

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
254-37 (COR)	Amanda L. Shelton	AN ACT TO <i>AMEND</i> § 5150 OF SUBARTICLE F, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PROCUREMENT RELATED LEGAL SERVICES IN THE ABSENCE OF THE OFFICE OF THE ATTORNEY GENERAL OF GUAM.	3/5/24 8:00 a.m.						

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

Bill No. 254-37 (COR)

Introduced by:

Amanda L. Shelton 

**AN ACT TO AMEND § 5150 OF SUBARTICLE F,
ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO PROVIDING FOR
PROCUREMENT RELATED LEGAL SERVICES IN THE
ABSENCE OF THE OFFICE OF THE ATTORNEY
GENERAL OF GUAM.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. § 5150 of Subarticle F, Article 2, Chapter 5, Title 5, Guam Code
3 Annotated, is amended, to read:

4 “§ 5150. Duties of the Attorney General. The Attorney General, the Deputy
5 Attorney General or such Assistant Attorneys General, or such Special Assistant
6 Attorneys General as the Attorney General may designate, shall serve as legal
7 counsel and provide necessary legal services to the Policy Office and the General
8 Services Agency. Whenever the Chief Procurement Officer, the Director of Public
9 Works, or the head of any executive branch agency, autonomous agency,
10 instrumentality or public corporation of the government of Guam conducts any
11 solicitation or procurement which is estimated to result in an award of Five Hundred
12 Thousand Dollars (\$500,000) or more, the Attorney General or his designees,
13 including one (1) or more Special Assistant Attorneys General who may be so
14 designated or appointed by the Attorney General and subject to any reasonable
15 requirements or conditions determined by the Attorney General, shall act as legal

1 advisor during all phases of the solicitation or procurement process. The Attorney
2 General, or his designee, including one (1) or more Special Assistant Attorneys
3 General shall, in addition, when he approves contracts, determine not only the
4 correctness of their form, but their legality. In making such a determination of
5 legality, he may require any or all agencies involved in the contract to supply him
6 with evidence that the required procedures precedent to executing the contract were
7 carried out. He or his designees may prescribe the forms and format required to be
8 followed by the agencies in aiding him in his determination of form and legality.

9 (a) Notwithstanding any other provision of law, *I Maga'hågan Guåhan* may
10 obtain the services of an independent legal counsel(s) to implement the provisions
11 of this Section whenever the Office of the Attorney General is unable to perform its
12 duties for reasons including, but not limited to, potential conflicts of interest. The
13 services of an independent legal counsel may be obtained only after the Office of the
14 Attorney General withdraws legal representation through written notification to *I*
15 *Maga'håga*, or the Chief Procurement Officer, the Director of Public Works, or the
16 head of any executive branch agency, autonomous agency, instrumentality or public
17 corporation of the government of Guam.”

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

19 **Section 3. Severability.** If any provision of this Act or its application to any
20 person or circumstance is found to be invalid or inorganic, such invalidity shall not
21 affect other provisions or applications of this Act that can be given effect without
22 the invalid provision or application, and to this end the provisions of this Act are
23 severable.