

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

March 9, 2011

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina' Trentai Unu na Liheslaturan Guåhan*  
155 Hesler Place  
Hagatna, Guam 96932

31-11-321

3-10-11  
3:40 PM  
[Signature]

2011 MAR 11 AM 7:35

Dear Madam Speaker,

Transmitted herewith is Substitute Bill No. 48-31 (COR), entitled: "AN ACT TO ADD A NEW §5425A TO PART A OF ARTICLE 9, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROTEST PROCEDURES FOR ACQUISITIONS FUNDED WITH 2009 AMERICAN RECOVERY AND REINVESTMENT ACT MONEYS ALLOTTED TO THE GUAM DEPARTMENT OF EDUCATION", which I signed into law on March 9, 2011 as **Public Law 31-12**.

I signed this bill into law for the sake of the benefits to Guam Department of Education (DOE) by the streamlining of procurement protest procedures for contracts funded by the American Recovery and Reinvestment Act of 2009 (ARRA). However, I am highly disappointed in *I Liheslaturan Guåhan* for gutting what was originally an urgently needed bill as introduced. As a result of *I Liheslaturan Guåhan* stripping away almost the entire meaningful content of the originally introduced bill, Government of Guam may stand to lose millions upon millions in dollars of ARRA grant funds. If so, it is the people of Guam who will have lost the most.

The original bill was drafted by the Attorney General of Guam to expedite the entire procurement process (not just the protest procedures) for all government agencies (not just DOE) which stand to benefit from ARRA funded contracts that ultimately benefit our people. The section entitled "Legislative Findings and Intent" spells out the reasons why this legislation was necessary and how other states have streamlined their respective procurement processes to accommodate the relatively short window of ARRA fund availability. In order to address any concerns for compromising the integrity of Guam's procurement process, the introduced bill (just like in the case of other states) called for a narrowed application only to ARRA related contracts and a sunset provision that repeals the law as soon as the ARRA deadlines lapse. These precautions removed any possibility for abuse of the system.

Unfortunately, *I Liheslaturan Guåhan* eviscerated this bill on the floor, removing its applicability to all agencies except DOE and removing almost all of its substance except as relates to protest procedures (and again, only usable by DOE). Now *I Liheslaturan Guåhan* has delivered to me an almost useless piece of legislation that forsakes all government agencies besides DOE and which threatens the loss of millions of dollars in ARRA grants.

For example, the grave problem the agencies will encounter soon enough is that nearly all of their ARRA contracts must pass through the Attorney General's Office for review. Given the few remaining months before ARRA fund availability lapses in September of this year, dozens of contracts will reach a chokepoint at the Attorney General's Office that only has a few attorneys available to conduct contract review. The original bill contained a provision to increase the small purchase threshold from \$15,000 to \$100,000. This would have enabled the Attorney General's Office or the individual agencies to temporarily secure additional attorneys. These additional attorneys could have quickly conducted the necessary contract review so as not to jeopardize the loss of ARRA funds due to an inability to clear the contracts through legal review. This would have helped assure those contracts would be executed and encumber the federal funds before the looming deadline. Yet this was one of several measures *I Liheslaturan Guåhan* excised from the bill, rendering it for the most part ineffective.

Therefore, I strongly urge *I Mina' Trentai Unu na Liheslaturan Guåhan* to revisit this law and amend it to add the provisions it originally contained as introduced. While DOE will enjoy a small benefit from the passage of this present bill, it is the entire government and the people of Guam who risk losing the benefits of millions of federal dollars due to the way *I Liheslaturan Guåhan's* handled this matter by neglecting all other affected agencies and watering down the bill's provisions. You hold the key to correcting this, and I hope you will do what is right for Guam.

*Senseramente,*



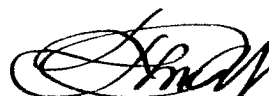
**EDDIE BAZA CALVO**

Attachment: copy of Bill

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) Regular Session

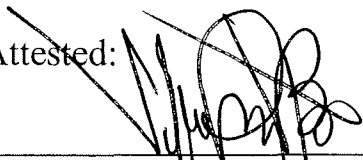
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 48-31 (COR)**, "AN ACT TO ADD A NEW §5425A TO PART A OF ARTICLE 9, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROTEST PROCEDURES FOR ACQUISITIONS FUNDED WITH 2009 AMERICAN RECOVERY AND REINVESTMENT ACT MONEYS ALLOTTED TO THE GUAM DEPARTMENT OF EDUCATION", was on the 24<sup>th</sup> day of February, 2011, duly and regularly passed.



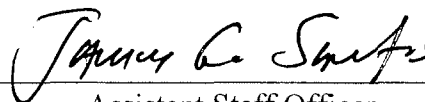
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 25<sup>th</sup> day of Feb, 2011, at 7:14 o'clock 7 .M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

*Police 99 f 1 ESS*

Date:

**MAR 09 2011**

Public Law No. 31-12

***I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN***  
**2011 (FIRST) Regular Session**

**Bill No. 48-31 (COR)**

As substituted by the Committee on Youth, Cultural Affairs,  
Procurement, General Government Operations, and Public  
Broadcasting, and amended on the Floor.

Introduced by:

J. T. Won Pat, Ed.D.  
T. C. Ada  
F. F. Blas, Jr.  
T. C. Ada  
V. Anthony Ada  
B. J.F. Cruz  
Chris M. Duenas  
Judith P. Guthertz, DPA  
Sam Mabini, Ph.D.  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
Dennis G. Rodriguez, Jr.  
M. Silva Taijeron  
Aline A. Yamashita, Ph.D.

**AN ACT TO *ADD* A NEW §5425A TO PART A OF  
ARTICLE 9, CHAPTER 5 OF TITLE 5, GUAM CODE  
ANNOTATED, RELATIVE TO PROVIDING  
TEMPORARY EXPEDITED PROCUREMENT  
PROTEST PROCEDURES FOR ACQUISITIONS  
FUNDED WITH 2009 AMERICAN RECOVERY AND  
REINVESTMENT ACT MONEYS ALLOTTED TO THE  
GUAM DEPARTMENT OF EDUCATION.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the government of Guam has been granted closed to \$240 million dollars in

1 federal stimulus funding under the historic 2009 American Recovery and  
2 Reinvestment Act (ARRA), U. S. Public Law 111-5, which provides states and  
3 territories with funding for infrastructure projects to create jobs in the near term  
4 and to lay the foundation for long term economic growth. Many of ARRA's  
5 provisions include stringent "use it or lose it" deadlines that require states and  
6 territories to use the federal stimulus funds quickly or the funding will be  
7 reallocated to other states. More than \$150 million dollars plus in federal stimulus  
8 funding, including over \$80 million dollars in funds allocated to the Guam  
9 Department of Education remains to be obligated and/or expended on or before  
10 September 30, 2011.

11 *I Liheslaturan Guåhan* finds that, in order to mobilize economic recovery  
12 and so as not to lose federal stimulus funds, many states passed laws in 2009  
13 specifically intended to reap the maximum benefits of ARRA, including methods  
14 to comply with its deadlines. Among those many states are Colorado and Hawaii,  
15 both of which have procurement laws patterned after the American Bar  
16 Association's Model Procurement Law, like Guam, and both of which made  
17 changes to their procurement law specifically to accommodate the quick use of  
18 ARRA funds. Colorado added a new section to its procurement law to permit a  
19 waiver of one or more provisions of their procurement code to the extent the  
20 waiver was necessary to expedite the use of ARRA funds if strict adherence to the  
21 code would substantially impede the state's ability to expend the moneys in a  
22 manner or within the time required by ARRA. Hawaii streamlined the  
23 procurement process and protest process for ARRA funded procurements, and  
24 raised the threshold for all small purchases, regardless of source of funds, to sunset  
25 in 2012.

26 *I Liheslaturan Guåhan* finds that many of the deadlines for Guam to use its  
27 ARRA funds are now fast approaching, and the Guam Department of Education

1 has *not* yet been able to encumber or expend much of it. *I Liheslaturan Guåhan*  
2 intends for the government of Guam to maximize the ARRA funds, and finds that  
3 in order to facilitate compliance with the deadlines and other ARRA requirements,  
4 the Guam Department of Education needs special provisions that expedite  
5 procurement procedures, such as protest procedures similar to those taken by the  
6 states of Colorado and Hawaii in 2009. It is the intent of *I Liheslaturan Guåhan* to  
7 provide the Guam Department of Education special provisions to enable the  
8 expenditure of federal stimulus funds authorized by ARRA.

9 *I Liheslaturan Guåhan* finds that ARRA has specific accountability and  
10 transparency provisions to prevent fraud, waste, and abuse, to ensure against poor  
11 contracting or grant management, and to ensure the use of competitive procedures.  
12 ARRA provides the federal government with expansive investigatory and auditing  
13 powers to monitor, oversee, and ensure that the ARRA funds are used for their  
14 intended purposes. The Third party fiduciary agent of the Guam Department of  
15 Education will be responsible for the execution of these special provisions on  
16 behalf of the Department of Education. .

17 **Section 2.** A new §5425A is *added* to Part A of Article 9, Chapter 5 of  
18 Title 5, Guam Code Annotated, to read:

19 **“§5425A. Protest Procedure for Procurement Funded with 2009**  
20 **American Recovery and Reinvestment Act Moneys Allotted to the**  
21 **Guam Department of Education.** (a) Notwithstanding any other provision  
22 of this Chapter and any rules promulgated therefore, *if* an actual or non-  
23 selected vendor, contractor, or service provider is aggrieved by an award or  
24 a contract funded, in whole or in part, by the funds allotted to the Guam  
25 Department of Education from the 2009 American Recovery and  
26 Reinvestment Act (ARRA), the procedure for protest outlined in this Section  
27 *shall* apply, and *shall* be the exclusive means available to resolve the

1 concerns of persons aggrieved in connection with awards or solicitations  
2 involving ARRA funds, in whole or in part. The protest *shall* be submitted  
3 to the Public Auditor who may settle and resolve a protest by one (1) or  
4 more of the following means:

- 5 (1) amending or canceling the solicitation;
- 6 (2) terminating the contract that was awarded;
- 7 (3) declaring the contract null and void from the time of its award;
- 8 *or*
- 9 (4) affirming the contract award decision.

10 If the protest is *not* resolved by mutual agreement, the Public Auditor  
11 *shall* issue a decision, in writing, within *no more than* ten (10) working days  
12 of receipt of the protest. The decision *shall* state the reasons taken. A copy  
13 of the written decision *shall* be mailed, using certified mail, or otherwise  
14 furnished to the vendor, contractor, or service provider who initiated the  
15 protest, the person awarded the contract, and to all other non-selected  
16 bidders or offerors.

17 (b) For purposes of this Section, the determination of facts and  
18 decision by the Public Auditor for the resolution of protests of ARRA  
19 funded procurements *shall* be final and conclusive with *no* right of appeal *or*  
20 judicial review. The fact that a protest has been filed pursuant to this  
21 Section *shall not* stay the procurement process or award of any contract  
22 funded by ARRA moneys, whether in whole or in part, *unless* so ordered by  
23 the Public Auditor. A request for reconsideration *shall also not* stay the  
24 award of any contract funded by ARRA moneys, whether in whole or in  
25 part, *unless* so ordered by the Public Auditor.

26 This Section is repealed effective December 31, 2011, unless the federal  
27 grantor agency authorizes an extension of time for the obligation or expenditure of

1 ARRA funds, in which case this Section *shall* be repealed at the end of the  
2 extension period.”



# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 2/24/11

## VOTING SHEET

SBill No. 48-31 (COR)

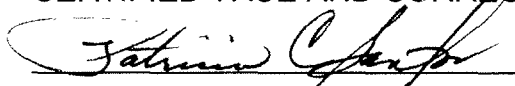
Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.		<del>✓</del> ✓			
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL                      13      2      0      0      0

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



February 21, 2011

The Honorable Judith T. Won Pat  
Speaker  
*I Mina' Trentai Unu Na Liheslatuaran Guahan*  
31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

VIA: The Honorable Rory J Respicio  
Chairperson, Committee on Rules

2011 FEB 22 11:10 04

De

RE: Committee Report on Bill No. 48-31 (COR) as Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting on Substitute Bill No. 48-31(COR) "An Act To *Add* § 5213a, 5220, And 5425a To Title 5 Guam Code Annotated Relative To Establishing Expedited Procurement Procedures For The Department Of Education To The Disburse Of Stimulus Funds Under The "2009 American Recovery And Reinvest Act"—sponsored by Speaker Judith T. Won Pat Ed.D.

Committee votes are as follows:

<u>9</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>2</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ  
Chairperson

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER  
Chairman, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting  
Web Address: [www.senatorbjcruz.com](http://www.senatorbjcruz.com)



*I MINA'TRENTAI UNU NA LIHESLATURIAN GUAHAN*  
The 31<sup>st</sup> Guam Legislature • [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)  
155 Hesler Place, Hagatna, Guam 96910  
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

## COMMITTEE REPORT

ON

Substitute

**BILL 48-31 (COR)**

**“An Act To *Add* § 5213a, 5220, And 5425a To Title 5 Guam Code Annotated Relative To Establishing Expedited Procurement Procedures For The Department Of Education To The Disburse Of Stimulus Funds Under The “2009 American Recovery And Reinvest Act”**



February 17, 2011

**MEMORANDUM**

**TO:** All Members  
Committee on Youth, Cultural Affairs, Procurement, General  
Government Operations and Public Broadcasting

**FROM:** Vice Speaker Benjamin J.F. Cruz

**SUBJECT:** Committee Report on Bill No. 48-31 (COR) as Substituted

Transmitted herewith for your consideration is the Committee Report on Bill No. 48-31(COR) – “An Act To Add § 5213a, 5220, And 5425a To Title 5 Guam Code Annotated Relative To Establishing Expedited Procurement Procedures For The Department Of Education To The Disburse Of Stimulus Funds Under The “2009 American Recovery And Reinvest Act” as substituted by the Committee.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Substitute Bill No. 48-31(COR)
- Bill No. 48-31(COR)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 48-31(COR)
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz".

BENJAMIN J.F. CRUZ  
Chairperson



## **I. OVERVIEW**

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Wednesday, January 19, 2011 at 10:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 48-31(COR) "An Act To Add § 5213a, 5220, And 5425a To Title 5 Guam Code Annotated Relative To Establishing Expedited Procurement Procedures For The Department Of Education To The Disburse Of Stimulus Funds Under The "2009 American Recovery And Reinvest Act"

Bill No. 48-31(COR) would raise the limits on "small purchase items" to \$100,000 for purchases and \$250,000 for construction projects for the "2009 American Recovery And Reinvest Act". This would expedite the procurement process and ensure that we would spend the required amount called for in the 2009 ARRA rules and regulations.

### **Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on February 9 and 15th via email. Notices of the hearing were published in the Marianas Variety Guam edition on February 10 and February 15. Copies of the hearing notices are appended to the report.

### **Senators Present**

Senator Tina Rose Muna Barnes, Acting Chairperson  
Senator Judith P. Guthertz, DPA, Committee Member  
Senator Thomas C. Ada, Committee Member  
Senator V. Anthony Ada, Committee Member  
Senator Christopher M. Duenas, Committee Member  
Senator Sam Mabini, Ph.D., Committee Member  
Senator Aline A. Yamashita, Ph.D., Committee Member  
Senator Mana Silva Taijeron

The public hearing was called to order at 9:02 a.m.

## **II. SUMMARY OF TESTIMONY AND DISCUSSION**

Vice Chairman Tina Rose Muna Barnes called the public hearing to order at 9:02 a.m. and announced the morning's agenda. Senator Tom Ada objected to a change in schedule requested by Senator Guthertz and accepted by Senator Tina Muna Barnes acting Chairperson for the Committee. Senator Muna Barnes acknowledged the objection and agreed to accept testimony on all bills throughout the course of both the morning and afternoon sessions.



**Senator Muña Barnes** announced Bill No. 48-31 (COR) as the next bill on the agenda and noted members of the public prepared to testify.

**Speaker Won Pat** briefly described the legislative findings and intent of Bill No. 48-31 (COR), its modeling history from various states, and streamlining method for the procurement process including protests. Won Pat recognized the bill for being a work in progress and welcomed assistive testimony.

**Senator Muña Barnes** announced Attorney General Rapadas as the first individual to offer testimony.

**Lenny Rapadas**, Guam Attorney General, submitted and read written testimony in support of Bill No. 48-31 (COR). Rapadas noted that his office has been working on a near daily basis with DOE to attain ARRA funding and to review the procurement process as it relates to contracts of \$500,000 or more. He expressed concerns at the growing number of contracts submitted for various projects.

**Patrick Mason**, Deputy Attorney General, submitted and read written testimony in support of Bill No. 48-31 (COR). Mason asserted that they have not received many contracts to review, but they are aware that there is a large amount of ARRA money available. He asserted that Bill No. 48-31 (COR) is necessary if ARRA money is too obligated on time because the expedited process will help agencies get contracts to our office for quicker review.

**Rebecca Perez-Santo Tomas**, DOE Staff Attorney, submitted and read written testimony on behalf of Superintendent Nerissa Bretania-Shafer Underwood in support of Bill No. 48-31 (COR).

**John Brown** representing himself submitted and read written testimony in favor of Bill No. 48-31 (COR). He clarified that the Sunset Provision for the Act is June 30, 2011. Brown stated that \$100,000 may be too excessive for goods and services.

**Patrick Mason**, Deputy Attorney General, clarified that moving ARRA funding through the procurement process is the focal point, but asserted that the ceiling for goods and services should be raised to \$250,000 because it is nearly impossible to build anything substantial for \$100,000.

**Speaker Won Pat** asked for an example of goods and services.

**Rebecca Perez-Santo Tomas**, DOE Staff Attorney, stated that an example would be consulting contracts and possibly technology equipment that would come close or exceed that amount.



Thomas clarified that Bill No. 48-31 (COR) is a temporary exception to the current procurement law in order to prevent the loss of ARRA funds.

**Speaker Won Pat** – Is the intent to avoid having too many RFP's to expedite the process for goods and services?

**Rebecca Perez-Santo Thomas**, DOE Staff Attorney, stated that purchases of \$100,000 are smaller but not necessarily simpler. The process allows us to get three quotes more expeditiously and move the procurement process along quickly.

**Speaker Won Pat** asked what safeguards will be used to prevent procurement problems.

**Rebecca Perez-Santo Thomas**, DOE Staff Attorney, stated that they intend to use the safeguards currently existing in the procurement law.

**John Brown** agreed that safeguards currently exist in the law. He reasserted that the goal is spending the ARRA funds in the time limit they have.

**Speaker Won Pat** It is recommended that this bill be repealed September 30, 2012, but since the money is supposed to be expended by December 31, 2011, why not repeal the bill on that date?

**Rebecca Perez-Santo Thomas**, DOE Staff Attorney, clarified that it is obligation by September 30, 2011 and expenditure or cash out by December 31, 2011. Circumstances may exist by which their may be an extended period for liquidation. For example, a capital improvement project may see a granting agency offer extended liquidation time therefore moving obligations into 2012. Therefore, I suggest to the legislature we keep the net monies until 2012.

**III. FINDINGS AND RECOMMENDATIONS** The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting finds that in the interest of ensuring that ARRA funds are utilized for the Department of Education while maintaining a level of accountability through that department's third-party fiduciary, Bill No. 48-31(COR) should be substituted in a manner that would accommodate the Department through an emergency waiver of specified procurement requirements.

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was referred Bill No. 48-31 (COR), hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Bill No. 48-31(COR) with a recommendation TO REPORT OUT ONLY as substituted by the committee.

*I MINA'TRENTI UNU NA LIHESLATURAN GUAHAN*  
2011 (FIRST) Regular Session

2011 JAN 24 PM 11:32 EDM

Bill No 48-31(Ord)

Introduced by:

J. T. Won Pat, Ed.D.

**AN ACT TO ADD § 5213A, 5220, AND 5425A TO TITLE 5  
GUAM CODE ANNOTATED RELATIVE TO  
PROVIDING TEMPORARY EXPEDITED  
PROCUREMENT PROCEDURES TO ASSIST WITH  
THE DISBURSEMENT OF STIMULUS FUNDS UNDER  
THE "2009 AMERICAN RECOVERY AND REINVEST  
ACT".**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that the government of Guam has been granted closed to \$240 million in federal stimulus funding under the historic 2009 American Recovery and Reinvestment Act (ARRA), U. S. Public Law 111-5, which provides states with funding for infrastructure projects to create jobs in the near term and to lay the foundation for long term economic growth. Many of ARRA's provisions include stringent "use it or lose it" deadlines that require states to use the federal stimulus funds quickly or the funding will be reallocated to other states. It is reported that an approximate balance of \$150 million plus in federal stimulus funding including about over \$80 million for the Department of Education remains to be obligated and or expended on or before September 30, 2011.

*I Liheslaturan Guahan* finds that, in order to mobilize economic recovery



1 and so as not to lose federal stimulus funds, many states passed laws in 2009  
2 specifically intended to reap the maximum benefits of ARRA, including methods  
3 to comply with its deadlines. Among those many states are Colorado and Hawaii,  
4 both of which have procurement laws patterned after the American Bar  
5 Association's Model Procurement Law, like Guam, and both of which made  
6 changes to their procurement law specifically to accommodate the quick use of  
7 ARRA funds. Colorado added a new section to its procurement law to permit a  
8 waiver of one or more provisions of their procurement code to the extent the  
9 waiver was necessary to expedite the use of ARRA funds if strict adherence to the  
10 code would substantially impede the state's ability to expend the moneys in a  
11 manner or within the time required by ARRA. Hawaii streamlined the  
12 procurement process and protest process for ARRA funded procurements, and  
13 raised the threshold for all small purchases, regardless of source of funds, to sunset  
14 in 2012.

15 *I Liheslaturan Guahan* finds that many of the deadlines for Guam to use its  
16 ARRA funds are now fast approaching, and the government of Guam has not yet  
17 been able to encumber or expend much of it. *I Liheslaturan Guahan* intends for  
18 the government of Guam to maximize the ARRA funds, and finds that in order to  
19 facilitate compliance with the deadlines and other ARRA requirements, the  
20 government of Guam needs temporary relief from the Guam Procurement Law in  
21 the form of expedited procurement procedures including protest procedures,  
22 similar to those taken by the states of Colorado and Hawaii in 2009. It is not the  
23 intent of *I Liheslaturan Guahan* to provide permanent exemptions or permanent  
24 relief to the Guam Procurement Law, and this Act shall be applied only to expedite  
25 the expenditure of federal stimulus funds authorized by ARRA, or to expend the  
26 matching state funds, if any, required to access the federal stimulus funds.

27 *I Liheslaturan Guahan* finds that ARRA has specific accountability and

1 transparency provisions to prevent fraud, waste, and abuse, to ensure against poor  
2 contracting or grant management, and to ensure the use of competitive procedures.  
3 ARRA provides the federal government with expansive investigatory and auditing  
4 powers to monitor, oversee, and ensure that the ARRA funds are used for their  
5 intended purposes. Therefore, *I Liheslaturan Guahan* intends this Act to provide a  
6 proper balance between the expedited procurement procedures and the necessary  
7 accountability and transparency requirements.

8 **Section 2.** A new §5213A is added to Title 5 of the Guam Code Annotated  
9 to read:

10 **§5213A. Small Purchase Limits for Procurement Funded with**  
11 **2009 American Recovery and Reinvestment Act Moneys.**

12 Notwithstanding any rule created pursuant to §5213 setting threshold  
13 amounts for small purchases, whenever an acquisition is funded, in whole or  
14 in part, by the 2009 American Recovery and Reinvestment Act, the  
15 threshold limits to use the small purchases procedure shall be increased to  
16 the following limits instead:

17 (a) For the acquisition of goods and services, the acquisition  
18 may not exceed \$100,000; and

19 (b) For the acquisition of construction, the acquisition may  
20 not exceed \$250,000.

21 All other procedures for small purchases as established by this  
22 Chapter or by applicable rules shall be followed. This section is repealed  
23 effective September 30, 2012, unless the federal grantor agency authorizes  
24 an extension of time for the obligation or expenditure of ARRA funds, in  
25 which case this section shall be repealed at the end of the extension period.

26 **Section 3.** A new § 5220 is added to Title 5 of the Guam Code Annotated  
27 to read:

1           **§ 5220. Waiver of Procurement Code Requirements for**  
2 **Acquisitions Funded with 2009 American Recovery and Reinvestment**  
3 **Act Moneys.** Notwithstanding any other provision of this Chapter and any  
4 rules promulgated therefore, if funding for a procurement, whether in whole  
5 or in part, includes moneys received pursuant to the 2009 American  
6 Recovery and Reinvestment Act (ARRA) or any amendments thereto, the  
7 Chief Procurement Officer, the Director of Public Works, or the head of a  
8 purchasing agency may request in writing a waiver of one or more  
9 provisions of this Chapter to the extent the waiver is necessary to expedite  
10 the use of the ARRA moneys in a transparent and accountable manner  
11 consistent with the goals and purposes of ARRA or to the extent strict  
12 adherence to this Chapter would substantially impede the ability of the  
13 government to expend the moneys in the manner or within the time required  
14 by ARRA or any other applicable federal law. A waiver shall be granted  
15 upon the written approval of the Governor and the Public Auditor, or their  
16 designees, confirming that the requested waiver meets the criteria set forth in  
17 this section. A written determination of the basis for and the scope of the  
18 waiver, including but not limited to the specific code provision being waived  
19 and the alternative selection process to be used, shall be signed by the  
20 requesting party, and the Governor and the Public Auditor, or their  
21 respective designees if applicable, and shall be included in the contract file,  
22 and made publicly available by posting on the Governor's or Public  
23 Auditor's web site. Determinations made pursuant to this section are not  
24 subject to protest. This section is repealed effective September 30, 2012,  
25 unless the federal grantor agency authorizes an extension of time for the  
26 obligation or expenditure of ARRA funds, in which case this section shall be  
27 repealed at the end of the extension period.

