

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
237-37 (COR)	Sabina Flores Perez	AN ACT TO AMEND §5150 OF SUBARTICLE F, ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE DUTIES OF THE ATTORNEY GENERAL BY INCREASING THE THRESHOLD FOR PROCUREMENT OVERSIGHT AND ADVISEMENT TO ONE MILLION DOLLARS (\$1,000,000) OR MORE.	2/6/24 8:33 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 237-37 (COR)

Introduced by:

Sabina Flores Perez /SFP

AN ACT TO *AMEND* §5150 OF SUBARTICLE F, ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE DUTIES OF THE ATTORNEY GENERAL BY INCREASING THE THRESHOLD FOR PROCUREMENT OVERSIGHT AND ADVISEMENT TO ONE MILLION DOLLARS (\$1,000,000) OR MORE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

finds that the involvement of the Office of the Attorney General in determining the legality of and approving major procurement contracts is an essential aspect of checks and balances in our government. This involvement ensures an in-depth analysis and an increased degree of legal scrutiny of our government's procurement.

I Liheslatura further finds that adjusting for inflation in the procurement process is necessary to support efficiency in our government. As the buying power of money lessens over time, and the threshold amount for what was considered major purchases and contracts for services has increased, the threshold amount that prompts the involvement of the Office of the Attorney General in the procurement process should also be increased. In addition to expediting the purchases of many much-needed goods and services, this update to the procurement statute ensures

1 that the duties of the Office of the Attorney General in the procurement process are
2 reserved exclusively for the procurement of major purchases and contracts for
3 services.

4 *I Liheslaturan Guåhan* intends to increase the threshold requiring oversight
5 by the Office of the Attorney General in the procurement process from Five
6 Hundred Thousand Dollars (\$500,000) to One Million Dollars (\$1,000,000).

7 **Section 2.** § 5150 of Subarticle F, Article 2, Chapter 5, Division 1, Title 5,
8 Guam Code Annotated is hereby *amended* to read as follows:

9 **§ 5150. Duties of the Attorney General.**

10 The Attorney General, the Deputy Attorney General or such Assistant
11 Attorneys General, or such Special Assistant Attorneys General as the Attorney
12 General may designate, shall serve as legal counsel and provide necessary legal
13 services to the Policy Office and the General Services Agency. Whenever the Chief
14 Procurement Officer, the Director of Public Works, or the head of any executive
15 branch agency, autonomous agency, instrumentality or public corporation of the
16 government of Guam conducts any solicitation or procurement which is estimated
17 to result in an award of One Million Dollars (\$1,000,000) ~~Five Hundred Thousand~~
18 ~~Dollars (\$500,000)~~ or more, the Attorney General or his designees, including one
19 (1) or more Special Assistant Attorneys General who may be so designated or
20 appointed by the Attorney General and subject to any reasonable requirements or
21 conditions determined by the Attorney General, shall act as legal advisor during all
22 phases of the solicitation or procurement process. The Attorney General, or his
23 designee, including one (1) or more Special Assistant Attorneys General shall, in
24 addition, when he approves contracts, determine not only the correctness of their
25 form, but their legality. In making such a determination of legality, he may require
26 any or all agencies involved in the contract to supply him with evidence that the
27 required procedures precedent to executing the contract were carried out. He or his

1 designees may prescribe the forms and format required to be followed by the
2 agencies in aiding him in his determination of form and legality.

3 **Section 3. Effective Date.** This Act shall be effective upon enactment.

4 **Section 4. Severability.** If any provision of this Act or its application to any
5 person or circumstance is found to be invalid or inorganic, such invalidity shall not
6 affect other provisions or applications of this Act that can be given effect without
7 the invalid provision or application, and to this end the provisions of this Act are
8 severable.