

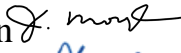

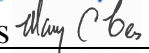
I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
235-36 (COR)	James C. Moylan Amanda L. Shelton Mary Camacho Torres	AN ACT TO <i>REPEAL AND REENACT</i> § 5011 AND § 5012 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROCUREMENT POLICIES IN FAVOR OF DISABILITY OWNED BUSINESS ENTERPRISES.	12/22/21 12:07 p.m.						

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 235-36 (COR)**

Introduced by:

James C. Moylan   
Amanda L. Shelton   
Mary Camacho Torres 

**AN ACT TO REPEAL AND REENACT § 5011 AND § 5012  
OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO PROCUREMENT POLICIES IN FAVOR  
OF DISABILITY OWNED BUSINESS ENTERPRISES.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that national statistics note that one in every five Americans have a disability, and people with disabilities are nearly twice as likely to be self-employed as people without disabilities. It further notes that disability owned businesses are a growing segment of small businesses.

Special classifications have been created by the United States Small Business Association (SBA) and other third-party organizations such as the U.S. Business Leadership Network (USBLN), which unites businesses around disability inclusion in the workplace, supply chain, and marketplace, inclusive of certifications, when it comes to businesses owned by individuals with disabilities. Three general categories have been established when it comes to such businesses, which includes 1). Disability Owned Business Enterprises (DOBE), which is a business primarily owned by an individual with a disability, 2). Veteran Disability-Owned Business Enterprise (V-DOBE), which is a business primarily

1 owned by an individual with a disability, where the disability of the veteran did not  
2 take place during their tenure in military service, and 3). Service-Disabled Veteran  
3 Business Enterprise (SDV-DOBE), which is primarily owned by a veteran who  
4 suffered a disability during their tenure in military service.

5 Guam's procurement laws provide favorable policies for businesses owned  
6 by SDV-DOBE's who bid to provide government services or products, where the  
7 business concern must adhere to certain criteria to be successful. However, no  
8 such policies are in existence for other entities which are primarily owned by  
9 disabled individuals. This Act includes DOBE's and V-DOBE's in the statute  
10 associated with the SDV-DOBE's to provide them a level opportunity when it  
11 comes to government procurement.

12 This Act further encourages individuals with disabilities, whether they are  
13 veterans or not, to expand on their financial independence potential by considering  
14 starting a small business. Not only would they be able to avail the favorable  
15 government procurement policy if that is the commerce route they wish to pursue,  
16 but the doors open substantially with several federal programs and grants available  
17 to help subsidize operations.

18 **Section 2.** § 5011 of Chapter 5 of Title 5, Guam Code Annotated is hereby  
19 *repealed* in its entirety and *reenacted* to read as follows:

20 **~~§ 5011. Policy In Favor of Service-Disabled Veteran Owned Businesses.~~**

21 ~~Notwithstanding any provision of law, and except for the procurement of~~  
22 ~~professional services, if any entity of the government of Guam or any entity~~  
23 ~~expending governmental funds intends to procure any supply or service, which is~~  
24 ~~offered by a business concern that is at least fifty one percent (51%) owned by a~~  
25 ~~service-disabled veteran(s), that entity shall procure such supply or service from~~  
26 ~~that business concern, if the supply or service is available within the period~~  
27 ~~required by the procuring entity and the price for the supply or service does not~~

1 ~~exceed one hundred five percent (105%) of the lowest price bidder, and shall be in~~  
2 ~~addition to any other procurement benefit the service disabled veteran owned~~  
3 ~~business may qualify for under Guam law.~~

4 **“§ 5011. Policy In Favor of Disability Owned Business Enterprises.**

5 Notwithstanding any provision of law, rule, or regulation to the contrary, if  
6 any entity of the government of Guam or any entity expending governmental funds  
7 intends to procure any supply or service, which is offered by a business concern  
8 that is at least fifty-one percent (51%) owned by a:

9 (a) Disability-Owned Business Enterprise (DOBE);

10 (b) Veteran Disability-Owned Business Enterprise (V-DOBE); or

11 (c) Service-Disabled Veteran Business Enterprise (SDV-DOBE),

12 that entity shall procure such supply or service from that business concern, if the  
13 supply or service is available within the period required by the procuring entity and  
14 the price for the supply or service does not exceed one hundred five percent  
15 (105%) of the lowest price bidder and shall be in addition to any other  
16 procurement benefit the disability-owned businesses pursuant to § 5011 of this  
17 Chapter may qualify for under Guam law.”

