

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>201-32 (COR), P.L. 32-131</b>	B. J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.	9/30/13 2:36 p.m.	09/30/13	Committee on General Governmental Operations and Cultural Affairs	11/14/13 10 a.m.	1/27/14 2:50 p.m.	<b>Fiscal Note Request 10/1/13</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	2/1/2014	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.	2/1/14	10:50 p.m.	2/13/2014	2/14/2014  <b>Lapsed into Law.</b>	32-131	11/14/2013 As Substituted by the Author-Posted at the request of Vice Speaker Cruz

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

MAR 10 2014

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

32-13-1385  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 3.10.14  
Time 4:41 PM  
Received by [Signature]  
2014 MAR 10 PM 5:01 [Signature]

Dear Madame Speaker:

Attached is Bill No. 201-32 (COR), entitled, "*An act to add a new §5141 to Chapter 5 of Title 5, Guam Code Annotated, relative to establishing a system of training, continuing education, and certification for government of Guam procurement personnel,*" which lapsed into law as new **Public Law 32-131**.

Government procurement is a vital function that serves to ensure that public funds are not wasted, but rather spent wisely so that the Territory receives the best value for the People. The laws and regulations governing procurement are complex, and Bill 201 seeks to arm procurement personnel with the skills and training to effectively and efficiently do their jobs.

I am concerned, however, about the funding necessary for Bill 201's certification and education requirements. As soon as possible, I urge *I Liheslaturan* to take action supporting the mandates of Bill 215, including the appropriation of any necessary funds.

*Senseramente,*

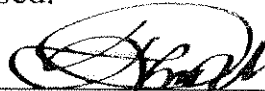
  
EDDIE BAZA CALVO

1385

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

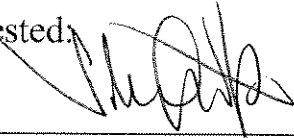
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 201-32 (COR)**, "AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL," was on the 1<sup>st</sup> day of February, 2014, 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'lahaen Guåhan* this 1<sup>st</sup> day of FEB,  
2014, at  
10:50 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: FEB 14 2014

Public Law No. 32-131

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN*  
**2013 (FIRST) Regular Session**

**Bill No. 201-32 (COR)**

As substituted by the Author; further substituted  
by the Committee on General Government Operations  
and Cultural Affairs; and amended on the Floor.

Introduced by:

B. J.F. Cruz  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW §5141 TO CHAPTER 5 OF  
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO  
ESTABLISHING A SYSTEM OF TRAINING,  
CONTINUING EDUCATION, AND CERTIFICATION  
FOR GOVERNMENT OF GUAM PROCUREMENT  
PERSONNEL.**

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

2 **Section 1.** A new § 5141 is hereby *added* to Part E of Chapter 5 of Title 5,  
3 Guam Code Annotated, to read:

4 **“§ 5141. Training and Certification of Purchasing Personnel**  
5 **and Vendors.**

1                   (a)   **Guam Community College Procurement Program.**

2                   The Guam Community College (GCC, College) *shall* establish and  
3                   administer an integrated program of academic, research, practical  
4                   training, and continuing education, and provide the same on a full cost  
5                   recovery basis, for government of Guam procurement personnel and  
6                   other interested private or public participants, to be known as the  
7                   “GCC Procurement Program.” The College may adopt rules to  
8                   provide appropriate criteria for the training, continuing education and  
9                   certification authorized by this Section, and to administer this Section,  
10                  including rules related to monitoring a certified purchaser's  
11                  compliance with the continuing education requirements of this  
12                  Section. The College may, under the GCC Procurement Program,  
13                  establish a library, publish papers and journals, hold conferences and  
14                  seminars, and do such other things as it deems reasonable to improve  
15                  the government of Guam’s acquisition and asset management  
16                  strategies, practices and effectiveness. The primary focus of the  
17                  activities of the GCC Procurement Program *shall* be on the study and  
18                  instruction of the procurement laws and regulations of Guam, but may  
19                  include the examination and comparison of other procurement  
20                  regimes for the purpose of better understanding of procurement  
21                  philosophy and best practices and the improvement of Guam’s  
22                  procurement regime. The College *shall* establish such equivalent  
23                  training, education, experience and certification, and such  
24                  prerequisites, tests, attendance and standards as it determines are  
25                  necessary to qualify for any certification required by this Section,  
26                  and is solely responsible for bestowing such certification in such  
27                  form as it determines. It is not the intent, however, to require that

