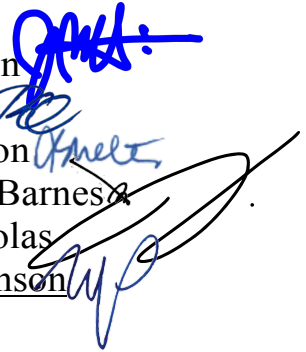


***I MINA 'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 63-37 (COR)**

Introduced by:

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**AN ACT TO ADD A NEW CHAPTER 14 TO DIVISION 2,  
TITLE 17, GUAM CODE ANNOTATED; AND TO  
AMEND §5008.2 OF SUBARTICLE A, ARTICLE 1,  
CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED  
RELATIVE TO AUTHORIZING THE GUAM  
DEPARTMENT OF EDUCATION TO DIRECTLY  
PURCHASE ITS OWN SOLAR PHOTOVOLTAIC (PV)  
SYSTEM.**

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

2 **Section 1.** *I Liheslaturan Guåhan* finds that the Guam Consolidated  
3 Commission on Utilities (CCU) is working on building solar energy capacity, but  
4 there is a need for over three thousand **(3,000)** acres of land and capital of over One  
5 Billion Dollars **(\$1,000,000,000)** to achieve this. Slowly, the CCU and Guam Power  
6 Authority (GPA) together with local stakeholders have been working on building  
7 our islands solar energy capacity by utilizing solar energy technologies, toward  
8 lessening Guam's carbon emissions.

1           *I Liheslaturan Guåhan* further finds that the use of solar energy is economical  
2 and beneficial as it will provide employment through solar energy companies, less  
3 grid outages, and better emergency and disaster shelters. It is beneficial to Guam, as  
4 the presence of solar energy technology may encourage students to learn and  
5 ultimately, enter solar energy careers, leading to more opportunities for growth and  
6 success.

7           *I Liheslaturan Guåhan* further finds that U.S schools are using solar power to  
8 lessen energy costs while increasing cost savings and solar energy capacity. School  
9 districts powered by solar power have lessened their energy costs, resulting in energy  
10 savings to residents. A report called ‘*On the Path to a Brighter Future*’ by  
11 Generation180, a non-profit working towards inspiring and equipping communities  
12 to act on clean energy, states that with solar energy technology utilized by schools  
13 such school districts will see energy cost savings immediately especially as  
14 electricity rates continue to rise. Policies supporting the use of solar energy have  
15 been prioritized by the Federal Government through the Bipartisan Infrastructure  
16 Act and Inflation Reduction Act, which gives U.S. Public Schools the opportunities  
17 to seek grant programs through the U.S Department of Energy and U.S  
18 Environmental Protection Agency that will aid their quest to fully utilize solar  
19 energy to power their schools. The U.S Department of Education also provides Title  
20 I funding to school districts that serve low-income students with forty percent (40%)  
21 or higher population, based on the definition of low income from the U.S Census.  
22 While Guam may fall in the category of high population of low-income students, it  
23 may be qualified to receive Title I funding. The Title I Schoolwide Program if  
24 attained and received by the Guam Department of Education (GDOE), will allow  
25 the Department to utilize the flexible funding source to support their entire student  
26 body. Title I funding may be used by the Department to own solar energy systems  
27 through a Non-PPA agreement via direct purchase.

1            *I Liheslaturan Guåhan* further finds that Guam Department of Education  
2 spends about Twelve Million Dollars (**\$12,000,000**) on electric utility for all forty-  
3 one (**41**) public schools. Equipping our local public schools with solar energy  
4 technology will allow GDOE to lessen its utility obligations and focus on their  
5 necessities such as school maintenance and repair and hiring of certified teachers.

6            *I Liheslaturan Guåhan* further finds that solar energy capacity can be achieved  
7 by GDOE and cost savings attained as electric utility will lessened and, or be  
8 eliminated from the Department’s obligation, but such a financial mechanism has  
9 not been beneficial for GDOE. While the need for investments on solar energy  
10 technology is recognized by the local government, it is a matter of acquiring  
11 resources through the federal government for GDOE to fully become a school  
12 district that depends on solar energy and lessen its carbon footprint.

13            Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize the Guam  
14 Department of Education to purchase solar energy technology with energy storage  
15 and to utilize the rooftops of Guam’s educational facilities at the Guam Department  
16 of Education and their ancillary buildings, as properties eligible for the installation  
17 of solar panels to aid in attainment of zero cost energy for cleaner electricity  
18 production, usage and cost savings.