1           **Section 4.** A new §5425A is added to Title 5 of the Guam Code Annotated  
2 to read:

3                   **§5425A. Protest Procedure for Procurement Funded with 2009**  
4           **American Recovery and Reinvestment Act Moneys.** (a) Notwithstanding  
5 any other provision of this Chapter and any rules promulgated therefore, if  
6 an actual or prospective vendor, contractor, or service provider is aggrieved  
7 by an award of a contract funded, in whole or in part, by the 2009 American  
8 Recovery and Reinvestment Act (ARRA), the procedure for protest outlined  
9 in this section shall apply, and shall be the exclusive means available to  
10 resolve the concerns of persons aggrieved in connection with awards or  
11 solicitations involving ARRA funds, in whole or in part. The protest shall  
12 be submitted to the Public Auditor who may settle and resolve a protest by  
13 one or more of the following means:

- 14                   (1) amending or canceling the solicitation;  
15                   (2) terminating the contract that was awarded;  
16                   (3) declaring the contract null and void from the time of its award;  
17                   or  
18                   (4) affirming the contract award decision.

19           If the protest is not resolved by mutual agreement, the Public Auditor  
20 shall issue a decision in writing within no more than ten working days of  
21 receipt of the protest. The decision shall state the reasons for the action  
22 taken. A copy of the written decision shall be mailed or otherwise furnished  
23 to the vendor, contractor, or service provider who initiated the protest, the  
24 person awarded the contract, and to all other non-selected bidders or  
25 offerors.

26                   (b) For purposes of section, the determination of facts and decision  
27 by

1           the Public Auditor for the resolution of protests of ARRA funded  
2 procurements shall be final and conclusive with no right of appeal or judicial  
3 review. The fact that a protest has been filed pursuant to this section shall  
4 not stay the procurement process or award of any contract funded by ARRA  
5 moneys, whether in whole or in part, unless so ordered by the Public  
6 Auditor. A request for reconsideration shall also not stay the award of any  
7 contract funded by ARRA moneys, whether in whole or in part, unless so  
8 ordered by the Public Auditor.

9           (c) This section is applicable retroactively to any procurement  
10 involving ARRA funds, provided the procurement had begun but had not yet  
11 been completed at the time this section became effective, and provided no  
12 protest had yet been filed. A protest pursuant to this section shall be  
13 submitted in writing within fourteen (14) days after such aggrieved person  
14 knows or should have known of the facts giving rise thereto, provided no  
15 protest may be filed more than thirty (30) days after notice of award is given  
16 to a bidder or offeror.

17           (d) This section is repealed effective September 30, 2012, unless  
18 the federal grantor agency authorizes an extension of time for the obligation  
19 or expenditure of ARRA funds, in which case this section shall be repealed  
20 at the end of the extension period.

21           **Section 5.** Rules may be promulgated, if necessary, consistent with this  
22 Act pursuant to the procedures in the Administrative Adjudication Law for  
23 establishing emergency rules through executive order.

*I MINA'TRENTI UNU NA LIHESLATURAN GUÅHAN*  
**2011 (FIRST) Regular Session**

**Bill No 48-31 (COR)**

As substituted by the Committee on Youth, Cultural Affairs,  
Procurement, General Government Operations, and Public Affairs.

Introduced by:

J. T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW § 5220 TO TITLE 5 GUAM  
CODE ANNOTATED; RELATIVE TO PROVIDING AN  
EMERGENCY WAIVER OF PROCUREMENT CODE  
REQUIREMENTS FOR ACQUISITIONS FUNDED  
WITH 2009 AMERICAN RECOVERY AND  
REINVESTMENT ACT MONEYS ALLOTTED TO THE  
GUAM DEPARTMENT OF EDUCATION.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

that the government of Guam has been granted closed to \$240 million in federal stimulus funding under the historic 2009 American Recovery and Reinvestment Act (ARRA), U. S. Public Law 111-5, which provides states and territories with funding for infrastructure projects to create jobs in the near term and to lay the foundation for long term economic growth. Many of ARRA's provisions include stringent "use it or lose it" deadlines that require states and territories to use the federal stimulus funds quickly or the funding will be reallocated to other states. More than \$150 million plus in federal stimulus funding including over \$80 million in funds allocated to the Guam Department of Education remains to be obligated and or expended on or before September 30, 2011.

1            *I Liheslaturan Guåhan* finds that, in order to mobilize economic recovery  
2 and so as not to lose federal stimulus funds, many states passed laws in 2009  
3 specifically intended to reap the maximum benefits of ARRA, including methods  
4 to comply with its deadlines. Among those many states are Colorado and Hawaii,  
5 both of which have procurement laws patterned after the American Bar  
6 Association’s Model Procurement Law, like Guam, and both of which made  
7 changes to their procurement law specifically to accommodate the quick use of  
8 ARRA funds. Colorado added a new section to its procurement law to permit a  
9 waiver of one or more provisions of their procurement code to the extent the  
10 waiver was necessary to expedite the use of ARRA funds if strict adherence to the  
11 code would substantially impede the state’s ability to expend the moneys in a  
12 manner or within the time required by ARRA. Hawaii streamlined the  
13 procurement process and protest process for ARRA funded procurements, and  
14 raised the threshold for all small purchases, regardless of source of funds, to sunset  
15 in 2012.

16            *I Liheslaturan Guåhan* finds that many of the deadlines for Guam to use its  
17 ARRA funds are now fast approaching, and the Guam Department of Education  
18 has not yet been able to encumber or expend much of it. *I Liheslaturan Guåhan*  
19 intends for the government of Guam to maximize the ARRA funds, and finds that  
20 in order to facilitate compliance with the deadlines and other ARRA requirements,  
21 the Guam Department of Education needs special provisions that expedite  
22 procurement procedures such as protest procedures, similar to those taken by the  
23 states of Colorado and Hawaii in 2009. It is the intent of *I Liheslaturan Guåhan* to  
24 provide Guam Department of Education special provisions to enable the  
25 expenditure of federal stimulus funds authorized by ARRA.

26            *I Liheslaturan Guåhan* finds that ARRA has specific accountability and  
27 transparency provisions to prevent fraud, waste, and abuse, to ensure against poor

1 contracting or grant management, and to ensure the use of competitive procedures.  
2 ARRA provides the federal government with expansive investigatory and auditing  
3 powers to monitor, oversee, and ensure that the ARRA funds are used for their  
4 intended purposes. The Third party fiduciary agent of the Guam Department of  
5 Education will be responsible for the execution of these special provisions on  
6 behalf of the Department of Education. .

7 **Section 2.** A new § 5220 is added to Title 5 of the Guam Code Annotated  
8 to read:

9 **§ 5220. Emergency Waiver of Procurement Code Requirements**  
10 **for Acquisitions Funded with 2009 American Recovery and**  
11 **Reinvestment Act Moneys allotted to the Guam Department of**  
12 **Education.** Notwithstanding any other provision of this Chapter and any  
13 rules promulgated therefore, if funding for a procurement or acquisition,  
14 whether in whole or in part, includes funds allotted to the Guam Department  
15 of Education received pursuant to the 2009 American Recovery and  
16 Reinvestment Act (ARRA) or any amendments thereto, the Chief  
17 Procurement Officer or the Director of Public Works, and the Guam  
18 Department of Education Third Party Fiduciary Agent acting on behalf of  
19 the Superintendent of Education, may request in writing a waiver of one or  
20 more provisions of this Chapter to the extent the waiver is necessary to  
21 expedite the use of the ARRA moneys in a transparent and accountable  
22 manner consistent with the goals and purposes of ARRA or to the extent  
23 strict adherence to this Chapter would substantially impede the ability of the  
24 government to expend the moneys in the manner or within the time required  
25 by ARRA or any other applicable federal law. A waiver shall be granted  
26 upon the written approval of the Governor and the Public Auditor,  
27 confirming that the requested waiver meets the criteria set forth in this



1 section. A written determination of the basis for and the scope of the  
2 waiver, including but not limited to the specific code provision being waived  
3 and the alternative selection process to be used, shall be signed by the Third  
4 Party Fiduciary Agent of the Department of Education acting on behalf of  
5 the Superintendent of Education, and the Governor and the Public Auditor,  
6 or their respective designees if applicable, and shall be included in the  
7 contract file, and made publicly available by posting on the websites of the  
8 Department of Education and Public Auditor. Determinations made  
9 pursuant to this section are not subject to protest. This section is repealed  
10 effective September 30, 2012, unless the federal grantor agency authorizes  
11 an extension of time for the obligation or expenditure of ARRA funds, in  
12 which case this section shall be repealed at the end of the extension period.



Feb. 11, 2011

Dear Senators,

I am a Junior here at Southern High. This is my 3<sup>rd</sup> year as a High School student, but in actuality, I have been around this school since it opened its doors in 1997. I have seen Southern High at its peak and at its lowest points. This school has a lot of potential, and I really think it would really help our school morale if we had our own facilities. Aside from being a student, I am also an athlete. This past football season, I was awarded the position of captain by my coaches, but it tore me apart to see the blow to our team when we had to play our HOME games at Okkado, on the other side of the island. That is NOT our home. The same goes for our gym, I am a Varsity basketball player and not getting to play or use my home court is a big blow to our home crowd turn-out. At the Agat Gym, there are leaks in the roof and poorly maintained facilities. Now, my English teacher, Mrs. A. Ejikira, has informed me about the AARA funds that are available. Southern High has been in trouble since it opened in 1997 and it is in desperate need of the funds. If you are curious as to how I know this, it is because of my mother, Jill L. White, a teacher for 19 years in GDOE has been here since 1997. I have observed over the years all of the repairs and the failure to maintain the facilities. So I ask you not only for the money to repair but the money to maintain these facilities as well. My Principle Mr. Pettite has been a great help in trying to get all of this. He has done a fine job, resurrectoring Southern High and giving it a fine coat of polish. With everything he's done, I can't help but feel as though as I'm getting closer to my dream graduation, either on the football field or in the gym. When I would come here as a young child, I would walk around and see all the new facilities and hope that I would get a chance to utilize, be proud of, and graduate from them. I want to win a basketball game on the floor of the Southern High gym, I want to catch a pass on the green grass of the

February 16, 2011

Dear Senators,

My name is Amanda Aquino. I am currently attending Southern High School & I am in the graduating class of 2014. I am writing to all of you regarding the issues and unresolved problems at our school. By now, I am sure you are aware of all of them. I am not writing to ask if you have been informed, but to ask when is the job going to be done? We want to see the action rather than said. I believe Southern High has waited long enough. I do not know how long JFK had waited & what were their issues, but if they can re-build JFK from scratch, why can't they start little by little on fixing Southern High? This letter is not to complain, but rather to ask with up most respect to speed up the contract process. The longer it takes, the longer we wait. Thank you for your time & taking my letter into consideration.

Sincerely,  
Amanda Aquino

2/16/11

Dear Senators,

My name is Leandra Garrido. I am a freshman at Southern High School. I am writing to you to let you know about my experience and the conditions in Southern High. As a student my first year in Southern has been pretty good. Although, I noticed that in first block they had no air conditioning in three of my classes. During second block, my 1st period has no aircon, and it is really frustrating to work, because it's so hot and I start to sweat. I am writing to you to please make the contract process easier and faster to get the funds we need to fix the school.

Thank You,  
Leandra Garrido

2/17/11

To all the senators:

Please hear me out.

As a junior at Southern, I need to speak my mind  
CUZ my days here are limited & I'm running out of time.

Our school is in need of help from each of you  
by granting us our money so our school can pull through

Our auditorium is rotting away

Yet I haven't seen at least one play

It's big for nothing, with webs & mold

The smell of the inside & outside is getting old

It's like a bird's nest with actual birds in it

Our auditorium is getting older by the minute.

Our gym is as hot or even hotter than the sun

so we use our hallways so we can actually run

The smell of the gym is a collection of sweat

& I still can remember the hot days we used to get

That combo reaked us down to our knees

so that's why we go to other schools for our meets

The auditorium & gym just screams for help from you  
so please help me & my school so we can pull through.

Love,

A student from  
Southern. C/O 2012.

DEAR MR. SIR... I LOVE MY SCHOOL

I AM THE TRACK AND FIELD THAT SITS UNDER THE SUN PONDERING ABOUT WHY DONT YOU LOVE ME? YOU MADE ME, YOU'VE CONSTRUCTED MY SPIRIT AND BODY. IM YOUR HOLY GRAIL OF SPORTS. WHY WONT YOU CUT MY HAIR? DONT YOU KNOW THAT I HAVE FEELINGS TOO. IF I WAS YOU AND YOU WERE ME I WOULD MAKE YOU PRESENT YOURSELF WITH A SCENERY MORE BEAUTIFUL THAN THE CLOUDS AND THE TREES. AND EVEN THOUGH YOU'VE NEGLECTED ME I STILL LOVE MY SCHOOL."

I AM THE POOL WHO WELCOMES YOU TO COME TAKE A DIP, BUT DONT HURT YOURSELF WHEN YOU DIVE IN BECAUSE IM FULL OF NOTHING. IM THE MOTHER OF FROGS, KING OF MISQUITOS, AND THE ONLY TIME I DRINK IS WHEN NATURE CRIES. I WANT TO HELP! USE ME TO DRENCH YOUR BODY W/ NOTHING BUT SWEET SERENITY AND TAKE ALL PROBLEMS AWAY. I LOVE MY SCHOOL

WE'VE BEEN HERE WITH THESE KIDS FROM THE BEGINNING AND WE CANT REMEMBER WHEN WE WITNESSED CHAMPS BECOME CHAMPS. WE DONT FEEL LIKE HOME ANYMORE, BUT WE STILL OUR SCHOOL.

IM CHRISTOPHER DANIEL SALAS, A SENIOR AT SOUTHERN HIGH. I HATE MY SCHOOL BECAUSE ITS NOT A SCHOOL, BUT I STILL LOVE MY SCHOOL. THIS IS WHERE IM GRADUATING FROM AND IF I WAS YOU I WOULDN'T ONLY THINK OF A MINIMUM OF SCHOOLS. I WOULD THINK ABOUT EVERYONE AND EVEN THOUGH JFK HAS MORE PROBLEMS THAN WE DO, WE STILL HAVE OUR HOME SCHOOL. HELP US HELP THE NEW KIDS ON THE BLOCK WITH THE POTENTIAL THIS SCHOOL HAS. PLEASE! SOME MAY NOT BUT I STILL LOVE MY SCHOOL.

Christopher Daniel G. Salas

FEB. 17, 2011

# The Pool

Neatly built for the students to take;  
broke years later from a bad  
earthquake.

Guess what was in there?  
a tilapia to bake.

Algae and mold was living in the pool  
I thought Southern was supposed  
to be the greatest sport center  
in any school.

What else do you need to  
know to fix our pool.

So we ask for money from  
you ~~ARR~~ to help us  
be the sports center in  
all the school.

Sincerely,

Southern  
High  
Student.



2/17/11

Rodney Flores

to: who ever that is reading  
this. i hope you understand that  
we have ~~problem~~ here at our  
school and we would like to  
get rid of them, so we are asking  
from the kindness of our heart  
can you help us out. ~~unfortunatly~~  
you can do something good.  
just knowing you did something  
good feels good. so help us out.  
our Auditorium ~~is~~ is down.  
we could do a lot of things  
if it is up and running like  
have fine Arts performance, shows,  
Music, dance, theater, Poetry classes.  
but we don't because it is  
close next the GYM no A/C, no  
indoor games, no pe. classes inside.  
we have to run in the hallways.  
because the gym is not in good  
condition. Now the track/field.  
we always have to go and play  
somewhere else because the field  
is not good we haven't had  
a home game in how long. we  
~~would~~ would like to have a  
home game at least one more  
time. ~~the pool~~ and last thing  
the Pool. What i heard is that  
we have the biggest pool on  
island, but what is a pool with  
out water, and is leaking it is  
not a pool right. so can

Dear Government of Guam,

Hi, my name is Rosie Namiro, I am a student at Southern High School. My last year in Southern High is 2011, which is this year. And from the day that I've started ~~in~~ I have never seen the Auditorium. I have never went into the auditorium to see a play or the poetry slam. We could seriously be using the auditorium for assemblies, presentations, and entertainments. The other building that is being used every single day and really needs a lot of upgrading is the Gym. The Gym is very important to us, because we want to feel safe when we walk inside to go PE class. We don't want to sit in the Gym sweating ~~and sweating~~ because there's no air conditioning and the windows are open but we can't feel any air because the windows are too small and close to the ceiling. How in the world do you expect us to feel air. And we want to be able to play our home games in our own gym instead of using someone else's. The same goes with our fields and track. We want to be able to play on our own field. And last but not least, the pool. We want to be able to swim in it before we get out, I have never seen it with water and I'm already leaving the school.

Thank you.

Dear Senators of Guam,

I would like to introduce myself, my name is Victoria R. Taitague. I am currently a senior at Southern High School. It would be really kind of you to help fix up our school. I think we really need the money because right now our school looks really bad. If you guys did help us, it would make everyone happy. I would want for the younger students to experience what we didn't. We never had a chance to see the pool when it was up or the auditorium when it was running. I would want them to see how beautiful this school really is and what it's capable of doing. I would also be really nice if you guys could fix up the gym because it's really sad how we never had a home game at our school. Also if you can fix the aircons in the school so that every classroom had a working aircon. The science labs needs to be fixed for the students who are really into science and chemistry and wants to learn it. If you guys can fix the track and field.

Sincerely  
Victoria Taitague

2/17/11

TO WHOEVER REPRESENTS "THE PEOPLE"  
My name is Erica Jean Toves  
and I am a senior at Southern  
High School. (The most expensive  
school Guam has ever encountered.)

How are we supposed to move forward  
when the necessities we need move back?  
How are we supposed to take pride  
in something broken?

How can we be expected to take over  
your roles when you don't play your role?  
I don't intend to bring you down

However I do intend to inform you of  
~~the~~ things that you should already know  
that you have already so bluntly dismissed.

The Gym is used as an echo chamber, the auditorium  
is the home for pests, the pool an empty abyss, and  
the track/field an athlete death pit.

~~and~~ in my opinion all these facilities will  
cost money, but are also made to make  
money back. so why waste time pondering  
over which is more important because they all are.

Our pool could have trained the next Michael Phelps.

Our gym ~~could~~ could give us the next Michael Jordan.

and Our auditorium could inspire the next Michael Jackson.

~~and~~ why should a whole community pay  
for one contractor's mistake. Maybe he didn't  
have facilities in high school either. Dismiss the  
issue and we'll just be asking for more mistakes.

Think about it.

-Erica Jean Toves

Dear, Legislature

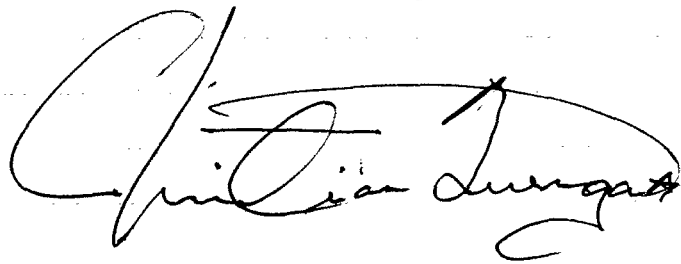
First of all I would like to start off by saying, Southern High is a great place. We have a lot of really talented student, but no where to go to express their talents. Like here in southern High we have good dancers, singers, poem writers etc. the thing is when it comes to expressing themselves there's no where to go, why? because our Auditorium is closed. because its down. I mean so far were always on the news for bad wrongdoing. but I know that we can change that. Maybe we'll win for best dance, singing. the thing is we the students want a place to go and let ourselves go. And entertain each other. we want to be a school where students from up north want to transfer to.

BP 4831  
#170 Lema Dr. SR  
Feb 16, 2011

Dear senator wonpat,

I am an honored student at Southern High School. I kindly ask that you please expedite BP 4831. Our #1 priority on this campus is sports. Its hard to persue our islands poopularity without SHS's gym. We have pep@dally's outside in the hot court yard. We have home games at various locations. Our graduations for JROTC is at expensive location. Please Help.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Melvin". The signature is written in a cursive, flowing style with a large loop at the end.

P.S. I love Melvin. Melvin loves Southern. Southern loves sports, therefore, sports need a gym.

Southern High School  
16 February, 2011

Dear Senator Wompat,

Please help expedite BP 45-21 so that ARPA fund can be released. We are all tired of having to stand outside in the hot sun during our pep rallies. For our home games are at village gyms. Students who have P.E. are suffering. It is just not fair. We need money to fix somethings, like the gym.

Sincerely,  
SHS Freshman

Rafael Quinata

Dear whoever i hate my stinkin pool  
all you see is that fatopia swimming through  
well ill be graduating next year  
and i hope to hear

that there gonna fix the pool within my year.

well the auditorium is my main concern

were all the band equipment has been burned

alot of people used to have alot of fun.....

well thats what i heard.

now its like a cave

all you hear is sound waves

well whoever is reading this i hope you feel

the same way i feel about not having

a home game on your own field.

well if you can fix all of that ill be

satisfied...Haha come on man wouldnt

you be electrified.



# Dear Legislators,

We need to fix our pool  
and our auditorium too  
we never get to use it  
even when it was new.

with our auditorium working  
we could have plays and events  
we could also sell stuff  
like popcorn and smoothies

there could be poetry slams  
dances and music  
but what fun could we have  
if we can't even use it

why can't we use our pool  
it was built for our school  
but a fish was the first to swim  
and that's not so cool.

so can you take it into consideration  
and fix the things we need  
it can also help the students -  
keep get their mind off fights and weed.



Dear Senators Sir... Ma'am!

Valine & the rest of the school behind me trying to talk to you guys 'bout a major... i'm talking ridiculously ginormous, over the top, i mean like an issue everyone's been waiting for! Southern High, yees now you see! This so called GTHETIO, ugly dump, the school that preeps say "SUCKS!"... is our issue! I see long time ago we had like over the top best looking school here... with working & non-runned down gym, & no "talapia" in the pool called Dolphny! by the seniors, & home games on our fields, not at Agat Gym! or now our fields look like grasslands, & an auditorium that has no birds in it or broken glass or yeah!! All i want to say is that it would be very grateful & nappy that before i graduate to have a fixed school, where people could say that oh it's over the top notch & nice & on so beautiful & ~~at~~ the baddest school on Guam all over again! so kindly please give us our money back so you could fulfill our dreams & make it happen! Just Do it! That \$8,000,000 would make the biggest problem SOLVED!! W.W.J.D.!? Seriously what would ~~ne~~ you do!?!?

-Valine I.

87 all in junior

Garrett  
Nauta  
1st period.  
2/17/11

## SOUTHERN HEIGHT

I am a junior here  
and its my 3<sup>rd</sup> year

that means one more year to become a senior.

Im leaving my school soon and it hurts not to know  
what my auditorium looks like, before I go.

Ive heard many things of how great it used to be  
but those are just words, it means nothing to me.  
Ive missed out on many experiences I wouldve  
gone through.

Instead I sit in a hot gym and there's nothing  
I could do.

I havent gone to a home game on my own turf.  
Instead we have to go someplace else to play  
on others dirt.

I wonder where my graduation will be?  
oh thats right we have no choice but VOG.

I hope our school gets fixed, there are so many  
things to do.

And hopefully the next generation won't be  
writing this to you!

February 17, 2011

Dear Sir Sardor

I would like for you  
to listen and include too  
what you're doing to  
our sad and bruised  
school is a very great  
and generous thing.  
Thank you sir! You are  
as much of an American  
as the one who leads  
our country.  
Over the years, our school  
has cried tears of  
sadness and hatred and  
of frustration enough said,  
but this giving of money  
to this school of service  
to educate serious students in  
setting their sights on the horizon  
shows your sympathy and generosity  
to release this school from poverty.  
I know this may be another boring  
poem, but to show you where I'm  
from, and to show some, that  
I appreciate your gift so  
si yu'us ma'aise

Seen

We need the \$\$\$.

When people ask me what grade im in I say 10<sup>th</sup> grade. When they ask "what school?" I say "southern high". Then you see a look in their eye like they're disgusted, asking "oh how is it", "is it bad", and "why are you going there". The worst one is "That place is Ghetto." This place is not "Ghetto", Its one of the best places on Guam. Hearing stories about how great it was back then, really made me think about this school. The gym is one thing. They used to have wooden floors like the NBA. Now its just blue floors that give you rug burn. We cant even have home games here. Whats the point of a home game if you share the gym with other schools. That only one out of five problems in the school. The schools not bad its just the students. The "bad apples" are the ones making the school look bad. Acting like monkeys in a zoo, vandalizing school property, and bringing bad rep. to our school. We should stand and fight for what right for our school. We need funds for this place we call home.

