

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) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning; and further amended on the Floor.	Amanda L. Shelton Telena Cruz Nelson Tina Rose Muña Barnes Mary Camacho Torres Joanne Brown Telo T. Taitague	AN ACT TO ADD NEW § 5013 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."	3/8/21 2:12 p.m.	3/10/21	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	4/15/21 9:00 a.m.	5/19/21 9:58 a.m. As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 3/10/21 Waiver: 3/12/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	5/21/21	AN ACT TO ADD A NEW § 5013 TO SUBARTICLE 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."	5/28/21	6/1/21	6/12/21	36-26	6/8/21	Received: 6/8/21 Mess and Comm. Doc. No. 36GL-21-0669	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

June 08, 2021

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan GuĀhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: BILL NO. 71-36 (COR) – An Act to *Add* a New § 5013 to SubArticle 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 Business Act”

Buenas yan Hafa Adai Madame Speaker:

It is widely accepted that diversity in business ownership encourages true competition, innovation and economic progress. The corollary is that the absence of diversity limits how much all of us can collectively achieve. Bill 71-36 would fill a gap in Guam that has long been implemented at the federal level by the U.S. Small Business Administration -- adopting a procurement policy that evens the playing field for women-owned businesses, which are historically underrepresented in industry. While women-owned businesses achieved unprecedented growth nationally in the years prior to the COVID-19 pandemic, women remained perennially underrepresented as business owners. Unfortunately, while most businesses experienced setbacks due to the public health emergency, women-led businesses were dealt a disproportionate blow, the impact of which cannot be overstated and may not be fully appreciated for years to come.

It is important to do what we can now to bolster the ability of these businesses to survive the setbacks of the pandemic and to regain their footing when the crisis is over. To be clear, Bill No. 71-36 is not a novelty, but rather brings Guam in line with corresponding U.S. SBA policy, with similar policies already existing in Guam for Service-Disabled Veteran Owned Businesses.

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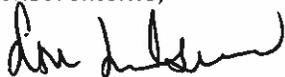
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To: Speaker Terlaje
Fr: Governor of Guam
Date: June 08, 2021
Re: Bill No. 71-36 (LS) *nka P.L. 36-26*

Page 2 of 2

Given the deleterious impact the pandemic has had on our women-owned businesses, this measure could not have come at a better time. It is my hope that Bill No. 71-36, now known as ***Public Law No. 36-26***, will contribute to the success of our women-led businesses and ultimately, and more broadly, to our success as an island.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

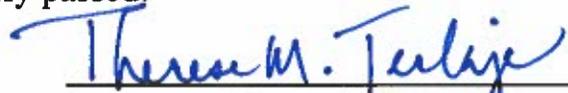
Enclosure(s): Bill No. 71-36 (COR) *nka P.L. 36-26*

cc: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*
Compiler of Laws

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

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

This is to certify that **Bill No. 71-36 (COR)**, "AN ACT TO ADD A NEW § 5013 TO SUBARTICLE 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," was on the 28th day of May 2021, duly and regularly passed.



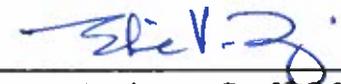
Therese M. Terlaje
Speaker

Attested:



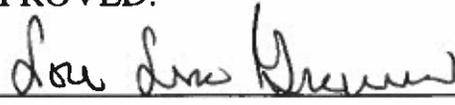
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of June,
2021, at 1:44 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/8/2021

Public Law No. 36-26

2021-13803
RCUD AT CENTRAL FILES
JUN 1 '21 PM 1:44

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

Bill No. 71-36 (COR)

As amended by the Committee on Environment,
Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning;
and further amended on the Floor.

Introduced by:

Amanda L. Shelton
Telena Cruz Nelson
Tina Rose Muña Barnes
Mary Camacho Torres
Joanne Brown
Telo T. Taitague
V. Anthony Ada
Frank Blas Jr.
Christopher M. Dueñas
James C. Moylan
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Jose "Pedo" Terlaje
Therese M. Terlaje

**AN ACT TO *ADD* A NEW § 5013 TO SUBARTICLE 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 Women-*
3 *Owned Businesses Act.*"

1 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that women-owned businesses have been at a distinct disadvantage in Guam’s
3 economy. A review of data from the 2017 Economic Census of Guam conducted by
4 the U.S. Census Bureau confirms that the percentage of women-owned businesses
5 on Guam is only about seventeen percent (17%) and depending on the industry,
6 ranges from nine percent (9%) to twenty-two percent (22%). With regard to industry
7 categorization, in 2017 women-owned businesses represented only nine percent
8 (9%) of local construction businesses; nineteen percent (19%) of local
9 manufacturing and retail businesses; seventeen percent (17%) of local wholesale
10 businesses; thirteen percent (13%) of local finance and insurance businesses;
11 eighteen percent (18%) of local real estate companies; and twenty-two percent
12 (22%) of local health care companies (the highest percentage of women-owned
13 businesses in this census).