1 tests be standardized or to prevent variation in subject matter tested,  
2 method of testing or the use of other pedagogical techniques. The  
3 College, in consultation with the Guam Procurement Advisory  
4 Council, *shall* review all qualification criteria annually, and may  
5 revise any of the same as it deems appropriate to improve the  
6 standards and proficiency of government of Guam procurement  
7 personnel. The College *shall* maintain records of enrollment and of  
8 the training, continuing education, and certification in same or  
9 similar manner, and subject to the same or similar rules as its  
10 regularly enrolled student records. The College may provide training,  
11 assistance and coordination with other states and nations of  
12 Micronesia on a cost recovery basis on the subject matter as covered  
13 under this Section.

14 (b) **Mandatory Certification and Continuing Education.**

15 Notwithstanding any other provision of law or this Chapter and  
16 effective October 1, 2016, all government of Guam personnel tasked  
17 with the responsibility of purchasing or otherwise procuring goods, or  
18 services, or construction, including those employed by agencies with  
19 authority to conduct their own procurement, as well as any person  
20 within the Office of Public Accountability responsible for  
21 administering procurement appeals or auditing of the purchasing  
22 activities of the government of Guam, must receive the training and  
23 continuing education to the extent required under this Section and  
24 offered by the College in consultation with the Guam Procurement  
25 Advisory Council. A government of Guam employee who is required  
26 to receive the training may not participate in purchases by the  
27 employing agency *unless* the employee has received the required

1 training or received equivalent training from a national association  
2 recognized by the College and the Guam Procurement Advisory  
3 Council, which *shall* be the judge of equivalency. The equivalent  
4 training may count toward the continuing education requirements of  
5 this Section, as determined by the College, in consultation with the  
6 Guam Procurement Advisory Council.

7 (c) **Consultation with the Guam Procurement Advisory**  
8 **Council.** The Guam Procurement Advisory Council *shall*, on an  
9 annual basis and to the extent of its resources, advise and consult with  
10 the Guam Community College regarding the professional education  
11 programs contained in this Section, as they relate to the educational  
12 needs of government of Guam employees and vendors, and provide  
13 such other counsel and assistance as the College may request.

14 (d) **Promulgation of Fees and Rules.** The College,  
15 pursuant to the Administrative Adjudication Law, *shall* promulgate a  
16 fee schedule for students, departments and agencies, and vendors in  
17 order to recover the College's costs under this Section. The operations  
18 budget of each government of Guam department or agency for staff  
19 development may be used to pay for fees provided herein. The  
20 College *shall* also promulgate any rules authorized by this Section, or  
21 which it may deem necessary or appropriate to give effect to this  
22 Section, pursuant to the Administrative Adjudication Law.

23 (e) **Cooperation with Other Entities.** The College may  
24 provide training and continuing education under this Section using its  
25 own personnel and facilities, or through contracts with other public or  
26 private entities or personnel, including the federal government

1 Procurement Technical Assistance Program, the Hawaii Procurement  
2 Institute, and other state and international institutions.

3 (f) **Basic Training Requirements.** The College *shall*  
4 provide at least four (4) modules of procurement basic training, each  
5 with *at least* eighteen (18) hours of study and instruction, or more, as  
6 the College may determine as necessary, and *shall* award a Certificate  
7 of Enrichment of training to those qualifying, as required by this  
8 Section, for each module of the following subject matter areas:

9 Module 1. Fundamentals and Principles of Procurement  
10 (Basic).

11 Module 2. The Procurement Solicitation Process  
12 (Advanced).

13 Module 3. The Procurement Review and Remedies  
14 (Administrative).

15 Module 4. The Management and Administration of  
16 Procurement (Administrative).

17 (g) **Continuing Education for Procurement Training.** In  
18 consultation with the Guam Procurement Advisory Council, the  
19 College *shall* require a reasonable number of hours of continuing  
20 education to maintain a certification level for each Certificate of  
21 Enrichment required in this Section. The College may allow  
22 attendance at an equivalent certification training recognized by the  
23 College, in consultation with the Guam Procurement Advisory  
24 Council, to count toward the required number of hours. Maintenance  
25 of the certification level may be by yearly renewal or another  
26 reasonable renewal period comparable to nationally recognized  
27 certification requirements.