I am a dolphin

Southern is my ocean

We need the funds to move

in a positive motion.

# "THE BEAUTY OF AN AUDITORIUM"

FEBRUARY 17<sup>TH</sup>, 2011

IF ONLY THE AUDITORIUM WAS WORKING,  
THERE WOULDN'T BE A PROBLEM WITH ME.  
BECAUSE SOUTHERN HIGH SCHOOL IS WHERE  
I WANT TO BE. I'VE BEEN HERE TWO YEARS  
AND YET HAVE NOT EVER STEPPED FOOT  
IN THAT AUDITORIUM ROOM. ALL WE NEED  
IS JUST SOME MOPS AND BROOMS. SO, THAT  
WE CAN CLEAN THE PLACE UP IT HURTS  
TRYING TO DRINK FROM AN EMPTY CUP.  
WHEN I SEE THE AUDITORIUM... I SEE  
SO MUCH BEAUTY AND YET WE  
CAN'T EVER USE IT? BUT I JUST  
WANT TO KNOW WHY IT WAS BUILT  
IN THE FIRST PLACE. MY PASSION  
IS THE SAME AS A LAWYER TRYING  
TO WIN HER CASE. I KNOW THIS <sup>SCHOOL</sup> WOULDN'T  
BE THE SAME AS IT WAS BEFORE BECAUSE  
I KNOW SOUTHERN HIGH HAS SOMETHING  
MORE. SO, IM ASKING YOU THIS FAVOR :  
PLEASE GIVE THE MONEY AND DON'T  
JUST DO IT FOR ME, BUT DO IT FOR  
THE WHOLE STUDENT BODY. IF YOU  
GET MY EXPLANATION AND IF MY  
WORDS HAVE TOUCHED YOU THEN  
HOPEFULLY YOU'LL GET A CLUE  
OF WHY I DECIDED TO WRITE  
THIS POEM TO YOU.

THANK YOU FOR YOUR TIME

Sincerely

Clarissa V. Quinata  
CLARISSA V. QUINATA.

## STHS Problems.

Picture a abandon house  
and when you go inside  
all you see is broken chairs,  
mold on the wall, termites  
eating the wood, and it stinks  
well thats just like our Auditorium.  
Our Auditorium is an abandon  
house thats not being used  
for years left alone no one  
caring about how it makes  
us look bad. So get up and  
help us out cause we want  
to start using it.



LAWRENCE AGUON  
FEBRUARY 17, 2011  
2<sup>ND</sup> PERIOD  
CREATIVE WRITING

## SHS FACILITIES

Dear sir,

First of all

SHS, is where we like to be.

This mansion right here is like a big home to me

The auditoriums down now we can't watch no plays

We need the track and field so we can start playing  
games

My work out hours, gone, cause the gym is going  
down

We need the pool: up and running and a life-  
guard if we drown.

So help us out sir, we all need the support  
maybe this is why you're always going back to  
court

So get your acts straight, do your job the right  
way, after all you're the one that said let's make  
queam a BETTER PLACE.

to whom it may concern our auditorium is broken,  
some doors won't even open, it look like some  
one broken in a stolen, so pls fix our auditorium,  
the rats made their little camp fire eating  
emors on the broken stage, while we the people  
shs just sit around and wait, wait for it  
to repair its self, wait till it ask for help, wait  
till a typhoon hits it, gives us a reason to  
quit asking for someone to fix it, maybe it will  
change us too, we mostly fight cause there's  
nothing to do, we really need something know  
fix the gym and dean, the pool, it might  
decrease the drop out rate and suspensions to.  
I'm just speaking up for the people of ETHS

Dear Sir,

I am writing this letter to you to let you know how I feel about the school that I am currently attending. I have been here for three years. I have not been given the opportunity to make use of these places here on this school. One place that I haven't been able to make use of is the auditorium. My teacher was just telling me how "awesome" it was and that it was supposed to be a "state of the art." He also said that the gym was way better than it was before. Our pool was clean and functioning properly. Our amphitheater was clean. It was all "my teacher" that was telling me how Southern High was better ~~and~~ when he was attending it both than I would not have a clue of how clean it was because it was messed from the first time I came here. Up till now it is still messed up. Aircon problems, mold in the gym, our classrooms, lawn all ch the floor in the hallways. The gym all look like a decorative design though. It actually goes good with the mold and that cigarette smell in the bathroom is also another add-on to this unsanitary school.

F. J. J.

UNKNOWN

Dear Mr. Sir.

well first of all the Gym here is not  
in good condition and I never used it in  
my three years in southern high. Also the  
Auditorium. I've never been into an  
auditorium in my life and of course  
I do. Help us out man. The pool is another  
thing. Our pool has fish inside and all  
moldy and stuff. How sick is that. This  
letter is to ask you to please help us out  
on our school...

Deputy Governor, Joshua Vekary

Period: 2nd

January 17<sup>th</sup> 2011

anyone senior here at southern high  
where the laptops use not black blue and white  
where the balls are breezy and the student fight  
with the teachers busy and aids <sup>always</sup> ~~always~~ fight  
with the gym never been used  
and the auditorium, field/track, and pool  
abused with the aircons broken and students  
getting accused for things being stolen through  
they just confused  
having no money to fix any of these problems  
I guess you can say it looks like gotten  
with a messed up gym  
and field and track  
with a bad auditorium down  
and the pool filled with people  
and cracks

Dear senators I want the money to come to southern high school  
so we can fix it and make a better school if we fix  
the school the students will be coming everyday to school  
because it's clean and better and if you don't care about  
us how about if you were just like us going to school  
and seeing things ~~when~~ when I come to school I want air con,  
fix the gym, the pool, the auditorium, ~~the~~ fix  
~~all~~ all of it. if you guys fix the school there will be  
more ~~lights~~ lights in our school. I want our school painted so  
it could look nice and clean when it's dirty the people that  
~~sick~~ sick they can get more sick from the mold in our school.  
if we get the money I want them to fix the cafeteria and the air con  
sticks and ~~more~~ more lights that in there.

Feb. 17, 2011

Dear Senators,

I am a student that attends Southern High. In the past months I've been here this school was all out of shape. Classrooms not having air conditioning and mold growing on the walls. The gym, auditorium, and pool all in the worst shape ever. Although I've never been into the Auditorium, what I've heard about how it was designed and how it was an amazing facility. I'm sure that if this facility was fixed and up and running this school would be great. Students can show their talents and their voices and skills and shine like the stars in the sky. You will see fixing these facilities will better this school, and the 8 million that is suppose to go to this school should go to this school. By not getting that money into this school then you are depriving students their needs for the extra curricular activities they desire. So think about, would you set that money aside to something else or give it to a school who needs

Dear Senate,

I think this school's facilities are B.S. Our Pool is cracked, Auditorium bashed and our Gym is broketion. The people who thought up this school didn't see the happening. We can't strut our stuff if our staff ~~don't work~~ is out of commision. We have useless junk of machines you call air condition. This money is for a cause and that cause is education. We live on an island and most of us can't swim ~~and~~, yet the chances of the pool being fixed are slim. We don't live in the states we live next to the equator. Its Hot! I had canned corn I didn't want popped. This school was state of the art, but now its not. So please if you can insure we get the money owed. Well then this school blows

P.S. Just joking ~~that~~ I like this school. I don't think its bull, that much. I just want it fixed.

sincerely, a concerned student



Senators of Guam,

HELLLPPP!!!

Southern High looks wack.

The track and field looks like a jungle.

It's all torn up, ugly, and dangerous.

We run in the hallway for P.E.

Did you know we can get hurt?

Slippery on rainy days and students  
bumping in to each other.

We haven't had a "Home" game in years

Always going to Okkodo or Wetingale  
all the way in Dededo.

It just doesn't seem right.

The gym is useless - All we use are the  
showers ... It's ridiculous.

Our pool was hardly used and now  
the talapia has taken over.

MOST OF ALL,

The auditorium - Not being able to  
put on shows, productions, music and dance,  
and even poetry slams.

So, the way I see it ... You've spent  
millions on our school in 1998, and all  
we've done is put it to waste.

\* We just want to feel like we're HOME!

To all the senators that are  
supporting our school,  
Please fix up the auditorium  
and the pool,  
There are more stuff that needs to  
be fixed,

But I hope these two facilities are  
first on your list,

To swim in a pool at school would feel so great,  
and I hope its fixed before I graduate,

I'm a junior + I also want to see

performances done in the auditorium,

watching performances would go great with Mangalich,

The field/track is another issue,

and if all these things are fixed I'll

be blowing kisses to you.

Sincerely,

Christopher Nedezog

Dear Senators,

You should give us the \$8 million to repair our school because we need. We need it to repair our gym because we use it for P.E. and we can have games there. It needs air conditioning, new bleachers, a new floor, and better locker rooms. We need to repair our auditorium because it's just a waste if we just leave it like how it is. If you fix it, it can be used for band class and performances. It's sad that most of us will never get to see our own auditorium. I've never seen the auditorium, but from what I'm hearing is that it needs a major repair. We need to repair the track and field because it can be used for many things and it'll just be a waste of money if you don't do anything about it. We need to repair our pool because we can use it for P.E. class and people can swim there. We need to repair all the classes because that's where the learning takes place. We need to fix the air conditioning, get new desks, paint the walls, fix the lights, and remove all the mold. You should give us the money instead of giving to people who already had their chance.

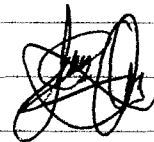
Sincerely,

Sasha Dings

To Whom it may concern,  
This is from who really want to learn.  
This is the students from Southern High.  
We are noticing are school deteriorating as the days go by.  
We need the money to reconstruct and get materials.  
Because although we are a new school, the look is unbelievable.  
It's pool is dirty and full of algae.  
There's enough room in this school for us, but it's dirty.  
Our gym is condemned and our fields are not put to use.  
If you came to our school, you would say it is abused.  
But our principle is changing the way it is, but needs money.  
So please take this serious, this situation isn't funny.

Thank-You

Laurence Quidachay



02/17/10

Dear Senator:

I want them to fix all of it. What's the use of this things if were just not gonna use it. I know that alot of the seniors passed or graduated already on this school they didnt get a chance to see ~~the~~ especially the Auditorium and the pool. Because since I got in this school they shoot it down already. There's no reason they just gonna closed the field. Because alot of athletes going to use that field ~~that~~ want or I guess everybody wants fix every thing. I would like to ask if we still had a chance to fix it

Feb. 17, 2011

Dearest Senator,

I am writing my concerns to you. My personal opinion is suggesting that the money should go to our school.

The money will be used on fixing our gym. Our gym was one of the nicest gym on campus. I think we deserve to fix our gym. Our gym has been not used properly for too long. The auditorium could be used too. I have never seen inside.

and before I graduate I would love to experience drama on the stage. I always wanted to participate in drama. I enjoy acting.

Our field could use the money too, so as our track. Its sad how we have to have our homecoming games at other public schools.

homecoming games should be at your own/ home base school. It makes us look bad that we have to use another schools field. Our

field/track can be used in so many good ways.

Our pool, we are the only public school with a swimming pool. I want to experience swimming in that pool before I graduate 2013. Our school

deserves the best for our students. I would want my kids (someday) to experience on what such great things we can do in our school. and we need your help! I hope this letter makes a change.

Thank you,

Supiana Leon

Guerrero

Dear Senator Mona Silva Taljeron

I writing this letter concerning Southern High School. I personally think that you & G.P.S.S should really keep the \$8 million dollars that gonna be used for our facilities, like our Gym, Auditorium, Field/Track, Pool. I really wish that these facilities would be fix before i graduate in [2013]. I really want to see my classmates play sports at our home field or Gym but we cant. I want to see the pool fixed so that we could go off island for the Olympics to represent Guam. I wish that our Auditorium would be fix right now so that we could have our poetry slams, our award ceremony, our prep rallies, our seniors graduation, our plays and everything else, our school barely has air conditioning that works and even our computers. I really want this \$8 million dollar to go to our school and to make people realize that were not a ghetto school. I want people to see southern high as a beautiful and safe environment for the students and faculty & staff, well thank you for actually reading this letter!

Sincerely,

Norma Cruz

Opromoore 2013

To whom it may concern

Education is really important to me, but we can't really learn when the roof is leaking. We have so much stuff, but we ruined it. We need you to use the money to repair the facilities.

The auditorium needs to be cleaned. The pool that is probably the habitat for bacteria needs to be destroyed. I don't really matter if I don't go to school without a gym, auditorium or pool, but think about the kids that will be coming 3 or 5 years from now.

That tall guy from  
Southern high

Georant Ocampo  
Leonard Ocampo



Dear Senators,

I am writing to you to demand that our rundown facilities be repaired and be put back to use. I am a junior at Southern High and will probably never get to use these facilities to their full extent. but, it would be great to know that the younger kids will have something more than just a rundown building screaming to be repaired.

There have been more fish in our "pool" than people and the only audience in our auditorium are birds. The only things getting exercise in the gym are the rats when they have sex.

It's wrong to believe Ancient Chamorro Legends more than stories about how Southern High used to look beautiful.

Once again I am demanding the school be repaired.

Thank You for your time,

Kevin Dema-ala

KEVIN DEMA-ALA

Im a student at Southern High School.  
This is my 3rd year attending this  
school. Im currently a Junior. In this  
letter I would like to inform you about  
the situation at this school. Our school is  
lacking alot of facilities that are  
not working such as the pool, gym, and  
auditorium. It would be an honor  
if you can make a change in our school.

Thank you!

02/17/11

DEAR SENATOR,

I am an honest student of Southern High. The reason I am writing this letter, is to notify you about my concerns about this particular school campus. For many years and numerous generations the government hasn't put enough effort into fixing Southern High School.

Here's some examples; our pool has never been used, we the students can't host our own home games

and many of our hallways or classrooms are off limits. These off limits areas are now storage spaces.

Please kindly consider what I'm implying, save

that 8 million dollars to give us SHS students

a chance to have a proper campus. We students

deserve it, we've honestly put up with plenty

facility issues. Thank you! Sincerely,

MARINA ROSE

~~MARINA ROSE~~

Dear Mr. Governor,

You read the newspaper about Southern High School and were usually on the front page about violence. Now why would that be? From my perspective and four year experience, I think that the violence comes out cause they have nothing to take it out on but each other. You would say sports right? WRONG! Our gym has no air-con and only four fans! Our track and field has more mold than our buildings! Our baseball fields are worse than a race track field! Our auditorium has more water than our pool! Our school has the most drop outs cause they say its boring. We have less activities cause we don't know where to have it but in the hot sun and thats when need the auditorium. We never have home games anymore cause its messed up thats when we need the gym, track, and fields for. Please award us the 8 million and the students will make use of the facilities that get fixed.

Sincerely,

Nicolas Borja  
17, Senior, from Santa Rita  
Namo Falls!

Senators of The Guam legislature,

My name is Ray Naputi and I am a Southern High School student. I've been going to SITS since January of 2009 and I am a senior now.

I can personally say that my high school years were not that great. I've been to GW High School, JER High School, and Okkodo High Schools, but I was totally shocked when I came to Southern High School.

I'd heard that there was a huge auditorium, nice pool, and a nice track and field. What I don't understand is that all these facilities are not being used.

They don't even run. Our sports teams have never had a home game because we don't have those facilities to play. I don't really know what else to say except that my high school would definitely be more memorable if I made use of these facilities.

So, please, with whatever power you possess in the government, get these facilities running so that future Southern High School students can say they were proud of their school.

Ray Naputi

To Whom it may concern :

Hafa Adai!

I am a student at Southern High school, this is my 3<sup>rd</sup> year attending this school. I'm currently a junior. In this letter I would like to address the issue about the campus appearance. Our school has been built for about 13 years and within that 13 years our school has been through many down falls. Our school lacks a lot of working facilities, such as our gym, auditorium, field/track and our pool. As a 3<sup>rd</sup> year student here I never once used any of these facilities, and it's really sad to see a lot of good space go to waste. I'm just hoping this purpose is a good enough reason to grant us the 8 million dollars we need to repair our facilities. It would be nice to have things the way they were when this school was first built. Our generation and the future generation to come needs a chance to experience how it feels to actually own a gym to call their own. So please, hear our voices as we're reaching out to the people who make magic happen and give us a ~~more~~ chance that would ~~have~~ give us memorable memories as we graduate from our home, SOUTHERN HIGH!

Dear Senators,

My name is John Tenorio. I am a Junior at Southern High. When I first arrived in Southern, I thought it was the most high tech. school here on island, but hearing stories about it and how most of the facilities here don't function makes me mad. I play baseball, but Southern can't have home games because the field isn't safe. Southern High is known for having a good baseball team, but for it to not have a decent baseball field hurts us students. We have to play our home games somewhere else. I heard stories about Southern of how it's a state of the Art school, but now its a state of a foot school. The gym is not safe, because its to hot. Well, I kindly ask you senators to please at least fix the gym or something, because its sad that our basketball team practices at Agat gym, and its sad that no home games are played here at Southern High.

PS: Do it for the students  
Sincerely,  
John Tenorio

To all the senators of Guam.

I am a student currently attending Southern High and I am concerned about the funds our school is supposed to receive to run this school better and to fix the many broken facilities. I am concerned because I come to school and see the many facilities that are not working and I know that there is something that could be done to make it run and to make this school a better school, but now that we have money on the side we should use it to fix those facilities that has been ruined and broken down. I think that we deserve a better school especially that we have have the facilities around us we should be able to fix it so that we could make use of it and Southern High would be the school it used to be.



TO: All Senators =

Its not right to put us in the dark,  
Put us down, then tell us  
We are smart.

Students are their environment.

You put us in a zoo  
with brokedown stuff,  
The Aud, the Gym, and the  
pool.

We act like animals because  
of whats around us.

Help us fix this School  
and we will be best all around

Don't put our 8 million  
into another account, ~~as~~ a different  
problem.

Change our System make it right  
before it becomes a big major  
problem.

From: A dolphin



Lights shined bright like the rays of the sun,  
where, Sun kissed words rays through the eyes  
of many who were privileged to even see the light.  
Where, stars were born in kids who never  
even thought they would become stars.  
where, parents, teachers, peers, saw the different  
sides of others.

The auditorium was magic.

And we were the magicians.

Creating life from nothing

And now, That's what the auditorium is.

Nothing.

Give us the money to bring life back  
to that stage.

Sincerely,

Kristian Peasfield

February 16, 2011

Dear senators,

Hello! My name is Camy Aquiningoc and I am currently attending Southern High School as a 14 year old freshman.

I am taking four core classes of English, algebra, world geography, and Health. Overall, since I have

been here at Southern High, my experiences have been mostly good, but there are still many needs

and conditions that should be taken care of. One condition that has

caused many complaints, is the lack of air-con. Previously, two classes of

mine recently had no air-con for about a month. Now another one

of my classes have no air-con. This causes us to get frustrated with

this intense heat, and it's hard

to work in an uncomfortable environment.

Our gym is also in desperate need of air-con, because it's hard and painful

to exercise in a hot gym surrounded with body heat of so many students.

So, out of all the conditions at Southern High, I personally think taking care

of all air conditioning problems is the first priority and I ask to please, make

the contract process easier for us.

Thank you!

Camy Aquiningoc

Dear, senators

2/16/11

Hi! My name is Paul Cruz, Jr, and I am a student from Southern High School, I am a Freshmen. We the students of Southern High have some conditions that we aren't proud of. Examples like our pool, a few years ago we found a fish living in our pool, we also found some chemicals. We the students need better surroundings for the students. All I'm asking for is one thing to change. We need our pool back to get better ~~at~~ grades. Our pool has been down for so long that I don't even know when it even worked. If you could do us a favor and make the contract process easier/faster. Thank you!

Respectfully,  
Freshmen/Paul Cruz, Jr

Dear Senators,

2.16.11

My name is Francisco S.A. Blas. I'm now attending Southern High School. I'm a 9<sup>th</sup> grader. I'm writing you this letter to explain my experience at Southern High School. While my time here, I've experienced good things and bad things. Some good things are like the clock schedule and the classrooms. The classrooms are big but some of them are small. I have been to our pool, but it is dirty and look like its time for cleaning. So please, can you acknowledge the contract to bring money to our school to help fix up the pool. Thank you for your consideration.

Sincerely,  
Francisco S.A. Blas

2/10/11

Dear Senators,  
My name is Shacel Ortega. I am freshman at Southern High School. I wrote this letter to let you know that we're suffering because some of the classrooms of this has no aircon. We can't concentrate to our class because it's so hot. Even though I <sup>don't</sup> have ~~no~~ gym in the last block, I heard some of the students complaining that they can't do their work and they can't concentrate what they doing. Hope that you understand us. Please make contract process easier

Respectfully,  
Shacel Ortega

2/16/11

Dear Senators,

My name is Sonacia Pangelinan Borja San Nicolas, I am a freshman at Southern High School.

My experience here at Southern is OK for now, but there has been problems with the aircon and we don't have a place to go when it's hot. In Southern I have never seen the auditorium and when the beginning of the school year started the pool hasn't been fixed. So, no one could go swimming and there has been fish living in the pool. Another issue we need fixed is for the fields to be open and to do this we need money to hire new aids to watch us. If we get more money we can go and play baseball, football or soccer during break and lunch. In closing of this letter I ask PLEASE TO MAKE THE CONTRACT PROCESS EASIER OR FASTER.

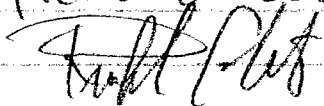
Sincerely,

Sonacia P.B.  
San Nicolas

Southern High School  
February 16, 2011

Dear Senator WOH Pat,  
Please expedite  
BP 48-31 so that the ARRA  
funds can be released. We  
need our gym fixed. We need  
it for sports and for school  
activities like our pep rallies.  
For our pep rallies, since we  
can't use the gym, we are  
out in the hot sun. We also  
need it for sports. We have to  
share our gym with other  
schools which means we hardly  
have practice. US sport players  
have to take turns with other  
schools just to practice. So  
please help our school with  
our needs.

Sincerely,

Richard Celeste  




Dear Sir or Madam,

I am a student at Southern High. I have been going to this school about 4 years now and not much has changed since the first day I walked in this campus. Besides the changes in the peoples attitude since our principal Mr. Petite came into this school last year. So I am writing this letter right here to ask you if you can please give our school money so we can make major repairs to it.

Our pool has been out of order since I don't know when, we can't use our gym any more due to a/c issues, most of our classrooms are without a/c, and our auditorium is termite infested and we haven't been in there at least one time. This is my senior year and it would have been nice if we could be using the whole school for activities and stuff.

We are one of the newest schools built and already like half of the schools' buildings and fields are unavailable to us to use. We can't even have homecoming games on our football field because we need to repair it. And I don't want this to happen to all the incoming students in the near future.

So what I am trying to say is please give us money to change our school for the better. This will not be a waste of your time, I promise.

Thank you,  
George Dominguez

Dear Sir or Madam,

Hello my name is Austin Benavente. I am a student in Southern High school. I am writing a letter to you to ask for more money to fund our schools because we students need to take home books so we can study and learn more. I know that most teachers in this school only have class sets and nothing more. We also need better learning environments because our school is slowly deteriorating because of the neglected, unused, old, and destroyed classrooms. The more classrooms the less students cramped into 1 classroom and easier learning. We need money so we can learn because we are the future we deserve to learn the right way. We need books to study, we need space to learn. We need money to fund our education to learn more about the world and its works so we can make a better future for Guam.

Sincerely, Benavente  
Austin

Jordan  
Agwuor  
2/17/11

Dear Sir or Madam,

First I'm going to start off by our facilities, they're all messed up making us have less opportunities. I go to Gym + it's really hot, they said that the air con will be fixed this year. Well I guess not. Then there's the Auditorium, well, it's just stinking the same, there's mold growing everywhere the seats are getting stained. Then we go to the fields, the grass is growing higher than the students are. Then comes the pool. It was nice and clean; now there's fish inside and the water's green. Then there are students trying to succeed, how can we do that when we have no books to read. Our school needs more support and the people don't understand, Let's see how they feel with no air con and just one fan. Now here we are writing letters to try and get money. I feel that no matter how much we do, we won't know until they start running.

AND WHAT HAPPENED  
TO THE MAN THAT SAID

CHANGE IS COMING!!  
WERE STILL WAITING!!!!

Feb. 16, 2011

Dear Senators,

My name is Britney Blau. I am a freshman at Southern High. So far I have taken eight classes. Out of the first four classes three of the aircons went out at the same time. Currently one of my classes and the cafeteria have no aircon. This school has the potential to be a great school. If we can fix the minor things like aircon. Another problem is our sports facilities. I am a multi athlete and I played volleyball at the beginning of the school year. Our team had to use a different gym to practice and host our home games because our school gym is still out. The gym is beautiful, but it is too hot. There no windows and no aircon. Our soccer team also had to find another field to play on. We had to rent a field and it wasn't cheap. Southern high is a very good school and I learn alot here. The teachers and staff are great and do their best to provide a healthy learning environment. but aircons breaking down is out of their control. I am writing this letter to kindly ask if you can please speed up the contract process so we can get the funds we need to fix our facilities.

