



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

**Bill No. 66-37 (COR)**

Introduced by:

William A. Parkinson   
Roy A.B. Quinata 

**AN ACT TO *REPEAL* ARTICLE 14, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING GUAM PROCUREMENT ADVISORY COUNCIL.**

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

2 **Section 1.** Article 14, Chapter 5, Title 5, Guam Code Annotated is hereby  
3 *repealed:*

4 **~~GUAM PROCUREMENT ADVISORY COUNCIL~~**

5 ~~§ 5900. Guam Procurement Advisory Council.~~

6 ~~§ 5901. Composition.~~

7 ~~§ 5902. Duties.~~

8 ~~§ 5903. Limitations.~~

9 ~~§ 5904. Reports.~~

10 ~~§ 5905. Administration.~~

11 ~~§ 5906. Guam Procurement Advisory Council Support Fund.~~

12 ~~§ 5907. Responsiveness of the Government.~~

13 ~~§ 5908. General Services Agency (GSA) Staff & Procurement Counsel~~  
14 ~~Support.~~

15 **~~§ 5900. Guam Procurement Advisory Council.~~**

16 ~~There is hereby established within the government of Guam, the Guam~~

1 ~~Procurement Advisory Council (Council) to research, evaluate, analyze,~~  
2 ~~review and make recommendations to improve, address and modernize~~  
3 ~~government procurement and contracting.~~

4 **~~§ 5901. Composition.~~**

5 The Council shall be comprised of the following members:

6 (a) ~~a senior member of I Maga'lahi's (the Governor's) staff~~  
7 ~~designated by I Maga'lahaen Guåhan (the Governor of Guam), who~~  
8 ~~shall serve as an ex-officio member; and who shall serve as interim~~  
9 ~~Chairperson and shall call for its first meeting within fifteen (15) days~~  
10 ~~of enactment; such meeting for possible election of the Chairperson;~~

11 (b) ~~the Attorney General of Guam or his designee;~~

12 ~~(c) the Public Auditor or his designee;~~

13 ~~(d) the Compiler of Laws;~~

14 ~~(e) the Chief Procurement Officer;~~

15 ~~(f) the Director of Administration;~~

16 ~~(g) the Director of Public Works;~~

17 ~~(h) an attorney in private practice admitted to the Guam Bar with~~  
18 ~~procurement experience, selected by the Guam Bar;~~

19 ~~(i) a Guam resident experienced in procurement from the~~  
20 ~~construction industry selected by I Maga'lahaen Guåhan;~~

21 ~~(j) a Guam resident experienced in procurement from the retail~~  
22 ~~or service sector selected by I Maga'lahaen Guåhan;~~

23 ~~(k) the Chairman of the Board of Accountancy; and~~

24 ~~(l) the Dean of the School of Business and Public Administration~~  
25 ~~of the University of Guam~~

26 ~~(m) The Council shall elect its Chairperson.~~

27 **~~§ 5902. Duties.~~**

1 The Council is empanelled to perform the following duties:

2 ~~(a) to conduct studies, research and analysis on all matters~~  
3 ~~relating to the effectiveness, responsiveness and timeliness of~~  
4 ~~government procurement, including the review and comparison with~~  
5 ~~model procurement code legislation and consultation with division~~  
6 ~~heads, school principals and other mid-level managers, and end users~~  
7 ~~of government procured goods and services;~~

8 ~~(b) to critically examine the substantive and procedural aspects~~  
9 ~~of the Guam Procurement Act and existing administrative rules and~~  
10 ~~regulations governing procurement, including the legal authorities,~~  
11 ~~composition, and effectiveness of the Procurement Policy Office;~~

12 ~~(c) to review the legal infrastructure of the government~~  
13 ~~procurement system to ensure the uniformity of law, regulation and~~  
14 ~~practice;~~