18 **Section 3.** § 5012 of Chapter 5 of Title 5, Guam Code Annotated is hereby  
19 *repealed* in its entirety and *reenacted* to read as follows:

20 **§ 5012. Qualifications of a Service-Disabled Veteran Owned Business.**

21 ~~A business concern is qualified under § 5011 of this Chapter if:~~

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

23 ~~(b) the business concern maintains its headquarters on Guam;~~

24 ~~(c) the business concern is at least fifty one percent (51%) owned by a~~  
25 ~~service disabled veteran(s) who served in the active U.S. military service,~~  
26 ~~was discharged or released under honorable conditions and whose disability~~

1 is service connected as demonstrated by a DD214, and certified by an award  
2 letter from the U.S. Department of Veterans Affairs;

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

6 (e) the service disabled veteran(s) owner of the business concern has  
7 filed individual tax returns on Guam for a period of at least three (3)  
8 consecutive years.

9 **“§ 5012. Qualifications of a Disability-Owned Business Enterprise (DOBE),**  
10 **Veteran Disability-Owned Business Enterprise (V-DOBE) and Service-**  
11 **Disabled Veteran Business Enterprise (SDV-DOBE).**

12 Notwithstanding any other provisions of the law, rule, or regulation to the  
13 contrary, for the purposes of § 5011 of this Chapter, a business concern shall be  
14 qualified for the policy in favor pursuant to § 5011 of this Chapter under the  
15 following provisions:

16 (a) a Disability-Owned Business Enterprise (DOBE) shall:

17 (1) be licensed to do business in Guam;

18 (2) maintain its headquarters in Guam;

19 (3) be at least fifty-one percent (51%) owned, operated, and  
20 controlled by an individual(s) with a disability, where disability shall  
21 be defined as a physical and/or mental impairment that substantially  
22 limits one or more major life activities;

23 (4) obtain a certification as a Disability-Owned Business  
24 Enterprise (DOBE) through either a self-certification affidavit, such  
25 as, but not limited to, a U.S. Small Business Association (SBA)  
26 declaration form, or a third-party certification; and

1                   (5) provide evidence that the disabled owner(s) of the business  
2                   concern has filed individual tax returns on Guam for a period of at  
3                   least three (3) consecutive years.

4                   (b) a Veteran Disability-Owned Business Enterprise (V-DOBE) shall:

5                   (1) be licensed to do business in Guam;

6                   (2) maintain its headquarters in Guam;

7                   (3) be at least fifty-one percent (51%) owned, operated, and  
8                   controlled by a veteran(s) with a disability not incurred during their  
9                   time of service, where disability shall be defined as a physical and/or  
10                  mental impairment that substantially limits one or more major life  
11                  activities;

12                  (4) obtain a certification as a Veteran Disability-Owned  
13                  Business Enterprise (V-DOBE) through either a self-certification  
14                  affidavit, such as, but not limited to, a U.S. Small Business  
15                  Association (SBA) declaration form, or a third-party certification; and

16                  (5) provide evidence that the veteran(s) disabled owner of the  
17                  business concern has filed individual tax returns on Guam for a period  
18                  of at least three (3) consecutive years.

19                  (c) a Service-Disabled Veteran Business Enterprise shall:

20                  (1) be licensed to do business in Guam;

21                  (2) maintain its headquarters in Guam;

22                  (3) be owned by service-disabled veteran(s) by at least fifty-one  
23                  percent (51%), who served in the active U.S. military service, was  
24                  discharged, or released under honorable conditions, and whose  
25                  disability is service connected as demonstrated by a DD214, and  
26                  certified by an award letter from the U.S. Department of Veterans  
27                  Affairs;

1                   (4) submit their DD214 and Disability award letter from the  
2                   U.S. Department of Veterans Affairs to the procuring entity for every  
3                   service or supply offered; and

4                   (5) provide evidence that the service-disabled veteran(s) owner  
5                   of the business concern has filed individual tax returns on Guam for a  
6                   period of at least three (3) consecutive years.”

7           **Section 4. Severability.** If any provision of this Act or its application to  
8 any person or circumstance is found to be invalid or contrary to law, such  
9 invalidity *shall not* affect other provisions or applications of this Act that can be  
10 given effect without the invalid provision or application, and to this end the  
11 provisions of this Act are severable.

12           **Section 5. Effective Date.** The Act *shall* be effective immediately upon  
13 enactment.