Respectfully,  
Britney Blau

2/16/11

Dear Senators,

My name is Denesha Santos. I am currently a Freshman at Southern high school. My experience at Southern high has been good except for some problems.

When I first started the school year, I had gym. We also have had to have our class outside due to the conditions of the gym. It was so hot and unkept. Its so confusing to have a gym and not being able to use it.

My second concern is the aircon in classes. throughout my year, All my classes have had no aircon at some point. Another concern is the school auditorium. I have never once went into the auditorium due to the conditions.

Southern high is a beautiful school, but over the years, its been neglected and the students have to suffer for its conditions. I hope my concerns have influenced your decision as to making the process of this contract easier. Thank you for your time.

Sincerely,

Denesha Santos,

Dear Senators,

Wagina Nauta  
1<sup>st</sup> period

My name is Wagina Nauta. I am a student of Southern High and I'm currently in the 9<sup>th</sup> grade. Well I am writing to you the Senators of Guam to let you know the conditions and my experiences of Southern High.

Last block, I had gym and it was terrible. It's so hot that we had to go outside and do physical activities there in the sun. The students of Southern High and I are dissatisfied with our gym knowing that we have a gym and we can't use it for P.E or games due to all the conditions. It's really disappointing.

Also some of my classes didn't have air condition. Tell me what student can work in a class that's hot. We had to move all around and it was such a big hassle.

Southern High is a great school, but over the years, it's been neglected and now the students have to suffer the conditions. It's getting too ridiculous. We waited too long. Thank you for your time. I hope my concerns have influenced your decision as to making the process of this contract easier. Thank You

Sincerely:  
Wagina Nauta

2.16.11

Dear Senators,

MY NAME IS LAWRAINE OCLIMA AND I AM A NINTH GRADER AT SOUTHERN HIGH SCHOOL. MY EXPERIENCE AT SOUTHERN HIGH HAS BEEN GOOD SO FAR. BUT THERE ARE A FEW THINGS I'D LIKE TO PLEASE TALK ABOUT. BEFORE I CAME TO THIS SCHOOL, MY SISTER WOULD TELL ABOUT A FEW CONCERNS HERE. MY RESPONSE WOULD USUALLY BE "OH" OR "OK, WHATEVER." NOW THAT I'M HERE, I'VE SEEN WHAT SHE HAS BEEN TALKING ABOUT. ONE CONCERN I HAVE HAD WAS WITH THE AIR CONDITIONING IN THE GYM. LAST BLOCK, I HAD P.E. AS A CLASS. SOME OF US WOULD SOMETIMES BE SWEATING BEFORE WE EVEN START EXERCISING. ALSO, YOU COULD SEE PEOPLE STANDING OR SITTING DIRECTLY IN FRONT OF THE FANS. ANOTHER CONCERN I HAVE IS WITH THE AUDITORIUM. I REALLY WISH TO GET IT FIXED BEFORE GRADUATING SOUTHERN HIGH. I HOPE THIS HELPS TO MAKE THE CONTRACT PROCESS EASIER.

SINCERELY,  
LAWRAINE OCLIMA

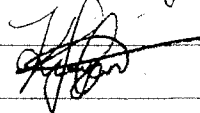
02-16-11

Dear Senators,

My name is Kyle and I am currently going to Southern High School. I am a 9<sup>th</sup> grader. I am asking you to please make the contract process easier for this school. I am going explain all the problems of Southern. The first problem is that there is no a/c in some classrooms. The second is the pool it is not fixed. The third is that the auditorium is closed down.

Thank you for your time. If the contract process is easier these things will be fixed no time. My experience with these problems are alot I cannot work in the classroom is so hot. We cannot cool off during lunch because the pool is not fixed and we cannot enjoy good entertainment because we have to sit out in the hot sun in the amphitheater. Thank you for your time

Sincerely,





2/16/11

Dear Senators,

my name is Rom Jr. Mendiola. I am a freshmen of Southern High School. The reason I am writing this letter to you is to kindly ask you to speed up the contract process.

Throughout my first year here at Southern High, there have been a couple major disappointments. I have experienced conditions where my class and I would have to move desks and books downstairs to another classroom because the aircon had shutdown in our original classroom. The aircon shutting down causes us students a lot of problems. It is hard to concentrate and work because the class is hot.

Another problem is that we can't use our gymnasium. Whenever I have gym class, we go outside in the hot sun and exercise. Being outside in the hot sun makes me darker. When we shower for gym class, the locker rooms are not so great. The shower stalls are shutting down and the lockers are breaking. Gym class is not the only problem with the gymnasium down, another problem with the gym down is that our basketball team and volleyball team can't play at our home court.

Dear senators,

2/16/11

My name is Carmelita Dudkiewicz and I am a 9th grader at Southern High School. My time here has been an interesting experience, although we did have some problems around the school. For example, last semester I had 3 classes out of 4 without air con. One of those classes was gym. During gym, it would get so hot that we would have to go outside to the parking lot, baseball field and the hallways to do our exercises. Also, during my 1st period, we would always move around from classroom to classroom. Finally, they found us a temporary room, and that was unfair because it was far from our other classes. So, I am asking you to please make the contract process faster because we really need these problems fixed. The school, faculties and most especially the students would gladly appreciate it.

Thank you

Carmelita

Dudkiewicz ☺

2-16-2011

Dear senators:

My name is Julian De Mesa. I am currently a freshman at Southern High School. My experience at Southern High School has been good, but sometimes all classes don't have air con and it hard to work.

2/16/11

Dear Senators,

My name is Jaythan Claros and I'm currently a ninth grader at Southern High School. During last block, we suffered due to the airconditioning being down. Three out of my fourth class didn't have aircon. We, students can't learn at home, because the lack of books. We can not do physical education in our gym because it's too hot. After P.E, when you get dress the heat is still in you. Therefore, I am writing this letter to ask if you can please make the contrast process more easier.

Respectfully,

*Jay*

Jaythan C.

February 16, 2011

Dear senators,

My name is Pfae San Nicolas and I am a Freshman at Southern High School. I had very good experiences and some bad ones, we are very fourtunate to have an auditorium, but it is not able to be used. Our pool is in a good area, but the filter system is broken and it also has algi. Our gym needs air-con because we have to go out in the sun. The purpose of this letter is to help the contract process move much faster and get the funds we need to fix our school.

Respectfully;  
Pfae San  
NICOLAS

2-16-11

Dear Senators,

Hi & Hello! My name is Angie J. Untalan. I am a freshmen here at Southern High School. I am 14 years old going on 15 this May. Henche. I have a sister here that is a Junior. We both transferred from JFK to Southern High School. My experiences here in Southern High is different from the experiences I had in JFK. Well, I am just writting to you all to ask if you can help our shool. It is in need of help. We need help with the classrooms, aircons, auditorium, restrooms, gym, & the cafeteria. Our classrooms need more clean & new desks. Our aircons need repairing. I had 3 classes last block that had no aircons. It was very hot in there. Now we are on our 2nd block & I have another classroom that needs repairing on the aircon. We also need help with our auditorium. We have an auditorium, but we don't use it because its damaged. Next is our restrooms, we need more of them here. We have no restrooms in our building. Last but not least, we need help on our gym. Our gym needs aircon. It needs help on the stalls. Well thats it. All I ask is to please help our school. Please?

Sincerely,

Angie J. Untalan

FEBRUARY 16, 2011

Dear senators,

My name is Chelsea Tudela. I am 9th grade and I attend Southern High School. I am 15 years old. I am writing to you because I would like to ask if you may help us with our school. I am asking because last block I had Physical Ed. and we had to do most activities outside the gym. I think if we had aircon in the gym we can do activities inside. Last block, we also had problems with air-conditioning in two of my other classrooms. We had to move to another classroom, which was a lot of work. My classmates and I had to help carry the desks to the other classroom. Once again, please help fix the school. Thank you for your time.

Sincerely,

Chelsea Tudela

Feb. 16, 2011

Dear Senators,

My name is Teara Sinoben. I am a freshman at Southern High School. Here at Southern we are starting our second block. So we have new classes. The classes that I'm taking are English 10, World Geography, Physical Education, and Algebra 1. Things are going great so far but the problem we have is with our air-condition. Last block I had 3 classes without air-con and it lasted pretty long. Now I have two classes without it. It's pretty hard working with all the body heat. Especially in our gym. It gets really hot in there because there's about five different classes for P.E. The air-con is not the only problem for our gym. It's the water pressure in the showers. Sometimes there would be girls waiting to shower and we take longer when the teachers make us go in with only a few minutes left of class. So I kindly ask if you can make the contract process easier.

Respectfully,  
Teara Sinoben



2/16/11

Dear Senators,

My name is Dominic Afaisen.

I am a freshmen at Southern High School.

Here at Southern High there are some classes without air conditioning. Also

are Gym & theater. Right now one of my classes have no air-con &

it's hot. Also last block 2 of my classes didn't have air con. I am

also taking Gym, and since there's

no aircon we have to go outside in the hot sun and have class there.

I am writing this letter

so you can help our school. Also to make the contract process easier.

Respectfully  
Dominic Afaisen

2/16/11

Dear senators

My name is Kamalen Meno, I am a freshman at Southern High. My experience here at Southern have been going well so far. I am currently taking 4 classes and 4 of them have no aircondition. We have a total of 8 quarters and 2 blocks. The past block we had two classrooms with no aircondition, so they had to relocate us. After it was fixed we had to move back again. Then this block we have no aircondition again, but downstairs this time.

Here at Southern half of our buildings have been closed down due to aircondition problems. The best thing that I would like to see or to be changed here at Southern is the air condition problems.

I am writing this letter to ask you to speed up and make the contract process easier!

Sincerely

Kamalen Meno

February 14, 2011

Dear Senators,

My name is Dennis J. Acumiragoc. I am a freshman attending Southern High School. It's been good here, but there have been some problems with some of the facilities. Most of the problems are due to lack of air conditioning. Currently, I have two classes with no air conditioning working. It's been good going to class and working, but the conditions are hard to work with. The heat from the classes gives most students and me headaches. We are sweating every single day. Lack of air conditioning is ~~in~~ the only hard condition we face. We have to endure problems with our gymnasium, auditorium, and band room. What I'm trying to say is that most of the students and me are suffering from the heat. Last block, I had this class that had to keep moving from class to class carrying our desks back and forth. I'm not saying we are miserable, but I am asking you, the senators, of Guam, to please make the contract easier. Thank you

Sincerely,

Dennis J. Acumiragoc

Dear Senators:

2/16/11

My name is Lawrence Duane Chargualaf. I am a freshman attending Southern High School. My experience at Southern High has been a lot different compared to my middle school. In Southern High, we have tight quarters, four semesters, four classes and two blocks. During my first block, my fourth period class' airconditioning wasn't working that well. In my second block, my first period class' airconditioning isn't working at the time. It hasn't been working for a few weeks. Our gym's airconditioning is also down at the moment. The boys' locker room needs a couple renovations. The lockers need to be rebuilt. We would like the shower heads to be fixed.

I am also a musician and singer. I would also like to take Southern High's band class elective, but our band class is currently in need of renovation also.

The purpose of my letter is to inform you of what I, and the students of Southern High School feel

Lawrence

Expedite BP 48-31  
Southern High School  
February 14, 2011

Dear Senator Wen Pat,  
Please expedite BP 48-31 so that  
ARRA funds can be released.  
We would really appreciate it if  
you help us fix our gym. It  
would be useful for any events  
and/or activities. In one of the p.e.  
I saw them using tennis courts for  
volleyball court just because the  
gym was too hot. Yes, there is  
so many issues, but we are just asking to  
fix one problem. Put yourself in our  
shoes, how would feel if your gym  
was not working when really  
needed most)

Sincerely  
Southern High Student  
Freshman

Southern High School  
Feb. 15, 2011

Hafa Adai Speaker Non Pat,

My name is Jeanmarie Cruz. I am the Vice-President of my student council, class of 2014, at Southern High School. I'm writing to you in regards to Bill 48-31. Southern High is an excellent school, regardless of what the newspapers say. As a student, most of my concerns are about the condition of the school. When the school was first built, everyone was excited because of what we had. But the condition it is in now isn't exciting at all. Our pool is a very big pool, and has the potential of being very nice. The gym, isn't really being used for interschoolastic sports. When it comes to home games for sports such as basketball, volleyball, etc., we are forced to use the aggr gym. We aren't able to host home games in our own "home". As well as football. Our football field can't be used for home games or practices, etc. Our school is already on it's way to being an even more excellent school thanks to our principle, Mr. James Petite. We are asking that you help us become a better school. Thank You!

Sincerely,

Jeanmarie Cruz



Vice-President  
of Stu. Co. C/O 2014

"ARRA Funds"  
Southern High School  
Feb, 16, 2011

Dear Senator WonPat,

Please expedite BP 48-31 so that the ARRA funds can be released. Cause we've been waiting to long!! We always have to have our great fun pep rallies outside in the hot sun. We would use the moneys for our Gym! Cause we can't stand doing our P.E Outside, when we can just do it in our Gym. And its important to us. And we need. So please pass the Bill for us. Please!!

Sincerely,  
Jacob Jay ~~XXXXXXXXXX~~

"BP 48-31"

Southern High School

February 16, 2011

Dear Senator Won Pat,

Please help expedite BP 48-31 so that the ABRA funds can be released. We have been having various activities in the hot sun. We would use the money we receive to fix up our gym. Without a gym, we would continue to have our pep rallies in the sun. We would also have all our home games outside our school and the fact that we don't have a gym is really embarrassing.

Sincerely,

*Jeffrey Suda*  
Jeffrey Suda



Southern High

February 16, 2011

Dear Senator WenPat

Please expedite BP 42-21 so that arena funds can be released because are school gym needs to be fir cause when we have our pep rally we have to stand and sit under the sun.

Sincerely

Freshman student

Southern High School  
February, 16, 2011

Dear Senator W@N Pat,

Please expedite BP 48-31 so that Southern High may get free ARRA funds. We really need this because we've been suffering so much for not having enough money. We need the money to help fix our gym because it's been broken for a long time. We all really want to fix the gym, because during pep rally, we have to stand in the sun, which really sucks. So that's our primary need. Thanks for taking time to read this.

"Sincerely"

Don Soulik

DONNEVAN R. Soulik


Southern High School

February 16, 2011

Dear Senator Won Pat,

Please expedite BP-98-31 so we can get the ARRA Funds. I am a freshman at Southern High School, and from my experience here at Southern, I know we need the money. We especially need the funds for our gym and track field. The money will help install air-conditioning in our gym, get new gym supplies, and fix up the showers. The track field needs to be repaired and refurbished. It was condemned a couple of years back, but now it has re-opened, but we need the funds to properly repair it. We need a gym for our sports teams because our basketball and volleyball teams are sharing Agut gym with two other schools. These are just a few reasons why we need the funds. Thank-you for your time.

Sincerely,

  
Keith Surber

Southern High School, Guam

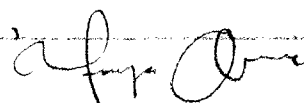
February 16, 2011

Dear Senator Won Pat,

My name is Tonya Ascura and I'm a freshman at Southern High School. Please expedite BP 48-31 to release the ARRA funds to Southern High. It would help us greatly with fixing our school faster and more efficiently.

We need our gym, auditorium, pool, courts, classrooms, etc. fixed. We need our gym because we do a lot of the stuff we normally would do in the gym, in the hot sun. The students who have physical education need the gym too. It really is disappointing to know we have all these things to do in the gym, and we can't even do most of them. The same applies to the pool, volleyball courts, basketball courts, etc. We also need to fix our classrooms because a lot of them do not have air-conditioning. We need our auditorium so we could put on plays, have talent shows, etc. I'm sure we all want to show everyone the kind of talent Southern High School has to offer. Please help us with the funds. We greatly appreciate it. Thank you.

Sincerely,



Southern High School  
February 16, 2011

Dear Senator Wor Pat,

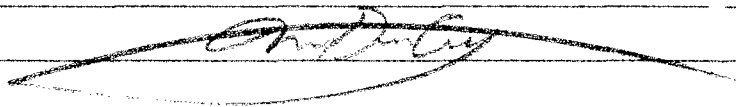
Please expedite

BP 48-31 so that the ARRA  
funds can be released. We really  
need the monies to repair the  
establishment in our school.

We really need our gym up  
and running. Our last pep rally  
was held outside in the hot sun.

We can use the gym for  
pep rallies and I as  
a sports player don't like  
it when our home games are  
not home.

Sincerely,  
Matthew Dela Cruz



Feb. 17, 2011

Holly Lizama

Dear Senators,

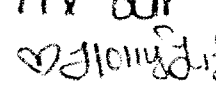
Southern High School,  
has a messed up pool.

I mean who has a fish in their pool?  
Common now, that's just sad. Our school  
doesn't have enough money to fix it,  
it's never been used, what a waste.  
Hopefully one day it'll be in good condition.

Our Gym,

this year I took P.E. I mean never really  
felt like P.E., why? cause we only used  
the gym about a few times, we use our  
"hallways" as a track, we run a mile  
in our halls. do our war ups & sometimes  
activity there. Our weight room looks sad,  
doesn't really look like a weight room, looks  
more like tools shoved in a room, like  
a storage to be specific. During P.E.  
didn't really get to play, it was like running  
the hallways almost everyday. It SUCKED!

Auditorium,

well, this is my last year here @ Southern,  
I'm leaving back to the states. Vancouver,  
Washington. & it sucks to say "I've NEVER  
been in the auditorium, not once" & that's  
just sad. well, hopefully you can fix our  
school. It's not being used right? 

Southern High School  
February 16, 2011

Dear Senator Won Pat,

Please help expedite BP 48-31 so that ARRA funds can be released. We are tired of having our pep rallies outside in the hot sun when we can have it in a cool gym. I don't see why you guys could build a brand new school, but you guys can't fix a simple gym or the other stuff that are damaged here. It's not fair that Southern has to have a home game away from our school. If we get the gym fixed then we could have our graduation there or even at our field.

Sincerely,

Paulina Aguon

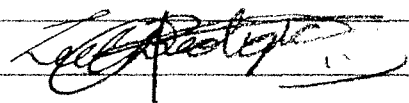
Expedite BP 48-31  
108 Pale Ferdinand Way  
February 16, 2011

Dear Senator Won Pat,

The reason why I am writing you this letter is because Southern High is in desperate need of your Authority and help. I know you are a very busy person and I respect that, but If you take a little time off just to hear what I have to say, I'm sure you'll understand. Please expedite BP 48-31 so that the ARRA funds could be released.

WE the student of SHS are putting our faith in your hands to help pass this bill with all your power. We need a new gym! I think it is useless to keep on writing to the government, when they just ignore. Just another stack of papers. We're hoping its different with you. Its embarrassing to be the only Olympian school, but we can't even use half of our resources.

Sincerely,  
Lee Reoligio





Southern High School  
February 16, 2011

Dear Senator Won Pat,

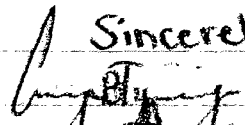
Please help expedite BP 48-31  
so the ARRA funds can be released.  
We need a new gym. We would be  
able to use the gym for other reasons  
besides p.e. We could use the gym  
for school activities.

Sincerely,  
Southern High Freshman  
~~ABC~~

Southern High School  
February 16, 2011

Dear Senator Won Pat,

Please help expedite BP 48-31 so that the ARRA funds can be released. We need a new gym. I personally don't have gym class, but most of my peers do and they say its really hot! We need a new gym now or atleast put air-con. I would like for you to please talk to yours peers to atleast consider it. Thank you for your cooperation and support.

Sincerely,  
  
Camerita Quiengco

expedite BP 48-31  
Southern High School  
February 16, 2011

Dear Senator Won Pat,

Please help expedite BP 48-31  
so that the ARRA funds can be released.  
It would really help our school out.

And maybe we would be able to have  
our pep rallies inside the gym. Our  
basketball and volleyball teams are  
not able to have their games in the  
gym. It would be nice to have our home  
games here at our own school.

Sincerely,  
A Southern High Freshman

Southern High School

February 16, 2011

Dear Senator Wom Pat,

Please help expedite BP 48-31 to release the ARRA funds. We need a new gym. We need a new gym to use for sports. It's embarrassing to go outside of school for home games. We also need it for P.E. and our Pop Rallies. Thank you for your time.

Sincerely,

Amber Moore

Amber Moore

Southern High School  
February 16, 2011

Dear Senator WanPat,

Please help expedite BP 48.31 to release the APPA funds for Southern High. Our school needs many improvements, but our main concern is our school's gym. We students deserve a gym because we have improved our behaviors toward the school and each other.

The school holds pep-rallies and it aggravates students to stand in the sun during the activity.

The gym has many uses toward us students.

It can be used for home games, dances, pep-rallies, and many more. There are many other things that need to be improved. Our field is another improvement that we need. In order for all of these improvements to be made, we need that APPA fund to be released. Thank you for reading.

Sincerely,

Lorraina Sanchez



P.S : This means alot to us students, so try viewing it from our side.

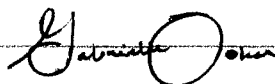
Southern High School

February 16, 2011

Dear Senator Wonnpat,

Please help expedite BP 48-31. This will benefit our school with our gym and other schools with so much more. If you help expedite BP 48-31 to release the ARRA funds, we will have a better learning environment to work in. There are so many things that will benefit all other schools including Southern High. For some schools with lack of textbooks or other learning materials, releasing the ARRA funds will help them learn much ~~easier~~ easier and better. For those like us without a gym, if the ARRA funds are released we will not have to suffer in the heat during pep rallies.

Sincerely,



Gabrielle Doka

Expedite Bp 48-31

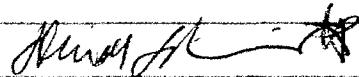
2/16/11

Southern High

Dear Senator Won Pat,

Please help expedite Bp 48-31 so that the ARRA funds may be released. I really think this would be really good for Southern for various reasons such as, "a new gym, a better locker room, smoke alarms to create a better learning environment for our students now and the next generation.

Sincerely, David

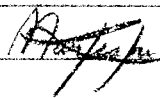


Expedite BP 48-31  
Southern High School  
February 16, 2011

Dear Senator Won Pat,

Please help expedite BP 48-31 to release the ARRA funds. There are many reasons on why we need this. We are the biggest school on Guam and we do not even have a working gym. We have pep rallies outside in the sun. We are tired of doing physical fitness outside!

Sincerely, Markisha



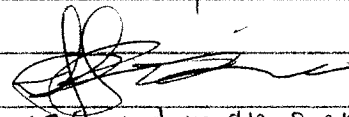


Southern High  
February 16, 2011

Dear Senator WOPAT,

My name is IZCHA Darian Bersamin. I am a  
a freshman attending Southern High School. I am also  
a CO-CAPTAIN for the SHS cheerleaders. I am writing  
this letter to you because it is concerning our gym.  
We need a new gym. We do alot of activities outside  
that should be done inside in the gym. We should have  
repratients inside the gym, home games, dances, activities  
and more. It is very embarrassing because we can't  
have home games and other games in our own home.  
even our pool, field and more. We really need to get  
our school fixed. please get our school fixed. The  
first thing we would like to get done is our gym.

Sincerely,



IZCHA Darian Bersamin

FEBRUARY 17 2011

DEAR, SIR

IM writing this letter because our school has to much issues. Like for one the gym has no air condition, no benches that aren't eaten by termites, and theres times we can't use the gym for athletics. We have to run in the walk ways.

The other issue is our pool. The has never been use ever since 1998 due to no lifeguard. When my year came in 2007 we still cant use the pool. Let me ask you this, who finds a fish that is still alive in a swimming pool. Take a guess, its southern High.

Thats all I have to say, just can you do your best and help our school out for a better year coming. I would love to see the good deeds you have done to southern High before my graduation.

Thank You

February 17, 2011

senators of Guam,

Why? Why? Why?

Asking myself the same question everyday about these things here in this school. For example, our gym.

Really? The gym smells like a wet soaked sock from a person's feet. That's really bad. Especially for the students here at Southern High. The gym don't have any a/c. The windows hardly open. How are we supposed to get some air. Looking and walking around the gym as if I had a choice too. Now, for the field and track. again

Really? The students that have P.E and the track and field have to run in the hallways.

That sucks. Students running into each other. Others getting hurt. Our fields and track aren't even being used.

What's the whole point? The outdoor sports and games have to be practiced and played outside of campus. That's like so wrong? Well, I would do anything to help my school get better. Thank-you and have a nice and pleasant day!

Southern High School

February 16, 2011

Dear Senator Won Pat,

Please expedite (BP 48-31) so that the ARRA funds can be released. We would like to have our gym fixed, so that we can have our own home games here at school, instead of somewhere else. We need some patching up in the school. We need to fix aircons. This is a big school and there are so many problems. I think we need more computers. I think that there is an auditorium that needs to be fixed. Its been there for so long and hasn't been used. We should make use of it. We also need more resourses for students. We need more books, microscopes, and other materials. Please consider all these things.

