



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-961
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 225-31 (LS) "AN ACT TO ADD NEW §5011 AND 5012 TO PART A, ARTICLE 1 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING A PROCUREMENT POLICY IN FAVOR OF SERVICE-DISABLED VETERAN OWNED BUSINESSES, AND TO BE CITED AS "THE SUPPORT FOR DISABLED VETERAN BUSINESSES ACT"", which was signed into law on September 30, 2011 as Public Law 31-115.

Senseramente,


EDDIE BAZA CALVO

2011 OCT -5 AM 8:09
[Signature]

Attachment: copy of Bill

961

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session


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

This is to certify that Substitute Bill No. 225-31 (LS), "AN ACT TO ADD NEW §§5011 AND 5012 TO PART A, ARTICLE 1 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING A PROCUREMENT POLICY IN FAVOR OF SERVICE-DISABLED VETERAN OWNED BUSINESSES, AND TO BE CITED AS "THE SUPPORT FOR DISABLED VETERAN BUSINESSES ACT", was on the 19th day of September, 2011, duly and regularly passed.



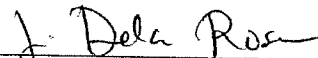
Judith T. Won Pat, Ed.D.
Speaker

Attested:



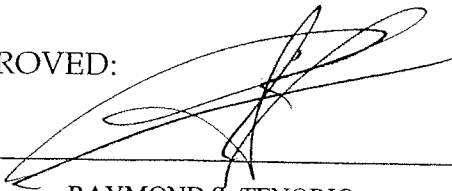
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 20th day of Sept., 2011, at 4:10 o'clock P..M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date:

SEP 30 2011

Public Law No. 31-115

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) Regular Session

Bill No. 225-31 (LS)

As substituted by the Committee on Youth, Cultural Affairs, Procurement,
General Government Operations & Public Broadcasting; and amended on the Floor.

Introduced by:

T. R Muña Barnes
B. J.F. Cruz
T. C. Ada

F. F. Blas, Jr.
Judith P. Guthertz, DPA
V. Anthony Ada
Adolpho B. Palacios, Sr.
Chris M. Dueñas
Sam Mabini, Ph.D.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* NEW §§5011 AND 5012 TO PART A, ARTICLE 1 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING A PROCUREMENT POLICY IN FAVOR OF SERVICE-DISABLED VETERAN OWNED BUSINESSES, AND TO BE CITED AS “*THE SUPPORT FOR DISABLED VETERAN BUSINESSES ACT*”.

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

2 **Section 1.** A new §5011 is hereby *added* to Part A, Article 1 of Chapter 5,
3 Title 5, Guam Code Annotated, to read as follows:

4 “§ 5011. **Policy In Favor of Service-Disabled Veteran Owned**
5 **Businesses.** Notwithstanding any provision of law, and *except* for the
6 procurement of professional services, if any entity of the government of
7 Guam or any entity expending governmental funds intends to procure any

1 supply or service, which is offered by a business concern that is at least fifty-
2 one percent (51%) owned by a service-disabled veteran(s), that entity *shall*
3 procure such supply or service from that business concern, if the supply or
4 service is available within the period required by the procuring entity and the
5 price for the supply or service *does not* exceed one hundred five percent
6 (105%) of the lowest price bidder, and *shall* be in addition to any other
7 procurement benefit the service-disabled veteran owned business may
8 qualify for under Guam law.”

9 **Section 2.** A new §5012 is hereby *added* to Part A, Article 1 of Chapter 5,
10 Title 5, Guam Code Annotated, to read as follows:

11 **“§ 5012. Qualifications of a Service-Disabled Veteran Owned**
12 **Business.** A business concern is qualified under §5011 of this Chapter if:

13 (a) the business concern is licensed to do business on Guam;

14 (b) the business concern maintains its headquarters on
15 Guam;

16 (c) the business concern is *at least* fifty-one percent (51%)
17 owned by a service-disabled veteran(s) who served in the active U.S.
18 military service, was discharged or released under honorable
19 conditions and whose disability is service-connected as demonstrated
20 by a DD214, and certified by an award letter from the U.S.
21 Department of Veterans Affairs;