1                   (h) **Requirement of Certificate of Enrichment (Basic).**

2                   The College's prerequisites for awarding a Certificate of Enrichment  
3                   (Basic) must include the completion of the first module of  
4                   procurement basic training and passage of a written examination  
5                   prescribed by the College. From October 1, 2016, no person shall  
6                   serve in the capacity of a level-one purchaser, and no person shall  
7                   sign for any procurement requisition, without the Certificate of  
8                   Enrichment (Basic) provided by the College.

9                   (i) **Requirement of Certificate of Enrichment**

10                  **(Advanced).** The College's prerequisites for awarding a Certificate  
11                  of Enrichment (Advanced) must include the completion of the first  
12                  and second modules of procurement basic training and passage of a  
13                  written examination prescribed by the College. From October 1,  
14                  2016, no person shall serve in the capacity of a level-two purchaser,  
15                  without a Certificate of Enrichment (Advanced) provided by the  
16                  College, and a minimum number of years of purchasing experience as  
17                  prescribed by the Department of Administration. Recognizing that the  
18                  College has been providing procurement basic training since 2012  
19                  that covers the subject matter in the first and second basic training  
20                  modules required in this Section, the College may allow attendance  
21                  at any such training given as credit toward any certification required  
22                  without examination until such time as the College has implemented  
23                  testing for such training.

24                  (j) **Requirement of Certificate of Enrichment**

25                  **(Administrative).** The College's prerequisites for awarding a  
26                  Certificate of Enrichment (Administrative) must include the  
27                  completion of the first, second, third, and fourth modules of

1 procurement basic training and passage of a written examination  
2 prescribed by the College. From October 1, 2016, no person shall  
3 serve in the capacity of a Chief Procurement Officer or Procurement  
4 Administrator, or as a classified employee in the position of supply  
5 management administrator, procurement officer, or otherwise as the  
6 responsible head of procurement, or a level-three purchaser, of any  
7 government of Guam entity, including any governmental body,  
8 public corporation, semi-autonomous or autonomous agency, within  
9 or under the purview of the Executive Branch, without a Certificate  
10 of Enrichment (Advanced) provided by the College and a minimum  
11 number of years of purchasing experience as prescribed by the  
12 Department of Administration.

13 (k) **Requirement of Industry Certification.** The College  
14 may provide an Industry Certification which may require completing  
15 the required number of college credit courses to include the four (4)  
16 subject matter areas covered under this Section and passage of a  
17 written examination as developed, prescribed, and administered by the  
18 College, in consultation with the Guam Procurement Advisory  
19 Council.

20 (l) **Requirement of Certificate of Procurement**  
21 **Management Program.** The College's requisites for providing a  
22 GCC Certificate of Procurement Management may include  
23 completing seventeen (17) college credit(s), or more, as the College  
24 may determine necessary, to include the four (4) subject matter areas  
25 covered under this Section and meeting all the general requirements  
26 for a certificate program and a Certificate of Completion to be  
27 awarded by the College.

1                   (m) **Requirement of an Associates Degree.** The College's  
2                   requisites for providing an Associates Degree in Procurement  
3                   Administration may include completing the required college credits as  
4                   the College may determine necessary, to include the four (4) subject  
5                   matter areas covered under this Section and meeting all the general  
6                   requirements for an Associates Degree to be awarded by the College.”

7                   **Section 2. Effective Date.** This Act *shall* be effective upon enactment.



FILE COPY

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

February 1, 2014

The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 61-32(COR), 70-32(COR), 71-32(COR), 130-32(COR), 146-32(COR), 169-32(COR), 179-32(COR), 180-32(COR), 190-32(COR), 192-32(COR), 197-32(COR), 201-32(COR), 202-32(COR), 204-32(COR), 206-32(COR), 214-32(COR), 221-32(COR), 225-32(COR), 226-32(COR), 231-32(COR), 232-32(COR), 235-32(COR), 236-32(COR), 237-32(COR), 242-32(COR), 245-32(COR), 247-32(COR), 248-32(COR) and 268-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

*FEB 1, 2014*  
*10:50 p.m.*  
*T.R. Muña*

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

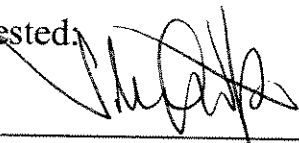
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

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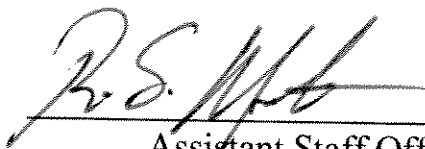
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1<sup>st</sup> day of FEB,  
2014, at  
10:00 o'clock P. .M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

EDWARD J.B. CALVO  
*I Maga'lahen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 201-32 (COR)**

As substituted by the Author; further substituted  
by the Committee on General Government Operations  
and Cultural Affairs; and amended on the Floor.