Thank You!

Sincerely,

*Regine Quinata*

Regine Quinata

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Acting Director

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**George A. Santos**  
Deputy Director

February 17, 2011

Honorable Benjamin J.F. Cruz, Vice Speaker  
Senator, 31<sup>st</sup> Guam Legislature  
Chairman, Committee on Youth, Cultural Affairs,  
Procurement, General Government Operations, and  
Public Broadcasting  
155 Hesler Place  
Hagatna, Guam 96910

Dear Senator Cruz:

My name is Claudia S. Acfalle and I am the Chief Procurement Officer of the General Services Agency. Thank you for the opportunity to comment on, Bill 19-31 and Bill 48-31, an act to amend to add §5213A, 5220 and 5425A of 5GCA, relative to the government of Guam procurement.

**Bill 48-31**

GSA is in support of the intent of bill 48-31, which is necessary to increase the threshold limits to use the small purchases procedure for the disbursement of Stimulus funds under the ARRA; the waiver of procurement code requirements is necessary if moneys are still available several weeks for the government to expend the moneys within the time required by ARRA, however, may be hindered by other established laws or regulations; and establishing a more stringent protest procedure will avoid the loss of ARRA funds due to delays caused by the aggrieved.

Thank you for the opportunity to speak out on Bill 19-31.

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

Hafa Adai Speaker Won Pat,

My name is Rainier Porras and I am a student at Southern High School, class of 2014. I'm writing to express my opinions and concerns on Bill 48-31. As a student of southern high school, I've seen so many problems dealing with our facilities that need to be fixed for our better and our safety. This includes our school gym, our auditorium, our track/soccer field, and our swimming pool, which our government built for a reason. The reason why they made it is for us to use, but look at it now; it's useless. Our gym and our auditorium have been standing there for years, but how is it useful when we can't even use it. During our pep rallies, we have stand outside the hot sun for hours and that's the sacrifice we always have to make in order for us to get the activity done. That's why we need the money to fix our gym, our auditorium, our field and our pool so that won't happen again. During our sports practices, whether its volleyball, basketball, or etc., we have to travel from one place to another to find a perfect spot for us to practice. The only gym that is available right now is the Agat gym which is used by three different schools (Southern High, Oceanview MS, and Mt. Carmel). The track/soccer field is covered with mud and tall grasses and that's why we can't even use our field. Our swimming pool needs to be cleaned and repaired. We also need funding for books, classrooms that don't have air cons, for other important reasons. That's why we're here asking you to help us fix our school so we can have a better future. Please Support Us and Our School. We Need Your Help. DOLPHINS '14.

Thank You,  
*Rainier Porras*

February 16, 2011

Hafa Adai Senators,

I'm a sophomore at Southern High School. I am writing this letter to ask for help from the AARA funding to help our school repair broken/nonfunctional facilities on our campus. The facilities needing repair are the pool, gymnasium, auditorium and some classrooms.

The first and final time I went into the auditorium was six years ago, while I was in the fifth grade. It was very beautiful, large and fully functional. It was just like going into a movie theater. Presently the auditorium is condemned and extremely dirty. Repairing the auditorium will allow its beauty to return but most allow my fellow dolphins and me the opportunity to show case our talents in the Fine Arts.

When repairs for our school facilities are completed parents will have peace of mind and won't hesitate to allow their children to attend Southern High School. And the people of Guam will no longer reflect negatively on our school.

Our Principal, Mr. James Petite has worked so hard to make Southern High become a better and safe school. He has lifted us from the sewers of destruction and cleaned us up. Now it is time for you and me to help him physically rebuild our school. Rebuilt it so that everyone will be proud to call it "home." With the AARA funding this will be tremendously possible.

Thank you for time and support.

Sincerely,



GC

10<sup>th</sup> Grade Student

February 16, 2011

Dear Senators,

The students of Southern High School would like to see a better change in our campus so we could have a better educational environment. Our school has many problems for example, the swimming pool is non-functional, unsafe and infested with mold. The auditorium and the laboratories in the 5000 building are condemned or inadequately equipped. And currently the paint around the campus walls and in classrooms are fading away and moldy.

For many years now, our school has tried and tried to get money to address all its problems and yet the Government constructs and builds other new schools. This appalls me! We must first repair and maintain our school—Southern High School and all the other schools that have been quickly dilapidating over the years.

So I hope you all approved a large portion of the AARA funding for our school. This will be a great favor to my peers, to me and future generations.

Thank you for your time and support.

Sincerely,

KG

KD

11<sup>th</sup> Grade Student



February 16, 2011

Dear senators,

I believe that Southern High School deserves the AARA Grant because we would like to fix our school. I'm currently a sophomore student and since I have started to learn at this school, we have not been able to use the pool, auditorium and the gymnasium. Before I graduate, I would one day like to see inside the auditorium.

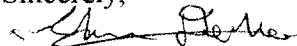
Lately we have been cleaning around the pool grounds, other students and I excitingly dream of using it, but because of its current unsafe and unsanitary conditions we cannot.

My peers and I would like to be able to also use the full building areas of our gym, not just the showers. A new gym will spark more sport interests among my fellow teenagers and provide a better training environment.

Finally we need more up -to-date textbooks. All my books are from the 1990's. I would like to learn more up- to-date lessons. My point is that as a student of this establishment I would like to be able to achieve a better and higher standard of learning and be able to utilize the full potential of my school. I want to make this a reality and with your help in attaining a large portion of the AARA funding for Southern High School it will come true.

Thank you for your time and understanding.

Sincerely,



SD

10<sup>th</sup> Grade Student

February 16, 2011

Hafa Adai Senators,

I am a 10th grade student currently attending Southern High School. I am writing this letter on behalf of the students of Southern High, including the faculty and staff. We were informed of the AARA funding and felt a slight chance of hope. I am writing this on behalf of my fellow Southern High students, and on behalf of my school administrators. We hope this funding could help us fix our auditorium, gymnasium, pool, majority of the classrooms, and hopefully get new and updated textbooks. Our auditorium has been closed ever since I was a fifth grader which was about five to six years ago. Our school's pool has been in terrible condition since the school has been built. Our gymnasium has been out of use since the school was built as well. Majority of our school's classrooms are falling apart and the lights installed aren't as bright as they used to be. Our issued textbooks are from the late 90's and many things have changed since then. We NEED, not want newly updated textbooks so that we may understand what our teachers are telling us and that we can be able to look for the information in the textbooks as well.

I would like to be able to tell my children and grandchildren that I was a student at one of the best high schools here on our island of Guam. In the near future after I graduate and become successful, I would like to come back and remember the good memories I was able to experience as a student of Southern High School.

I would like to thank you for your cooperation and I hope you take this into consideration. How would you feel if you were in my shoes?

Sincerely,

SS  
10<sup>th</sup> Grade Student

February 16, 2011

Dear Senators of Guam,

I am a student here at Southern High School. I am currently a sophomore and writing this letter in regards to the AARA funding. We of Southern High not only want money but need this money so we can afford to rebuild our campus.

For about six years we have not been able to use our auditorium, and for about ten years now we have not been able to use our pool. I am going to graduate soon and I would like to be able to see a show in our auditorium, use our pool, sit in a class without sweating, get my lessons from textbooks that are not torn or pages ripped out, play basketball in our gymnasium and use the stalls in our restrooms. I believe that some students can't concentrate in class due to that fact of all the problems on our campus.

Thank you for your support and understanding.

Sincerely,

JSN

10<sup>th</sup> Grade Student

February 16, 2011

Hafa Adai senators!

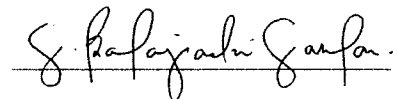
My name is Sheryl Marie Sablan. I am a junior at Southern High School, class of 2012 and I would like to ask for your help to obtain money so our school can be fixed. Such things like that swimming pool. It was flushed out a few years ago, but it was never cleaned or repaired.

Our gym has been closed for about two years now and it would be nice for our athletes to have a "HOME" game in our actual gym. I'm sure it would make the students happy to step in the gym again.

As for the auditorium, it has not been used for about six years. The auditorium would be a good and nice place for the graduating seniors to have their ceremony.

Last, I'm asking for you to help us get textbooks, cleaner restrooms, etc. So before you say anything put yourself in my shoes - in my principle's shoes - and think about it. Help us to have four memorable years at Southern High.

Thank You ~  
Sincerely,

A handwritten signature in cursive script that reads "S. Sablan". The signature is written in black ink and is positioned below the typed name "Sheryl Marie Sablan".

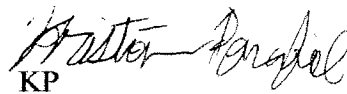
February 16, 2011

Hafa Adai Senators,

I'm a student of Southern High School and I'm appealing to the legislature to ask for money to fix our school facilities such as the pool area, gymnasium, and the auditorium. The funds you provide to repair our facilities will allow other students and me to succeed in our academics and extracurricular endeavors. It will also encourage us to be more creative and most importantly develop the willpower to attend college. So I plead to you all, please grant us a good sum of money to fix our Southern High School.

Thank you for your time and support.

Sincerely,

Handwritten signature of Kristin Pennington in cursive script.

KP

10<sup>th</sup> Grade Student

Dear Legislature,

Southern High School, a home to many, faces challenges daily. Obstacles that not only we students face, but the school itself. Problems that can simply be fixed with the sufficient amount of funds and maintenance. Though our school was built in the late 1990s, it is slowly breaking down on us. Southern High School is a campus with many rooms and areas; however, most of those rooms are not safe environments for us students as well as the staff to be in. For example, our school has a gymnasium in which we are not allowed to use due to its indoor temperatures unsafe for the health of its students, leaving physical education teachers as well as their students in the hallways without an appropriate class. Our school also has an auditorium, one that has potential to be very useful to us students; however, it has many problems and is now an off-limit area. Southern High School has a pool, one of which is the biggest of all public schools on Guam, that was once used quite often; however, it could no longer be used and resulted to another part of our school being shut down. Our school has many elective classes to decide from; however, most of those ideas rarely happen due to yet again lack of funds. Many classrooms at Southern High School lack airconditioning due to failure of units, which make it difficult for us students and teachers to stay focused on our lessons because many are too distracted with the classrooms indoor temperature. Also, with some classes lacking airconditioning, it also lacks at least a fan or two, leaving many sweating and feeling the urge to find ways to leave the classrooms. With rainy weather at Southern High School, it often results to leaks in classrooms and hallways, rust from our ceilings fall leaving students hoping it wouldn't fall as they walked by. Also, many classrooms are left with wet floors and some with trashcans aiding to avoid classrooms from soon being considered a pool. Mold is another thing that Southern High School has a sufficient amount of, but that is certainly not a good thing. Southern High is a big campus, though with many of our buildings shut down for usage, it decreases the opportunity for us students to excel in all ways possible. With these problems occurring at Southern High School on an almost daily basis, it leaves many of the students, we dolphins, wondering ... what's going to happen to our school, next?

Jerlisa Cruz

Feb. 11, 2011

Dear Senators,

I am a Junior here at Southern High. This is my 2<sup>nd</sup> year as a High School student, but in actuality, I have been around this school since it opened its doors in 1997. I have seen Southern High at its peak and at its lowest points. This school has a lot of potential, and I really think it would really help our school morale if we had our own facilities. Aside from being a student, I am also an athlete. This past football season, I was awarded the position of captain by my coaches, but it tore me apart to see the blow to our team when we had to play our HOME games at Okkado, on the other side of the island. That is NOT our home. The same goes for our gym, I am a Varsity basketball player and not getting to play or use my home court is a big blow to our home crowd turn-out. At the Agat Gym, there are leaks in the roof and poorly maintained facilities. Now, my English teacher, Mrs. A. Fujihira, has informed me about the AARA funds that are available. Southern High has been in trouble since it opened in 1997 and it is in desperate need of the funds. If you are curious as to how I know this, it is because of my mother, Jill L. White, a teacher for 19 years in GDOE has been here since 1997. I have observed over the years all of the repairs and the failure to maintain the facilities. So I ask you not only for the money to repair but the money to maintain these facilities as well. My Principle Mr. Pettite has been a great help in trying to get all of this. He has done a fine job, resurrectoring Southern High and giving it a fine coat of polish. With everything his done, I can't help but feel as though as I'm getting closer to my dream graduation, either on the football field or in the gym. When I would come here as a young child, I would walk around and see all the new facilities and hope that I would get a chance to utilize, be proud of, and graduate from them. I want to win a basketball game on the floor of the Southern High gym, I want to catch a pass on the green grass of the

football field, I want to break records, run the track, throw the shot.  
Going to this school is pretty much all I've ever wanted. This is a  
great school, facilitated by great people, filled with great students  
(despite popular belief), and is regulated by a great principle. I  
want to come back here one day, and be a teacher. I want to be  
everything that the Southern High School facilitators ever were. I  
want to be that great P.E. teacher, or the cool math teacher, or that  
knowledgable english teacher. I want my students to listen, to pay  
attention, to LEARN, and all of that could and should be possible  
with the AARA money that you will hopefully grant us. This  
money that you may give us won't just complete my dream, but the  
dreams of others to come. I graciously thank you for your time.

Sincerely,

Anthony J. Taiana

Anthony J. Taiana



PO BOX 451 Agana, Guam 96932  
February 15, 2011

Hafa Adai Speaker Won Pat,

My name is Marcel Jardeleza and I am the president of my Class of 2014, at Southern High School. I'm writing to you to express my opinions and concerns on Bill 48-31. During my 8<sup>th</sup> grade year, I was aware that I was most likely going to attend Southern High School. I really didn't want to; actually I was afraid. You know that saying, "Don't judge a book by its cover?" Well I think that saying truly applies to my the school. Because of the incident that a student died there, when people hear about Southern High, they automatically imagine a ghetto school that's filled with gang-bangers. It's a fact that a student did unfortunately pass away, but I believe that it was all just an incident that unfortunately wasn't handled correctly. Because of that incident, people over look the good things that the students of Southern High has to offer. The media always blows everything out of proportion and it seems that they're just constantly waiting for something bad to happen. It's not fair. People are doubting Southern High so much that I've noticed students have started to doubt themselves. But that's all going to change.

Southern High School is not what or how people read about it in the papers. In fact I think it's a great school. A long time ago, this school was supposed to be the state of the art school. But look at it now, the fields, the gym, the auditorium and the Olympic size pool isn't even in use anymore. Because of no funding. Its stupid how we have sports that require certain places like a gym or a field to practice, but we can't even use our own specialized spaces because they weren't maintained enough to be safe for students to use. So the students are forced to go else where to practice. Maybe that's why a lot of students are discourage to actually participate in school related activities. I'm a cheerleader, so I know how the athletes feel about our school and the conditions they have to go through. It sucks to have home games not in our school. It sucks to have to go to a different field or gym to practice and having to cut it short because we have to share it with another school. I see them struggle and the conditions also affects the way they play.

My first pep-rally at Southern was really fun. As the student council president for my class, I had to prepare and plan what we needed to do to show our spirit and to pump up my class. I wasn't sure how the pep-rallies usually went so we decided to go all out. Before the actual pep-rally, they gave us a list of things we needed to do, one of them was to provide a canopy for our class. I thought that was really unreasonable because where on earth were a bunch of freshmen going to get a canopy? Luckily the mayors office provided us with one. We wouldn't have had this problem if our gym wasn't condemned or our auditorium was up and running. We did our best to show our school spirit, but it was hard specially because most of us almost passed out because of the hot sun.

I had PE for the first block of my year and boy! it was brutal. The gym was so hot that it felt like I was running out of oxygen to breath. Since we only went inside the gym

to take attendance and to use the locker room, the PE teachers were forced to adapt on using the back parking lot of the school and the hallways as our track for running our miles. I personally didn't like running around the parking lot because it was really hot and at times it would rain on us so we would have to stop and wait till it stops raining. Running in the hallways was also hazardous and embarrassing because students constantly pass through them to go to the bathroom or office. So we had to keep our pace while trying to avoid passing bystanders. PE was fun, but there were so many sports we didn't get to try out because of our limited space. One sport I wanted to try out was swimming, but there wasn't any chance for that because our pool is empty.

Since I am a cheerleader, I'm always there to show my school spirit and to cheer on the athletes when they're challenging other schools. During football season, all our home games were located at Okkodo high school, which is funny because its so far from Southern. We had one game at Guam High and it was they're homecoming game. I thought it was so cool how they had the privilege to have they're homecoming game at their school and that they got to actually announce their homecoming king and queen at their home field. I wish and look forward to the day we finally get to do that. I feel that because of all these variables we have to over come, I can't feel the true high school experience. I want to know what its like to watch a home game at our gym. I want to swim in our pool. I want to watch a football game at our field. I want to see a real play production at our auditorium. I want to know what it feels like.

Bill 48-31 will help Southern High School fix and maintain the facilities that have been condemned for so many years. Its too late for the past graduates to experience all of this. I hope its not too late for me. Speaker Won Pat, please help my school to become the school its supposed to be. Bring back our school spirit by letting them enjoy all these facilities. Its not right to have a home game at someone else's court.

Thru your Honorable, we hope that a Southern High dream will come to realize so that we students will be inspired to pursue our career for a better tomorrow to make a stable nation.

We look forward for you consideration.

Thank you very much.

Very sincerely yours,

---

Marcel Jardeleza

PS. It be really nice and less stressful for my class council not having to raise \$15,000 just for our graduation.



February 17, 2011

OFFICE OF PUBLIC ACCOUNTABILITY  
Doris Flores Brooks, CPA, CGFM  
Public Auditor

The Honorable Benjamin J. F. Cruz  
Vice Speaker and Chairman  
Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting  
31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam, 96910

**RE: Written Testimony of Public Auditor Doris Flores Brooks, CPA, CGFM, on Behalf of the Office of Public Accountability (OPA) Opposing the Passage of Bill No. 48-31 (COR).**

Hafa Adai Vice Speaker Cruz,

The Office of Public Accountability (OPA) agrees that the Government of Guam must obligate the remaining \$150 Million (approximately) of 2009 American Recovery and Reinvestment Act (ARRA) funds by September 30, 2011 because the federal government's extension of time to obligate the funds is uncertain in these austere times. However, the OPA does not believe that Guam's Procurement Laws and Regulations impede the Government of Guam from the timely solicitation and award of contracts obligating ARRA funds.

Guam's existing Procurement Laws and Regulations create an expedited solicitation process. The majority of the Government of Guam's large contracts are awarded using the Invitation for Bid (IFB) process, and the Request for Proposal (RFP) process. The IFB process only requires fifteen (15) days from IFB publication to the bid submission deadline. See 2 G.A.R., Div. 4, Chap. 3, §3109(d). The RFP process, for contracts exceeding \$25,000, only requires seven (7) days from RFP's publication to the proposal submission deadline. See 5 G.C.A. §5010, §5211(c), 2 G.A.R., Div. 4, Chap. 3, §3111(b) (5) and §3111 (c) (2) and GSA Procedural Directive June 1, 1995. Thus, if the Government of Guam managed and efficiently planned its efforts to solicit contracts to obligate the ARRA funds in the timeframe prescribed by law, it could draft and publish the necessary IFBs or RFPs, in two (2) weeks; receive proposals and bids responding to the solicitations in one (1) to two (2) weeks, respectively; and award the contracts obligating the ARRA funds in the week after receiving such proposals and bids. Thus, the Government of Guam can solicit and award contracts obligating the ARRA funds within a four (4) week period using the existing IFB and RFP procedures.

Use of Guam's existing Procurement Laws and Regulations will ensure that the Government of Guam complies with the ARRA's stringent accountability and transparency provisions that were designed to curtail fraud, waste, and abuse.

Temporarily increasing the small purchase amount to from \$15,000 to \$100,000 for goods and services, and from \$50,000 to \$250,000 for construction, as proposed by Section 2 of Bill 48-31, will not achieve equivalent transparency. The small purchase procedure requires no less than three positive written quotations from businesses to be solicited. See 5 G.C.A. §5213, 2 G.A.R., Div. 4, Chap. 3, §3111(b), (c), and (d), and GSA Procedural Directive dated June 1, 1995. In practice this means that Request for Quotations (RPQ) must be faxed, mailed, or emailed to at least three (3) vendors. In contrast, for contracts exceeding \$25,000, the IFB and RFP procedures require publication in: (1) A newspaper of general circulation on Guam; or (2) In a newspaper of local circulation in the area pertinent to the procurement; or (3) In industry media; or (4) In a Government Publication designed for giving Public Notices. See 5 G.C.A. §5010, §5211(c), 2 G.A.R., Div. 4, Chap. 3, §3111(b) (5) and §3111 (c) (2) and GSA Procedural Directive June 1, 1995.

The existing caps on the amounts authorizing use of the small purchase procedure require use of the IFB and RFP procedures. The publication requirements for larger contracts guarantee transparency and encourage more potential vendors to submit bids or proposals. Thus, the proposed increase of the caps on the small purchase procedure will limit the notice of the solicitation of \$100,000 contracts for goods and services and \$250,000 contracts for construction to the three (3) potential vendors the procurement officers choose to contact, thus, limiting transparency and encouraging poor contracting and grant management, which has historically plagued our government and the people it serves.

Use of Guam's existing Procurement Laws and Regulations will ensure a protestor's due process and equal protection rights, guaranteed by the U.S. Constitution and Guam's Organic Act, are protected when the Government of Guam, or the Courts of Guam, must decide a procurement protest. The Procurement Protest Appeals decided by the OPA have exposed and corrected questionable or improper Government of Guam procurement practices. The existing protest procedure and procurement appeal process serve as a significant deterrent to fraud, waste, abuse, and poor contract management. Section 3 removes the right to protest when the Governor of Guam and the Public Auditor agrees to waive a Procurement Law or Regulation in a solicitation. Further, Section 4 removes the right of protestor to file a petition for review of the Public Auditor's decision in the Superior Court of Guam. These provisions are possible violations of a protestor's right to an administrative notice and a hearing and rights to equal protection of the laws, as protestors for solicitations for non-ARRA funded contracts would retain these substantial rights, which are protected by the U.S. Constitution and the Organic Act of Guam.

The OPA does agree with the imposition of the time limit for the purchasing agency to answer a protest. The OPA has found that the most substantial reason procurement protests cause delays in the procurement process is the long period of time purchasing agencies take to respond to protests. There is currently no limit to the period of time an agency has to answer a protest.

Further, additional amendments to prevent parties from delaying the procurement protest and appeal process, by prematurely going to Superior Court (Court), and requiring the parties who are authorized to commence an action in Court, after the OPA issues a decision on a procurement protest, should be limited to those parties who appeared in the appeal before the OPA. A limit of the automatic stay imposed by a timely protest to last until the OPA issues its final administrative determination of the protest and to require the protestor to apply to the Court for a stay if it appeals an OPA decision, will greatly enhance the efficiency of the protest resolution process.

The Legislature can achieve the foregoing by the making the following amendment to 5 G.C.A. §5425:

**(b) Authority to Resolve Protests.** The Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of one of these officers shall have the authority, ~~prior to the commencement of an action in court concerning the controversy,~~ to settle and resolve a protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the award of a contract. This authority shall be exercised in accordance with regulations promulgated by the ~~Policy Office~~ Office of Public Accountability.

**(c) Decision.** If the protest is not resolved by mutual agreement, the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of one of these officers shall promptly issue a decision in writing within seven (7) calendar days of receiving the written protest. Failure to issue a decision within the foregoing time period shall be deemed a decision denying the protest by such officers or their designees, as the case may be. The decision shall:

- (1) State the reasons for the action taken; and
- (2) Inform the protestant of its right to administrative ~~and judicial~~ review.

**(d) Notice of Decision.** A copy of the written decision set forth in Subsection (c) of this Section shall be mailed or otherwise furnished immediately to the protestant and any other party intervening.

**(e) Appeal.** A decision under Subsection (c) of this Section, including a decision there under regarding entitlement to costs as provided by Subsection (h) of this Section, may be appealed by the protestant, to the ~~Public Auditor~~ Office of Public Accountability seven (7) calendar days after receipt by the protestant of the notice of decision or the failure of the Chief Procurement Officer, the Director of Public Works, or the head of

purchasing agency, or the designees of such officers, to issue a written decision seven (7) days after receiving a protest as set forth in Subsection (c) of this Section. Unless good cause requires an extension of time, the Public Auditor or his or her hearing officer Office of Public Accountability shall hold a hearing on such appeal within ~~forty (40)~~ sixty (60) calendar days of receipt of the protestant's notice of appeal ~~unless good cause requires an extension of time, in which case the hearing in the protestant's appeal shall be held within sixty (60) calendar days of receipt of the protestant's appeal.~~ The ~~Public Auditor~~ Office of Public Accountability shall render a written decision of the protestant's appeal within thirty (30) calendar days ~~of~~ from the completion of the hearing on the issue or issues appealed from.

**(f) Finality.** A decision of the ~~Public Auditor~~ Office of Public Accountability shall be final and conclusive unless ~~fraudulent, or a party,~~ who entered an appearance in such appeal, who is ~~aggrieved person~~ adversely affected by the decision commences an action in the Superior Court of Guam in accordance with Subsection (a) of §5480 of this Chapter.

