



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 17 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 373 (COR) "AN ACT TO GRANT EMERGENCY PROCUREMENT AUTHORITY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURCHASE AND INSTALLATION OF CHLORINATORS IN GUAM'S WATER WELL SYSTEM AND FOR OTHER PURPOSES," which was **signed** into law by the Governor as **Public Law No. 26-137**.

This legislation allows the Guam Waterworks Authority to reprogram its budget in order to purchase chlorinators as well as to purchase solar alternative energy for power back-up to GWA's water well system. A more program-oriented budget process would probably allow for the purchase of these needed items without a change in budget laws.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

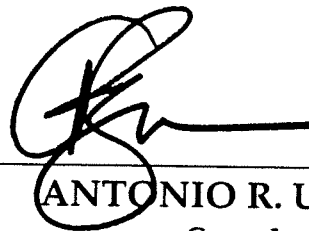
OFFICE OF THE LEGISLATIVE SECRETARY	
AGENCIYA NI LEGISLATIBAN	
Received By	<i>AR</i>
Time	<i>2:50 PM</i>
Date	<i>9/17/02</i>

0932

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 373 (COR), "AN ACT TO GRANT EMERGENCY PROCUREMENT AUTHORITY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURCHASE AND INSTALLATION OF CHLORINATORS IN GUAM'S WATER WELL SYSTEM AND FOR OTHER PURPOSES," was on the 4th day of September, 2002, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

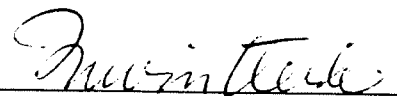
Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by I Maga'lahaen Guåhan this 5th day of September 2002,
at 4:20 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 9-17-02

Public Law No. 26-137

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 373 (COR)

As substituted on the Floor
and amended.

Introduced by:

V. C. Pangelinan
J. M.S. Brown
A. R. Unpingco
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
E. B. Calvo
F. P. Camacho
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
K. S. Moylan
A. L.G. Santos
J. T. Won Pat

**AN ACT TO GRANT EMERGENCY PROCUREMENT
AUTHORITY TO THE GUAM WATERWORKS
AUTHORITY FOR THE PURCHASE AND
INSTALLATION OF CHLORINATORS IN GUAM'S
WATER WELL SYSTEM AND FOR OTHER
PURPOSES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that northern and central Island residents continue to disinfect their tap
4 water through boiling or manual chlorination since Typhoon Chata'an hit

1 Chata'an hit Guam more than a month and a half ago. *Prior* to Typhoon
2 Chata'an, residents occasionally suffered from boil-water notices as Guam
3 Waterworks Authority ("GWA") attempts to resolve such contaminated
4 water problems in different villages.

5 Aside from the obvious health risks, the continued distribution of
6 contaminated water has residents and businesses shouldering additional
7 financial burden, as the need to purchase bottled water or to boil water
8 becomes a necessity, and *not* an option. Such chronic problems must be
9 *immediately* resolved to protect the well-being and the health of the People of
10 Guam.

11 Scientists testified that we will always have the presence of some
12 contamination in our drinking water, and that the long-term solution to
13 ensuring safe drinking water is the disinfection of the water supply at the
14 source through chlorination. But because of financial costs, it has been argued
15 that it is *not* necessary to have a chlorinator on each well. According to some
16 officials, one (1) chlorinator can be utilized in several water wells; provided,
17 that all wells feed into the same line. A chlorinator can simply be installed in
18 the last water well before it goes into the distribution system.

19 Although such solution sounds logical, the reality is that it is *not*
20 practical. The last water well where the chlorinator is installed into may
21 break down, and therefore, is unable to provide chlorination to the rest of the
22 water wells that feed into the same line. Broken wells require crews from
23 GWA to shift water where a chlorinator may *not* exist. With the construction
24 of a chlorination system, it would easily allow water to be shifted to different

1 parts of the Island without having to uninstall and reinstall a chlorinator in
2 the area where water is being shifted.

3 Apart from the possibility of the last water well breaking down,
4 contamination also occurs because of infiltration from leaks at various points
5 in the transmission lines. Fixing all leaks to eliminate contamination is
6 impossible to achieve in the near future. Additionally, infiltration occurs due
7 to insufficient pressure in the water lines, and as we had experienced in the
8 past, GWA is unable to maintain equal and adequate pressure throughout the
9 entire system. By providing chlorination at every source point, it *immediately*
10 guarantees that all of the water supply is safe at all times.

11 Investing in chlorinator assets is a long-term investment in the system,
12 and will ensure that sporadic contamination will be resolved as a normal
13 course of operation of the transmission and distribution system, without the
14 need to inconvenience and burden the public with the need to boil water or
15 purchase bottled water.