22 (d) the DD214 and Disability award letter from the U.S.
23 Department of Veterans Affairs are submitted to the procuring entity
24 for every service or supply offered; and

25 (e) the service-disabled veteran(s) owner of the business
26 concern has filed individual tax returns on Guam for a period of *at*
27 *least* three (3) consecutive years.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

SBill No. 225-31(LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting.
Web Address: www.senatorbjcruz.com




I Mina' Trentai Unu Na Lihelatuaran Guahan
The 31st Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

July 22, 2011

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Lihelatuaran Guahan
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

2011 JUL 25 AM 10:17
WJM

VIA: The Honorable Rory J Respicio
Chairperson, Committee on Rules 

RE: Committee Report on Bill No. 225-31 (LS) As Substituted

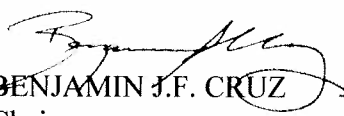
Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting the on Substitute Bill No. 225-31(LS) "An act add a new § 5011 § 5012 to Chapter 5, of Title 5 of the Guam Code Annotated; relative to the adoption of a procurement policy in favor of service-disabled veteran owned businesses which may be cited as "The Support for Disabled Veteran Businesses Act"." As substituted by the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.

Committee votes are as follows:

- TO DO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

ON

Substitute Bill No. 225-31 (LS)

“An act add a new § 5011 § 5012 to Chapter 5, of Title 5 of the Guam Code Annotated; relative to the adoption of a procurement policy in favor of service-disabled veteran owned businesses which may be cited as "The Support for Disabled Veteran Businesses Act".”



July 18, 2011

MEMORANDUM

TO: All Members
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations and Public Broadcasting

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 225-31(LS) As Substituted

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 225-31(LS)- "An act add a new § 5011 § 5012 to Chapter 5, of Title 5 of the Guam Code Annotated; relative to the adoption of a procurement policy in favor of service-disabled veteran owned businesses which may be cited as "The Support for Disabled Veteran Businesses Act"."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 225-31(LS)
- Bill No. 225-31 (LS) as Substituted by the Committee
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 225-31(LS)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz", with a stylized flourish at the end.

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Substitute Bill No. 225-31(LS) "An act add a new § 5011 § 5012 to Chapter 5, of Title 5 of the Guam Code Annotated; relative to the adoption of a procurement policy in favor of service-disabled veteran owned businesses which may be cited as "The Support for Disabled Veteran Businesses Act"."

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 7/19/11				
MUÑA BARNES, TINA ROSE Vice-Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member		✓ 7/24/11				
GUTHERTZ, JUDITH P. Member						
RESPICIO, RORY J. Member		7/19/11 				
RODRIGUEZ, DENNIS G. JR. Member						
ADA, V. ANTHONY Member		7/20/11 ✓				
DUENAS, CHRISTOPHER Member		7/20/11 ✓				
MABINI, SAM Member						
YAMASHITA, ALINE Member		7/20/11 ✓				



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Wednesday June 22nd, 2011 at 10:05 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 225-31(LS) "An act add a new § 5011 § 5012 to Chapter 5, of Title 5 of the Guam Code Annotated; relative to the adoption of a procurement policy in favor of service-disabled veteran owned businesses which may be cited as "The Support for Disabled Veteran Businesses Act"."

Bill No. 225-31(LS) guarantees that service disabled veterans would get a 5% advantage over non service disabled bidders on contracts that will be paid using government funds. This is a similar piece of legislation to the current United States federal mandate and the state of California has a measure in code as well.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on June 15th and 20th via email.

Senators Present

Acting Chair, Senator Tina Rose Muna Barnes
Senator Adolpho Palacios, Committee Member
Senator V. Anthony Ada, Committee Member
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator Sam Mabini, Ph.D., Senator

The public hearing was called to order at 10:05 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F Cruz called the public hearing to order at 10:05 a.m. and announced the morning's agenda and public hearing notices. After receiving public testimony on the agenda's first item, Vice Speaker Cruz acknowledged that his presence was required at a funeral. Vice Speaker Cruz noted that Vice Chair Tina Rose Muna Barnes would conduct the hearing in his absence.