**(g) Stay.** In the event of a timely protest under Subsection (a) of this Section ~~or under Subsection (a) of §5480 of this Chapter,~~ the Territory Government of Guam shall not proceed further with the solicitation or award of the contract prior to the ~~final~~ resolution of such protest by the Chief Procurement Officer, the Director of Public Works, or the head of a purchasing agency, or the designee of any such officer, as the case may be, or the resolution of the appeal of such protest by the Office of Public Accountability if an appeal is filed pursuant to Subsection (a) of this Section, and any such further action is void unless....

Furthermore, the OPA's holds that the enactment of P. L. 30-72 in December 2009, which mandates that the Attorney General (AG) review and approve all solicitations of \$500,000 or more, must be considered in the review of Bill No. 48-31 and the role this law has had on the possible risk of losing approximately \$150 Million in ARRA funding.

The mandated requirements of P. L. 30-72 has caused inherent delays of large government solicitations and contracts because when the law was first enacted, the standard operating procedures (SOP's) on how the review process would be executed, was not incorporated into the law. The OPA is in agreement with the intent and purpose of P. L. 30-72, however, the lack of a defined process created confusion for government line agencies because they did not know if they should send their requisitions directly to the AG's office for review or to the General Services Agency (GSA) Chief Procurement Officer (CPO) who would then forward it to the AG for review and approval.

In May 2010 the GSA CPO issued a directive to all line agencies to send requisitions for \$500,000 or more directly to the AG's office for review and approval. In one agency's solicitation, which is now under review by the OPA, the agency followed the GSA CPO's directive and sent their requisition directly to the AG's office, only to have the requisition returned to them two months later with instructions to re-submit the requisition to GSA

because the AG only works directly with the GSA CPO. After the AG's office returned the requisition, the agency subsequently revised the quantity, unit and total value of the requisition which brought the requisition below the \$500,000 dollar threshold – a change the OPA does not condone. If the requisition, which the agency initially submitted to the AG for review, did complete the AG's review and approval process, the errors uncovered in OPA's review of this solicitation may have been prevented. In this case, the solicitation was delayed by 60 days because the requisition was bounced between the AG's office, the purchasing agency and GSA. This solicitation is now the subject of an on-going review by the OPA.

The government agencies' efforts to comply with the mandates of P. L. 30-72 has been further exacerbated by the fact that there is only one attorney within the AG's office who is currently assigned to review solicitations and contracts that involve ARRA funds. The AG's constrained staff of attorneys is another factor that has caused inherent delays. In a recent case, the OPA learned that it took 120 days for the AG to complete the review and issue approval for a solicitation submitted by the Guam Energy Office. The OPA holds that an improved expedited process to review and approve large solicitations and contracts must be addressed. A proposed solution is for the AG to deputize other attorneys to act in his stead by delegating review and approval authority to the purchasing agency's in-house or contracted attorney to ensure compliance with the intent and purpose of P. L. 30-72 by utilizing existing resources.

The foregoing are the substantial amendments that the OPA recommends prior to the passage of Bill 48-31. Should you have any questions, please contact me or OPA legal counsel and hearing officer, Anthony R. Camacho, Esq.

Thank you for your time and consideration.

Senseramente,



Doris Flores Brooks, CPA, CGFM  
Public Auditor



# DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT

www.gdoe.net

P.O. Box D.E., Hagatña, Guam 96932

Telephone: (671)475-0457 or 300-1547/1536 • Fax: (671)472-5003

Email: nbunderwood@gdoe.net



Nerissa Bretania Underwood, Ph.D.  
Superintendent of Education

February 17, 2011

Honorable Benjamin J.F. Cruz, Vice Speaker  
Chairman  
Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting  
I Mina'Trentai-Unu Na Liheslaturan Guahan  
155 Hesler Place  
Hagatna, Guam 96910

**RE: Testimony in Support for Bill No. 48-31: An Act to Add § 5213A, 5220, and 5425A To Title 5 Guam Code Annotated Relative to providing Temporary Expedited Procurement Procedures to Assist with the Disbursement of Stimulus Funds Under the "2009 American Recovery and Reinvest Act"**

Dear Vice Speaker Cruz,

I am writing as Superintendent of the Department of Education to express my support for Bill No. 48-31. The Department of Education (DOE) is the recipient of over one hundred million dollars in funds under the 2009 American Recovery and Reinvestment Act (ARRA). These ARRA funds will be used by DOE for many projects, including purchase of equipment to further computer technology applications in the classroom; training for teachers; improvement of DOE financial management; and repair of schools. The ARRA funds provide a limited time opportunity for the island's educational system to obtain these improvements; ARRA funds must generally be obligated by September 30, 2011 and expended by December 31, 2011.

It is no secret that procurement protests and appeals have led to stalled and often thwarted attempts to obtain products and services sorely needed by DOE and other government agencies. Though these protests are sometimes legitimate attempts to correct a deficiency in the procurement process, there have been numerous occasions where the protests appear to be attempts by disgruntled bidders to force the cancellation of a solicitation only because the protestor has not been selected for an award. And whether or not a protest is based on a sincere attempt to address an incorrectly administered procurement, it is a near certainty that any procurement appeal to the Public Auditor or to the court will take months, if not years, to reach a final decision.

Though the opportunity to protest or appeal a procurement is necessary to ensure that bidders have adequate protections in the procurement process, these protections must be measured against the limited opportunity presented by time sensitive ARRA funds. Allowing the protest procedures to be played out under the current statutes and regulations will undoubtedly lead to the loss of ARRA funds because the amount of time it takes to conclude a procurement appeal will surpass the amount of time DOE and other departments have to obligate and expend ARRA funds. Loss of ARRA funds due to protracted procurement disputes will equate to the loss of desperately needed improvements to our schools and to the education department that can temporarily be funded without cost to our local coffers.

As stated in Bill No. 48-31, the conditions attached to the ARRA funds provide measures for accountability and transparency. The temporary exceptions proposed by the bill to the current procurement law therefore do not change the fact that use of ARRA funds is still subject to requirements for proper government spending. Allowing these temporary exceptions will help DOE to timely take advantage of the ARRA funds by more quickly



Subject: Testimony in Support for Bill No. 48-31  
February 17, 2011  
Page 2 of 2

moving through the procurement and appeal process and obligating the funds within the deadlines set for these expenditures. For these reasons, I support the passage of Bill No. 48-31.

Senseramente,

  
NERISSA BRETANIA UNDERWOOD, Ph.D.

Cc: Chairman & Members, GEB

JOHN THOS. BROWN  
ATTORNEY AT LAW \*

GENERAL COUNSEL

Jones & Guerrero Co. Inc. (Guam, USA)  
Its divisions, subsidiaries and affiliates†

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POSTAL: GPO Box 7, Hagåtña, Guam 96932

February 10, 2011

Vice Speaker Benjamin J.F. Cruz, Chairperson  
Senator Tina R. Muna-Barnes, Vice Chairperson  
Committee on Youth, Cultural Affairs, General Government  
Operations, Procurement and Public Broadcasting  
31<sup>st</sup> Legislature  
155 Hesler St.  
Hagåtña, Guam 96910

RE: Hearing for Bills 19-31 and 48-31

Dear Vice Speaker and Senator,

Please accept this testimony on the referenced bills. I will further be available, at your request, to present the testimony or answer any questions at the Hearing of these bills if you would find it helpful for your deliberation.

Regarding Bill 19-31: I was under the impression that this bill would not proceed after Speaker Won Pat's roundtable discussion of it; that it would be superceded by the substance of what has become Bill 48-31. I would think that to be a desirable outcome.

Further, there are technical issues with this bill. First, there is no such Act as the "United States Department of Education American Recovery and Reinvestment Act". Second, it is ambiguous as to phrase "any solicitation or procurements funded ...." Does this mean funded entirely, or in minor part? Does it refer to a collection of procurements, some of which are funded by ARRA and some not?

Regarding Bill 48-31, I have previously sent a letter to Speaker Won Pat addressing one concern I have with the bill, which I incorporate below. But prior to addressing that concern, I note additional problems.

First, this bill, although ostensibly modeled after Hawaii law, to which it bears close resemblance, may exist beyond its necessary time frame. The Hawaii law has a sunset date of September *this* year, 2011, when ARRA funding is expected to expire. Bill 48-31 continues until *next* year, 2012. This extends the risk tail of the law, and is that necessary?

RECEIVED  
2-14-11  
L

\* Admitted to Practice: California, Guam and Commonwealth of Northern Mariana Islands, USA [Inactive in NSW, Australia]\*

† Micronesia Brokers, Inc. (Guam and CNMI)/Town House Department Stores, Inc. (Guam)/J&G Distributors/Aquarius Beach Towers, (Saipan, CNMI)/Livno Holdings PTY LTD (A.C.N. 003 585 331)/Townhouse, Inc. (Saipan, CNMI)/ IBSS (Guam and Saipan)

Second, without having done the research, I am skeptical about the policy and constitutionality of the provision which says, “the determination of facts and decision by the Public Auditor for the resolution of protests of ARRA funded procurements shall be final and conclusive with no right of appeal or judicial review.” Where, especially, the decision is based on mixed facts and law, is it within the purview of the legislature to empower the executive to declare the law? Isn’t that the role of the judiciary, as it has been since *Marbury v. Marshall*? Even as to facts, does this prevent review of fact determinations that are clearly erroneous, arbitrary or capricious? What kind of moral hazard does that encourage?

Finally, I am concerned by the abundant risk associated with lifting the “small purchase” limits, as I previously have written and repeat below.

Having had the opportunity to sit in on the Speaker’s roundtable discussion on Bill 19-31, I appreciate the desires and goal of Bill 48-31, to take the money and run, as have other jurisdictions. I also appreciate the clear effort to provide some oversight and safeguards by the Public Auditor.

I would point out, though, that this proposed law, however similar it may be to laws elsewhere, is fundamentally different because of the context: in the other places, this “easy ARRA” approach was begun long before now, and there is more danger in our case occasioned by the need to take the money and run faster and cover more ground in shorter time. That is the classic milieu for mistake if not mischief.

Apart from my trepidation generally, I have one particular concern as to the dollar limitation in Section 2 of the Bill, which adds § 5213A to 5 GCA. The Bill increases the “small purchase” method of source selection for goods and services from \$15,000 to \$100,000. I think that is particularly risky, and would suggest it be lowered to \$50,000 maximum, \$25,000 more prudentially.

It must be appreciated that 5 GCA § 5213 provides *very* “relaxed” procurement procedures, especially compared to competitive sealed bidding, because, given the small purchase monetary limitations (\$15,000), the risk of gross misuse of funds is balanced by the dollar limitations.

5 GCA § 5213, the law, leaves the implementation of small purchases to Regulation. The pertinent regulations are in 2 GAR §§ 3111 and 3112.1 to 3112.15. They provide two methods of dealing with “small purchases”: Request for Quotes (RFQs) and Blanket Purchase Agreements (BPAs).

2 GAR § 3111 deals with small purchases generically, which for purchases over \$500 requires simply a Request for Quotes procedure. § 3112.1 *et seq.*, deals with a particular form of small purchase procedure called a Blanket Purchase Agreement.

The RFQ procedure depends entirely on the wholly discretionary judgment of the procurement officer to determine the field of competition. It is sufficient if “no less than three positive written quotations from businesses shall be solicited, recorded and placed in the procurement file”.

The RFQ process is essentially a silent auction, indeed a *secret* auction, for bidding, with award ostensibly to the lowest price; there can be no negotiation or change of terms. **The procurement officer determines who gets to quote**, and no one is given any notice of who won – or when or even whether the purchase was concluded.

This Bill would give the procurement officer the unfettered control over who gets to bid on contracts of a value up to \$100,000. Since it's not openly competitive, there is no procedure that adequately polices how a product or service is specified nor whether what may have been specified is ultimately purchased. That's quite a significant and absolute power, and as has been long said, absolute power tends to corrupt, absolutely.

A BPA allows "small purchases" to be conducted by way of unquestioned and basically unregulated purchases from "charge accounts". That is not my description, it is the language of the regulation (GAR § 3112.11(a)). It can be analogized to giving your credit card to your teenage kid.

Again, there is a great deal of discretion with the procurement officer as to which business gets one of these charge accounts (though not as much discretion as under the RFQ; see 2 GAR § 3112.12(e)), and unbridled power to make purchases by the individuals authorized to purchase on the charge accounts (§ 3112(h)(5)). (There are accounting requirements for tracking purchases, but only after the fact.)

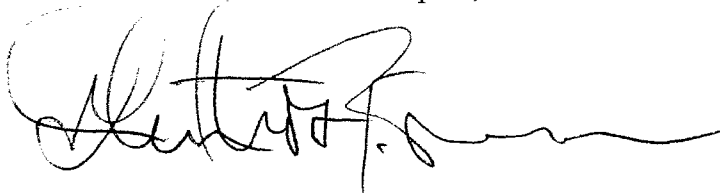
Under a BPA, the dollar limitation is not on the basis of the balance of the charge account, but on a *per item* basis. (2 GAR § 3112.13(b): "*Individual* purchases under BPAs shall not exceed \$15,000 for supplies or services or \$50,000 for construction." Thus, individual purchases under charge accounts could be as much as \$100,000 – each, remember.

Thus, the \$100,000 limitation in Bill 48 could become meaningless in any practical effect, because it is the nature of such charge accounts to anticipate multiple purchases against the account. If applied to vehicles, for instance, in the course of the time frame of this Bill, an entire fleet of ambulances and other vehicles could be purchased without any competition or oversight.

I hope the Legislature will give careful consideration of the concern I've raised and, in any event, take a deep breath.

And not exhale until September 2012.

Senseramente and With Respect,

A handwritten signature in black ink, appearing to read "John Thos. Brown", written in a cursive style.

John Thos. Brown

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Acting Director

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**George A. Santos**  
Deputy Director

February 17, 2011

Honorable Benjamin J.F. Cruz, Vice Speaker  
Senator, 31<sup>st</sup> Guam Legislature  
Chairman, Committee on Youth, Cultural Affairs,  
Procurement, General Government Operations, and  
Public Broadcasting  
155 Hesler Place  
Hagatna, Guam 96910

Dear Senator Cruz:

My name is Claudia S. Acfalle and I am the Chief Procurement Officer of the General Services Agency. Thank you for the opportunity to comment on, Bill 19-31 and Bill 48-31, an act to amend to add §5213A, 5220 and 5425A of 5GCA, relative to the government of Guam procurement.

**Bill 48-31**

GSA is in support of the intent of bill 48-31, which is necessary to increase the threshold limits to use the small purchases procedure for the disbursement of Stimulus funds under the ARRA; the waiver of procurement code requirements is necessary if moneys are still available several weeks for the government to expend the moneys within the time required by ARRA, however, may be hindered by other established laws or regulations; and establishing a more stringent protest procedure will avoid the loss of ARRA funds due to delays caused by the aggrieved.

Thank you for the opportunity to speak out on Bill 19-31.

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

Budget passed Board - Jan 31st

Bill No. 48-31

**TO PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROCEDURES TO ASSIST WITH THE DISBURSEMENT OF STIMULUS FUNDS UNDER THE "2009 AMERICAN RECOVERY AND REINVEST ACT".**

can't afford to loose

**Section 1. Background**

can't well ever see funds

- Government of Guam has been granted closed to \$240 million in federal stimulus funding
- Many of ARRA's provisions include stringent "use it or lose it" deadlines that require states to use the federal stimulus funds quickly or the funding will be reallocated to other states.
- An approximate balance of \$150 million plus in federal stimulus funding including about over \$80 million for the Department of Education remains to be obligated and or expended on or before September 30, 2011.
- Many states passed laws in 2009 specifically intended to reap the maximum benefits of ARRA, including methods to comply with its deadlines
- Colorado and Hawaii, both of which have procurement laws patterned after the American Bar Association's Model Procurement Law, like Guam, and both of which made changes to their procurement law specifically to accommodate the quick use of ARRA funds.
- Colorado added a new section to its procurement law to permit a waiver of one or more provisions of their procurement code to the extent the waiver was necessary to expedite the use of ARRA funds if strict adherence to the code would substantially impede the state's ability to expend the moneys in a manner or within the time required by ARRA.
- Hawaii streamlined the procurement process and protest process for ARRA funded procurements, and raised the threshold for all small purchases, regardless of source of funds, to sunset in 2012.
- The government of Guam needs temporary relief from the Guam Procurement Law in the form of expedited procurement procedures including protest procedures, similar to those taken by the states of Colorado and Hawaii in 2009.

put on the website everyday

- It is not the intent to provide permanent exemptions or permanent relief to the Guam Procurement Law, and this Act shall be applied only to expedite the expenditure of federal stimulus funds authorized by ARRA, or to expend the matching state funds, if any, required to access the federal stimulus funds
- ARRA grants has specific accountability and transparency provisions to prevent fraud, waste, and abuse, to ensure against poor contracting or grant management, and to ensure the use of competitive procedures. ARRA provides the federal government with expansive investigatory and auditing powers to monitor, oversee, and ensure that the ARRA funds are used for their intended purposes.

→ rotate vendors

**Section 2. Small Purchases**

public notice published by next day  
all bids met / in / who got the award

- Small purchases that is funded, in whole or in part of ARRA funding. *standard 3 quotes*
- Currently procurement regulations for good and services, the acquisition cannot exceed \$15,000. **The bill raises the ceiling to \$100,000** *technology*
- Currently procurement regulations for construction, the acquisition cannot exceed \$50,000. **The bill raises the ceiling to \$250,000** *enables contracts*
- All procedures for small purchases as established by Guam Law or applicable rules shall be followed
- Current procurement regulation for small purchases procedure. Insofar as it is practical for small purchases of supplies or services between \$500 and \$15,000, no less than three positive written quotations from businesses shall be solicited, recorded and placed in the procurement file. Awards shall be made to the lowest responsible and responsive bidder.
- This section dealing with small purchases using ARRA funding in whole or in part will be repealed September 30, 2012, unless the federal grantor authorizes an extension of time for the obligation or expenditure of ARRA funds, in which case this section shall be repealed at the end of the extension.

what  
safe guards  
will be put  
in place

*extended liquidation time - Sept 30, 2012*

**Section 3. Waiver of Procurement code requirements for acquisitions funded with ARRA monies.**

- The bill proposes that the Chief procurement office, the Director of Public Works or the head of the purchasing agency may request in writing a waiver of one or more provision of the procurement law to expedite the use of the ARRA moneys

1/DOE only = the increasing ceiling for approved purchases by DOE  
Waiver cannot be protested  
by USDOE

in a transparent and accountable manner consistent with the goals and purposes of ARRA funding or that strict adherence to the procurement law would substantially impede the ability of the government to expend the moneys in the manner or within the time required by ARRA.

- A waiver shall be granted with the approval of the Governor and the Public Auditor or their designees, confirming that the requested waiver meets the criteria set forth.
- A written determination shall include the specific code provision being waived and the alternative selection process to be used.
- The waiver shall be included in the contract file and posted on the Governor's and Public Auditor's website.
- The Determination under this section shall not be subject to protest
- This section using ARRA funding in whole or in part will be repealed September 30, 2012, unless the federal grantor authorizes an extension of time for the obligation or expenditure of ARRA funds, in which case this section shall be repealed at the end of the extension.

### **Section 3. Protest of procedures for procurement with ARRA funding.**

- An actual or prospective vendor, contractor or service party is aggrieved by an award of a contract funded, in whole or in part by ARRA funding shall file with the Public Auditor. This shall be exclusive means available to resolve the concerns of aggrieved persons in connection with awards or solicitations involving ARRA funds, in whole or part.
- Public Auditor may steel and resolve a protest by one ore more of the following means:
  - (1) amending or canceling the solicitation;
  - (2) terminating the contract that was awarded;
  - (3) declaring the contract null and void from time of its award;or
  - (4) affirming the contract award decision.

• Public Auditor shall issue a decision in writing no more than ten (10) working days of receipt of protest.

- The decision shall state the reasons for the action taken

*What are your recommendations  
How then do we proceed?*



- The fact that the protest has been filed shall not stay the procurement process or award of any contract
- A request for reconsideration shall also not stay the award of any contract.
- The resolution of protests of ARRA funded procurements shall be final and conclusive with no right of appeal or judicial review.
- This section is applicable retroactively to any procurement involving ARRA funds provided the procurement had begun but had not been completed at the time of the enactment of this legislation and provided no protest has been filed
- The aggrieved party has 14 days to submit a protest by the time aggrieved party knows or should have known of the facts.
- No protest may be filed more than 30 days after notice of award is given to the bidder or offeror.
- This section using ARRA funding in whole or in part will be repealed September 30, 2012, unless the federal grantor authorizes an extension of time for the obligation or expenditure of ARRA funds, in which case this section shall be repealed at the end of the extension.
- **This section removes the protest Resolution by the Chief Procurement Officer. The Director of Public Works, or the Head of a Purchasing Agency and the public auditor exclusively handles the protest.**
- **By and large the bill significantly reduces the time period the protest time period**

- Aggrieved party 14 days <sup>after - knows you have</sup> to protest
- PA - receive complaint w/in 10 days to respond
- No protest can be filed after 30 days

Expire Sept 30, 2012



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

February 18, 2011

Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
Ricardo J. Bordallo Governor's Complex  
P.O. Box 2950  
Hagåtña, Guam 96910

Håfa Adai Governor Calvo,

As I am listening to the testimony for and against Bill 19-31 (COR), introduced by Speaker Judith T. Won Pat, Ed., titled:

AN ACT TO AMEND SECTION 5105 OF TITLE 5 GUAM CODE ANNOTATED RELATIVE TO THE DUTIES OF THE ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND ADVISEMENT,

I am reminded of the solution I presented to the Guam Chapter of the Association of Government Accountants several weeks back to help alleviate cash deficiencies due to paying unauthorized and unbudgeted items in FY 2011.

Bill 19-31 allows an exception to procurement law in order for the Guam Department of Education (GDOE) to "beat the clock" with respect to spending over \$70 million of available cash awarded by the United States Department of Education ARRA State Fiscal Stabilization Fund (SFSF) grant. Making a statutory exception for GDOE procurement undermines the intent of procurement law by removing local oversight of DOE procurement. In addition, the Third Party Fiduciary Agent does not assume legal liability including but not limited to legal fees and possible repayment of ARRA funds due to non-compliance.

Rather than travel down this path, I would like to propose that you call a meeting with GDOE Superintendent Nerissa Underwood to further discuss how the inability of the GDOE to expend ARRA SFSF funds presents an opportunity for a solution for a larger and more organic problem to which you have been quite vocal. This approach is consistent with the spirit of *Inafa'maolek* and is an example of a bi-partisan approach to solving problems; as you know, "the greatness of Guam transcends all political lines."

As we both agree, there is an impending cash shortfall in FY 2011 due to unbudgeted expenditures. Although the magnitude of the cash shortfalls remains unclear, your current action to cancel the Hay Study pay increases is not a solution, because Public Law 30-196 only allows for a 15% transfer authority of this appropriation.

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: [senbenp@guam.net](mailto:senbenp@guam.net)

Website: <http://senbenp.com>

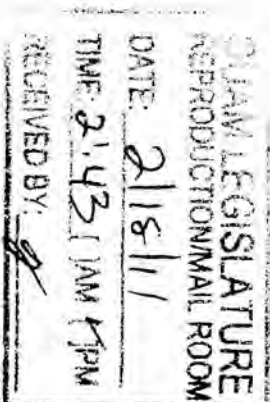
Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform



COPY

2-18-11

Letter to Governor Calvo

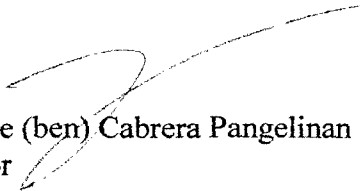
February 18, 2011

Page 3

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counting on you to do the right thing and to ensure that the legal obligation to pay the Tax Refunds and Hay Study increases are not delayed.

Si Yu'os Ma'åse',

  
Vicente (ben) Cabrera Pangelinan  
Senator

Cc: Dr. Nerissa Underwood, Superintendent – GDOE  
Doris Flores Brooks, Public Auditor – OPA  
Leonardo M. Rapadas, Attorney General of Guam – OAG  
Guam Board of Education Members  
All Senators



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## FACSIMILE TRANSMITTAL

Date: February 14, 2011

To: Honorable Benjamin J.F. Cruz  
Senator, I Mina'Trenta Unu Na Liheslaturan Guåhan

From: Leonardo M. Rapadas, Attorney General

Facsimile No.: (671) 477-2522

Total Pages: Fifteen (15) – Including cover sheet

Subject: Bill No. 19-31 (Exempting DOE's ARRA Funded Procurement & Contracts Review by the AG) and Bill No. 48-31 (Amendments to Procurement Code for ARRA Funded Procurement)

Reference Number: LEG 11-0017

Remarks: Please see the attached letter from Attorney General Leonardo M. Rapadas regarding the above referenced matter. The original to be hand delivered to your office.

