






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
71-36 (COR)	Amanda L. Shelton Telena Cruz Nelson Tina Rose Muña Barnes Mary Camacho Torres Joanne Brown	AN ACT TO ADD NEW §§ 5013 AND 5012 TO PART A OF ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING A PROCUREMENT POLICY IN FAVOR OF WOMEN OWNED BUSINESSES, AND TO CITE THIS ACT AS <i>"THE SUPPORT FOR WOMEN-OWNED BUSINESSES ACT."</i>	3/8/21 2:12 p.m.						

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

Bill No.71-36 (COR)

Introduced by:

Amanda L. Shelton 
Telena Cruz Nelson 
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AN ACT TO *ADD* NEW §§ 5013 AND 5012 TO PART A OF
ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO ADOPTING A
PROCUREMENT POLICY IN FAVOR OF WOMEN
OWNED BUSINESSES, AND TO CITE THIS ACT AS
“*THE SUPPORT FOR WOMEN-OWNED BUSINESSES*
ACT.”

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

2 **Section 1. Short Title.** This Act *shall* be known as the “*Support for*
3 *Women-Owned Businesses Act.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that women-owned businesses have been at a distinct disadvantage in Guam’s
6 economy. A review of data from the 2017 Economic Census of Guam conducted by
7 the U.S. Census Bureau, confirms that the percentage of women-owned businesses
8 on island are only about seventeen percent (17%), and depending on the industry,
9 ranges from nine percent (9%) to twenty-two percent (22%). With regard to industry
10 categorization, in 2017 women-owned businesses represented only 9% of local
11 construction businesses; 19% of local manufacturing and retail businesses; 17% of

1 local wholesale businesses; 13% of local finance and insurance businesses; 18% of
2 local real estate companies; and 22% (the highest percentage women-owned
3 businesses reached in this census) of local health care companies.

4 *I Liheslatura* further finds that current research has shown that the
5 Coronavirus Disease (COVID-19) pandemic has taken a higher toll on women-
6 owned businesses. According to a recent survey by the U.S. Chamber of Commerce,
7 the number of female business owners who ranked their business's overall health as
8 "somewhat or very good" fell thirteen (13) points during the pandemic, from sixty
9 percent (60%) in January to forty-seven (47%) in July 2020. By contrast, the number
10 of male business owners reporting a "good" business health status only fell five (5)
11 points in the same period, from sixty-seven percent (67%) to sixty-two percent
12 (62%). The U.S. Chamber study also reported that female small business owners are
13 also less likely to expect future success in the coming year compared to male owners
14 with regard to revenue, investments, and staffing.

15 *I Liheslatura* further finds that programs designed to increase minority
16 participation in government procurement help to address the traditional imbalance
17 of low minority firm participation and helps such businesses grow through greater
18 access to the large market of government contracts.

19 Therefore, it is the intent of *I Liheslaturan Guåhan* to add new §§ 5013 and
20 5014 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated, to adopt a
21 procurement policy in favor of women-owned businesses.

22 **Section 3.** A new § 5013 is hereby *added* to Part A of Article 1, Chapter 5,
23 Title 5, Guam Code Annotated, to read:

24 **“§ 5013. Policy In Favor of Women-Owned Businesses.**

25 Notwithstanding any provision of law, and *except* for the procurement
26 of professional services, if any entity of the government of Guam or any entity
27 expending governmental funds intends to procure any supply or service,

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

11 **Section 4.** A new § 5014 is hereby *added* to Part A of Article 1, Chapter 5,
12 Title 5, Guam Code Annotated, to read:

13 **“§ 5014. Qualifications of a Women-Owned Business.** A business
14 concern is qualified under § 5013 of this Chapter if:

- 15 (a) the business concern is licensed to do business on Guam;
16 (b) the business concern maintains its headquarters on Guam;
17 (c) the business concern is *at least* fifty-one percent (51%) owned
18 by women, who manage day-to-day operations and make long-term decisions;
19 (d) the business concern is certified as a Women-Owned Small
20 Business (WOSB) or an Economically Disadvantaged Women-Owned Small
21 Business (EDWOSB) by the U.S. Small Business Administration or the Guam
22 Economic Development Authority; and
23 (e) the owner(s) of the business concern has (have) filed individual
24 tax returns on Guam for a period of *at least* three (3) consecutive years.”

25 **Section 5. Effective Date.** This Act *shall* become effective upon enactment.