Introduced by:

B. J.F. Cruz  
T. C. Ada  
-----  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreddie  
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Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW §5141 TO CHAPTER 5 OF  
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ESTABLISHING A SYSTEM OF TRAINING,  
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FOR GOVERNMENT OF GUAM PROCUREMENT  
PERSONNEL.**

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

**Section 1.** A new § 5141 is hereby *added* to Part E of Chapter 5 of Title 5,  
Guam Code Annotated, to read:

**“§ 5141. Training and Certification of Purchasing Personnel  
and Vendors.**

1                   (a)   **Guam Community College Procurement Program.**

2                   The Guam Community College (GCC, College) *shall* establish and  
3                   administer an integrated program of academic, research, practical  
4                   training, and continuing education, and provide the same on a full cost  
5                   recovery basis, for government of Guam procurement personnel and  
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8                   provide appropriate criteria for the training, continuing education and  
9                   certification authorized by this Section, and to administer this Section,  
10                  including rules related to monitoring a certified purchaser's  
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15                  the government of Guam’s acquisition and asset management  
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19                  include the examination and comparison of other procurement  
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25                  necessary to qualify for any certification required by this Section,  
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1 tests be standardized or to prevent variation in subject matter tested,  
2 method of testing or the use of other pedagogical techniques. The  
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12 Micronesia on a cost recovery basis on the subject matter as covered  
13 under this Section.

14 (b) **Mandatory Certification and Continuing Education.**

15 Notwithstanding any other provision of law or this Chapter and  
16 effective October 1, 2016, all government of Guam personnel tasked  
17 with the responsibility of purchasing or otherwise procuring goods, or  
18 services, or construction, including those employed by agencies with  
19 authority to conduct their own procurement, as well as any person  
20 within the Office of Public Accountability responsible for  
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26 to receive the training may not participate in purchases by the  
27 employing agency *unless* the employee has received the required



1 training or received equivalent training from a national association  
2 recognized by the College and the Guam Procurement Advisory  
3 Council, which *shall* be the judge of equivalency. The equivalent  
4 training may count toward the continuing education requirements of  
5 this Section, as determined by the College, in consultation with the  
6 Guam Procurement Advisory Council.

7 (c) **Consultation with the Guam Procurement Advisory**  
8 **Council.** The Guam Procurement Advisory Council *shall*, on an  
9 annual basis and to the extent of its resources, advise and consult with  
10 the Guam Community College regarding the professional education  
11 programs contained in this Section, as they relate to the educational  
12 needs of government of Guam employees and vendors, and provide  
13 such other counsel and assistance as the College may request.

14 (d) **Promulgation of Fees and Rules.** The College,  
15 pursuant to the Administrative Adjudication Law, *shall* promulgate a  
16 fee schedule for students, departments and agencies, and vendors in  
17 order to recover the College's costs under this Section. The operations  
18 budget of each government of Guam department or agency for staff  
19 development may be used to pay for fees provided herein. The  
20 College *shall* also promulgate any rules authorized by this Section, or  
21 which it may deem necessary or appropriate to give effect to this  
22 Section, pursuant to the Administrative Adjudication Law.

23 (e) **Cooperation with Other Entities.** The College may  
24 provide training and continuing education under this Section using its  
25 own personnel and facilities, or through contracts with other public or  
26 private entities or personnel, including the federal government

1 Procurement Technical Assistance Program, the Hawaii Procurement  
2 Institute, and other state and international institutions.

3 (f) **Basic Training Requirements.** The College *shall*  
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5 with *at least* eighteen (18) hours of study and instruction, or more, as  
6 the College may determine as necessary, and *shall* award a Certificate  
7 of Enrichment of training to those qualifying, as required by this  
8 Section, for each module of the following subject matter areas:

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17 (g) **Continuing Education for Procurement Training.** In  
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23 College, in consultation with the Guam Procurement Advisory  
24 Council, to count toward the required number of hours. Maintenance  
25 of the certification level may be by yearly renewal or another  
26 reasonable renewal period comparable to nationally recognized  
27 certification requirements.

