



Office of the Governor of Guam

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Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 11/25/09
Title 3:09 PM
Received by JTB

30-09-1391

NOV 25 2009

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

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

Dear Speaker Won Pat:

Submitted herewith is Bill No. 209-30 (LS), "AN ACT TO ADD A NEW ITEM (4) TO SUBSECTION (a) OF §13102 OF CHAPTER 13, OF TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE ALL PERSONS OR PUBLIC OFFICIALS THAT HAVE AUTHORITY TO ENTER INTO BINDING CONTRACTS ON BEHALF OF THE GOVERNMENT OF GUAM OR ANY OF ITS DEPARTMENTS, AGENCIES, AUTONOMOUS ENTITIES AND PUBLIC CORPORATIONS TO COMPLY WITH THE PUBLIC OFFICIAL FINANCIAL DISCLOSURE ACT OF THE GOVERNMENT OF GUAM; AND TO AMEND §5114, CHAPTER 5, ARTICLE 2, PART B OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DELEGATION OF PROCUREMENT AUTHORITY," which I have vetoed.

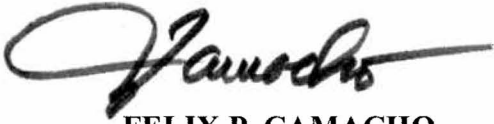
Bill No. 209-30 proposes to amend Guam's financial disclosure law to include individuals who are delegated to have sole authority to enter into procurement contracts or approved change order. Unfortunately, it is unclear whether such an individual exists as no single individual has sole authority to enter into procurement contracts.

Procurement contracts are awarded pursuant to a competitive process and are evaluated based on either price or qualification depending on the nature of the service or product to be acquired. Negotiation commences only after the most qualified offeror or lowest cost offeror is selected. Upon successful negotiation, a contract is drawn up and signed by the offeror and the head of the procuring agency or designee. The agency's certifying officer certifies there are funds available to pay for the product or service. The contract is then forwarded to the Bureau of Budget and Management Research for review and approval followed by the review and approval of the Attorney General. Guam law also requires that all contracts, after approval of the Attorney General, shall be executed upon the approval of the Governor. See 5 G.C.A. § 22601. As evident in all government of Guam contracts, no single person has the authority to enter into

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procurement contracts. Rather than sign legislation that has no effect since it will not apply to anyone, I have vetoed the measure.

Sinseru yan Magåhet,

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long horizontal flourish extending to the right.

FELIX P. CAMACHO

I Maga' Låhen Guahan

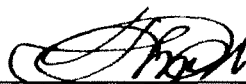
Governor of Guam

Attachment

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

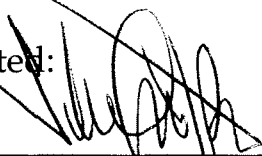
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 209-30 (LS) "AN ACT TO ADD A NEW ITEM (4) TO SUBSECTION (a) OF §13102 OF CHAPTER 13 OF TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE ALL PERSONS OR PUBLIC OFFICIALS THAT HAVE AUTHORITY TO ENTER INTO BINDING CONTRACTS ON BEHALF OF THE GOVERNMENT OF GUAM OR ANY OF ITS DEPARTMENTS, AGENCIES, AUTONOMOUS ENTITIES AND PUBLIC CORPORATIONS TO COMPLY WITH THE PUBLIC OFFICIAL FINANCIAL DISCLOSURE ACT OF THE GOVERNMENT OF GUAM; AND TO AMEND §5114, CHAPTER 5, ARTICLE 2, PART B OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DELEGATION OF PROCUREMENT AUTHORITY," was on the 10th day of November, 2009, duly and regularly passed.



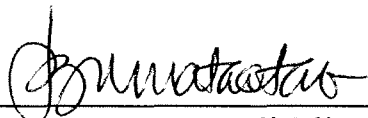
Judith T. Won Pat, Ed. D.
Speaker

Attested:



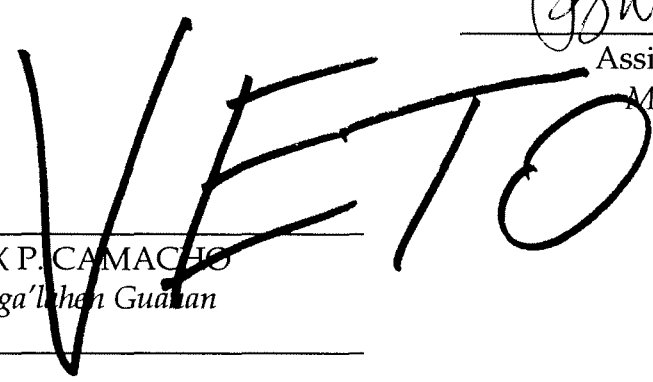
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 13 day of Nov, 2009, at
1:30 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 209-30 (LS)

As amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA

R. J. Respicio

M. J. Rector

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

T. R. Muña Barnes

Adolpho B. Palacios, Sr.

v. c. pangelinan

Ray Tenorio

Telo Taitague

Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW ITEM (4) TO SUBSECTION (a) OF §13102 OF CHAPTER 13 OF TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE ALL PERSONS *OR* PUBLIC OFFICIALS THAT HAVE AUTHORITY TO ENTER INTO BINDING CONTRACTS ON BEHALF OF THE GOVERNMENT OF GUAM *OR* ANY OF ITS DEPARTMENTS, AGENCIES, AUTONOMOUS ENTITIES AND PUBLIC CORPORATIONS TO COMPLY WITH THE PUBLIC OFFICIAL *FINANCIAL DISCLOSURE ACT* OF THE GOVERNMENT OF GUAM; AND TO *AMEND* §5114, CHAPTER 5, ARTICLE 2, PART B OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DELEGATION OF PROCUREMENT AUTHORITY.

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

2 **Section 1.** A new item (4) is *added* to §13102(a) of Chapter 13 of Title 4
3 of the Guam Code Annotated, to read:

4 “(4) all individuals who are given or delegated authority by an elected
5 official or appointed official to have *sole* authority to enter into contracts for
6 procurement or approved change order. Exempt are classified employees
7 who do administrative processing but *do not* have discretion on awards.”

8 **Section 2.** §5114 of Chapter 5, Article 2, Part B of Title 5, Guam Code
9 Annotated, is *amended* to read:

10 **“§5114. Delegation of Authority by the Chief Procurement**
11 **Officer and the Director of Public Works.**

12 Subject to the regulations of the Policy Office, the Chief Procurement
13 Officer or the Director of Public Works may delegate authority to designees
14 or to any governmental body or official.

15 Procurement authority may *not* be delegated to any individual who is
16 *not* required to disclose information pursuant to 4 GCA Chapter 13, The
17 Public Official Financial Disclosure Act.”