Senator Muna Barnes noted that Mrs. Benita Manglona, Acting Director of the Department of Administration and Deputy Attorney General Phil Tydingco, Esq. from the Office of the Attorney General would like to provide testimony on the measure and called them before the committee.



Senator Muna Barnes thanked Committee Chairman Vice Speaker Cruz, for being her co-sponsor on Bill 225. Senator Muna Barnes noted that Vice Speaker's willingness to co-sponsor this bill is a testament to his long standing commitment to our Veterans and the issues that truly impact their lives.

Senator Muna Barnes said that "The support for the disabled Veteran Businesses Act" gives qualified service disabled veteran owned businesses a 5% advantage on any government entities procurement of supplies or services. Senator Muna Barnes noted for the Committee's record that both California and the federal government have had similar statutes in place for a number of years and that while our own code has procurement policies in favor of locally grown agricultural products and non-profit corporations created to employ individuals with disabilities, existing statute does not provide for a similar advantage to the men and women who stand on the watch tower of freedom.

Senator Muna Barnes said that it is in this gap that this measure was born Senator Muna Barnes indicated that she remains open for any amendments by the Committee or the public at large.

Senator Muna Barnes then invited the testimony of the Acting Director of Administration, Mrs. Benita Manglona.

Mrs. Manglona indicated that DOA is here in support of the measure with minor amendments and clarifications as indicated in her written testimony attached to this report.

Senator Barnes Thanked Mrs. Manglona for her testimony and asked her to submit her written testimony so that its recommendations could be incorporated.

Senator Muna Barnes then invited the testimony of Deputy Attorney General Phil Tydingco.

Mr. Tydingco Thanked the Chair and indicated his appearance and support for the measure on behalf of the Office of the Attorney General.

Mr, Tydingco said that he was here to request that the authors consider an addition to line 10, "then that entity shall procure such supply or service from" to include a phrase, "other than professional services" and the reason for this, is professional services are usually procured through RFP's and not done through bid amounts. We also believe that the local policy procurement is also restricted to services other than professional services. He thanked the Committee for its attention.

Senator Muna Barnes thanked each witness for their comments and concerns and committed to working with the Committee to incorporate the needed amendments.



Senator Muna Barnes also noted for the record that Senator Tom Ada would like to be included as the third co-sponsor when the measure is deliberated by the body.

Senator Muna Barnes announced that Bill 225-31(LS) has been duly heard and also stated that anyone else wishing to present testimony can do so by sending it to the Office of the Vice Speaker, Senator BJ Cruz, 155 Hesler Place, Hagatna, Guam or senator@senatorbjcruz.com.

The Public Hearing on Bill 225-31(LS) publicly adjourned at 11:29 a.m. Thank you everyone, Si Yu'us Ma'ase and God Bless.

III. FINDINGS AND RECOMMENDATION

Bill 225-31 (LS) as Substituted by the Committee

The Committee has produced a substitute for Bill 235-31 (LS), as introduced. Section 1 of the measure as substituted has been modified to incorporate the suggestions of the Director of the Bureau Budget Management & Research and the Deputy Attorney General respectively. The modifications sections are:

- At the recommendation of the Attorney General's Office, line 6&7 of pg.1 has been revised to explicitly exclude professional services contracts. *The following language has been added: and except for the procurement of professional services.*
- At the request of the Director of BBMR, line 10 of pg. 1 has been revised to insure that the qualified Service Disabled Veteran must own at least fifty-one (51%) percent of the business concern applying the preference created. The following language has been added: *any supply or service which is offered by a business concern that is at least fifty-one percent(51%) owned by a service-disabled veteran(s)*
- At the request of the Director of BBMR language clarifying the application of line 5 of pg. 2 was added. The language explicitly states that the benefits authorized in section 1 of the measure shall be in addition to any other preference the business concern or its owner(s) may qualify for under Guam law. The following language has been added: *and shall be in addition to any other procurement benefit the service disabled veteran owned business may qualify for under Guam law.*
- The Committee has revised language in Section 2, lines 12-13 ensuring that the measure benefits those business concerns that have filed taxes in Guam for a period of no less than



