

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
59-36 (COR)	James C. Moylan V. Anthony Ada Christopher M. Dueñas	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN INTERAGENCY WORKING GROUP FOR THE DEVELOPMENT OF A 'BUILD-LEASE-TRANSFER PLAN' FOR THE CONSTRUCTION OF A CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA AND THE PROCUREMENT OF A STATIONARY X-RAY SCANNING PORTAL.	2/10/21 12:57 p.m.						


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

Bill No. 59-36 (COR)

Introduced by:

James C. Moylan 

V. Anthony Ada 

Christopher M. Duenas 

AN ACT TO *ADD* A NEW ARTICLE 4 TO CHAPTER 73 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN INTERAGENCY WORKING GROUP FOR THE DEVELOPMENT OF A 'BUILD-LEASE-TRANSFER PLAN' FOR THE CONSTRUCTION OF A *CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA* AND THE PROCUREMENT OF A *STATIONARY X-RAY SCANNING PORTAL*.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law 34-112 authorized the granting of 4 acres of a parcel of land in the
4 municipality of *Piti* for the Customs and Quarantine Agency to construct a
5 *Customs Satellite Inspection, Holding, and Secured Sterile Facility Area*. The
6 objective of this facility would be to enhance the screening and inspection efforts
7 of the agency as they address the plague of invasive species entering our island,
8 along with addressing a drug epidemic, primarily through the importation of illegal
9 substances which may be entering through the seaport.

10 Unfortunately, financial constraints of the government of Guam have created
11 many challenges in terms of earmarking the needed funds to construct the facility.

1 The Build-Lease-Transfer (“BLT”) has proven to be an effective means of a public
2 private partnership, where a private contractor finances and constructs a facility,
3 and in return leases it to the government of Guam for a certain number of years.
4 At the end of this period, the facility is handed over to the government of Guam for
5 ownership. Throughout the period of the contract, the private contractor also
6 assumes the responsibilities of the maintenance of the facility. This model may
7 provide a cost-effective opportunity for the government to have access to the
8 facility.

9 The intent of this Act is to establish an Interagency Working Group of key
10 public sector entities authorized with the responsibility to develop a “BLT” plan to
11 construct a *Customs Satellite Inspection, Holding, and Secured Sterile Facility*
12 *Area* pursuant to the objectives outlined in Public Law 34-112. The plan shall
13 consist of many factors inclusive of costs, funding mechanisms for the lease, along
14 with the scope of responsibilities and shall be submitted to the Speaker of the
15 Guam Legislature in ninety days for further action.

16 The plan shall also consist of the procurement of a *Stationary X-Ray*
17 *Scanning Portal* which shall assist the Guam Customs and Quarantine Agency
18 with furthering their efforts in screening containers and goods entering the seaport.

19 **Section 2.** A new Article 4 is hereby *added* to Chapter 73, Title 5, Guam
20 Code Annotated to read as follows:

21 **“Article 4**

22 **Interagency Working Group for the Development of a ‘Build-Lease-Transfer**
23 **Plan’ to Construct a *Customs Satellite Inspection, Holding, and Secured Sterile***
24 ***Facility Area***

25
26 § 73401. Legislative Intent.

27 § 73402. Composition.

1 § 73403. Duties and Responsibilities

2 § 73404. Stationary X-Ray Scanning Portal

3 **§ 73401. Legislative Intent.**

4 The Legislative Intent of this Act shall be to establish an Interagency
5 Working Group who shall be authorized to develop a ‘Build-Lease-Transfer Plan’
6 to construct a Customs Satellite Inspection, Holding, and Secured Sterile Facility
7 Area (hereinafter referred to as “The Facility” on the four (4)-acre portion of Parcel
8 1-3 in the municipality of Piti, as shown on Map 055FY2014, and as authorized by
9 Public Law 34-112.