1                   (h)    **Requirement of Certificate of Enrichment (Basic).**

2                   The College's prerequisites for awarding a Certificate of Enrichment  
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9                   (i)    **Requirement of Certificate of Enrichment**  
10                  **(Advanced).** The College's prerequisites for awarding a Certificate  
11                  of Enrichment (Advanced) must include the completion of the first  
12                  and second modules of procurement basic training and passage of a  
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22                  without examination until such time as the College has implemented  
23                  testing for such training.

24                  (j)    **Requirement of Certificate of Enrichment**  
25                  **(Administrative).** The College's prerequisites for awarding a  
26                  Certificate of Enrichment (Administrative) must include the  
27                  completion of the first, second, third, and fourth modules of

1 procurement basic training and passage of a written examination  
2 prescribed by the College. From October 1, 2016, no person shall  
3 serve in the capacity of a Chief Procurement Officer or Procurement  
4 Administrator, or as a classified employee in the position of supply  
5 management administrator, procurement officer, or otherwise as the  
6 responsible head of procurement, or a level-three purchaser, of any  
7 government of Guam entity, including any governmental body,  
8 public corporation, semi-autonomous or autonomous agency, within  
9 or under the purview of the Executive Branch, without a Certificate  
10 of Enrichment (Advanced) provided by the College and a minimum  
11 number of years of purchasing experience as prescribed by the  
12 Department of Administration.

13 (k) **Requirement of Industry Certification.** The College  
14 may provide an Industry Certification which may require completing  
15 the required number of college credit courses to include the four (4)  
16 subject matter areas covered under this Section and passage of a  
17 written examination as developed, prescribed, and administered by the  
18 College, in consultation with the Guam Procurement Advisory  
19 Council.

20 (l) **Requirement of Certificate of Procurement**  
21 **Management Program.** The College's requisites for providing a  
22 GCC Certificate of Procurement Management may include  
23 completing seventeen (17) college credit(s), or more, as the College  
24 may determine necessary, to include the four (4) subject matter areas  
25 covered under this Section and meeting all the general requirements  
26 for a certificate program and a Certificate of Completion to be  
27 awarded by the College.

1                   (m) **Requirement of an Associates Degree.** The College's  
2                   requisites for providing an Associates Degree in Procurement  
3                   Administration may include completing the required college credits as  
4                   the College may determine necessary, to include the four (4) subject  
5                   matter areas covered under this Section and meeting all the general  
6                   requirements for an Associates Degree to be awarded by the College.”

7                   **Section 2. Effective Date.** This Act *shall* be effective upon enactment.

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall  
February 1, 2014

Bill No. 201-32 (COR)

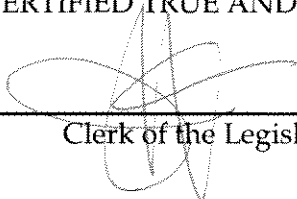
As substituted by the Author; further substituted by the Committee on General Government Operations & Cultural Affairs; and amended on the Floor

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN		✓			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

14	1			
Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature

I = Pass

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN*  
2013 (First) Regular Session

Bill No. **201-32 (COR)**

**\*As Substituted by the Author**

Introduced by:

B.J.F. Cruz

---

**AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.**

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

**Section 1.** A new section §5141 is hereby *added* to Part E of Chapter 5 of Title 5, Guam Code Annotated to read:

**“§5141. Training and Certification of Purchasing Personnel and Vendors.**

**(a) Guam Community College (GCC) Procurement Program.**

The Guam Community College shall establish and administer an integrated program of academic, research, practical training, and continuing education, and provide same on a full cost recovery basis, for Government of Guam procurement personnel and other interested private or public participants, to be known as the GCC Procurement Program. The College may adopt rules to provide appropriate criteria for the training, continuing education and certification authorized by this Section and to administer this section, including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section. The College

1 may, under the GCC Procurement Program, establish a library publish  
2 papers and journals, hold conferences and seminars and do such other  
3 things as it deems reasonable to improve the Government of Guam's  
4 acquisition and asset management strategies, practices and effectiveness.  
5 The primary focus of the activities of the GCC Procurement Program shall  
6 be on the study and instruction of the procurement laws and regulations of  
7 Guam, but may include the examination and comparison of other  
8 procurement regimes for the purpose of better understanding of  
9 procurement philosophy and best practices and the improvement of Guam's  
10 procurement regime. The College shall establish such equivalent training,  
11 education, experience and certification, and such prerequisites, tests,  
12 attendance and standards as it determines are necessary to qualify for any  
13 certification required by this Section, and is solely responsible for  
14 bestowing such certification in such form as it determines. It is not the  
15 intent, however, to require that tests be standardized or to prevent variation  
16 in subject matter tested, method of testing or the use of other pedagogical  
17 techniques. The College in consultation with the Guam Procurement  
18 Advisory Council shall review all qualification criteria annually, and may  
19 revise any of same as it deems appropriate to improve the standards and  
20 proficiency of Government of Guam procurement personnel. The College  
21 shall maintain records of enrollment and of the training, continuing  
22 education, and certification in same or similar manner and subject to the  
23 same or similar rules as its regularly enrolled student records. The College  
24 may provide training, assistance and coordination with other states and  
25 nations of Micronesia on a cost recovery basis on the subject matter as  
26 covered under this section.