- Language clarifying that a service disabled veteran must own at least fifty-one percent of the qualified business concern has been added to line 16, pg. 2. The following language has been added: *The business concern is at least fifty-one percent (51%) owned by a service-disabled veteran(s)*

Recommendation


The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was referred Bill No. 225-31(LS) "An act add a new § 5011 § 5012 to Chapter 5, of Title 5 of the Guam Code Annotated; relative to the adoption of a procurement policy in favor of service-disabled veteran owned businesses which may be cited as "The Support for Disabled Veteran Businesses Act"." hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Substitute Bill No. 225-31(LS) with a recommendation TO DO PASS.

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 225-31 (LS)

Introduced by:

T. R Muna Barnes
B.J.F Cruz

2011 JUN -3 AM 10:08 - 

**AN ACT ADD A NEW § 5011 § 5012 TO CHAPTER 5, OF
TITLE 5 OF THE GUAM CODE ANNOTATED;
RELATIVE TO THE ADOPTION OF A
PROCUREMENT POLICY IN FAVOR OF SERVICE-
DISABLED VETERAN OWNED BUSINESSES WHICH
MAY BE CITED AS “THE SUPPORT FOR DISABLED
VETERAN BUSINESSES ACT”**

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

2 **Section 1.** A new § 5011 and § 5012 of Chapter 5, Title 5 Guam of
3 the Guam Code Annotated is hereby added to read:

4 **“§ 5011 Policy In Favor of Service-Disabled Veteran Owned**
5 **Businesses.**

6 Notwithstanding any provision of law, if any entity of the
7 government of Guam or any entity expending governmental funds
8 intends to procure any supply or service which is offered by a
9 business concern primarily owned or operated by a service-disabled
10 veteran(s) then that entity shall procure such supply or service from
11 that business concern, if the supply or service is available within the
12 period required by the procuring entity and the price for the supply

1 or service does not exceed one hundred five percent of the lower
2 price bidder(105%).

3 **Section 2. “§ 5012 Qualifications of a Service-Disabled Veteran**
4 **Owned Businesses.**

5 A business concern is qualified under § 5011 of this chapter if:

6 (a) The Business concern is licensed to do business on
7 Guam; and

8 (b) The business concern maintains its headquarters on
9 Guam; and

10 (c) The daily operations of the business concern are directly
11 owned and operated by a service-disabled veteran(s) who
12 served in the active military, naval, or air service, and who
13 was discharged or released under conditions other than
14 dishonorable discharge, and whose disability was incurred
15 or aggravated in the line of duty as demonstrated by a
16 DD214 and an award letter from the US Department of
17 Veterans Affairs.

18 (d) The DD214 and Disability award letter from the US
19 Department of Veterans Affairs are submitted to the
20 procuring entity for every service or supply offered.”

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 225-31 (LS)

**As substituted by the Committee on Youth,
Cultural Affairs, Procurement, Government
Operations & Public Broadcasting

Introduced by:

T. R Muña Barnes
B.J.F. Cruz

**AN ACT ADD NEW §§ 5011 AND 5012 TO CHAPTER 5, OF
TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE
TO THE ADOPTION OF A PROCUREMENT POLICY IN
FAVOR OF SERVICE-DISABLED VETERAN OWNED
BUSINESSES WHICH MAY BE CITED AS '*THE SUPPORT
FOR DISABLED VETERAN BUSINESSES ACT*'**

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

2 **Section 1.** A new § 5011 is hereby added to Chapter 5 of Title 5 of the
3 Guam Code Annotated to read as follows:

4 **"§ 5011. Policy In Favor of Service-Disabled Veteran Owned**
5 **Businesses.** Notwithstanding any provision of law, and except
6 for the procurement of professional services, if any entity of the
7 government of Guam or any entity expending governmental
8 funds intends to procure any supply or service which is offered
9 by a business concern that is at least fifty-one percent (51%)
10 owned by a service-disabled veteran(s), that entity shall
11 procure such supply or service from that business concern, if
12 the supply or service is available within the period required by
13 the procuring entity and the price for the supply or service does

1 not exceed one hundred five percent (105%) of the lower price
2 bidder and shall be in addition to any other procurement
3 benefit the service disabled veteran owned business may
4 qualify for under Guam law.”