15 ~~(d) to propose recommendations for the improvement and~~  
16 ~~modernization and the use of “best value” and “performance based”~~  
17 ~~methods as the basis for evaluation of government procurement~~  
18 ~~activities;~~

19 ~~(e) to make recommendations and identify methods to address~~  
20 ~~new industries and technologies and financial systems, while~~  
21 ~~maintaining the general principles of procurement law;~~

22 ~~(f) to review, make recommendations and provide advice on any~~  
23 ~~aspect of law, regulation or policy that affect procurement, including~~  
24 ~~laws and processes not directly found in the Guam Procurement Act;~~  
25 ~~and~~

26 ~~(g) to review the statutes and process for procurement appeals~~  
27 ~~and recommend improvements, if any.~~

1        **~~§ 5903. Limitations.~~**

2            ~~The Council shall not have any executive participation in the day-to-~~  
3 ~~day implementation of the Guam Procurement Act. It shall not have any~~  
4 ~~executive, legislative, or adjudicative review authority over procurement~~  
5 ~~matters.~~

6        **~~§ 5904. Reports.~~**

7            ~~The Council shall provide reports to the Speaker of *I Liheslaturan*~~  
8 ~~*Guåhan* and *I Maga'lahaen Guåhan* as follows:~~

9            ~~(a) First Report. The first report of the Council shall be made on~~  
10 ~~December 1, 2011 indicating its progress. The report may include any~~  
11 ~~recommendations for proposed legislation, revisions to administrative~~  
12 ~~rules and regulations, or any relevant matter.~~

13           ~~(b) Second Report. The second report of the Council shall be~~  
14 ~~made on April 1, 2012 indicating its progress. The report may include~~  
15 ~~any recommendations for proposed legislation, revisions to~~  
16 ~~administrative rules and regulations, or any relevant matter.~~

17           ~~(c) Final Report. The final report of the Council shall be made on~~  
18 ~~August 1, 2012, and shall include draft legislation, revisions to~~  
19 ~~administrative rules and regulations, or any relevant matter.~~

20        **~~§ 5905. Administration.~~**

21           ~~(a) The Council shall have the authority to retain professional and~~  
22 ~~support staff to assist it with its duties, and shall designate an Administrative~~  
23 ~~Director. However, the Director of Administration shall provide and~~  
24 ~~coordinate administrative support services to the Council from the~~  
25 ~~Department of Administration.~~

26           ~~(b) The Office of *I Maga'lahi* (the Governor), the Office of the Attorney~~  
27 ~~General, the Office of the Public Auditor, and other executive branch agencies~~

1 may provide, loan or transfer resources to the Council to support its  
2 operations.

3 **~~§ 5906. Guam Procurement Advisory Council Support Fund.~~**

4 There is hereby established a Guam Procurement Advisory Council  
5 Support Fund (Fund) to be maintained by the Director of Administration. *I*  
6 *Maga'laken Guåhan* and the Director of Administration are authorized to  
7 transfer amounts into the Fund to support the operations of the Council. Any  
8 legislative appropriations to support the operations of the Council shall be  
9 deposited into the Guam Procurement Advisory Council Support Fund. The  
10 Chief Procurement Officer is authorized to transfer funds from the Special  
11 Surplus Property Fund to support the operations of the Guam Procurement  
12 Advisory Council

13 **~~§ 5907. Responsiveness of the Government.~~**

14 The Guam Procurement Advisory Council may compel department and  
15 agency heads to provide or compile any information relative to the  
16 procurement of goods and services. Department and agency heads shall  
17 facilitate compliance with any requests from the Council.

18 **~~§ 5908. General Services Agency (GSA) Staff & Procurement Counsel~~**  
19 **~~Support.~~**

20 The Chief Procurement Officer, Procurement Counsel, and GSA staff  
21 shall provide administrative and technical assistance to the Council. Such  
22 assistance shall be at the discretion of the Chief Procurement Officer.  
23 However, the Procurement Counsel shall assist with the preparation of any  
24 legislation, rules or regulations.