1           (b)     **Mandatory Certification and Continuing Education.**

2     Notwithstanding any other provision of law or this Chapter and effective  
3     October 1, 2016, all Government of Guam personnel tasked with the  
4     responsibility of purchasing or otherwise procuring goods, or services, or  
5     construction, including those employed by agencies with authority to  
6     conduct their own procurement, as well as any person within the Office of  
7     Public Accountability responsible for administering procurement appeals or  
8     auditing of the purchasing activities of the Government of Guam, must  
9     receive the training and continuing education to the extent required under  
10    this section and offered by the College in consultation with the Guam  
11    Procurement Advisory Council. A Government of Guam employee who is  
12    required to receive the training may not participate in purchases by the  
13    employing agency unless the employee has received the required training or  
14    received equivalent training from a national association recognized by the  
15    College and the Guam Procurement Advisory Council, which shall be the  
16    judge of equivalency. The equivalent training may count toward the  
17    continuing education requirements of this Section, as determined by the  
18    College, in consultation with the Guam Procurement Advisory Council.

19           (c)     **Consultation with the Guam Procurement Advisory**  
20    **Council.** The Guam Procurement Advisory Council shall, on an annual  
21    basis and to the extent of its resources, advise, and consult with the Guam  
22    Community College regarding the professional education programs  
23    contained in this Section as they relate to the educational needs of  
24    Government of Guam employees and vendors, and provide such other  
25    counsel and assistance as the College may request.

1           (d) **Promulgation of Fees and Rules.** The College, pursuant to  
2 the Administrative Adjudication Law, shall promulgate a fee schedule for  
3 students, department and agencies, and vendors in order to recover the  
4 College's costs under this section. The operation budget of each Government  
5 of Guam department or agency for staff development may be used to pay for  
6 fees provided herein. The College shall also promulgate any rules  
7 authorized by this Section or which it may deem necessary or appropriate to  
8 give effect to this Section, pursuant to the Administrative Adjudication Law.

9           (e) **Cooperation with Other Entities.** The College may provide  
10 training and continuing education under this section using its own personnel  
11 and facilities or through contracts with other public or private entities or  
12 personnel, including the federal government Procurement Technical  
13 Assistance Program, the Hawaii Procurement Institute, and other state and  
14 international institutions.

15           (f) **Basic Training Requirements.** The College shall provide at  
16 least four modules of procurement basic training, each with at least eighteen  
17 (18) hours of study and instruction, or more as the College may determine as  
18 necessary, and shall award a Certificate of Enrichment of training to those  
19 qualifying as required by this Section, for each module of the following  
20 subject matter areas:

21       Module 1. Fundamentals and Principles of Procurement (Basic).

22       Module 2. The Procurement Solicitation Process (Advanced).

23       Module 3. The Procurement Review and Remedies (Administrative).

24       Module 4. The Management and Administration of Procurement  
25       (Administrative).

1           (g) **Continuing Education for Procurement Training.** In  
2 consultation with the Guam Procurement Advisory Council, the College  
3 shall require a reasonable number of hours of continuing education to  
4 maintain a certification level for each Certificate of Enrichment required in  
5 this Section. The College may allow attendance at equivalent certification  
6 training recognized by the College in consultation with the Guam  
7 Procurement Advisory Council to count toward the required number of  
8 hours. Maintenance of the certification level may be by yearly renewal or  
9 another reasonable renewal period comparable to nationally recognized  
10 certification requirements.

11           (h) **Requirement of Certificate of Enrichment (Basic).** The  
12 College's prerequisites for awarding a Certificate of Enrichment (Basic)  
13 must include the completion of the first module of procurement basic  
14 training and passage of a written examination prescribed by the College.  
15 From October 1, 2016, no person shall serve in the capacity of a level-one  
16 purchaser, and no person shall sign for any procurement requisition,  
17 without the Certificate of Enrichment (Basic) provided by the College.

