


*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
103-37 (LS)	Roy A. B. Quinata	AN ACT TO AMEND § 5127 OF SUBARTICLE C, ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO COMMERCIAL LEASING OF PUBLIC REAL PROPERTY AND RELATED FACILITIES.	4/24/23 11:58 a.m.						

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 103-37 (LS)**

Introduced by:

Roy A. B. Quinata  \_\_\_\_\_

**AN ACT TO *AMEND* § 5127 OF SUBARTICLE C, ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO COMMERCIAL LEASING OF PUBLIC REAL PROPERTY AND RELATED FACILITIES.**

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

**Section 1.** § 5127 of Subarticle C, Article 2, Chapter 5, Division 1, Title 5, Guam Code Annotated, is hereby *amended*, to read:

**“§ 5127. Commercial Leasing of Public Real Property and Related Facilities.**

(a) Public Real Property and Related Facilities. From the effective date of this law, and notwithstanding any other provision of this Chapter, no commercial contract, lease, permit, or license for use of public real property, and related facilities by any non-governmental person or entity, shall be solicited, negotiated, entered into, or made for a term in excess of ~~five (5)~~ thirty (30) years, inclusive of any extension, option, or renewal, provided the terms and conditions of the commercial contract, lease, permit, or license have been satisfied during the initial five (5) years as evidenced in a written approval by *I Maga'hågan Guåhan* or relevant Board of Directors of the Government of Guam.

1 (1) Any contract, lease, permit or license made, renewed or  
2 extended in violation of this law shall become void upon the ~~fifth (5th)~~  
3 thirtieth (30<sup>th</sup>) anniversary of the making of such contract, lease, permit,  
4 or license.

5 (2) This limitation shall not apply to residential and  
6 agricultural leases to beneficiaries under the Chamorro Land Trust.

7 (3) Any such contract, lease, permit, or license shall mean a  
8 “lease of real property” and not the lease of supplies as that term is used  
9 in § 5030(u) of this Chapter.

10 (b) Exceptional Term Contracts. The Chief Procurement Officer, the  
11 Director of Public Works, or the head of a purchasing agency, as authority  
12 may exist therefore, may solicit a contract for a term longer than otherwise  
13 allowed by this Section (an “Exceptional Term Contract”).

14 (1) Prior to soliciting any Exceptional Term Contract, *I*  
15 ~~*Maga'låhi*~~ *Maga'hågan Guåhan* (the Governor) or, in the case of an  
16 autonomous agency, the Board of Directors, shall make a written  
17 Determination of Need justifying by a quantifiable sum an Exceptional  
18 Term Contract, and specifying the full term, inclusive of extensions,  
19 options and renewals, for such contract, and provide a copy of such  
20 Determination of Need to the Speaker of *I Liheslaturan Guåhan*.

21 (2) No Exceptional Term Contract shall be solicited unless a  
22 Determination of Need is obtained from *I* ~~*Maga'låhi*~~ *Maga'hågan*  
23 *Guåhan* (the Governor) or, in the case of an autonomous agency, the  
24 Board of Directors.

25 (3) A written Determination of Need shall be valid for two (2)  
26 years or until an Exceptional Term Contract is executed to fill the stated  
27 need, whichever comes first.

1 (c) Subsequent to transmitting a Determination of Need to the  
2 Speaker of *I Liheslaturan Guåhan*, a notice of solicitation shall be published  
3 as provided in § 5211(c) of Subarticle B of Article 3 of this Chapter, such  
4 notice to conspicuously note the solicitation is for an Exceptional Term  
5 Contract, and specifying the term thereof, as well as the date of the proper  
6 Determination of Need. Any Exceptional Term Contract made in violation of  
7 this Section shall be void.

8 (d) Legislative Approval Required for Exceptional Term Contracts.  
9 Subsequent to satisfying the requirements of this § 5127, the commercial  
10 contract, lease, permit, or license for use of public real property and related  
11 facilities shall be transmitted to *I Liheslaturan Guåhan* for approval or  
12 disapproval, in whole.

13 (1) *I Liheslaturan Guåhan* shall take action to approve or  
14 disapprove the commercial contract, lease, permit, or license within  
15 ~~sixty (60)~~ ninety (90) calendar days from the date of filing with the  
16 Speaker.

17 (2) A public hearing shall be conducted by the Chairperson of  
18 the Legislative Committee having oversight jurisdiction during the  
19 ~~sixty (60)-~~ ninety (90) day review period, and said Committee shall  
20 report its findings and recommendations to *I Liheslaturan Guåhan*.

21 (3) The ~~sixty (60)-~~ ninety (90) day period allowed for *I*  
22 *Liheslaturan Guåhan* to approve or disapprove the contract, lease,  
23 permit, or license shall be tolled from the time that a public hearing is  
24 noticed and until a Committee Report is completed.

25 (4) Legislative approval shall be by enactment into law.

26 (e) The solicitation and award of any such contract, lease, permit, or  
27 license shall be conducted as provided in this Chapter, and the Determination

1 of Need shall be a part of such record and subject to § 5251 of this Chapter,  
2 along with any modification, amendment, exercise of option or renewal, or  
3 extension of such contract, lease, permit, or license.”

4 **Section 3. Effective Date.** This Act shall be effective upon enactment and  
5 shall not affect the transactions that are currently in discussion pursuant to the  
6 issuance of an officially published Invitation-For-Bid (IFB) or Request-For-  
7 Proposal (RFP).

8 **Section 4. Severability.** If any provision of this Act or its application to any  
9 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
10 not affect other provisions or applications of this Act which can be given effect  
11 without the invalid provision or application, and to this end the provisions of this  
12 Act are severable.