5 **Section 2.** A new § 5012 is hereby added to Chapter 5 of Title 5 of the
6 Guam Code Annotated to read as follows:

7 **“§ 5012 Qualifications of a Service-Disabled Veteran Owned**
8 **Businesses.** A business concern is qualified under § 5011 of this
9 chapter if:

10 (a) The Business concern is licensed to do business on
11 Guam and has filed tax returns with the Department of
12 Revenue and Taxation for a period of at least three (3) years;
13 and

14 (b) The business concern maintains its headquarters on Guam;
15 and

16 (c) The business concern is at least fifty-one percent (51%)
17 owned by a service-disabled veteran(s) who served in the
18 active military, naval, or air service, and who was
19 discharged or released under conditions other than
20 dishonorable discharge, and whose disability was incurred
21 or aggravated in the line of duty as demonstrated by a
22 DD214 and an award letter from the US Department of
23 Veterans Affairs.

24 (d) The DD214 and Disability award letter from the US
25 Department of Veterans Affairs are submitted to the
26 procuring entity for every service or supply offered.

1 (e) The service-disabled veteran(s) owner of the business
2 concern has filed individual tax returns on Guam for a
3 period of at least three (3) years.”



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Government of Guam
(*Gubetnomention Guahan*)
Department of Administration
(*Dipattamenton Atmenestration*)
Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1101/1250 * Fax: (671) 477-6788



Benita A. Manglona
Acting Director
George A. Santos
Deputy Director

June 22, 2011

The Honorable Benjamin J.F. Cruz
Vice-Speaker
31st Guam Legislature
Chairman of the Committee on Youth, Cultural Affairs,
Procurement, General, Governmental Operations, and
Public Broadcasting
155 Hesler Street
Hagatna, Guam 96910

Re: Bill 225

Buenas Dias yan Hafa Adai Vice-Speaker Cruz:

Thank you for the opportunity to comment on Bill 225 "An Act to Add Sections 5011 and 5012 to 5 GCA Relative to the Adoption of a Procurement Policy in Favor of Service Disabled Veteran Owned Business Which May Be Cited as "The Support for Disabled Veteran Business Act". I am in favor of providing opportunity to those veterans who have served and have become disabled and have taken the risk of opening and operating a business on Guam. However, I would like to point out four issues for your consideration.

First, does this legislation apply only to those bids in which a bidder is a service disabled veteran? What if the disabled veteran's business is submitted as a subcontractor? Does the one hundred and five percent apply to the total bid? Usually on big projects, a consortium is put together. What percent of the total business risk must the disabled services' business be listed before this law comes into effect? Does this law apply in those situations?

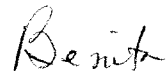
Secondly, what if the agency or department's budget does not cover the amount beyond the one hundred percent and a disabled veteran's business submits the one hundred five percent allowed by law? Is it your intent that the government be forced to give the disabled veteran the bid even though the agency may not have the additional funds? I would propose that the following language be added at the end of Section 5011."...of the lower price bid (105%), **if funds are available.**" I believe that this would address this issue.

Third, under qualifications, should a business which is claiming this preference, have current stock available? Or should there be a set amount to qualify?

Fourth, currently the government provides a local preference of ^{15% Brn}10% to on-island businesses that meet certain criteria. Is the intent of this legislation to provide an additional 5% to local businesses?

Thank you for the opportunity to comment on this bill.