16 Therefore, to ensure that the People's health is *not* placed at risk, *I*
17 *Liheslaturan Guãhan* intends to provide resources for the purchase and
18 installation of chlorinators. Based upon the information provided by the
19 acting General Manager of GWA to the public, each chlorinator and its
20 installation would cost *approximately* Fifteen Thousand Dollars (\$15,000.00). A
21 total of twenty-five (25) chlorinators are needed to provide full chlorination
22 coverage to the Island-wide water system, and to provide safe drinking water
23 in the entire system. With such investment, there is the need to ensure that
24 the system continues to function even with downed power generators. *I*

1 *Liheslaturan Guåhan* wishes to have GWA solicit alternate power back-up
2 systems for these chlorinators that may require less maintenance than
3 traditional generators, such as solar generators coupled with a battery system.

4 It is therefore the intent of *I Liheslaturan Guåhan* to authorize the
5 reprogramming of funds and to grant an expedited procurement process
6 required in order for GWA to purchase chlorinators as soon as possible to
7 alleviate the suffering and danger imposed upon Guam's residents, and also,
8 the purchase of solar alternative energy to serve as a power back-up in all
9 water wells if determined to be more economical and practical.

10 **Section 2. Authorization to Reprogram Funds.** GWA is hereby
11 authorized to reprogram and expend a *maximum* of One Million Dollars
12 (\$1,000,000.00) from their Capital Infrastructure Fund for the following
13 purposes:

14 (a) the purchase and installation of *up to* thirty (30) chlorinators
15 for GWA's water well system;

16 (b) *if* GWA or the government of Guam receives a Federal grant
17 for the purchase of chlorinators, GWA may use the funds described in
18 this Section to meet the payment of the cost share agreement between
19 the Federal Government and the government of Guam, through the
20 GWA; *and*

21 (c) the purchase of solar alternative energy for power back-up
22 in GWA's water well system, *if* determined to be economical and
23 practical.

1 **Section 3. Expedited Procurement Authorized.** Notwithstanding
2 the Guam Procurement Law, GWA is hereby authorized to purchase *up to*
3 thirty (30) chlorinators as funded for in § 2(i) of this Act; *provided*, that GWA
4 must solicit *at least* three (3) informal price quotations, and must award the
5 procurement to the firm with the best offer, as determined by evaluating cost
6 and delivery time.

7 **Section 4. Solar Alternative Energy.** GWA is hereby authorized to
8 purchase a solar alternative energy system, in accordance with the Guam
9 Procurement Law, to serve as a power back-up supply in the water wells
10 system, *if* determined to be economical and practical.

11 **Section 5. Severability.** *If* any provision of this Law or its
12 application to any person or circumstance is found to be invalid or contrary to
13 law, such invalidity shall *not* affect other provisions or applications of this
14 Law which can be given effect without the invalid provisions or application,
15 and to this end the provisions of this Law are severable.




MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

2002 (SECOND) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Sais Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated § 2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 373 (COR), "AN ACT TO GRANT EMERGENCY PROCUREMENT AUTHORITY TO THE GUAM WATERWORKS AUTHORITY FOR THE PURCHASE AND INSTALLATION OF CHLORINATORS IN GUAM'S WATER WELL SYSTEM AND FOR OTHER PURPOSES," which was introduced on August 26, 2002, and therefore waive the statutory requirements for a public hearing on Bill Number 373 (COR).

Dated: September 3, 2002



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/4/02

VOTING SHEET

Bill No. 373 (COR)

Resolution No. _____

Question: _____

20-137

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence




MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
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Speaker and Presiding Officer

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 373 (COR)

Introduced by:

v.c. pangelinan
J.M.S. Brown

AN ACT TO GRANT EMERGENCY PROCUREMENT
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AUTHORITY FOR THE PURCHASE AND
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5 more than a month and a half ago. Prior to Typhoon Chata'an, residents
6 occasionally suffered from boil-water notice as Guam Waterworks Authority
7 attempts to resolve such contamination water problems in different villages.

8 Aside from the obvious health risks, the continued distribution of
9 contaminated water has residents and businesses shouldering additional
10 financial burden, as the need to purchase bottled water or boil water becomes
11 a necessity, and not an option. Such chronic problem must be immediately
12 resolved to protect the well-being and the health of the people of Guam.

1 Scientists testified that we will always have the presence of some
2 contamination in our drinking water and that the long-term solution to
3 ensuring safe drinking water is the disinfection of the water supply at the
4 source through chlorination. But because of financial costs, it has been argued
5 that it is not necessary to have a chlorinator on each well. According to some
6 officials, one chlorinator can be utilized in several water wells, provided that
7 all wells feed into the same line. A chlorinator can simply be installed in the
8 last water well before it goes into the distribution system.

