

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
201-32 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.	9/30/13 2:36 p.m.	09/30/13	Committee on General Governmental Operations and Cultural Affairs			Fiscal Note Request 10/1/13
11/14/2013 As Substituted by the Author-Posted at the request of Vice Speaker Cruz								

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
2013 (First) Regular Session

Bill No. **201-32 (COR)**

***As Substituted by the Author**

Introduced by:

B.J.F. Cruz

AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new section §5141 is hereby *added* to Part E of Chapter 5 of Title 5, Guam Code Annotated to read:

“§5141. Training and Certification of Purchasing Personnel and Vendors.

(a) Guam Community College (GCC) Procurement Program.

The Guam Community College shall establish and administer an integrated program of academic, research, practical training, and continuing education, and provide same on a full cost recovery basis, for Government of Guam procurement personnel and other interested private or public participants, to be known as the GCC Procurement Program. The College may adopt rules to provide appropriate criteria for the training, continuing education and certification authorized by this Section and to administer this section, including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section. The College

1 may, under the GCC Procurement Program, establish a library publish
2 papers and journals, hold conferences and seminars and do such other
3 things as it deems reasonable to improve the Government of Guam's
4 acquisition and asset management strategies, practices and effectiveness.
5 The primary focus of the activities of the GCC Procurement Program shall
6 be on the study and instruction of the procurement laws and regulations of
7 Guam, but may include the examination and comparison of other
8 procurement regimes for the purpose of better understanding of
9 procurement philosophy and best practices and the improvement of Guam's
10 procurement regime. The College shall establish such equivalent training,
11 education, experience and certification, and such prerequisites, tests,
12 attendance and standards as it determines are necessary to qualify for any
13 certification required by this Section, and is solely responsible for
14 bestowing such certification in such form as it determines. It is not the
15 intent, however, to require that tests be standardized or to prevent variation
16 in subject matter tested, method of testing or the use of other pedagogical
17 techniques. The College in consultation with the Guam Procurement
18 Advisory Council shall review all qualification criteria annually, and may
19 revise any of same as it deems appropriate to improve the standards and
20 proficiency of Government of Guam procurement personnel. The College
21 shall maintain records of enrollment and of the training, continuing
22 education, and certification in same or similar manner and subject to the
23 same or similar rules as its regularly enrolled student records. The College
24 may provide training, assistance and coordination with other states and
25 nations of Micronesia on a cost recovery basis on the subject matter as
26 covered under this section.

1 (b) **Mandatory Certification and Continuing Education.**

2 Notwithstanding any other provision of law or this Chapter and effective
3 October 1, 2016, all Government of Guam personnel tasked with the
4 responsibility of purchasing or otherwise procuring goods, or services, or
5 construction, including those employed by agencies with authority to
6 conduct their own procurement, as well as any person within the Office of
7 Public Accountability responsible for administering procurement appeals or
8 auditing of the purchasing activities of the Government of Guam, must
9 receive the training and continuing education to the extent required under
10 this section and offered by the College in consultation with the Guam
11 Procurement Advisory Council. A Government of Guam employee who is
12 required to receive the training may not participate in purchases by the
13 employing agency unless the employee has received the required training or
14 received equivalent training from a national association recognized by the
15 College and the Guam Procurement Advisory Council, which shall be the
16 judge of equivalency. The equivalent training may count toward the
17 continuing education requirements of this Section, as determined by the
18 College, in consultation with the Guam Procurement Advisory Council.

19 (c) **Consultation with the Guam Procurement Advisory**
20 **Council.** The Guam Procurement Advisory Council shall, on an annual
21 basis and to the extent of its resources, advise, and consult with the Guam
22 Community College regarding the professional education programs
23 contained in this Section as they relate to the educational needs of
24 Government of Guam employees and vendors, and provide such other
25 counsel and assistance as the College may request.

1 (d) **Promulgation of Fees and Rules.** The College, pursuant to
2 the Administrative Adjudication Law, shall promulgate a fee schedule for
3 students, department and agencies, and vendors in order to recover the
4 College's costs under this section. The operation budget of each Government
5 of Guam department or agency for staff development may be used to pay for
6 fees provided herein. The College shall also promulgate any rules
7 authorized by this Section or which it may deem necessary or appropriate to
8 give effect to this Section, pursuant to the Administrative Adjudication Law.

9 (e) **Cooperation with Other Entities.** The College may provide
10 training and continuing education under this section using its own personnel
11 and facilities or through contracts with other public or private entities or
12 personnel, including the federal government Procurement Technical
13 Assistance Program, the Hawaii Procurement Institute, and other state and
14 international institutions.