Sent By: Maria Blas, Word Processing Secretary I

**CONFIDENTIALITY NOTICE:** This facsimile contains information which may also be legally privileged and which is intended for the user of the address(s) named above. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this facsimile, or the taking of any action in reliance on the contents of this telecopied information, may be strictly prohibited. If you received this transmission in error, please notify us immediately or return the entire facsimile to the address shown below via U.S. Postal Service.

4:12:29 PM

by SPY  
2/14/11 2:41 PM

Leonardo M. Rapadas  
Attorney General



Phillip J. Tydingco  
Chief Deputy Attorney General

## OFFICE OF THE ATTORNEY GENERAL

February 14, 2011

The Honorable Benjamin J.F. Cruz  
Vice-Speaker  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Subject: **Bill No. 19-31 (Exempting DOE's ARRA Funded Procurement and Contracts from Review by the AG) and Bill No. 48-31 (Amendments to Procurement Code for ARRA Funded Procurement)**

Dear Vice-Speaker Cruz,

*Buenas yan Håfa Adai!* The Office of the Attorney General (OAG) supports both Bill Nos. 19-31 and 48-31. These two bills should enhance or further facilitate the expeditious processing and review of the Department of Education's (DOE) ARRA funded procurement documents and contracts. Indeed, our Office drafted the original bills and submitted them to both Governor Eddie B. Calvo and Speaker Judith T. Won Pat, Ed.D. This was done in order to minimize any delays that may be caused by the OAG's involvement in the review of such procurement documents and signing on such contracts (Bill No. 19-31), as well as to mitigate against delays in ARRA funded procurements by amending certain procurement regulations including the protest procedures (Bill No. 48-31). Our support is also based in part on the DOE's employment of two experienced attorneys who have also been designated Special Assistant Attorneys General (SAAG) and the consultative support that DOE has from its Third Party Fiduciary for management of federal grants including ARRA funding.

It should, however, be noted that the current Bill No. 19-31 unlike the original bill submitted by our Office does not contain both the language which attempted to put in place a recommended safeguard of involving the Third Party Fiduciary for the review of DOE's ARRA funded procurement documents and contracts nor the language to exempt the OAG from contract approval of DOE's ARRA funded procurements. It is still anticipated that both bills should enhance or facilitate the DOE's ability to expedite their ARRA funded procurement process. Attached you will also find my letter and the two original bills submitted to the Governor of Guam and Speaker of the Guam Legislature. Should you have any further questions do not hesitate to contact me or Deputy Attorney General Patrick Mason. *Dångkolo na Agradesimiento!*

Sincerely,

LEONARDO M. RAPADAS  
Attorney General of Guam

Leonardo M. Rapadas  
Attorney General



Phillip J. Tydingco  
Chief Deputy Attorney General

## OFFICE OF THE ATTORNEY GENERAL

January 13, 2011

The Honorable Edward J.B. Calvo  
Governor of Guam  
Office of the Governor of Guam  
Ricardo J. Bordallo Governor's Complex  
Adelup, Guam

received  
Attorney's Legal Office  
1/13/11 JTD

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Subject: **ARRA Funded Procurement**

Dear Governor Calvo and Speaker Won Pat,

*Buenas yan Háfa Adai!* It has been brought to all of our attentions about the critical need to obligate and expend the nearly \$240 million dollars in federal stimulus funding provided under the historic 2009 American Recovery and Reinvestment Act (ARRA) granted to the government of Guam that provides states and territories with funding for infrastructure projects to create jobs in the near term and to lay the foundation for long term economic growth. Many of ARRA's provisions include stringent "use it or lose it" deadlines that require states or territories to use the federal stimulus funds quickly or the funding will be reallocated to other states. It is reported that an approximate balance of \$150 million plus in federal stimulus funding including about over \$80 million slated for the Department of Education remains to be obligated and or expended in most cases on or before September 30, 2011 and for other ARRA grants up to 2012. Furthermore, we have all been made aware of the need to expedite the procurement process for ARRA funded projects or programs that has or can be delayed by review of procurement solicitation documents and contracts and by procurement protests. This is further compounded by both the shortage of procurement staff and attorneys necessary to maximize the expeditious processing of ARRA funded procurements and the short time period remaining to obligate and expend the ARRA funds. Therefore, the Office of the Attorney General proffers the following recommendations:

1. Amend the law concerning the duties of the Attorney General found in Title 5 G.C.A. §5150 that would not only permit the DOE Legal Counsels as Special Assistant Attorneys General (SAAG) review procurement in the front end, but

also review and sign as to the legality and form of the ARRA funded contracts on the back end without further involvement by the Office of the Attorney General. See Attached Bill.

2. Amend certain procurement laws to enhance expeditious processing of the procurement for certain amounts, as well as amend the protest provisions so that delay is minimized. See Attached Bill.
3. Promulgate by Executive Order for line agencies to reprogram where authorized under their ARRA grants for funding the limited term appointment hiring of attorneys or procurement staff to assist with expediting the development and review of procurement documents and contracts in collaboration and cooperation with the Office of the Attorney General, and also appoint an ARRA Procurement and Contracts team to monitor the processing of these procurements with members from the relevant agencies including but not limited to the General Services Agency, Clearinghouse, Office of the Attorney General, and the like.

Should you have any further questions do not hesitate to contact me or my staff. *Dangkolo na Agradesimiento!*

Sincerely,



**LEONARDO M. RAPADAS**  
Attorney General of Guam

Leonardo M. Rapadas  
Attorney General



Phillip J. Tydingco  
Chief Deputy Attorney General

## OFFICE OF THE ATTORNEY GENERAL

January 13, 2011

The Honorable Edward J.B. Calvo  
Governor of Guam  
Office of the Governor of Guam  
Ricardo J. Bordallo Governor's Complex  
Adelup, Guam

of the Speaker  
Won Pat, Ed. D.

1/14/11  
8:55  
[Signature]

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

**Subject: ARRA Funded Procurement**

Dear Governor Calvo and Speaker Won Pat,

*Buenas yan Håfa Adai!* It has been brought to all of our attentions about the critical need to obligate and expend the nearly \$240 million dollars in federal stimulus funding provided under the historic 2009 American Recovery and Reinvestment Act (ARRA) granted to the government of Guam that provides states and territories with funding for infrastructure projects to create jobs in the near term and to lay the foundation for long term economic growth. Many of ARRA's provisions include stringent "use it or lose it" deadlines that require states or territories to use the federal stimulus funds quickly or the funding will be reallocated to other states. It is reported that an approximate balance of \$150 million plus in federal stimulus funding including about over \$80 million slated for the Department of Education remains to be obligated and or expended in most cases on or before September 30, 2011 and for other ARRA grants up to 2012. Furthermore, we have all been made aware of the need to expedite the procurement process for ARRA funded projects or programs that has or can be delayed by review of procurement solicitation documents and contracts and by procurement protests. This is further compounded by both the shortage of procurement staff and attorneys necessary to maximize the expeditious processing of ARRA funded procurements and the short time period remaining to obligate and expend the ARRA funds. Therefore, the Office of the Attorney General proffers the following recommendations:

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Letter to Governor Calvo and Speaker Won Pat  
dated January 13, 2011 re: ARRA Funded Procurement  
Page 2

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3. Promulgate by Executive Order for line agencies to reprogram where authorized under their ARRA grants for funding the limited term appointment hiring of attorneys or procurement staff to assist with expediting the development and review of procurement documents and contracts in collaboration and cooperation with the Office of the Attorney General, and also appoint an ARRA Procurement and Contracts team to monitor the processing of these procurements with members from the relevant agencies including but not limited to the General Services Agency, Clearinghouse, Office of the Attorney General, and the like.

Should you have any further questions do not hesitate to contact me or my staff. *Dangkolo na Agradesimiento!*

Sincerely,



**LEONARDO M. RAPADAS**  
Attorney General of Guam

**I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN  
2011 \_\_\_\_\_ SESSION**

Bill No. \_\_\_\_\_  
Introduced by:

**AN ACT TO AMEND § 5150 OF PART F, ARTICLE 2 OF CHAPTER 5 OF  
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES OF  
THE ATTORNEY GENERAL.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that the government of Guam has been granted approximately \$240 million dollars in federal stimulus funding under the historic 2009 American Recovery and Reinvestment Act (ARRA), U. S. Public Law 111-5. Many of ARRA's provisions include stringent "use it or lose it" deadlines that require states to use the federal stimulus funds quickly or the funding will be reallocated to other states. There is reportedly an available balance of over \$150 million in federal stimulus funding including about \$80 million or more slated for the Department of Education, which remains to be obligated and or expended on or before September 30, 2011. The Department of Education's legal counsel together with its Third Party Fiduciary Agent will be able to expedite their ARRA funded procurement process provided the Department of Education is exempted from the mandatory legal review of contracts by the Office of the Attorney General which is also responsible for reviewing and approving as to legality and form both ARRA and non-ARRA funded contracts. It is therefore the intent of his Legislature to

assist Department of Education by amending Section 5150 of Title 5 G.C.A.

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

**"§5150. Duties of the Attorney General.**

The Attorney General, the Deputy Attorney General *or* such Assistant Attorneys General, or such Special Assistant Attorneys General as the Attorney General may designate, *shall* serve as legal counsel and provide necessary legal services to the Policy Office and the General Services Agency. Whenever the Chief Procurement Officer, the Director of Public Works, or the head of any executive branch agency, autonomous agency, instrumentality or public corporation of the government of Guam conducts any solicitation or procurement which is estimated to result in an award of Five Hundred Thousand Dollars (\$500,000) or more, the Attorney General or his designees, including one (1) *or* more Special Assistant Attorneys General who may be so designated or appointed by the Attorney General and subject to any reasonable requirements or conditions determined by the Attorney General, *shall* act as legal advisor during all phases of the solicitation or procurement process. The Attorney General, or his designee, including one (1) *or* more Special Assistant Attorneys General *shall*, in addition, when he approves contracts, determine not only the correctness of their form, but their legality. In making such a determination of legality, he may require any or all agencies involved in the contract to supply him with evidence that the required procedures precedent to executing the contract were carried out. He or his designees *may* prescribe the forms and format required to be followed by the agencies in aiding him in his determination of form and legality. The Department of Education shall be exempted from this section pertaining to any solicitation or procurement funded by the United States Department of Education provided that:

1. the funding source is one of the funding sources under the management, control, and review of the Third Party Fiduciary Agent; and
2. the proposed procurement activity has been reviewed and approved by the third party fiduciary Agent and the Department of Education's Legal Counsel.

Contracts for the Department of Education that are issued as a result of the above exemption process shall not be subject to the Attorney General approval process as required in 5 G.C.A. §22601."

**Section 2. Effective Date.** This Act *shall* be effective upon enactment.

**I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN  
2011 \_\_\_\_\_ SESSION**

Bill No. \_\_\_\_\_  
Introduced by:

**AN ACT TO ADD § 5213A, § 5220, and § 5425A TO TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROCEDURES TO ASSIST WITH THE DISBURSEMENT OF STIMULUS FUNDS UNDER THE 2009 AMERICAN RECOVERY AND REINVEST ACT**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that the government of Guam has been granted closed to \$240 million in federal stimulus funding under the historic 2009 American Recovery and Reinvestment Act (ARRA), U. S. Public Law 111-5, which provides states with funding for infrastructure projects to create jobs in the near term and to lay the foundation for long term economic growth. Many of ARRA's provisions include stringent "use it or lose it" deadlines that require states to use the federal stimulus funds quickly or the funding will be reallocated to other states. It is reported that an approximate balance of \$150 million plus in federal stimulus funding including about over \$80 million for the Department of Education remains to be obligated and or expended on or before September 30, 2011.

*I Liheslaturan Guahan* finds that, in order to mobilize economic recovery and so as not to lose federal stimulus funds, many states passed laws in 2009 specifically intended to reap the maximum benefits of ARRA, including methods to comply with its deadlines. Among those many states are Colorado and Hawaii, both of which have procurement laws patterned after the American

Bar Association's Model Procurement Law, like Guam, and both of which made changes to their procurement law specifically to accommodate the quick use of ARRA funds. Colorado added a new section to its procurement law to permit a waiver of one or more provisions of their procurement code to the extent the waiver was necessary to expedite the use of ARRA funds if strict adherence to the code would substantially impede the state's ability to expend the moneys in a manner or within the time required by ARRA. Hawaii streamlined the procurement process and protest process for ARRA funded procurements, and raised the threshold for all small purchases, regardless of source of funds, to sunset in 2012.

*I Liheslaturan Guahan* finds that many of the deadlines for Guam to use its ARRA funds are now fast approaching, and the government of Guam has not yet been able to encumber or expend much of it. *I Liheslaturan Guahan* intends for the government of Guam to maximize the ARRA funds, and finds that in order to facilitate compliance with the deadlines and other ARRA requirements, the government of Guam needs temporary relief from the Guam Procurement Law in the form of expedited procurement procedures including protest procedures, similar to those taken by the states of Colorado and Hawaii in 2009. It is not the intent of *I Liheslaturan Guahan* to provide permanent exemptions or permanent relief to the Guam Procurement Law, and this Act shall be applied only to expedite the expenditure of federal stimulus funds authorized by ARRA, or to expend the matching state funds, if any, required to access the federal stimulus funds.

*I Liheslaturan Guahan* finds that ARRA has specific accountability and transparency provisions to prevent fraud, waste, and abuse, to ensure against poor contracting or grant management, and to ensure the use of competitive procedures. ARRA provides the federal government with expansive investigatory and auditing powers to monitor, oversee, and ensure that

the ARRA funds are used for their intended purposes. Therefore, *I Liheslaturan Guahan* intends this Act to provide a proper balance between the expedited procurement procedures and the necessary accountability and transparency requirements.

**Section 2.** A new § 5213A is added to Title 5 of the Guam Code Annotated to read:

**§ 5213A. Small Purchase Limits for Procurement Funded with 2009**

**American Recovery and Reinvestment Act Moneys.** Notwithstanding any rule created pursuant to § 5213 setting threshold amounts for small purchases, whenever an acquisition is funded, in whole or in part, by the 2009 American Recovery and Reinvestment Act, the threshold limits to use the small purchases procedure shall be increased to the following limits instead:

- (a) For the acquisition of goods and services, the acquisition may not exceed \$100,000; and
- (b) For the acquisition of construction, the acquisition may not exceed \$250,000.

All other procedures for small purchases as established by this Chapter or by applicable rules shall be followed. This section is repealed effective September 30, 2012, unless the federal grantor agency authorizes an extension of time for the obligation or expenditure of ARRA funds, in which case this section shall be repealed at the end of the extension period.

**Section 3.** A new § 5220 is added to Title 5 of the Guam Code Annotated to read:

**§ 5220. Waiver of Procurement Code Requirements for Acquisitions Funded with 2009 American Recovery and Reinvestment Act Moneys.** Notwithstanding any other provision of this Chapter and any rules promulgated therefor, if funding for a procurement, whether in whole or in part, includes moneys received pursuant to the 2009 American Recovery and Reinvestment Act (ARRA) or any amendments thereto, the Chief Procurement Officer, the Director of Public Works, or the head of a purchasing agency may request in writing a waiver of one or more

provisions of this Chapter to the extent the waiver is necessary to expedite the use of the ARRA moneys in a transparent and accountable manner consistent with the goals and purposes of ARRA or to the extent strict adherence to this Chapter would substantially impede the ability of the government to expend the moneys in the manner or within the time required by ARRA or any other applicable federal law. A waiver shall be granted upon the written approval of the Governor and the Public Auditor, or their designees, confirming that the requested waiver meets the criteria set forth in this section. A written determination of the basis for and the scope of the waiver, including but not limited to the specific code provision being waived and the alternative selection process to be used, shall be signed by the requesting party, and the Governor and the Public Auditor, or their respective designees if applicable, and shall be included in the contract file, and made publicly available by posting on the Governor's or Public Auditor's web site. Determinations made pursuant to this section are not subject to protest. This section is repealed effective September 30, 2012, unless the federal grantor agency authorizes an extension of time for the obligation or expenditure of ARRA funds, in which case this section shall be repealed at the end of the extension period.

**Section 4.** A new § 5425A is added to Title 5 of the Guam Code Annotated to read:

**§ 5425A. Protest Procedure for Procurement Funded with 2009 American Recovery and Reinvestment Act Moneys.** (a) Notwithstanding any other provision of this Chapter and any rules promulgated therefor, if an actual or prospective vendor, contractor, or service provider is aggrieved by an award of a contract funded, in whole or in part, by the 2009 American Recovery and Reinvestment Act (ARRA), the procedure for protest outlined in this section shall apply, and shall be the exclusive means available to resolve the concerns of persons aggrieved in connection with awards or solicitations involving ARRA funds, in whole or in part. The protest shall be



submitted to the Public Auditor who may settle and resolve a protest by one or more of the following means:

- (1) amending or canceling the solicitation;
- (2) terminating the contract that was awarded;
- (3) declaring the contract null and void from the time of its award; or
- (4) affirming the contract award decision.

If the protest is not resolved by mutual agreement, the Public Auditor shall issue a decision in writing within no more than ten working days of receipt of the protest. The decision shall state the reasons for the action taken. A copy of the written decision shall be mailed or otherwise furnished to the vendor, contractor, or service provider who initiated the protest, the person awarded the contract, and to all other non-selected bidders or offerors.

(b) For purposes of section, the determination of facts and decision by the Public Auditor for the resolution of protests of ARRA funded procurements shall be final and conclusive with no right of appeal or judicial review. The fact that a protest has been filed pursuant to this section shall not stay the procurement process or award of any contract funded by ARRA moneys, whether in whole or in part, unless so ordered by the Public Auditor. A request for reconsideration shall also not stay the award of any contract funded by ARRA moneys, whether in whole or in part, unless so ordered by the Public Auditor.

(c) This section is applicable retroactively to any procurement involving ARRA funds, provided the procurement had begun but had not yet been completed at the time this section became effective, and provided no protest had yet been filed. A protest pursuant to this section shall be submitted in writing within fourteen (14) days after such aggrieved person knows or should have

known of the facts giving rise thereto, provided no protest may be filed more than thirty (30) days after notice of award is given to a bidder or offeror.

(d) This section is repealed effective September 30, 2012, unless the federal grantor agency authorizes an extension of time for the obligation or expenditure of ARRA funds, in which case this section shall be repealed at the end of the extension period.

**Section 5.** Rules may be promulgated, if necessary, consistent with this Act pursuant to the procedures in the Administrative Adjudication Law for establishing emergency rules through executive order.

**Senator Benjamin J. F. Cruz**  
Of The Thirty-first Guam Legislature

I am writing you in regards to Bill 53-31 , expungement of criminal records.

First of all, I would like to say with my deepest sincerity, thank you. thank you for your interest and inquiry in Bill 53-31. I realize and understand that the language of the Bill may need to annotate properly. But I believe and have hopes in our island lawmakers could come to a common avenue for those who can or should not get an expungement.

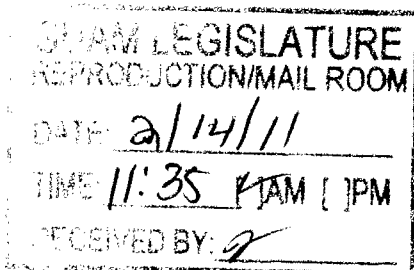
At this time, I would like to state during my five years probation, and four years waiting to receive a pardon, I never “tested positive” for any substance including alcohol. This should give a strong indication that I am not a repeat offender.

I hope this statement would reassure you when considering Bill 53-31 in making a fair and just decision.

Please Senator, If you have any questions, feel free to call upon me at anytime at 671-688-5197

Sincerely,

Phillip C. Cruz



2-14-11  
[Signature]

**John Tenorio**  
**P. O. Box 23036**  
**Barrigada, Guam 96921**  
**Tel: 633-1959**

Letter to the Editor

In the last couple of weeks, there has been news about the Centers for Disease Control & Prevention, National Institute for Occupational Safety & Health study showing a direct correlation between the enforcement of marine preserves & the risk of drowning for indigenous fishermen. As a local fisherman who has been displaced by the creation of the preserves, this is important information and should not be disregarded.

According to KUAM on January 7, former senator Joanne Brown questioned the "validity and intent" of the study. I find this odd that Brown would question a study based on death certificates, yet pass a law based on a survey. Brown used DAWR creel survey reports to create the marine preserve law PL 24-21 without taking into consideration the impacts to the habitat such as runoff and sedimentation. Brown states that "the preserves were established to protect dwindling marine resources, yet ignored the fact that most of the coastal areas are already de facto preserves due to military & private property restrictions. Brown's recent comments show continued insensitivity and ignorance of the real problems.

13 years later, GEPA advisories indicate that our coastal habitat still suffers. The impacts of pollution and chemical runoff and sedimentation continue to impact our accessible coastal resources. As Brown goes up for confirmation, I recommend that the Legislature demand that if she is confirmed to be Director of Public Works, that she submit to the legislature within 6 months, a plan to eliminate the land-use impacts on our coastal environment. The design of the island's roads and the agency's approval of coastal development without proper infrastructure has allowed for runoff straight into our waters. Maybe as Director of Public Works, Brown will finally drive around the island and see how inaccessible our coastal resources really are.

In the meantime, Brown should take some sensitivity training so that she will be aware that there are people who are not as well off as she is & must rely on the resources to put food on the table.

In the Jan. 12 PDN, when Tim Rock stated that the Tumon Bay preserve "cleaned up the coral reefs," he could not be more wrong. PL 24-290 was signed into law Oct. 19, 1998 "providing for immediate implementation of authorized projects to support our visitor industry." Section 1 Legislative Intent states that "Tumon Bay has particular urgent and necessary infrastructure needs, especially regarding the drainage and sewer system." The 2009 Bureau of Statistics & Plans North & Central Land Use Plan map designates almost the entire coastline of Tamuning-Tumon as Tourist-Resort use. What happened to the rest of the community, which is denied access to our coastal resources. Where is the enforcement of the 30' from high water mark public easement? Where is the public access infrastructure? Why is there selective enforcement of the MPAs? Tumon Bay is a public resource and does not belong to the tourists or the developers. Maybe we should implement a resource access fee like they do in Palau and other locations and use this money to provide mitigation for the community being displaced, otherwise restore our access.

John Tenorio  
Former Resident of Tamuning, presently living in Pagat, Mangilao

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**COMMITTEE ON RULES**

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E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
**Rory J. Respicio**  
CHAIRPERSON  
MAJORITY LEADER

Senator  
**Judith P. Guthertz**  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

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**Judith T. Won Pat**

Vice Speaker  
**Benjamin J. F. Cruz**

Senator  
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LEGISLATIVE SECRETARY  
MAJORITY WHIP

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**Dennis G. Rodriguez, Jr.**  
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**Thomas C. Ada**

Senator  
**Adolpho B. Palacios, Sr.**

Senator  
**vicente c. pangelinan**

**MINORITY MEMBERS:**

Senator  
**Aline A. Yamashita**  
ASST. MINORITY LEADER

Senator  
**Christopher M. Duenas**

February 15, 2011

**Memorandum**

**To: Pat C. Santos**  
*Clerk of the Legislature*

**From: Senator Rory J. Respicio**   
*Chairperson, Committee on Rules*

**Subject: Fiscal Notes**

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.:  
41-31 (COR)  
48-31 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2011 FEB 15 PM 4:48

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 48-31 (COR)**

**AN ACT TO ADD §5213A, 5220 & 5425A TO TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROCEDURES TO ASSIST WITH THE DISBURSEMENT OF STIMULUS FUNDS UNDER THE "2009 AMERICAN RECOVERY AND REINVESTMENT ACT."**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected: All Government of Guam Departments &amp; Agencies</b>		<b>Dept./Agency Head: Various</b>
<b>Department's General Fund (GF) appropriation(s) to date:</b>		N/A
<b>Department's Other Fund (Specify) appropriation(s) to date:</b>		N/A
<b>Total Department/Agency Appropriation(s) to date:</b>		N/A

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
<b>FY 2010 Unreserved Fund Balance</b>		\$0	\$0
<b>FY 2011 Adopted Revenues</b>	N/A	\$0	\$0
<b>FY 2011 Appro. (P.L. 30-196)</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
<b>General Fund</b>	N/A	\$0	\$0	\$0	\$0	\$0
<b>(Specify Special Fund)</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions?      / / Yes      /X/ No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation?      /X/ N/A      / / Yes      / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_      / / N/A
3. Does the Bill establish a new program/agency?      / / Yes      / / No  
If yes, will the program duplicate existing programs/agencies?      /X/ N/A      / / Yes      / / No  
Is there a federal mandate to establish the program/agency?      / / Yes      / / No
4. Will the enactment of this Bill require new physical facilities?      / / Yes      /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:      /X/ Yes      / / No  
/ / Requested agency comments not received by due date      / / Other: \_\_\_\_\_

Analyst: Arthur R. Mariano      Date: 2/10/11      Director: Beñita A. Mangiona, Acting Director      2/14/11

**Footnotes:**

As of December 31, 2010, the Government of Guam has been awarded approximately \$236M in Recovery Act grants and loans. Of this amount, 65% (\$154M) in grants must be obligated on or before September 30th, 2011. As such, the proposed amendments in the Bill and



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña, Guam 96932

**FELIX P. CAMACHO**  
GOVERNOR

**BERTHA M. DUENAS**  
DIRECTOR

**MICHAEL W. CRUZ, M.D.**  
LIEUTENANT GOVERNOR

**FACSIMILE INFORMATION PAGE**

**PLEASE DELIVER TO:** Senator Romy Rispicio

**ATTENTION:** \_\_\_\_\_

**FACSIMILE NUMBER:** 478-5547

**FROM:** BPMR

**Total Pages (Including Cover):** -3-

**RE:** cc copy: Fiscal Note of Bill NO. 48-31 (COR)  
+ 41-31 (COR)

**COMMENTS:**

cc copy of fiscal notes to be picked up at Central Files.  
Originals requested by another senator.

