

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
46-37 (COR)	Sabina Flores Perez Chris Barnett	AN ACT TO ADD A NEW §5425.2 TO PART A OF ARTICLE 9, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROTEST PROCEDURES FOR ACQUISITIONS FUNDED WITH AMERICAN RESCUE PLAN ACT MONIES ALLOTTED TO THE GUAM DEPARTMENT OF EDUCATION.	2/14/23 3:49 p.m.	2/16/23 8:02 a.m.	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning			Request: 2/16/23 3/8/23	



COMMITTEE ON RULES

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

March 8, 2023

To: RennaeVanessa C. Meno
Clerk of the Legislature

From: Senator Chris Barnett 
Chairperson, Committee on Rules

Subject: Fiscal Note for Bill No. 46-37 (COR)

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 46-37 (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. 46-37 (COR)**

AN ACT TO ADD A NEW § 5425.2 TO PART A OF ARTICLE 9, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROTEST PROCEDURES FOR ACQUISITIONS FUNDED WITH AMERICAN RESCUE PLAN ACT MONEYS ALLOTTED TO THE GUAM DEPARTMENT OF EDUCATION.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education (GDOE)	Dept./Agency Head: Judith Won Pat, Ed.D., Acting Superintendent
Department's General Fund (GF) appropriation(s) to date:	205,318,855
Department's Other Fund (Specify) appropriation(s) to date: Guam Educational Facilities Fund (\$12,838,487); Public School Library Resources Fund (\$686,994); Healthy Futures Fund (\$891,754); School Lunch/Child Nutritional Meal Reimbursement Fund (\$12,504,000); Limited Gaming Fund (\$380,225)	27,301,460
	232,620,315

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance		\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment 1/
- 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: William P. Fanning, Jr. Date: 2/7/23 Director: Lester L. Carlson, Jr. Date: MAR 08 2023

Footnotes:
1/ See attached comments on Bill 46-37 (COR).

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 46-37 (COR)

The proposed Bill 46-37 (COR) is an act to *add* a new § 5425.2 to Part A of Article 9, Chapter 5, Title 5, Guam Code Annotated, relative to providing Temporary Expedited Procurement Protest Procedures for Acquisitions funded with American Rescue Plan Act Moneys allotted to the Guam Department of Education.

According to the legislative intent, the GDOE Schools Facilities Master Plan (FMP) is a ten-year master plan that highlights and prioritizes the work that is needed to ensure safe and healthy educational environments. The GDOE FMP guides investments in the schools, identifies needed construction and modernization work, and the estimated deferred maintenance throughout the public school system. Additionally, the GDOE currently has the ability to utilize a portion of the federal funds through the American Rescue Plan Act (ARPA) for capital improvement projects. However, provided there are no extensions, the timeline to obligate these ARPA funds ends December 2024.

As such, the intent of Bill 46-37 (COR) is to provide a temporary expedited procurement protest procedure for capital improvement projects funded with ARPA monies allotted to the GDOE and enable GDOE to complete much needed improvement projects should there be a protest. In the event of a protest, it shall be submitted to the Public Auditor who shall expedite the administrative review process of the appeal in accordance with rules and regulation to be adopted and promulgated by the Public Auditor within 6 months of the effective date of the Act.

The Bureau had sought input on the financial impact of the proposed Bill 46-37 (COR) from the GDOE and have not received any official comments as of the date of this fiscal note.

However, the Bureau anticipate that Bill 46-37 (COR) will impact the remaining available balance of ARPA funds which was estimated at \$183.6 million per GDOE's ARPA Grant Status Report as of February 23, 2023 submitted to the Guam Department of Education Financial Supervisory Commission (EFSC). Also, based on information from GDOE to the EFSC, the GDOE provided an updated Capital Improvement Project and Facilities & Maintenance Priority Listing with a cost estimate totaling \$122.7 million. This Listing consists of 35 projects and which may be funded by the ARPA funds to GDOE.