Senseramente,



BENITA MANGLONA

Acting Director



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

June 21, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: **Pat C. Santos**
Clerk of the Legislature

MAJORITY
MEMBERS:

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Speaker
Judith T. Won Pat

Subject: **Fiscal Notes**

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill Nos.:

Senator Thomas C. Ada	138-31 (LS)	196-31 (COR)	211-31 (COR)	220-31 (COR)
	143-31 (COR)	200-31 (COR)	214-31 (COR)	221-31 (COR)
Senator Adolpho B. Palacios, Sr.	148-31 (COR)	203-31 (COR)	215-31 (COR)	225-31 (COR)
	176-31 (LS)	206-31 (COR)	216-31 (COR)	229-31 (COR)
Senator vicente c. pangelinan	181-31 (LS)	207-31 (COR)	217-31 (COR)	
	189-31 (LS)	208-31 (COR)	218-31 (COR)	
	192-31 (COR)	210-31 (COR)	219-31 (COR)	

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!

2011 JUN 21 PM 04:27
[Handwritten signature]

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932**EDDIE BAZA CALVO**
GOVERNOR**RAY TENORIO**
LIEUTENANT GOVERNOR**BENITA A. MANGLONA**
DIRECTOR**STEPHEN J. GUERRERO**
DEPUTY DIRECTOR**JUN 17 2011**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 138-31(LS), 143-31(COR), 148-31(COR), 176-31(LS), 181-31(LS), 189-31(LS), 192-31(COR), 196-31(COR), 200-31(COR), 206-31(COR), 207-31(COR), 208-31(COR), 210-31(COR), 211-31(COR), 214-31(COR), 215-31(COR), 216-31(COR), 217-31(COR), 218-31(COR), 220-31(COR), 221-31(COR), 225-31(COR), 229-31(COR) and Fiscal Note Waivers on Bill Nos.: 203-31(COR), 219-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


BENITA A. MANGLONA
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 225-31 (COR)

AN ACT ADD A NEW § 5011 § 5012 TO CHAPTER 5, OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE ADOPTION OF A PROCUREMENT POLICY IN FAVOR OF SERVICE DISABLED VETERAN OWNED BUSINESSES WHICH MAY BE CITED AS "THE SUPPORT FOR DISABLED VETERAN BUSINESSES ACT"

Department/Agency Appropriation Information	
Dept./Agency Affected: DOA, Government -Wide	Dept./Agency Head: Benita A. Manglona, Acting Director
Department's General Fund (GF) appropriation(s) to date:	41,281,957
Department's Other Fund (Specify) appropriation(s) to date:	8,196,091
Total Department/Agency Appropriation(s) to date:	\$49,478,048

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions?
 If Yes, see attachment // Yes /X/ No
- Is amount appropriated adequate to fund the intent of the appropriation?
 If no, what is the additional amount required? \$ _____ /X/ N/A // Yes // No
- Does the Bill establish a new program/agency?
 If yes, will the program duplicate existing programs/agencies? // Yes // No
 Is there a federal mandate to establish the program/agency? /X/ N/A // Yes // No
- Will the enactment of this Bill require new physical facilities? // Yes // No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /X/ No
 // Requested agency comments not received by due date /X/ Other: Time constraint

Analyst (s): Joe Certeza Date: 06/08/2011 Director: Benita A. Manglona Date: 6/16/11
 Benita A. Manglona, Director

Footnotes:
 The Bill has a potential fiscal impact for additional funding requirements. However, in its present form, such impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

June 3, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill No. 225-31 (LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 225-31(LS).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(1) Attachments

2011 JUN -3 PM 2:50
De

I Mina 'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

June 3, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
225-31 (LS)	T. R. Muña Barnes, B. J.F Cruz	AN ACT ADD A NEW § 5011 § 5012 TO CHAPTER 5, OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE ADOPTION OF A PROCUREMENT POLICY IN FAVOR OF SERVICE-DISABLED VETERAN OWNED BUSINESSES WHICH MAY BE CITED AS "THE SUPPORT FOR DISABLED VETERAN BUSINESSES ACT".	6/03/11 10:08 a.m.	6/3/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.			Passed? Failed? Vetoed? Overridden? Public Law?

