

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
259-37 (COR)	Therese M. Terlaje	AN ACT TO AMEND §5118 OF SUBARTICLE B, §5121(a) OF SUBARTICLE C, AND §5150 OF SUBARTICLE F, ALL OF ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE REVIEW AND APPROVAL OF CONTRACTS AND OTHER PROCUREMENT ACTIONS BY THE ATTORNEY GENERAL.	3/8/24 9:11 a.m.	3/13/24	Committee on Health, Land, Justice, and Culture	Request: 3/13/24 3/25/24			



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

March 25, 2024

To: **Joaquin P. Taitague**
Clerk of the Legislature

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 259-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 259-37 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 259-37 (COR)**

AN ACT TO AMEND §5118 OF SUBARTICLE B, §5121(a) OF SUBARTICLE C, AND §5150 OF SUBARTICLE F, ALL OF ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE REVIEW AND APPROVAL OF CONTRACTS AND OTHER PROCUREMENT ACTIONS BY THE ATTORNEY GENERAL.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Administration	Dept./Agency Head: Edward Birn, Director
Department's General Fund (GF) appropriation(s) to date:	\$10,223,998
Department's Other Fund (Specify) appropriation(s) to date:	\$932,716
Total Department/Agency Appropriation(s) to date:	\$11,156,714

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2023 Unreserved Fund Balance:		\$0	\$0
FY 2024 Adopted Revenues	\$0	\$0	\$0
FY 2024 Appropriations (P.L. 37-42)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less:	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2024 (if applicable)	FY 2025	FY 2026	FY 2027	FY 2028
General Fund	1/	1/	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	1/	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / X/ N/A
- Does the Bill establish a new program/agency? / / Yes / X/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X/ No
Is there a federal mandate to establish the program/agency? / / Yes / X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes / X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X/ Yes / / No
/ X/ Requested agency comments not received by due date / / Other:

Analyst: <u>Jason Baza</u>	Date: <u>3/22/24</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>MAR 25 2024</u>
Jason Baza, BMA Supervisor		Lester L. Carlson, Jr., Director	

Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 259-37 (COR)

The proposed legislation intends to do the following, all relative to Government of Guam department/agency legal representation in the event the Office of the Attorney General (OAG) formally withdraws from such representation:

- Authorize the Department of Administration (DOA) General Service Agency (GSA) Procurement Counsel to represent the GSA in civil matters.
- Authorize Government of Guam departments/agencies to employ or contract an attorney to provide legal services to the agency until the OAG resumes representation.
- Authorize Government of Guam departments/agencies to conduct solicitations or procurements that are estimated to result in award of Five Hundred Thousand Dollars (\$500K) without the assistance of the OAG until the OAG resumes representation.

The Bureau notes that DOA historically employs a Procurement Counsel within GSA, and is budgeted within its annual budget act appropriation. As such, the Bureau does not anticipate any fiscal impact to DOA with the proposed role of the GSA Procurement Counsel. However, the Bureau notes that a majority of line departments/agencies that engage in solicitations/procurements above \$500K do not currently employ or contract legal representation at this time. Therefore, funding to employ or contract such services would need to be identified within their authorized budgets.

The Bureau is unable to identify a financial impact to departments/agencies due to the following circumstances: 1) the proposed legislation being dependent on the formal withdrawal of legal representation by the OAG; 2) the rate or cost of legal representation being dependent on employing a full-time attorney or contracting out the services on a case-by-case basis; and 3) the unknown timeframe for when formal withdrawal and formal resumption of representation by the OAG occurs.