19            **Section 2.** A new Chapter 14, Division 2, Title 17, Guam Code Annotated is  
20 hereby added to read:

21                                    **“CHAPTER 14:**

22                    **Guam Department of Education Solar Energy System Ownership**

23                    **§1400. Definitions.**

24                    **§1401. Authorization.**

25                    **§1402. Financing Mechanism.**

26                    **§1403. Cost Savings Provision.**

27                    **§1404. Request for Proposal.**

1           **§1405. Contract.**

2           **§1400. Definitions.**

3           (a) Department shall mean Guam Department of Education also known as  
4           GDOE.

5           (b) Facilities shall mean any educational facilities of the Guam Department of  
6           Education and its ancillary buildings.

7           (c) Direct ownership shall mean the Department owns one hundred percent  
8           (100%) of the Solar Photovoltaic systems.

9           (d) Solar Photovoltaic (PV) Systems shall mean solar photovoltaic (PV)  
10           devices or solar cells that converts sunlight directly into electricity, which  
11           is defined by U.S Energy Information Administration.

12           (e) Energy Storage System shall mean any system, equipment, facility, or  
13           technology that is capable of storing energy generated by a Solar  
14           Photovoltaic System for a period of time, and dispatching the energy at a  
15           later time.

16           (f) Provider(s) shall mean the authorized entities which shall be the signatory  
17           on the contract and shall be fully responsible and have past experience to  
18           carry out the installation of the Solar Photovoltaic (PV) Systems for the  
19           Guam Department of Education.

20           (g) Contract shall mean contract entered by and between the Guam  
21           Department of Education and the Developer following the negotiations on  
22           the response to the request for proposal or other request for services  
23           authorized by the Guam Department of Education.

24           **§1401. Authorization.**

25           The Guam Department of Education is hereby authorized to directly purchase  
26           solar photovoltaic systems with any energy storage technology, which will be  
27           placed on the rooftops of the Department's educational facilities and ancillary

1 buildings as deemed eligible properties. The placement of the Solar  
2 Photovoltaic system will be fully utilized by such educational facility, which  
3 will no longer be solely depended on energy generated by fossil fuel. Such  
4 cost savings by the Department from the Solar Photovoltaic (PV) System will  
5 be allocated to the Department’s Maintenance and Repair funds.

6 **§1402. Financing the Solar Photovoltaic System.**

7 The Guam Department of Education is authorized, for the purpose of this Act,  
8 to use grants available under any federal programs for the financing of the  
9 Solar Photovoltaic System(s) of the Department.

10 **§1403. Maintenance Fund.**

11 All cost savings from the Solar Photovoltaic System(s) of the Department  
12 shall be allocated for the maintenance and repair of the Solar PV System,  
13 Capital Improvements, and operations. The Government of Guam shall  
14 continue to appropriate funds to the Department for utility obligations.

15 **§ 1404. Request for Proposal.**

16 (a) Qualified providers may submit a single proposal without limitation or  
17 discrimination on all proposal made in good faith. A qualified provider(s) will  
18 be allowed to submit a single proposal for one Department facility or multiple  
19 Department facilities in good faith.

20 (b) GDOE in concert with the procurement laws of Guam, 5 GCA, may select  
21 from the best option provided by respondents to acquire services for the  
22 installation, maintenance, and repair of their Solar Photovoltaic (PV) System  
23 with Energy Storage.

24 **§1405. Contract.**

25 The Department and the selected provider(s) shall sign a binding agreement  
26 on terms and conditions based on the needs of the Department and its

1 facilities. The Contract shall be in compliance with the procurement laws of  
2 Guam, 5 GCA.”

3  
4 **Section 2.** §5008.2 of Sub article A, Article 1, Chapter 5, Guam Code  
5 Annotated is hereby *amended* to read as follows:

6 **“§ 5008.2. Policy in Favor of Renewable Energy Purchase of**  
7 **Service.**

8 (a) In procuring services pursuant to 17 GCA § 7116, the  
9 Department *shall*, subject to the provisions of this Chapter, grant a  
10 preference to a local business, and are exempt from 5 GCA §§ 5004,  
11 5006 and 5150;

12 (b) In addition, five percent (5%) preference of the lowest  
13 Multi-Step Bidder for contracts under Five Hundred Thousand dollars  
14 (\$500,000); or three percent (3%) preference of the lowest Multi-Step  
15 Bidder for contracts of Five Hundred Thousand Dollars (\$500,000) or  
16 more, *shall* be given to a local business that meets the following criteria:

17 (1) the Qualified PPA or Non-PPA agreement  
18 provider(s) must be doing business on Guam with a valid  
19 business license, have a local track record of at least five (5)  
20 years of doing business as a solar energy provider on Guam, and  
21 be in good standing with the Department of Revenue and  
22 Taxation prior to the award of the contract; and

23 (2) the qualified PPA or Non-PPA agreement  
24 provider(s) *shall* be experienced in designing, implementing and  
25 installing solar energy systems, have a record of established  
26 projects, demonstrate technical, operational, financial and

1 managerial capabilities to design and operate the solar energy  
2 system.”

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