14 *I Liheslatura* further finds that current research has shown that the COVID-
15 19 pandemic has taken a higher toll on women-owned businesses. According to a
16 recent survey by the U.S. Chamber of Commerce, the number of female business
17 owners who ranked their business’s overall health as “somewhat or very good” fell
18 thirteen (13) points during the COVID-19 pandemic, from sixty percent (60%) in
19 January to forty-seven percent (47%) in July 2020. By contrast, the number of male
20 business owners reporting a “good” business health status only fell five (5) points
21 in the same period, from sixty-seven percent (67%) to sixty-two percent (62%). The
22 U.S. Chamber study also reported that female small business owners are also less
23 likely to expect future success in the coming year compared to male owners with
24 regard to revenue, investments, and staffing.

25 *I Liheslatura* further finds that programs designed to increase minority
26 participation in government procurement help to address the traditional imbalance

1 of low minority firm participation and helps such businesses grow through greater
2 access to the large market of government contracts.

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

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

8 **“§ 5013. Policy In Favor of Women-Owned Businesses.**

9 (a) Notwithstanding any other provision of law, if any entity of the
10 government of Guam or any entity expending governmental funds intends to
11 procure any supply or service which is offered by a business concern that is
12 at least fifty-one percent (51%) owned by women, that entity *shall* procure
13 such supply or service from that business concern if the supply or service is
14 available within the period required by the procuring entity and the price for
15 the supply or service *does not* exceed one hundred five percent (105%) of the
16 lowest price bidder, and *shall* be in addition to any other procurement benefit
17 the women-owned business may qualify for under Guam law. The procuring
18 entity shall determine the lowest price to the entity in the case of more than
19 one (1) women-owned business, or a women-owned business and a service-
20 disabled veteran owned business, who are competing for the same government
21 contract.

22 (b) **Qualifications of a Women-Owned Business.** A business
23 concern is qualified under Subsection (a) of this Section if:

- 24 (1) the business concern is licensed to do business on Guam;
25 (2) the business concern maintains its headquarters on Guam;

1 (3) the business concern is at least fifty-one percent (51%)
2 owned by women, who manage day-to-day operations and make long-
3 term decisions;

4 (4) the business concern is certified as a Women-Owned
5 Small Business (WOSB) or an Economically Disadvantaged Women-
6 Owned Small Business (EDWOSB) by the U.S. Small Business
7 Administration; and

8 (5) the owner(s) of the business concern has (have) filed
9 individual tax returns on Guam for a period of at least three (3)
10 consecutive years.”

11 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

June 08, 2021

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Doc Type: 36GL-21-0669
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

~~06~~ 08 2021

Time: 4:46 pm
Received: [Signature]

Re: BILL NO. 71-36 (COR) – An Act to Add a New § 5013 to SubArticle 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 Business Act”

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COMMITTEE ON RULES

RECEIVED:

June 8, 2021

5:12 P.M.

Vicente P. Flores

To: Speaker Terlaje
Fr: Governor of Guam
Date: June 08, 2021
Re: Bill No. 71-36 (LS) *nka P.L. 36-26*

Page 2 of 2

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Maga'hågan Guåhan

Governor of Guam

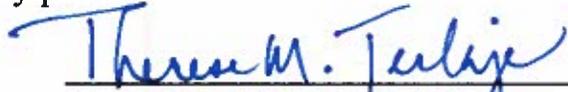
Enclosure(s): Bill No. 71-36 (COR) *nka P.L. 36-26*

cc: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*
Compiler of Laws

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

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

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Therese M. Terlaje
Speaker

Attested:



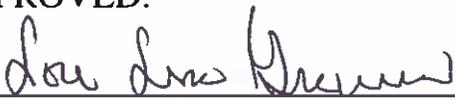
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of June,
2021, at 1:44 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/8/2021

Public Law No. 36-26

2021-13803
RCUD AT CENTRAL FILES
JUN 1 '21 PM 1:44

Elaine Tajalle

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

Bill No. 71-36 (COR)

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