15 (f) **Basic Training Requirements.** The College shall provide at
16 least four modules of procurement basic training, each with at least eighteen
17 (18) hours of study and instruction, or more as the College may determine as
18 necessary, and shall award a Certificate of Enrichment of training to those
19 qualifying as required by this Section, for each module of the following
20 subject matter areas:

21 Module 1. Fundamentals and Principles of Procurement (Basic).

22 Module 2. The Procurement Solicitation Process (Advanced).

23 Module 3. The Procurement Review and Remedies (Administrative).

24 Module 4. The Management and Administration of Procurement
25 (Administrative).

1 (g) **Continuing Education for Procurement Training.** In
2 consultation with the Guam Procurement Advisory Council, the College
3 shall require a reasonable number of hours of continuing education to
4 maintain a certification level for each Certificate of Enrichment required in
5 this Section. The College may allow attendance at equivalent certification
6 training recognized by the College in consultation with the Guam
7 Procurement Advisory Council to count toward the required number of
8 hours. Maintenance of the certification level may be by yearly renewal or
9 another reasonable renewal period comparable to nationally recognized
10 certification requirements.

11 (h) **Requirement of Certificate of Enrichment (Basic).** The
12 College's prerequisites for awarding a Certificate of Enrichment (Basic)
13 must include the completion of the first module of procurement basic
14 training and passage of a written examination prescribed by the College.
15 From October 1, 2016, no person shall serve in the capacity of a level-one
16 purchaser, and no person shall sign for any procurement requisition,
17 without the Certificate of Enrichment (Basic) provided by the College.

18 (i) **Requirement of Certificate of Enrichment (Advanced).** The
19 College's prerequisites for awarding a Certificate of Enrichment (Advanced)
20 must include the completion of the first and second modules of procurement
21 basic training and passage of a written examination prescribed by the
22 College, and a minimum number of years of purchasing experience as
23 prescribed by the Department of Administration and the Guam Procurement
24 Advisory Council. From October 1, 2016, no person shall serve in the
25 capacity of a level-two purchaser, or as an auditor within the Office of
26 Public Accountability, without a Certificate of Enrichment (Advanced)

1 provided by the College. Recognizing that the College has been providing
2 procurement basic training since 2012 that covers the subject matter in the
3 first and second basic training modules required in this Section, the College
4 may allow attendance at any such training given as credit toward any
5 certification required without examination until such time as the College
6 has implemented testing for such training.

7 (j) **Requirement of Certificate of Enrichment (Administrative).**

8 The College's prerequisites for awarding a Certificate of Enrichment
9 (Advanced) must include the completion of the first, second, third, and
10 fourth modules of procurement basic training and passage of a written
11 examination prescribed by the College, and a minimum number of years of
12 purchasing experience as prescribed by the Department of Administration
13 and the Guam Procurement Advisory Council. From October 1, 2016, no
14 person shall serve in the capacity of a Chief Procurement Officer or
15 Procurement Administrator within the Office of Public Accountability, or
16 as a classified employee in position of Supply Management Administrator,
17 Procurement Officer or otherwise as responsible head of procurement, or a
18 level-three purchaser, of any Government of Guam entity, including any
19 governmental body, public corporation, semi-autonomous or autonomous
20 agency, within or under the purview of the Executive Branch, without the
21 level-three purchaser Certificate of Enrichment (Administrative) awarded
22 by the College.

23 (k) **Requirement of Industry Certification.** The College shall
24 provide an Industry Certification which shall require completing the required
25 number of college credit courses to include the four (4) subject matter areas
26 covered under this Section and passage of a written examination as

1 developed and prescribed by the Guam Procurement Advisory Council and
2 administered by the College.

3 (l) **Requirement of Certificate Program.** The College's
4 requisites for providing a GCC Certificate of Procurement Management
5 shall include completing seventeen (17) college credit(s), or more as the
6 College may determine necessary, to include the four (4) subject matter
7 areas covered under this Section and meeting all the general requirements
8 for a certificate program and a Certificate of Completion to be awarded by
9 the College.

10 (m) **Requirement of an Associate Degree.** The College's
11 requisites for providing an Associate Degree in Procurement Administration
12 shall include completing the required college credits as the College may
13 determine necessary, to include the four (4) subject matter areas covered
14 under this Section and meeting all the general requirements for an
15 Associates Degree to be awarded by the College.

16 **Section 2. Effective Date.** This Act shall be effective upon enactment.