9 Although such solution sounds logical, the reality is that it is not
10 practical. The last water well where the chlorinator is installed into may break
11 down, and therefore, is unable to provide chlorination to the rest of the water
12 wells that feeds into the same line. Broken wells require crews from the Guam
13 Waterworks Authority to shift water where a chlorinator may not exist. With
14 the construction of a chlorination system, it would easily allow water to be
15 shifted to different parts of the island without having to uninstall and reinstall
16 a chlorinator in the area where water is being shifted.

17 Apart from the possibility of the last water well breaking down,
18 contamination also occurs because of infiltration from leaks at various points
19 in the transmission lines. Fixing all leaks to eliminate contamination is
20 impossible to achieve in the near future. Additionally, infiltration occurs due
21 to insufficient pressure in the water lines and as we had experienced in the
22 past, GWA is unable to maintain equal and adequate pressure throughout the
23 entire system. By providing chlorination at every source point, it immediately
24 guarantees that all of the water supply is safe at all times.

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2 and will ensure that sporadic contamination will be resolved as a normal
3 course of operation of the transmission and distribution system, without the
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5 purchase bottled water.

6 Therefore, to ensure that the people's health is not placed at risk, *I*
7 *Liheslaturan Guahan* intends to provide resources for the purchase and
8 installation of chlorinators. Based on the information provided by the acting
9 General Manager of the Guam Waterworks Authority to the public, each
10 chlorinator and its installation would cost approximately Fifteen Thousand
11 Dollars (\$15,000.00). A total of twenty-five (25) chlorinators are needed to
12 provide full chlorination coverage to the islandwide water system and
13 provide safe drinking water in the entire system. With such investment, there
14 is then the need to maintain the chlorinator system, and the need to ensure
15 that the system continues to function even with downed power generators. *I*
16 *Liheslaturan Guahan* wishes to have GWA solicit alternate power back up
17 systems for these chlorinators that may require less maintenance than
18 traditional generators, such as solar generators coupled with battery system.

19 It is therefore the intent of *I Liheslaturan Guahan* to authorize the
20 reprogramming of funds and grant expedited procurement process required
21 in order for the Guam Waterworks Authority to purchase chlorinators as soon
22 as possible to alleviate the suffering and danger imposed upon Guam's
23 residents, and also, to enter into contract for the maintenance of the
24 chlorinators and the purchase of solar alternative energy to serve as a power
25 back up in all water wells if determined to be more economical and practical.

1 **Section 2. Authorization to reprogram funds.** The Guam Waterworks
2 Authority is hereby authorized to reprogram a maximum of One Million
3 Dollars (\$1,000,000.00) from their Capital Infrastructure Fund for the
4 following purposes:

- 5 (i) the purchase and installation of up to thirty (30)
6 chlorinators for Guam Waterworks Authority's water well
7 system;
- 8 (ii) the maintenance of Guam Waterworks Authority's
9 Chlorinator System; and
- 10 (iii) the purchase of solar alternative energy for power back up
11 in Guam Waterworks Authority's water well system, if
12 determined to be more economical and practical.

13 **Section 3. Expedited Procurement Authorized.** Notwithstanding the
14 Guam Procurement Law, the Guam Waterworks Authority is hereby
15 authorized to purchase up to thirty (30) chlorinators as funded for in Section
16 2(i) of this Act; provided that the Guam Waterworks Authority must solicit at
17 least three (3) informal price quotations, and must award the procurement to
18 the firm with the best offer, as determined by evaluating cost and delivery
19 time.

20 **Section 4. Contract for Maintenance.** (a) The Guam Waterworks
21 Authority (GWA) is hereby authorized to contract for the maintenance and
22 upkeep of its chlorinator system. The contract shall be for a period of not less
23 than three (3) years but shall be no more than five (5) years. GWA shall award
24 such contracts to the party that can most effectively carry out their terms, the
25 ability to satisfy the terms, costs and conditions of the contract being the

1 primary basis for awarding the contract. The contract shall be let by
2 competitive bidding, as in accordance with the Guam Procurement Law, and
3 shall include but not be limited to the following:

- 4 (1) Duration of contract;
- 5 (2) Complete description of duties;
- 6 (3) Amount of contract;
- 7 (4) Date of completion of the contract; and
- 8 (5) Termination of contract for nonperformance.

9 **Section 4. Solar Alternative Energy.** The Guam Waterworks Authority
10 is hereby authorized to purchase a solar alternative energy system, in
11 accordance with the Guam Procurement Law, to serve as a power back up
12 supply in the water wells system, if determined to be more economical and
13 practical.

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15 application to any person or circumstance is found to be invalid or contrary to
16 law, such invalidity shall *not* affect other provisions or applications of this
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18 and to this end the provisions of this Law are severable.

19