Chris Carillo

From: Chris Carillo [chris.carillo@senatorbjcruz.com]
Sent: Wednesday, June 15, 2011 8:53 AM
To: 'Chris Carillo'; 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatorrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'; 'dmgeorge@guampdn.com'; 'hottips@kuam.com'; 'Sabrina Salas'; 'mindy@kuam.com'; 'dcrisostomo@guampdn.com'; 'Janela'; 'thebigshow@k57.com'; 'therese.hart.writer@gmail.com'; 'Therese Hart'; 'Ray Gibson'; 'bmkelman@guampdn.com'; 'William Gibson'
Cc: 'clerks@guamlegislature.org'; 'Pat Santos'; 'Rennae Perez'; 'Atty. Therese Terlaje'; 'yong@guamlegislature.org'; 'mis@guamlegislature.org'; 'sgtarms@guamlegislature.org'; 'Steven A. Dierking'; 'cyrus@senatorada.org'; 'louise_atalig@yahoo.com'; 'chelsea@tinamunabarnes.com'; 'Mary Fejeran'; 'garrett.duenas@senatorbjcruz.com'; 'joshua.tenorio@senatorbjcruz.com'; 'leonguerrero.angela@gmail.com'; 'leslie.g@senatormabini.com'; 'cipo@guamlegislature.org'; 'Stephanie Mendiola'; 'cherbert.senatorrodriguez@gmail.com'; 'chechsantos@gmail.com'; 'alerta.jermaine@gmail.com'; 'evelyn4families@gmail.com'; 'phnotice@guamlegislature.org'
Subject: First Notice Of Public Hearing- 6/22/2011
Attachments: 062211PH.pdf

Hafa Adai All,

June 15, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: First Notice of Public Hearing – June 22, 2011

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Wednesday, June 22nd, 2011, at 10:00 A.M. in *I Liheslaturan*'s Public Hearing Room with the following agenda:

- **Bill No. 209-31 (COR)** - T.R. Muna-Barnes / B.J.F. Cruz- “An act to amend §1033 of Chapter 10, Title 1, Guam Code Annotated; relative to including the Guam Ko'Ko' Road Race as part of the Guam-Micronesian Island Fair, and to provide for support from the Guam Police Department and Guam Fire Department.”
- **Bill No. 212-31 (COR)** - V.A. Ada- “An act to add a new Article 4 to Chapter 4 of 4GCA relative to sexual harassment complaints.”
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- **Bill No. 225-31 (LS)** - T.R. Muna Barnes, B.J.F. Cruz- “ An act to add a new §5011 § 5012 to Chapter 5 of Title 5 of the Guam Code Annotated; Relative to the adoption of a procurement policy in favor of

service-disabled veteran owned businesses which may be cited as “The Support for Disabled Veteran Businesses Act.”

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at garrett.duenas@senatorbjcruz.com.

Senseramente,

Chris Carillo
Office of the Vice-Speaker, Senator Benjamin J.F.Cruz
Chairman,Committee on Youth, Cultural Affairs,Procurement,
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
Phone: (671) 477-2520/1
Fax: (671) 477-2522
Web Address: <http://www.senatorbjcruz.com>
E-mail: chris.carillo@senatorbjcruz.com

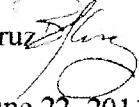
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June 15, 2011

MEMORANDUM

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Chris Carillo

From: Chris Carillo [chris.carillo@senatorbjcruz.com]
Sent: Monday, June 20, 2011 9:03 AM
To: 'Chris Carillo'; 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatordrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'; 'dmgeorge@guampdn.com'; 'hottips@kuam.com'; 'Sabrina Salas'; 'mindy@kuam.com'; 'dcrisostomo@guampdn.com'; 'Janela'; 'thebigshow@k57.com'; 'therese.hart.writer@gmail.com'; 'Therese Hart'; 'Ray Gibson'; 'bmkelman@guampdn.com'; 'William Gibson'
Cc: 'clerks@guamlegislature.org'; 'Pat Santos'; 'Rennae Perez'; 'Atty. Therese Terlaje'; 'yong@guamlegislature.org'; 'mis@guamlegislature.org'; 'sgtarms@guamlegislature.org'; 'Steven A. Dierking'; 'cyrus@senatorada.org'; 'louise_atalig@yahoo.com'; 'chelsea@tinamunabarnes.com'; 'Mary Fejeran'; 'garrett.duenas@senatorbjcruz.com'; 'joshua.tenorio@senatorbjcruz.com'; 'leonguerrero.angela@gmail.com'; 'leslie.g@senatormabini.com'; 'cipo@guamlegislature.org'; 'Stephanie Mendiola'; 'cherbert.senatordrodriguez@gmail.com'; 'chechsantos@gmail.com'; 'alerta.jermaine@gmail.com'; 'evelyn4families@gmail.com'; 'phnotice@guamlegislature.org'
Subject: Second Notice of Public Hearing – June 22, 2011
Attachments: 6.20.20112NDNOTICE.pdf

