

I Mina'trentai Singko 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
196-35 (LS)	Telena Cruz Nelson Joe S. San Agustin	AN ACT TO AMEND § 7116(a) AND (d), BOTH OF CHAPTER 7, DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION (GDOE) TO ENTER INTO POWER PURCHASE AGREEMENTS (PPA) TO PURCHASE SOLAR ENERGY FROM QUALIFIED PROVIDER(S).	8/19/19 3:50 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. *196-35 (LS)*

Introduced by:

Telena C. Nelson
Joe S. San Agustin 

AN ACT TO AMEND § 7116(a) AND (d), BOTH OF CHAPTER 7, DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION (GDOE) TO ENTER INTO POWER PURCHASE AGREEMENTS (PPA) TO PURCHASE SOLAR ENERGY FROM QUALIFIED PROVIDER(S).

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that Public Law 32-95 authorized the
4 Guam Department of Education (GDOE) to enter into Power Purchase
5 Agreements (PAA) in order to purchase solar energy from qualified
6 providers provided that such agreements are in the “best financial interests
7 of the government of Guam” for a period not to exceed twenty-five (25)
8 years.

9 *I Liheslatura* also finds that such agreements with PPA providers were
10 subject to selection in Multi-Step Bid conducted by GSA, in accordance
11 with procurement law and regulations for Guam. It also finds that Public

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1 Law 32-95 was signed into law in Fiscal Year 2014 and as of Fiscal Year
2 2019, GDOE has yet to enter into a PPA conducted by the General Services
3 Agency.

4 *I Liheslatura* finds that there is a need to address the budgetary
5 challenges of the Guam Department of Education, including those related to
6 the rising costs of electricity.

7 Thus, it is the intent of *I Liheslaturan Guåhan* to authorize the GDOE
8 to enter into one or more PPA in accordance with procurement law and the
9 regulations of the island of Guam.

10 **Section 2.** § 7116(a) and (d), both of Chapter 7, Division 2, Title 17,
11 Guam Code Annotated, Chapter 3, Title 17 are hereby *amended* to read:

12 “§ 7116. Power Purchase Agreement to Purchase Solar Energy.

13 (a) The Guam Department of Education (GDOE) may enter into one or more
14 power purchase agreements to purchase solar energy from qualified provider(s)
15 which will be in the best financial interests of the government of Guam for a period
16 up to and not exceeding twenty-five (25) years. Such qualified PPA
17 provider(s) shall be selected by a Multi-Step Bid conducted by ~~GSA~~ GDOE, in
18 accordance with the procurement law and regulations of Guam. The qualified PPA
19 provider(s) will be responsible for providing a PPA to cover no more than eighty
20 percent (80%) of the school’s power needs, all GDOE owned schools, GDOE
21 administrative, and GDOE ancillary buildings. For schools occupied under a lease
22 agreement as of the enactment of this Section, GDOE may amend its lease
23 agreements or otherwise directly enter into a PPA with a lessor for the purchase of
24 solar power produced with renewable energy directly from the lessor and without
25 application of the procurement law.”; and

26 “(d) GDOE ~~and GSA~~ shall seek technical consultation from the Guam
27 Power Authority in implementing this Section, and the Guam Power Authority

1 shall provide the technical consultation upon request at no cost to GDOE ~~and GSA~~.
2 GDOE ~~and GSA~~ may further seek technical consultation from the Guam Energy
3 Office, the Department of Public Works, the Guam Renewable Energy
4 Association, and/or a third party renewable energy consultant in implementing this
5 Section, and the consultation shall be at no cost to GDOE ~~and GSA~~; any costs
6 associated with a third party consultant will be passed through in total to the
7 qualified PPA provider(s) equally and in full who is awarded the Multi-Step Bid.”

8 **Section 3. Severability.** If any provision of this Act or its application
9 to any person or circumstance is found to be invalid or contrary to law, such
10 invalidity *shall not* affect other provisions or applications of this Act that can
11 be given effect without the invalid provision or application, and to this end
12 the provisions of this Act are severable.