won Pat International Airport Authority.
- *Bill 153: Relative to sale and measurement of petroleum products.
- *Bill 197: Act to require Department of Public Works to create Solidwaste Collection Districts and to enter into contracts with Commercial Haulers for collection and disposal of residential solid waste.
- *Bill 219: Relative to making registration with Selective Service an eligibility requirement for obtaining motor vehicle driver's license, govGuam employment and financial assistance for post secondary education.

Hearing will take place in the Public Hearing Room, I Liheslaturan Guahan, Hagåtña, Guam
The Public is Invited to Participate
Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Forbes at 472-3512

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INVITATION FOR BID RE-ISSUE

BID No. **FBE-006-2002**

FOR: **FOOD SERVICE MANAGEMENT (Cafeteria) THREE (3) PUBLIC HIGH SCHOOLS**

OPENING DATE: **DECEMBER 17, 2001 TIME: 10:00 AM**

MANDATORY PRE-BID CONFERENCE WILL BE HELD AT DOE CENTRAL OFFICE (TAOTADOMIA) CONFERENCE ROOM LOCATED IN HAGATNA, GUAM ON MONDAY, DECEMBER 10, 2001 AT 10:00 AM.

INTERESTED BIDDER(S) MAY PICK-UP BID FORMS / SPECIFICATIONS AT THE OFFICE OF SUPPLY MANAGEMENT, 2ND FLOOR B-202, MANUEL F.L. GUERRERO BUILDING, HAGATNA, GUAM.

/S/ JUAN MICHAEL PANGELINAN
ADMINISTRATOR, SUPPLY MANAGEMENT

For: SUPERINTENDENT OF EDUCATION
Rosie R. Tainatanga

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020-2002 Dietary Paper Product Supplies (Paper Plates, Food Containers and Lid, Pie Wedge Containers, Hinged Trays, Styrofoam Cups and Lids, Napkins, Aluminum Foil Wraps, Plastic Stirrers and Multipurpose Food Service Wipes)

Submission Date/Time/Opening Time:
019-2002 December 13, 2001, Submission @ 10:00 a.m. and Opening @ 10:15 a.m.
020-2002 December 13, 2001, Submission @ 11:00 a.m. and Opening @ 11:15 a.m.

Place: Cafeteria Conference Room

Bid Forms are available for distribution at Guam Memorial Hospital Authority Materials Management Office. Call the office at 647-2458 or 647-2165 for more information.

DAVINA M. LUJAN, M.D.
Hospital Administrator

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5/13/02

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

Bill No. 197 (LS)
As substituted by the Committee
on Rules, Government Reform
Reorganization and Federal Affairs
and amended on the Floor.

Introduced by:

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

**AN ACT REQUIRING DPW TO CREATE SOLID
WASTE COLLECTION DISTRICTS AND TO
ENTER INTO CONTRACTS WITH
COMMERCIAL HAULERS FOR COLLECTION
AND DISPOSAL OF RESIDENTIAL SOLID
WASTE.**

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

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

3 finds that it is the declared policy of this government to reorganize and reduce

4 the size of the government and its spending through various measures. At the

1 (iv) clear scope of work required.

2 DPW must comply with all applicable laws of Guam for the
3 awarding of bids through competitive sealed bidding.

4 (c) Provided that bids that meet the terms of Invitation for Bids
5 and the procurement laws of Guam are submitted within thirty (30)
6 days of the issuance of the Invitation for Bids, DPW, or its successor
7 agency, shall award a contract pursuant to this Act and the procurement
8 laws of Guam within thirty (30) days of the receipt of the bids.

9 **Section 3.** Nothing herein shall be construed as authorizing the
10 termination of any employee of the government of Guam.