10 For the purposes of this Article, a ‘Build-Lease-Transfer’ (hereinafter
11 referred to as “BLT”) shall refer to a form of procurement in which a private
12 contractor builds and finances a project on behalf of a public sector partner (or
13 client), and then leases the project back to the client for a predetermined period. At
14 the end of this period, the contractor transfers the ownership of the project to the
15 client for an arrangement that was previously agreed.

16 **§ 73402. Composition.**

17 The Interagency Working Group pursuant to this Article shall be composed
18 of:

19 (a) The Director of the Customs and Quarantine Agency, who shall be
20 the Chairperson of the Interagency Working Group;

21 (b) The Chief of the Customs and Quarantine Agency;

22 (c) The General Manager of the Port Authority of Guam or his/her
23 designee;

24 (d) The Director of the Department of Administration or his/her
25 designee;

26 (e) The Administrator of the Guam Economic Development Authority
27 or his/her designee;

1 (f) The Director of the Bureau and Budget Management or his/her
2 designee;

3 (g) The Director of the Department of Revenue and Taxation or
4 his/her designee;

5 (h) The Director of the Department of Agriculture or his/her designee;

6 (i) The Public Auditor or his/her designee;

7 (j) The Chief Procurement Officer of the General Services Agency or
8 his/her designee;

9 (k) The Attorney General of Guam or his/her designee;

10 (l) The Chairperson of *I Liheslaturan Guahan*'s Office of Finance and
11 Budget or his/her designee;

12 (m) The Speaker of *I Liheslaturan Guahan*'s or his/her Member
13 designee; and

14 (n) The Minority Leader of *I Liheslaturan Guahan*'s, or his/her
15 Member designee.

16 **§ 73403. Duties and Responsibilities.**

17 The Interagency Working Group pursuant to this Article *shall* meet at the
18 call of the Chairperson, and their Duties and Responsibilities *shall* consist of:

19 (a) The creation of the “BLT” Plan for “The Facility” on the four (4)-
20 acre portion of Parcel 1-3 in the municipality of Piti, as shown on Map
21 055FY2014, and as authorized by Public Law 34-112;

22 (b) The “BLT” plan pursuant to § 73403(a) of this Article *shall be*
23 submitted to the Speaker of *I Liheslaturan Guahan* no more than ninety (90)
24 days from the enactment of this Act;

25 (c) The “BLT” plan *shall* consist of the total cost of the project,
26 inclusive of, but not limited to:

27 (1) The amount of the annual lease for “The Facility”;

1 (2) The total cost of “The Facility” at the end of the period
2 when the “BLT” is transferred back to the Customs and Quarantine Agency;
3 and

4 (3) The total cost to construct “The Facility”;

5 (d) The “BLT” plan shall incorporate a maintenance plan for “the
6 Facility” which shall be the responsibility of the private contractor who
7 builds and finances the plan;

8 (e) The “BLT” plan shall incorporate a dedicated funding source or
9 sources for the leasing of the facility; and

10 (f) Any other responsibilities bestowed upon the Task Force by the
11 Chairperson, if those responsibilities are germane to the objectives of this
12 Article.

13 The Members of the Interagency Working Group pursuant to this Article
14 shall serve without any compensation and shall meet as often as needed to
15 accomplish the objectives of this Article.

16 **§ 73404. Stationary X-ray Scanning Portal.**

17 The “BLT” plan shall incorporate the procurement of a *Stationary X-Ray*
18 *Scanning Portal* (hereinafter referred to as “The Scanner”) which, among other
19 intents and purposes, shall scan shipping containers and large break bulk cargo.
20 “The Scanner” shall be housed at the “The Facility”.

21 The “BLT” plan may mandate that the private contractor who constructs
22 “The Facility” also finances “The Scanner”. The plan shall also incorporate a
23 maintenance plan for “The Scanner” which shall be the responsibility of the
24 private contractor.”

25 **Section 3. Severability.** If any provision of this Act or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity shall not affect other provisions or applications of this Act that can be

1 given effect without the invalid provision or application, and to this end the
2 provisions of this Act are severable.

3 **Section 4. Effective Date.** The act *shall* be effective immediately upon
4 enactment.