18           (i) **Requirement of Certificate of Enrichment (Advanced).** The  
19 College's prerequisites for awarding a Certificate of Enrichment (Advanced)  
20 must include the completion of the first and second modules of procurement  
21 basic training and passage of a written examination prescribed by the  
22 College, and a minimum number of years of purchasing experience as  
23 prescribed by the Department of Administration and the Guam Procurement  
24 Advisory Council. From October 1, 2016, no person shall serve in the  
25 capacity of a level-two purchaser, or as an auditor within the Office of  
26 Public Accountability, without a Certificate of Enrichment (Advanced)

1 provided by the College. Recognizing that the College has been providing  
2 procurement basic training since 2012 that covers the subject matter in the  
3 first and second basic training modules required in this Section, the College  
4 may allow attendance at any such training given as credit toward any  
5 certification required without examination until such time as the College  
6 has implemented testing for such training.

7 (j) **Requirement of Certificate of Enrichment (Administrative).**

8 The College's prerequisites for awarding a Certificate of Enrichment  
9 (Advanced) must include the completion of the first, second, third, and  
10 fourth modules of procurement basic training and passage of a written  
11 examination prescribed by the College, and a minimum number of years of  
12 purchasing experience as prescribed by the Department of Administration  
13 and the Guam Procurement Advisory Council. From October 1, 2016, no  
14 person shall serve in the capacity of a Chief Procurement Officer or  
15 Procurement Administrator within the Office of Public Accountability, or  
16 as a classified employee in position of Supply Management Administrator,  
17 Procurement Officer or otherwise as responsible head of procurement, or a  
18 level-three purchaser, of any Government of Guam entity, including any  
19 governmental body, public corporation, semi-autonomous or autonomous  
20 agency, within or under the purview of the Executive Branch, without the  
21 level-three purchaser Certificate of Enrichment (Administrative) awarded  
22 by the College.

23 (k) **Requirement of Industry Certification.** The College shall  
24 provide an Industry Certification which shall require completing the required  
25 number of college credit courses to include the four (4) subject matter areas  
26 covered under this Section and passage of a written examination as

1 developed and prescribed by the Guam Procurement Advisory Council and  
2 administered by the College.

3 (l) **Requirement of Certificate Program.** The College's  
4 requisites for providing a GCC Certificate of Procurement Management  
5 shall include completing seventeen (17) college credit(s), or more as the  
6 College may determine necessary, to include the four (4) subject matter  
7 areas covered under this Section and meeting all the general requirements  
8 for a certificate program and a Certificate of Completion to be awarded by  
9 the College.

10 (m) **Requirement of an Associate Degree.** The College's  
11 requisites for providing an Associate Degree in Procurement Administration  
12 shall include completing the required college credits as the College may  
13 determine necessary, to include the four (4) subject matter areas covered  
14 under this Section and meeting all the general requirements for an  
15 Associates Degree to be awarded by the College.

16 **Section 2. Effective Date.** This Act shall be effective upon enactment.

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall  
February 1, 2014

Bill No. 201-32 (COR)

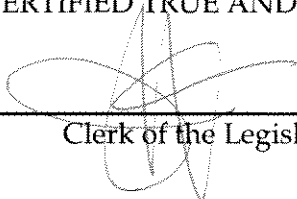
As substituted by the Author; further substituted by the Committee on General Government Operations & Cultural Affairs; and amended on the Floor

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN		✓			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

<u>14</u>	<u>1</u>	<u>    </u>	<u>    </u>	<u>    </u>
Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature

I = Pass



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 1, 2013

VIA E-MAIL

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes– Bill Nos. 194-32(COR) through 201-32(COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

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

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT - 1 PM 4: 26

Bill Nos.	Sponsor	Title
194-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED AND A NEW SUBSECTION (i) TO §103104 OF CHAPTER 10, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A GUAM INTRASTATE SECURITIES EXCHANGE UNDER THE INTRASTATE OFFERING EXEMPTION OF THE SECURITIES ACT OF 1933.
195-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.
196-32 (COR)	T.C. Ada R.J. Respicio	AN ACT TO AMEND SECTIONS 51301(c) AND 53105 OF CHAPTER 53, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE ADEQUATE REPAIR AND RESTORATION OF GUAM'S PUBLIC ROADWAYS BY CONTRACTORS WHO OPEN AND EXCAVATE THESE ROADS.
197-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §3223 TO CHAPTER 3 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO HONORARY HIGH SCHOOL DIPLOMAS FOR CERTAIN SENIOR CITIZENS.
198-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §5013 TO TITLE 5, CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT PROCUREMENT POLICY IN FAVOR OF WOMEN OWNED BUSINESSES.
199-32 (COR)	Judith T. Won Pat, Ed.D., T.C. Ada	AN ACT TO AMEND §22425(q)(4) AND (q)(5) OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO FUNDING THE FACILITIES AND MAINTENANCE DIVISION OF THE GUAM DEPARTMENT OF EDUCATION.
200-32 (COR)	R.J. Respicio, T.C. Ada, B.J.F. Cruz	AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED §77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."
201-32 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.





## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

September 30, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 201-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 201-32(COR)**.

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

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

*Si Yu'os Ma'åse!*

Attachment

I MINA TRENTAI DOS NA LIHESLATURAN GUAHAN  
2013 (First) Regular Session

Bill No. 201-32 (COF)

Introduced by:

B. J.F. Cruz 

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**AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.**

2013 SEP 30 PM 2:36M 

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

2 **Section 1.** A new section §5141 is hereby *added* to Part E of Chapter 5 of Title  
3 5, Guam Code Annotated to read:

4 **“§5141. Training and Certification of Purchasing Personnel and**  
5 **Vendors.**

6 (a) The Guam Community College (“College”) shall establish and  
7 administer a system of training, continuing education, and certification for  
8 Government of Guam procurement personnel. The College may establish and  
9 offer appropriate training to vendors on a cost recovery basis. The College may  
10 adopt rules to administer this section, including rules relating to monitoring a  
11 certified purchaser's compliance with the continuing education requirements of  
12 this section.

13 (b) Notwithstanding any other provision of law and effective October 1,  
14 2017, all Government of Guam personnel tasked with the responsibility of  
15 purchasing or otherwise procuring goods or services, including those employed  
16 by agencies exempted from the procurement authority of the General Services

1 Agency or Department of Public Works, must receive the training and  
2 continuing education to the extent required by rule of the College. A  
3 Government of Guam employee who is required to receive the training may not  
4 participate in purchases by the employing agency unless the employee has  
5 received the required training or received equivalent training from a national  
6 association recognized by the College. The equivalent training may count, as  
7 provided by Subsection (i), toward the continuing education requirements.

8 (c) The College, pursuant to the Administrative Adjudication Law, shall  
9 promulgate a fee schedule for students, department and agencies, and vendors  
10 in order to recover the College's costs under this section. The operation budget  
11 of each Government of Guam department or agency for staff development may  
12 be used to pay for fees provided herein.

13 (d) The College may provide training and continuing education under  
14 this section using its own personnel or through contracts with private entities.  
15 The College may also, by agreement with a public entity, use the services of  
16 persons employed by the public entity to provide training and continuing  
17 education under this section.

18 (e) The College shall provide at least three levels of training under this  
19 section.

20 (f) The basic training level must include an introduction to contract  
21 purchasing methods, ethical issues affecting purchasing decisions, and  
22 instruction in any other processes and issues that the College considers  
23 appropriate for introductory purchasing training.

24 (g) The second training level must include advanced instruction in  
25 formal and informal bidding methods, introduction to negotiation methods,  
26 instruction in writing specifications, and instruction in any other processes and

1 issues that the College considers appropriate for the second level of purchasing  
2 training.

3 (h) The third training level must include an introduction to complex  
4 negotiations, instruction in the criteria for determining which product or service  
5 offers the best value for the contract award, and instruction in any other  
6 processes and issues that the College considers appropriate for advanced  
7 purchasing training.

8 (i) The College shall require a reasonable number of hours of continuing  
9 education to maintain a certification level. The College may allow attendance  
10 at equivalent certification training recognized by the College to count toward  
11 the required number of hours. Maintenance of the certification level may be by  
12 yearly renewal or another reasonable renewal period comparable to nationally  
13 recognized certification requirements.

14 (j) The College's prerequisites for receiving a level-two purchaser  
15 certification must include completion of the basic training level, passage of a  
16 written examination, and a minimum number of years of purchasing experience  
17 prescribed by the College.

18 (k) The College's prerequisites for receiving a level-three purchaser  
19 certification must include completion of the second training level, passage of a  
20 written examination, and a minimum of three (3) years of purchasing  
21 experience.”

22 **Section 2. Effective Date.** This Act shall be effective upon enactment.