COMMITTEE ON RULES

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October 1, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 194-32(COR) through 201-32(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT - 1 PM 4: 26

Bill Nos.	Sponsor	Title
194-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED AND A NEW SUBSECTION (i) TO §103104 OF CHAPTER 10, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A GUAM INTRASTATE SECURITIES EXCHANGE UNDER THE INTRASTATE OFFERING EXEMPTION OF THE SECURITIES ACT OF 1933.
195-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.
196-32 (COR)	T.C. Ada R.J. Respicio	AN ACT TO AMEND SECTIONS 51301(c) AND 53105 OF CHAPTER 53, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE ADEQUATE REPAIR AND RESTORATION OF GUAM'S PUBLIC ROADWAYS BY CONTRACTORS WHO OPEN AND EXCAVATE THESE ROADS.
197-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §3223 TO CHAPTER 3 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO HONORARY HIGH SCHOOL DIPLOMAS FOR CERTAIN SENIOR CITIZENS.
198-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §5013 TO TITLE 5, CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT PROCUREMENT POLICY IN FAVOR OF WOMEN OWNED BUSINESSES.
199-32 (COR)	Judith T. Won Pat, Ed.D., T.C. Ada	AN ACT TO AMEND §22425(q)(4) AND (q)(5) OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO FUNDING THE FACILITIES AND MAINTENANCE DIVISION OF THE GUAM DEPARTMENT OF EDUCATION.
200-32 (COR)	R.J. Respicio, T.C. Ada, B.J.F. Cruz	AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED §77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."
201-32 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.



COMMITTEE ON RULES

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September 30, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 201-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 201-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA 'TRENTAI DOS NA LIHESLATURAN GUAHAN
2013 (First) Regular Session

Bill No. 201-32 (COR)

Introduced by:

B. J.F. Cruz 

AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new section §5141 is hereby *added* to Part E of Chapter 5 of Title 5, Guam Code Annotated to read:

“§5141. Training and Certification of Purchasing Personnel and Vendors.

(a) The Guam Community College (“College”) shall establish and administer a system of training, continuing education, and certification for Government of Guam procurement personnel. The College may establish and offer appropriate training to vendors on a cost recovery basis. The College may adopt rules to administer this section, including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section.

(b) Notwithstanding any other provision of law and effective October 1, 2017, all Government of Guam personnel tasked with the responsibility of purchasing or otherwise procuring goods or services, including those employed by agencies exempted from the procurement authority of the General Services

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1 Agency or Department of Public Works, must receive the training and
2 continuing education to the extent required by rule of the College. A
3 Government of Guam employee who is required to receive the training may not
4 participate in purchases by the employing agency unless the employee has
5 received the required training or received equivalent training from a national
6 association recognized by the College. The equivalent training may count, as
7 provided by Subsection (i), toward the continuing education requirements.

8 (c) The College, pursuant to the Administrative Adjudication Law, shall
9 promulgate a fee schedule for students, department and agencies, and vendors
10 in order to recover the College's costs under this section. The operation budget
11 of each Government of Guam department or agency for staff development may
12 be used to pay for fees provided herein.

13 (d) The College may provide training and continuing education under
14 this section using its own personnel or through contracts with private entities.
15 The College may also, by agreement with a public entity, use the services of
16 persons employed by the public entity to provide training and continuing
17 education under this section.

18 (e) The College shall provide at least three levels of training under this
19 section.

20 (f) The basic training level must include an introduction to contract
21 purchasing methods, ethical issues affecting purchasing decisions, and
22 instruction in any other processes and issues that the College considers
23 appropriate for introductory purchasing training.

24 (g) The second training level must include advanced instruction in
25 formal and informal bidding methods, introduction to negotiation methods,
26 instruction in writing specifications, and instruction in any other processes and

1 issues that the College considers appropriate for the second level of purchasing
2 training.

3 (h) The third training level must include an introduction to complex
4 negotiations, instruction in the criteria for determining which product or service
5 offers the best value for the contract award, and instruction in any other
6 processes and issues that the College considers appropriate for advanced
7 purchasing training.

8 (i) The College shall require a reasonable number of hours of continuing
9 education to maintain a certification level. The College may allow attendance
10 at equivalent certification training recognized by the College to count toward
11 the required number of hours. Maintenance of the certification level may be by
12 yearly renewal or another reasonable renewal period comparable to nationally
13 recognized certification requirements.

14 (j) The College's prerequisites for receiving a level-two purchaser
15 certification must include completion of the basic training level, passage of a
16 written examination, and a minimum number of years of purchasing experience
17 prescribed by the College.

18 (k) The College's prerequisites for receiving a level-three purchaser
19 certification must include completion of the second training level, passage of a
20 written examination, and a minimum of three (3) years of purchasing
21 experience.”

22 **Section 2. Effective Date.** This Act shall be effective upon enactment.