




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

**Bill No. 328-37 (COR)**

Introduced by:

Roy A. B. Quinata   
Dwayne T.D. San Nicolas   
Tina Muña Barnes 

**AN ACT TO *AMEND* § 5707(a) OF ARTICLE 12,  
CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; AND  
TO *AMEND* § 1913(c) OF CHAPTER 19, TITLE 1, GUAM  
CODE ANNOTATED, RELATIVE TO THE PROCEDURE  
FOR JUDICIAL REVIEW OF DECISIONS MADE BY  
THE PUBLIC AUDITOR IN PROCUREMENT APPEALS  
AND RELATED MATTERS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that currently, when a party seeks judicial review of the decision of the Office of Public Accountability (OPA) in a procurement appeal matter, the OPA is named as a defendant in a civil action in the Superior Court of Guam. The judicial review process for such OPA decisions is treated like a regular civil action between parties suing for money damages, property rights, etc. This is different from the procedure followed for judicial review of other administrative decisions under Guam law, forcing the OPA to divert operational and human resources to respond to the civil action.

*I Liheslatura* further finds there is uncertainty as to the proper procedure for the judicial review of decisions by the Public Auditor in procurement appeals and

1 related matters; it is, therefore, the intent of *I Liheslatura* to clarify that the proper  
2 procedure for such judicial review should be similar to that for judicial review of  
3 other administrative agency decisions under Guam law.

4 **Section 2.** § 5707(a) of Article 12, Chapter 5, Title 5, Guam Code  
5 Annotated, is hereby *amended* to read as follows:

6 **§ 5707. Appeals and Review of Public Auditor Decisions.**

7 (a) Appeal. Any person receiving an adverse decision, the government or  
8 any autonomous agency or public corporation, or both, may appeal ~~from a decision~~  
9 by the Public Auditor to the Superior Court of Guam ~~as provided in Article D of~~  
10 ~~Chapter 9 of this Chapter~~ by filing a petition for judicial review.

11 **Section 3.** § 1913(c) of Title 1, Guam Code Annotated, is hereby *amended*  
12 to read as follows:

13 **§ 1913. Implementation of Recommendation.**

14 In the event the Governor, the Committee on Rules of the Legislature, or the  
15 Chief Justice of the Supreme Court of Guam:

16 (a) fails to implement the required corrective action plan; or

17 (b) fails to provide a satisfactory explanation as to why such  
18 recommendations have not been implemented to the Public Auditor; or

19 (c) the Public Auditor has not concurred with the non-  
20 implementation on account of the provided explanation; the Public Auditor  
21 may file in the Superior Court of Guam ~~an action~~ a petition for a Writ of  
22 Mandate to force the implementation of the recommendations and the  
23 attendant corrective action plan.

24 **Section 4. Effective Date.** This Act shall be effective upon enactment.

25 **Section 5. Severability.** If any provision of this Act or its application  
26 to any person or circumstance is found to be invalid or contrary to law, such  
27 invalidity shall not affect other provisions or applications of this Act that can be

- 1 given effect without the invalid provision or application, and to this end, the
- 2 provisions of this Act are severable.