


I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular Session

Bill No. 376-31(COR)

Introduced by:

B.J.F. Cruz 

AN ACT TO AMEND SECTION 5123, AND TO REPEAL CHAPTER
57 OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE PURCHASING, MAINTENANCE
AND INVENTORY OF GOVERNMENT VEHICLES

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 5123 of Chapter 5 of Title 5 of the Guam Code
3 Annotated is hereby *amended* as follows:

4 "§ 5123. Motor Vehicles.

5 (a) The Chief Procurement Officer shall categorically standardize
6 the purchase of all vehicles for all government agencies. When
7 possible, the General Services Agency *shall* purchase or lease all
8 motor vehicles required for all government agencies as a fleet at
9 least once every three (3) years. The Chief Procurement Officer
10 *shall* maintain a vehicle purchase policy that considers the *total*
11 *cost of ownership* that includes, but is *not* limited to, (1) the
12 intended purpose for which the vehicle is purchased (2) the
13 purchase price of the vehicle; (3) the United States EPA estimated
14 mileage ratings in terms of Miles Per Gallon (MPG) for the vehicle;
15 (4) the expected useful life of the vehicle; (5) the cost of
16 maintenance and warranties over the expected useful life of the

1 vehicle; and (6) any ratings *or* reviews from consumer rating
2 companies on the performance, mileage and reliability of the
3 vehicle. This Section *shall not* be interpreted to permit the lease of
4 non-standardized fleet vehicles. ~~The Chief Procurement Officer~~
5 ~~shall authorize non-fleet purchase or lease only if:~~

6 ~~(1) the type of vehicle is not required by other~~
7 ~~governmental agencies; or~~

8 ~~(2) the vehicle is a replacement of a fleet vehicle which is no~~
9 ~~longer in service and the governmental agency cannot~~
10 ~~function without a replacement until the next fleet~~
11 ~~purchase, provided, that the replacement vehicle meets the~~
12 ~~same specifications as the fleet vehicle being replaced.~~

13 (b) Public transportation buses, vans and non-rail vehicles, which
14 are purchased or leased with government funds for fixed route or
15 demand response systems, must be made readily accessible to
16 and usable by individuals with disabilities and comply with the
17 acquisition and service requirements of 49 C.F.R. Part 37 (Subpart
18 D, F and G) and Part 38 (Subpart B of the Americans with
19 Disabilities Act ('ADA') Accessibility Specifications for
20 Transportation Vehicles).

21 (c) The Chief Procurement Officer shall ensure that determine,
22 ~~when procuring the vehicle fleet, whether~~ a contract for
23 maintenance ~~should be~~ is included in the contract for purchase for
24 at least five (5) years. He shall also determine, by requesting for
25 proposals, whether it would be less costly to contract for fleet
26 maintenance with private businesses and if less costly, using

1 either separate contracts for purchase and maintenance or a
2 combined contract for purchase and maintenance from one
3 source, he shall so contract for the maintenance of the fleet. In any
4 maintenance contract, there shall be inserted provisions requiring
5 that the maintain maintenance be performed within a certain
6 period of time or liquidated damages assessed against the
7 contractor. All government of Guam agencies and departments
8 shall participate in the cost of obtaining these maintenance
9 agreements.

10 (d) At the end of the useful life of the vehicle fleet, the Chief
11 Procurement Officer shall dispose of such vehicles as he
12 determines to be of no further use to the government by public
13 auction to the highest bidder. The funds so realized shall be
14 deposited in the General Fund.

15 (e) All government of Guam agencies and departments shall
16 provide to the General Services Agency on a quarterly basis, the
17 mileage of their vehicles and any maintenance taken. The General
18 Services Agency shall review the agencies action and determine if
19 a vehicle needs to have preventative maintenance taken and if so,
20 shall inform the agency or department to do so immediately. Any
21 failure of the department or agency to comply will result in the
22 loss of the vehicle to the General Services Agency. Further, that
23 agency or department that has a vehicle returned to the General
24 Services Agency shall be prohibited from purchasing a new
25 vehicle for the next fiscal year.

26 (f) The Chief Procurement Officer shall maintain an inventory of

1 all motor vehicles owned by the government of Guam, its various
2 departments and agencies, including autonomous or
3 semiautonomous agencies. The inventory shall contain a
4 description of the vehicle, its engine or serial number, the entity
5 using the vehicle, the date the vehicle was acquired and placed in
6 the inventory, the date the vehicle was removed from the
7 inventory and the reason for removal”

8 **Section 2.** Chapter 57 of Title 5 of the Guam Code Annotated is
9 hereby repealed.

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