

*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
58-35 (COR)	James C. Moylan	AN ACT TO ADD A NEW ARTICLE 4, CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO A PUBLIC PRIVATE COLLABORATION FOR THE MAINTENANCE OF PUBLIC PARKS.	3/7/19 10:03 a.m.						

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

Bill No. **58**-35 (COR)

Introduced by:

James C. Moylan 

**AN ACT TO ADD A NEW ARTICLE 4, CHAPTER 77,  
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO  
A PUBLIC PRIVATE COLLABORATION FOR THE  
MAINTENANCE OF PUBLIC PARKS.**

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

2 **Section 1.** This Act *shall* be cited as the “*Public Private Collaboration for*  
3 *the Maintenance of Public Parks Act.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
5 that the concerns of the community continue to escalate when it comes to the  
6 maintenance of public parks, whether it be despicable restrooms, safety concerns  
7 for patrons or even identifying the funds to make needed repairs on the facility.  
8 These concerns impact island residents as well as our island’s visitors, who  
9 unfortunately may have dreadful stories to share with their family and friends  
10 when discussing their “Guam Experience”.

11 It is vital to recognize that the Department of Parks and Recreation along  
12 with the Mayor’s Council of Guam may have funding and manpower shortages  
13 which prevent their ability to fully maintain public parks at a standard acceptable  
14 to our community. It is further known that public-private collaborations (PPC’s)  
15 have been proven to be effective as they bring private dollars and resources to

2019 MAR -7 AM 10:03



1 assure that objective are fulfilled. Hence the importance of venturing into PPC's  
2 when it comes to the maintenance of our public facilities.

3 Guam is blessed to have a number of great parks and scenic sights that  
4 surround our island. A PPC would have the opportunity to fairly bid for the  
5 opportunity of securing a contract, which would require the upkeep, maintenance  
6 and serenity of a public facility. In return the private entity would have control of  
7 the facility as a means to create commerce activity for them. The bidding packages  
8 and awarded contract shall stipulate the regulatory aspects of what is needed by the  
9 PPC and to what capacity they would be able to attract and manage vendors. Such  
10 arrangements shall also stipulate the costs that such PPC's may apply towards  
11 guests, with stated limits.

12 Guam's tourism industry continues to thrive, but it is vital that our guests  
13 engage in a great experience when visiting our public parks, whether it be the  
14 ability to use a clean restroom, walk with the aura of safety, or be able to avoid a  
15 bombardment of vendors seeking business. They should be able to share their  
16 stories with others, and not create barriers for other visitors to hesitate including  
17 Guam in their travel plans.

18 The PPC program has the potential of generating more opportunities outside  
19 of just public parks, and also has the prospective of generating new economic and  
20 entrepreneurship potential. Similar methods can be utilized to address more than  
21 just public parks in the future, and the mechanism in place provides the  
22 Department of Parks and Recreation, the Guam Economic Development, the Guam  
23 Visitors Bureau, and the government of Guam in general the ability to create fair  
24 and balanced PPC programs with the betterment of the community in mind.

25 **Section 3. Public-Private Collaboration for the Maintenance of Public**  
26 **Parks, established.** A new Article 4 is *added* to Chapter 77, Title 21, Guam Code  
27 Annotated, to read:

1 “ARTICLE 4

2 PUBLIC PRIVATE COLLABORATION FOR THE MAINTENANCE  
3 OF PUBLIC PARKS

4  
5 § 77401. Public Private Collaboration Authorization for the Maintenance of  
6 Public Parks.

7 § 77402. Contract Limits.

8 § 77403. Termination of Contract for Reasons Unrelated to Performance.

9 § 77401. Public Private Collaboration Authorization for the  
10 Maintenance of Public Parks.

11 (a) Notwithstanding any other provisions of the law, The Department  
12 of Parks and Recreation ( “DPR”), shall be authorized to issue an Invitation  
13 for Bid (“IFB”), through a Multi-Step Bid Process, as identified in §5211(h)  
14 of Chapter 5, Title 5. Guam Code Annotated, from qualified parties for the  
15 management and maintenance of identified public parks through a Public  
16 Private Collaboration, subject to the procurement laws of Guam. The scope  
17 of work required through this IFB, shall include the daily operation and  
18 maintenance of the identified public park, including its public restrooms; any  
19 repairs required, inclusive of all parts and labor; performance monitoring  
20 requirements; safety measures to be included for both patrons of the park  
21 and it’s vendors including the addition of security cameras and/or guards;  
22 and preventive maintenance of all equipment and/or facilities directly  
23 associated with the equipment, including, but not limited to, the acquisition  
24 for replacement of such equipment. The IFB shall require set standards for  
25 the image of the public park, consistent with Guam laws.

26 (b) A Public Private Collaboration, (“PPC”), is defined as “a contract  
27 between a private party and a government entity, for providing a public asset

1 or service, in which the private party bears significant risk and management  
2 responsibility, and remuneration is linked to performance”. A PPC is a  
3 broader scale in terms of community involvement with a government asset  
4 versus the Park Adoption Program presently being offered by DPR, as it  
5 requires a more extensive investment of the contractor, inclusive of  
6 maintenance and security mandates, in return for revenue generating  
7 opportunity.

8 (c) The IFB shall include performance standards that will provide  
9 operating criteria and guidelines, including how the awarded winner shall  
10 establish procurement for vendors who they select to utilize the public park  
11 for commerce activity. Proposers shall include the monetary amount of their  
12 financial contribution towards the public park, including a business plan on  
13 how the investment would be expended. The General Services Agency  
14 Chief Procurement Officer shall be an observer throughout the IFB process  
15 as specified in this Section, and shall receive copies of all documents  
16 involved and shall be invited to any meetings regarding the procurement  
17 process specified in this Section.

18 (d) Each IFB issued shall represent one “Public Park”, under the  
19 jurisdiction of DPR, for which the PPC contract is being procured. The  
20 scope of the park being procured shall be clearly identified in both the bid  
21 package and when the contract is issued to the awarded bidder. No more  
22 than two (2) Public Park’s can be placed for a PPC bid within the Fiscal  
23 Year.

24 (e) No IFB shall be issued by DPR without the prior approval of I  
25 Maga’Haga Guåhan, and the approval shall identify the park needing the  
26 public-private support, the scope of what is needed, and the submittal of an  
27 official request.

1           **§ 77402. Contract Limits.**

2           The awarded contract, which is subject to the provisions of this Act,  
3           shall be awarded for periods of not less than ten (10) years, with options to  
4           renew for an additional ten (10) years. The awarded PPC contract, subject to  
5           the provisions of this Act, must contain performance reviews at least  
6           annually, and provisions for contract termination and penalty based upon  
7           such review.

8           **§ 77403. Termination of Contract for Reasons Unrelated to**  
9           **Performance.**

10           Should at some point in the future, and prior to the expiration of the  
11           contract, a determination be made by *I Liheslaturan Guåhan* to terminate the  
12           contract, for reasons other than where a Contractor's performance has been  
13           deemed to be unacceptable in accordance with the provisions of their contract  
14           and of this Act, that subject to legislative approval, such provisions shall be  
15           included in each contract for the purchase of such contract.

16           **Section 4. Severability.** If any provision of this Act or its application to  
17 any person or circumstance is found to be invalid or contrary to law, such  
18 invalidity *shall not* affect other provisions or applications of this Act that can be  
19 given effect without the invalid provision or application, and to this end the  
20 provisions of this Act are severable.

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