**NOTICE:**

If you do not receive legible copies of all pages being transmitted, please contact the Bureau. Our phone numbers are: (671) 475-9412 / 9106. Our fax number is: (671) 472-2825



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

January 25, 2011

**MEMORANDUM**

**To:** Pat Santos  
Clerk of the Legislature

**Attorney Therese M. Terlaje**  
Legislative Legal Counsel

**From:** Senator Rory J. Respicio  
Chairperson, Committee on Rules

**Subject:** Referral of Bill Nos. 47-31 (COR) and 48-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 47-31 (COR) and 48-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os ma'åse!*

(1) Attachments

2011 JAN 26 AM 8:22  
EOM



*I Mina'trentai Unu Na Liheslaturan Gu àhan*

**Bill Log Sheet**

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee/Office Referred
<b>47-31</b> <b>(COR)</b>	J.T. Won Pat, Ed.D.	An Act to Amend §1032 of Title 1 Guam Code Annotated, Relative to Senior Citizens Day at the legislature.	1/24/11 4:32 p.m.	1/25/2011		Committee on Health & Human Services Senior Citizens, Economic Development and Election Reform
<b>28-31</b> <b>(COR)</b>	J.T. Won Pat, Ed.D.	An Act to <i>ADD</i> §5213A, 5220, and 5425A to Title 5 Guam Code Annotated Relative to Providing Temporary Expedited Procurement Procedures to Assist with the Disbursement of Stimulus Funds Under the "2009 American Recovery and Reinvest Act".	1/24/11 4:32 p.m.	1/25/2011		Committee on Youth, Cultural Affairs, Procurement, General government Operations and Public Broadcasting



February 7, 2011

**MEMORANDUM**

TO: All Senators

FROM: Senator Tina R Muna Barnes  
Acting Chairperson, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting

RE: First Public Hearing Notice on February 17<sup>th</sup> 2011

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room for the following:

9:00 AM - Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 12-31(COR) (Guthertz) – An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR) (Tom Ada) – An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.

1:30 PM - Bill No. 19-31(COR) (Won Pat) – An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

Bill No. 48-31(COR) (Won Pat) - An act to *add* § 5213A, 5220, and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".

Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 64-31(COR) – (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

Written testimonies should be submitted to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910, via facsimile to 477-2522, or via email to [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com). We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at [garrett.duenas@senatorbjcruz.com](mailto:garrett.duenas@senatorbjcruz.com).

cc: Clerk of the Legislature  
Protocol  
Audio/Visual  
All Media

## Chris Carillo

---

**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Wednesday, February 09, 2011 12:14 PM  
**To:** 'Senator Adolpho B. Palacios'; 'Senator Adolpho Palacios'; 'Senator Aline Yamashita'; 'Senator Ben Pangelinan'; 'Senator Chris Duenas'; 'Senator Dennis Rodriguez Jr.'; 'Senator Frank F. Blas, Jr.'; 'Senator Judi Guthertz'; 'Senator Judith Guthertz'; 'Senator Mana Silva Taijeron'; 'Senator Rory J. Respicio'; 'Senator Tina Muna Barnes'; 'Senator Tom Ada'; 'Senator Tony Ada'; 'Senator Tony Ada'; 'Speaker Judi Won Pat'; 'Vice Speaker Benjamin JF Cruz'; 'Vice Speaker BJ Cruz'; 'mis@guamlegislature.org'; 'Therese Terlaje'; 'sgtarms@guamlegislature.org'; 'yong@guamlegislature.org'; 'clerksoffice@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'jamespcastro@gmail.com'; 'mark sayama'; 'fbtorres@yahoo.com'; 'phillipsguam@gmail.com'; 'etajalle@guamlegislature.org'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'chris.budasi@guamlegislature.org'; 'jcamacho@senatorada.org'; 'Doreen Garcia'; 'Cyrus@senatorada.org'; 'Nicole Santos'; 'jennifer.lj.dulla@gmail.com'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'carlospguam@yahoo.com'; 'Chris Carillo'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'jeff manibusan'; 'Leslie Gatan'; 'oliviampalacios@gmail.com'; 'Coy Torres'; 'senatorsam'  
**Subject:** 1st Notice of Public Hearing  
**Attachments:** 02072011 memo fr bjcruz re. First notice of public hearing for Feb 17,2011.pdf

All Senators and staff,

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room at 9 a.m.. I made a correction, apologies to Senator Yamashita.... Here is the correct bill listing.

Senseramente,

**Chris Carillo**  
**Office of the Vice-Speaker, Senator Benjamin J.F.Cruz**  
**Chairman, Committee on Youth, Cultural Affairs, Procurement,**  
**General Government Operations, and Public Broadcasting**

**I Mina'Trentai Unu na Liheslaturan Guåhan**  
**The 31st Guam Legislature**  
**155 Hesler Place**  
**Hagåtña, Guam 96910**  
**Phone: (671) 477-2520/1**  
**Fax: (671) 477-2522**  
**Web Address: <http://www.senatorbjcruz.com>**  
**E-mail: [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com)**

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1999	XL1200H	RED/SILVER	STOCK #141206	STARTING BID: \$5,300.00
2006	XLH1200C	GRAY	STOCK #428204	STARTING BID: \$8,100.00
2007	XL1200N	ORANGE/BLK	STOCK #440008	STARTING BID: \$9,300.00
2008	XL1200C	PEWTER SIL	STOCK #435185	STARTING BID: \$10,000.00
2008	XL1200L	COPPER/BLK	STOCK #407754	STARTING BID: \$9,000.00
2009	XL1200C	DARK BLUE	STOCK #434086	STARTING BID: \$10,300.00
2010	XR1200X	BLK DENIM	STOCK #414430	STARTING BID: \$10,700.00
2010	XR1200X	BLK DENIM	STOCK #408181	STARTING BID: \$9,000.00
2011	XL883L	MERLOT/BLK	STOCK #411481	STARTING BID: \$9,400.00
2011	XL883L	COOL BLUE	STOCK #406574	STARTING BID: \$9,400.00
2011	XL883L	BLACK	STOCK #401426	STARTING BID: \$9,400.00
2011	XL883L	WHT/ORG	STOCK #401232	STARTING BID: \$9,400.00

To bid on any of the stock numbers above, please stop by our show-room at  
**GUAM HARLEY-DAVIDSON** located in ASAN to pick up your sealed bid form.  
 Bidding ends on February 22, 2011 12:00pm. Please note: some of the units that are up for bid  
 still have Factory Warranty. Financing Available.

Conditions apply see dealer for details.

### NOTICE OF PUBLIC HEARING

COMMITTEE ON YOUTH, CULTURAL AFFAIRS, GENERAL GOVERNMENT  
 OPERATIONS, PROCUREMENT AND PUBLIC BROADCASTING

February 17, 2011 9:00 A.M.

Legislature - Public Hearing Room - Hagatña Guam  
 Vice Speaker Benjamin J.F. Cruz, Chairperson  
 Senator Tina R. Maiza-Barnes, Vice Chairperson

9:00 A.M.

Bill No. 4-31(15)-An act to authorize the Astoria & Wabun Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 12-31(COR)- An act to amend 5 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR)-An act to repeal and reenact 567101.3 of Chapter 57 of Title 21, Guam Code Annotated, to fulfill the mandate of PL. 30-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR)- An act to add a new 54170 in Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteers sign language and foreign language.

1:30 P.M.

Bill No. 19-31(COR)- An act to amend Section 5105 of the Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

Bill No. 48-31(COR)- An act to add 5 5213A, 5219 and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the 2009 American Recovery and Reinvestment Act.

Bill No. 8-31(15)-An act to add a new sub item (1) to 9 31 82(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/ janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services to all Department of Education schools.

Bill No. 64-31(COR)- An act to add 92 112.1 to Chapter 7, Division 2, Title 12, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

If written testimonies are to be presented at the hearing, we request they be submitted one day prior to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hester Place, Hagatña Guam 96910. They may be sent via facsimile to 477-2522, or via email to [chris.cash@senatorjfcruz.com](mailto:chris.cash@senatorjfcruz.com).

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Garrett Doenzas at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2522 or via email at [garrett.doenzas@senatorjfcruz.com](mailto:garrett.doenzas@senatorjfcruz.com)

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February 15, 2011

**MEMORANDUM**

TO: All Senators

FROM: Senator Tina R Muna Barnes  
Acting Chairperson, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting

RE: ~~First~~ Public Hearing Notice on February 17<sup>th</sup> 2011

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room for the following:

9:00 AM - Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 12-31(COR) (Guthertz) – An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR) (Tom Ada) – An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.

1:30 PM - Bill No. 19-31(COR) (Won Pat) – An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

Bill No. 48-31(COR) (Won Pat) - An act to *add* § 5213A, 5220, and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".

Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

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Written testimonies should be submitted to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910, via facsimile to 477-2522, or via email to [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com). We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at [garrett.duenas@senatorbjcruz.com](mailto:garrett.duenas@senatorbjcruz.com).

cc: Clerk of the Legislature  
Protocol  
Audio/Visual  
All Media

## Chris Carillo

---

**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Tuesday, February 15, 2011 9:08 AM  
**To:** 'Senator Adolpho B. Palacios'; 'Senator Adolpho Palacios'; 'Senator Aline Yamashita'; 'Senator Ben Pangelinan'; 'Senator Chris Duenas'; 'Senator Dennis Rodriguez Jr.'; 'Senator Frank F. Blas, Jr.'; 'Senator Judi Guthertz'; 'Senator Judith Guthertz'; 'Senator Mana Silva Taijeron'; 'Senator Rory J. Respicio'; 'Senator Tina Muna Barnes'; 'Senator Tom Ada'; 'Senator Tony Ada'; 'Senator Tony Ada'; 'Speaker Judi Won Pat'; 'Vice Speaker Benjamin JF Cruz'; 'Vice Speaker BJ Cruz'; 'mis@guamlegislature.org'; 'Therese Tertaje'; 'sgtarms@guamlegislature.org'; 'yong@guamlegislature.org'; 'clerksoffice@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'director@gec.guam.gov'; 'jamespcastro@gmail.com'; 'mark sayama'; 'fbtorres@yahoo.com'; 'phillipsguam@gmail.com'; 'etajalle@guamlegislature.org'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'chris.budasi@guamlegislature.org'; 'jcamacho@senatorada.org'; 'Doreen Garcia'; 'Cyrus@senatorada.org'; 'Nicole Santos'; 'jennifer.lj.dulla@gmail.com'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'carlospguam@yahoo.com'; 'Chris Carillo'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'jeff manibusan'; 'Leslie Gatan'; 'oliviampalacios@gmail.com'; 'Coy Torres'; 'senatorsam'  
**Subject:** Public Hearing on 2/17/2011  
**Attachments:** 0217 Public Hearing 1st Notice (2).doc

Hafa Adai,

This is your 48 hour notice for the Committee on Youth, Cultural Affairs, General Government Operations, Procurement, and Public Broadcasting's public hearing on Thursday February 17<sup>th</sup> 2011. Attached is the memo... Thanks

Senseramente,

**Chris Carillo**  
**Office of the Vice-Speaker, Senator Benjamin J.F.Cruz**  
**Chairman, Committee on Youth, Cultural Affairs, Procurement,**  
**General Government Operations, and Public Broadcasting**

**I Mina'Trentai Unu na Liheslaturan Guåhan**  
**The 31st Guam Legislature**  
**155 Hesler Place**  
**Hagåtña, Guam 96910**  
**Phone: (671) 477-2520/1**  
**Fax: (671) 477-2522**  
**Web Address: <http://www.senatorbjcruz.com>**  
**E-mail: [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com)**

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**GOVERNMENT OF GUAM BEFORE THE COMMISSIONER OF BANKING & INSURANCE**

John Hancock Life Insurance Company  
and  
John Hancock Life Insurance Company (U.S.A.)  
Petitioners

In the Matter of the Application for  
Merger of Petitioners,  
And John Hancock Life Insurance Company's Withdrawal and  
Permanent Discontinuance of the Transaction of Insurance  
Business in Guam Pursuant to Title 22 GCA §15113  
Due to Merger

**NOTICE OF INTENTION TO EFFECT MERGER AND WITHDRAWAL**

Notice is hereby given that John Hancock Life Insurance Company, a Massachusetts Life Insurance Company with its home office at 601 Congress Street, Boston, MA 02110, merged with and into John Hancock Life Insurance Company (U.S.A.), a Michigan Life Insurer, effective as of December 31, 2009. John Hancock Life Insurance Company (U.S.A.) is the surviving company.

John Hancock Life Insurance Company Will Withdraw and Permanently Discontinue the Transaction of Insurance Business in Guam

All outstanding policies issued by John Hancock Life Insurance Company have been assumed through the Merger by John Hancock Life Insurance Company (U.S.A.).

All outstanding claims arising from any policies issued by John Hancock Life Insurance Company have been assumed through the Merger by John Hancock Life Insurance Company (U.S.A.).

All persons interested in this matter should write to John Hancock Life Insurance Company (U.S.A.), Office of the Corporate Secretary, at 601 Congress Street, Boston, MA 02110, or call 1-800-723-5513, or the Office of the Commissioner of Banking and Insurance at Barrigada, Guam at 671-635-1843/4596

**NOTICE OF PUBLIC HEARING**

COMMITTEE ON YOUTH, CULTURAL AFFAIRS, GENERAL GOVERNMENT OPERATIONS, PROCUREMENT AND PUBLIC BROADCASTING

February 17, 2011 9:00 A.M.

Liheslatura - Public Hearing Room - Hagajna Guam  
Vice Speaker Benjamin J.F. Cruz, Chairperson  
Senator Tina R. Muna-Barnes, Vice Chairperson

**9:00 A.M.**

**Bill No. 4-31(S)**-An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

**Bill No. 12-31(COR)**-An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.

**Bill No. 18-31(COR)**-An act to repeal and reenact §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfil the mandate of PL 10-199 by providing for the establishment of the Guam Building Code Council.

**Bill No. 58-31(COR)**-An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for voters sign language and foreign language.

**1:30 P.M.**

**Bill No. 19-31(COR)**-An act to amend Section 5105 of the Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

**Bill No. 48-31(COR)**-An act to add § 5213A, 5220 and 5425A to Title 5 Guam Code Annotated relative to amending temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the 2009 American Recovery and Reinvestment Act.

**Bill No. 8-31(S)**-An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

**Bill No. 64-31(COR)**-An act to add §7112.1 in Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

If written testimonies are to be presented at the hearing, we request they be submitted one day prior to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hester Place, Hagajna Guam 96910. They may be sent via facsimile to 477-2522, or via email to [chris.carillo@senatorbycruz.com](mailto:chris.carillo@senatorbycruz.com).

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2521 or via email at [garrett.duenas@senatorbycruz.com](mailto:garrett.duenas@senatorbycruz.com).

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**Public Hearing for the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting**

February 17 2011

**Public Hearing Agenda**

9:00 AM - *I Liheslaturan Guahan* Public Hearing Room

Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

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Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.

1:30 PM - ~~Bill No. 19-31(COR) (Won Pat) – An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.~~

Bill No. 48-31(COR) (Won Pat) - An act to *add* § 5213A, 5220, and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".

Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.


Bill No. 64-31(COR) – (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

**I MINA'TRENTI UNU NA LIHESLATURAN GUÅHAN**  
**2011 (FIRST) Regular Session**

2011 JAN 24 PM 4:32 EPM

Bill No 48-31(EDR)

Introduced by:

J. T. Won Pat, Ed.D. 

**AN ACT TO ADD § 5213A, 5220, AND 5425A TO TITLE 5  
GUAM CODE ANNOTATED RELATIVE TO  
PROVIDING TEMPORARY EXPEDITED  
PROCUREMENT PROCEDURES TO ASSIST WITH  
THE DISBURSEMENT OF STIMULUS FUNDS UNDER  
THE "2009 AMERICAN RECOVERY AND REINVEST  
ACT".**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that the government of Guam has been granted closed to \$240 million in federal  
4 stimulus funding under the historic 2009 American Recovery and Reinvestment  
5 Act (ARRA), U. S. Public Law 111-5, which provides states with funding for  
6 infrastructure projects to create jobs in the near term and to lay the foundation for  
7 long term economic growth. Many of ARRA's provisions include stringent "use it  
8 or lose it" deadlines that require states to use the federal stimulus funds quickly or  
9 the funding will be reallocated to other states. It is reported that an approximate  
10 balance of \$150 million plus in federal stimulus funding including about over \$80  
11 million for the Department of Education remains to be obligated and or expended  
12 on or before September 30, 2011.

13 *I Liheslaturan Guahan* finds that, in order to mobilize economic recovery

1 and so as not to lose federal stimulus funds, many states passed laws in 2009  
2 specifically intended to reap the maximum benefits of ARRA, including methods  
3 to comply with its deadlines. Among those many states are Colorado and Hawaii,  
4 both of which have procurement laws patterned after the American Bar  
5 Association's Model Procurement Law, like Guam, and both of which made  
6 changes to their procurement law specifically to accommodate the quick use of  
7 ARRA funds. Colorado added a new section to its procurement law to permit a  
8 waiver of one or more provisions of their procurement code to the extent the  
9 waiver was necessary to expedite the use of ARRA funds if strict adherence to the  
10 code would substantially impede the state's ability to expend the moneys in a  
11 manner or within the time required by ARRA. Hawaii streamlined the  
12 procurement process and protest process for ARRA funded procurements, and  
13 raised the threshold for all small purchases, regardless of source of funds, to sunset  
14 in 2012.

15 *I Liheslaturan Guahan* finds that many of the deadlines for Guam to use its  
16 ARRA funds are now fast approaching, and the government of Guam has not yet  
17 been able to encumber or expend much of it. *I Liheslaturan Guahan* intends for  
18 the government of Guam to maximize the ARRA funds, and finds that in order to  
19 facilitate compliance with the deadlines and other ARRA requirements, the  
20 government of Guam needs temporary relief from the Guam Procurement Law in  
21 the form of expedited procurement procedures including protest procedures,  
22 similar to those taken by the states of Colorado and Hawaii in 2009. It is not the  
23 intent of *I Liheslaturan Guahan* to provide permanent exemptions or permanent  
24 relief to the Guam Procurement Law, and this Act shall be applied only to expedite  
25 the expenditure of federal stimulus funds authorized by ARRA, or to expend the  
26 matching state funds, if any, required to access the federal stimulus funds.

27 *I Liheslaturan Guahan* finds that ARRA has specific accountability and

1 transparency provisions to prevent fraud, waste, and abuse, to ensure against poor  
2 contracting or grant management, and to ensure the use of competitive procedures.  
3 ARRA provides the federal government with expansive investigatory and auditing  
4 powers to monitor, oversee, and ensure that the ARRA funds are used for their  
5 intended purposes. Therefore, *I Liheslaturan Guahan* intends this Act to provide a  
6 proper balance between the expedited procurement procedures and the necessary  
7 accountability and transparency requirements.

8 **Section 2.** A new §5213A is added to Title 5 of the Guam Code Annotated  
9 to read:

10 **§5213A. Small Purchase Limits for Procurement Funded with**  
11 **2009 American Recovery and Reinvestment Act Moneys.**

12 Notwithstanding any rule created pursuant to §5213 setting threshold  
13 amounts for small purchases, whenever an acquisition is funded, in whole or  
14 in part, by the 2009 American Recovery and Reinvestment Act, the  
15 threshold limits to use the small purchases procedure shall be increased to  
16 the following limits instead:

17 (a) For the acquisition of goods and services, the acquisition  
18 may not exceed \$100,000; and

19 (b) For the acquisition of construction, the acquisition may  
20 not exceed \$250,000.

21 All other procedures for small purchases as established by this  
22 Chapter or by applicable rules shall be followed. This section is repealed  
23 effective September 30, 2012, unless the federal grantor agency authorizes  
24 an extension of time for the obligation or expenditure of ARRA funds, in  
25 which case this section shall be repealed at the end of the extension period.

26 **Section 3.** A new § 5220 is added to Title 5 of the Guam Code Annotated  
27 to read:

1           **§ 5220. Waiver of Procurement Code Requirements for**  
2           **Acquisitions Funded with 2009 American Recovery and Reinvestment**  
3           **Act Moneys.** Notwithstanding any other provision of this Chapter and any  
4           rules promulgated therefore, if funding for a procurement, whether in whole  
5           or in part, includes moneys received pursuant to the 2009 American  
6           Recovery and Reinvestment Act (ARRA) or any amendments thereto, the  
7           Chief Procurement Officer, the Director of Public Works, or the head of a  
8           purchasing agency may request in writing a waiver of one or more  
9           provisions of this Chapter to the extent the waiver is necessary to expedite  
10          the use of the ARRA moneys in a transparent and accountable manner  
11          consistent with the goals and purposes of ARRA or to the extent strict  
12          adherence to this Chapter would substantially impede the ability of the  
13          government to expend the moneys in the manner or within the time required  
14          by ARRA or any other applicable federal law. A waiver shall be granted  
15          upon the written approval of the Governor and the Public Auditor, or their  
16          designees, confirming that the requested waiver meets the criteria set forth in  
17          this section. A written determination of the basis for and the scope of the  
18          waiver, including but not limited to the specific code provision being waived  
19          and the alternative selection process to be used, shall be signed by the  
20          requesting party, and the Governor and the Public Auditor, or their  
21          respective designees if applicable, and shall be included in the contract file,  
22          and made publicly available by posting on the Governor's or Public  
23          Auditor's web site. Determinations made pursuant to this section are not  
24          subject to protest. This section is repealed effective September 30, 2012,  
25          unless the federal grantor agency authorizes an extension of time for the  
26          obligation or expenditure of ARRA funds, in which case this section shall be  
27          repealed at the end of the extension period.

1           **Section 4.** A new §5425A is added to Title 5 of the Guam Code Annotated  
2 to read:

3                   **§5425A. Protest Procedure for Procurement Funded with 2009**  
4           **American Recovery and Reinvestment Act Moneys.** (a) Notwithstanding  
5 any other provision of this Chapter and any rules promulgated therefore, if  
6 an actual or prospective vendor, contractor, or service provider is aggrieved  
7 by an award of a contract funded, in whole or in part, by the 2009 American  
8 Recovery and Reinvestment Act (ARRA), the procedure for protest outlined  
9 in this section shall apply, and shall be the exclusive means available to  
10 resolve the concerns of persons aggrieved in connection with awards or  
11 solicitations involving ARRA funds, in whole or in part. The protest shall  
12 be submitted to the Public Auditor who may settle and resolve a protest by  
13 one or more of the following means:

- 14                   (1) amending or canceling the solicitation;
- 15                   (2) terminating the contract that was awarded;
- 16                   (3) declaring the contract null and void from the time of its award;
- 17                   or
- 18                   (4) affirming the contract award decision.

19                   If the protest is not resolved by mutual agreement, the Public Auditor  
20 shall issue a decision in writing within no more than ten working days of  
21 receipt of the protest. The decision shall state the reasons for the action  
22 taken. A copy of the written decision shall be mailed or otherwise furnished  
23 to the vendor, contractor, or service provider who initiated the protest, the  
24 person awarded the contract, and to all other non-selected bidders or  
25 offerors.

26                   (b) For purposes of section, the determination of facts and decision  
27 by

1           the Public Auditor for the resolution of protests of ARRA funded  
2 procurements shall be final and conclusive with no right of appeal or judicial  
3 review. The fact that a protest has been filed pursuant to this section shall  
4 not stay the procurement process or award of any contract funded by ARRA  
5 moneys, whether in whole or in part, unless so ordered by the Public  
6 Auditor. A request for reconsideration shall also not stay the award of any  
7 contract funded by ARRA moneys, whether in whole or in part, unless so  
8 ordered by the Public Auditor.

9           (c) This section is applicable retroactively to any procurement  
10 involving ARRA funds, provided the procurement had begun but had not yet  
11 been completed at the time this section became effective, and provided no  
12 protest had yet been filed. A protest pursuant to this section shall be  
13 submitted in writing within fourteen (14) days after such aggrieved person  
14 knows or should have known of the facts giving rise thereto, provided no  
15 protest may be filed more than thirty (30) days after notice of award is given  
16 to a bidder or offeror.

17           (d) This section is repealed effective September 30, 2012, unless  
18 the federal grantor agency authorizes an extension of time for the obligation  
19 or expenditure of ARRA funds, in which case this section shall be repealed  
20 at the end of the extension period.

21       **Section 5.** Rules may be promulgated, if necessary, consistent with this  
22 Act pursuant to the procedures in the Administrative Adjudication Law for  
23 establishing emergency rules through executive order.