June 20, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: Second Notice of Public Hearing – June 22, 2011

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Senseramente,

Chris Carillo
Office of the Vice-Speaker, Senator Benjamin J.F.Cruz
Chairman,Committee on Youth, Cultural Affairs,Procurement,
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
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Hagåtña, Guam 96910
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Fax: (671) 477-2522
Web Address: <http://www.senatorbjcruz.com>
E-mail: chris.carillo@senatorbjcruz.com

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June 20, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz 

RE: Second Notice of Public Hearing – June 22, 2011

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Public Hearing Agenda

June 22, 2011

Public Hearing Notices were sent via Email to all Seantors and Media on
June 15th 2011 and June 20th 2011

10:00 A.M. Public Hearing Room

- **Bill No. 209-31 (COR)** - T.R. Muna-Barnes / B.J.F. Cruz- "An act to amend §1033 of Chapter 10, Title 1, Guam Code Annotated; relative to including the Guam Ko'Ko' Road Race as part of the Guam-Micronesian Island Fair, and to provide for support from the Guam Police Department and Guam Fire Department."
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- **Bill No. 225-31 (LS)** - T.R. Muna Barnes, B.J.F. Cruz- " An act to add a new §5011 § 5012 to Chapter 5 of Title 5 of the Guam Code Annotated; Relative to the adoption of a procurement policy in favor of service-disabled veteran owned businesses which may be cited as "The Support for Disabled Veteran Businesses Act."

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 225-3 (LS)

Introduced by:

T. R Muna Barnes
B.J.F Cruz

2011 JUN -3 AM 10:08

**AN ACT ADD A NEW § 5011 § 5012 TO CHAPTER 5, OF
TITLE 5 OF THE GUAM CODE ANNOTATED;
RELATIVE TO THE ADOPTION OF A
PROCUREMENT POLICY IN FAVOR OF SERVICE-
DISABLED VETERAN OWNED BUSINESSES WHICH
MAY BE CITED AS “THE SUPPORT FOR DISABLED
VETERAN BUSINESSES ACT”**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 5011 and § 5012 of Chapter 5, Title 5 Guam of the Guam Code Annotated is hereby added to read:

“§ 5011 Policy In Favor of Service-Disabled Veteran Owned Businesses.

Notwithstanding any provision of law, if any entity of the government of Guam or any entity expending governmental funds intends to procure any supply or service which is offered by a business concern primarily owned or operated by a service-disabled veteran(s) then that entity shall procure such supply or service from that business concern, if the supply or service is available within the period required by the procuring entity and the price for the supply

1 or service does not exceed one hundred five percent of the lower
2 price bidder(105%).

3 **Section 2. “§ 5012 Qualifications of a Service-Disabled Veteran**
4 **Owned Businesses.**

5 A business concern is qualified under § 5011 of this chapter if:

6 (a) The Business concern is licensed to do business on
7 Guam; and

8 (b) The business concern maintains its headquarters on
9 Guam; and

10 (c) The daily operations of the business concern are directly
11 owned and operated by a service-disabled veteran(s) who
12 served in the active military, naval, or air service, and who
13 was discharged or released under conditions other than
14 dishonorable discharge, and whose disability was incurred
15 or aggravated in the line of duty as demonstrated by a
16 DD214 and an award letter from the US Department of
17 Veterans Affairs.

18 (d) The DD214 and Disability award letter from the US
19 Department of Veterans Affairs are submitted to the
20 procuring entity for every service or supply offered.”