

I Mina'Trentai Kuattro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
279-34 (COR)	Thomas C. Ada	AN ACT TO AMEND §§ 5110, 5111, AND 5112(a) ALL OF CHAPTER 5, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO THE GENERAL SERVICE AGENCY AND THE CHIEF PROCUREMENT OFFICER.	5/3/18 10:56 a.m.						

I MINA 'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 279-34(C02)

Introduced By:

Thomas C. Ada 

2018 MAY -3 AM 10:56

**AN ACT TO AMEND §§ 5110, 5111, AND 5112(a) ALL OF
CHAPTER 5, TITLE 5 GUAM CODE ANNOTATED,
RELATIVE TO THE GENERAL SERVICE AGENCY
AND THE CHIEF PROCUREMENT OFFICER.**



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Office of Public Accountability (OPA) has performed an audit on General Services Agency (GSA) procurement practices in Report No. 17-05, November 2017. Through this report the OPA has concluded that GSA's practices on "Procurement planning did not comply with Guam Procurement Law and Regulations; Competitive sealed bids did comply with Guam Procurement Law and Regulations based on 11 POs related to nine competitive sealed bids tested; and small purchases, sole source, and emergency procurements did not comply with Guam Procurement Law and Regulations based on 29 POs tested."

I Liheslaturan Guåhan also finds through the same report, that although the Department of Administration (DOA) Director is accountable for the department, Guam Procurement Law and Regulations places procurement responsibilities with the Chief Procurement Officer (CPO).

I Liheslaturan Guåhan intends to give the DOA Director oversight of the CPO's actions and accountability with audits.

1 **Section 2.** § 5110 of Chapter 5, Title 5, Guam Code Annotated, is *amended*
2 to read:

3 **“§ 5110. Creation of the General Services Agency.**

4 There is within the Department of Administration the General Services
5 Agency headed by the Chief Procurement Officer. The Chief Procurement
6 Officer shall be uniquely responsible for the supervision and procurement of
7 supplies and services as provided in this Act without interference from the
8 Director of Administration. The Chief Procurement Officer shall be
9 accountable to the Director of Administration for management and
10 administration of the office of the General Services Administration.”

11 **Section 3.** § 5111 of Chapter 5, Title 5, Guam Code Annotated, is *amended*
12 to read:

13 **“§ 5111. Qualifications of the Chief Procurement Officer.**

14 The Director of Administration shall establish minimum qualifications
15 for the position of Chief Procurement Officer consistent with the critical
16 procurement and management requirements of that office. Such qualifications
17 shall consist of theoretical and practical knowledge of and experience with the
18 specialized subject matter of governmental procurement activities, and the
19 Procurement Act of Guam in particular, as well as theoretical and practical
20 knowledge of and experience with management and best practices of the
21 internal operational practices and responsibilities of the office of the General
22 Services Administration.”

23 **Section 4.** § 5112(a) of Chapter 5, Title 5, Guam Code Annotated, is
24 *amended* to read:

25 “(a) Tenure and Removal. The Chief Procurement Officer holds a critical
26 management position within the Department of Administration but shall be a full-
27 time classified employee and may be removed from office in accordance with the

1 procedures and causes provisions of the Personnel Law, 4 GCA Chapter 4 Article 2,
2 and for any cause specified in this Act. Recurrent failure to materially comply with
3 the procurement responsibilities of the Chief Procurement Officer, as determined by
4 the Public Auditor, or management responsibilities as determined by the Director of
5 Administration, shall be cause for termination or other action as provided in the
6 Personnel Law, but no adverse action shall be taken except in the manner provided
7 in the Personnel Law.”

8 **Section 5. Severability.** If any Provision of this Act or its application to
9 any person or circumstance is found to be invalid, or contrary to law, such invalidity
10 shall not affect other provisions or applications of this Act that can be given effect
11 without the invalid provision or application, and to this end the provisions of this
12 Act are severable.