

**I MINA' TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session**

2009 AUG 19 PM 12:03ME

Bill No. 220-34 (LS)

Introduced by:

B.J.F. Cruz



**AN ACT TO AMEND 5 GCA §5150 RELATIVE TO THE DUTIES OF THE  
ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND  
ADVISEMENT.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that there exists a need for greater scrutiny in the preparation of bid documents and  
4 in the awarding of bids for major purchases and contracts for services. *I*  
5 *Liheslatura* finds that such involvement of the Office of the Attorney General in  
6 the procurement process would ensure proper and expeditious procurement of  
7 goods and services and would minimize protests of bid awards and allow for a  
8 more expeditious procurement process.

9 *I Liheslatura* further finds that Guam stands to lose considerable amounts of  
10 federal funding due to questionable procurement practices. It is the intent of *I*  
11 *Liheslatura*, therefore, to ensure the fair and equitable treatment of all who are  
12 involved in the procurement process and to preserve the integrity of the  
13 procurement system.

1           **Section 2.** §5150 of Chapter 5 of Title 5, Guam Code Annotated is hereby  
2 amended to read:

3           **“§ 5150. Duties of the Attorney General.**

4           The Attorney General, the Deputy Attorney General or such Assistant  
5 Attorneys General as the Attorney General may designate, shall serve as  
6 legal counsel and provide necessary legal services to the Policy Officer and  
7 the General Services Agency. The Attorney General shall, in addition, when  
8 he approves contracts, determine not only the correctness of their form, but  
9 their legality. In making such a determination of form for major purchases  
10 and contracts for services, the Attorney General shall review all bids and  
11 invitations for bids for over \$200,000.00 and shall participate in the process  
12 of awarding any bid over \$200,000.00. In making such a determination of  
13 legality, he may require any or all agencies involved in the contract to  
14 supply him with evidence that the required procedures precedent to  
15 executing the contract were carried out. He may prescribe the forms and  
16 format required to be followed by the agencies in aiding him in his  
17 determination of form and legality.”

18           **Section 3.** This Act shall be effective upon enactment.