



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

05 JAN 2007



The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 369(EC), "AN ACT TO ADD A NEW §5805 AND TO AMEND §§5121(c) AND 5211(b) AND (g), ALL OF TITLE 5 G.C.A., CHAPTER 5, ARTICLE 13 RELATIVE TO REQUIRING THE CHIEF PROCUREMENT OFFICER TO ENSURE ALL BIDDERS COMPLY WITH THE U.S.D.O.L. WAGE DETERMINATION" which I signed into law on January 4, 2007, as Public Law 28-165.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Secretary of the Legislature

Office of the Speaker
MARK FORBES

Date: 01-05-07
Time: 5:05 pm
Rec'd by: [Signature]
Print Name:

29-07-0020

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 369 (EC), "AN ACT TO ADD A NEW §5805 AND TO AMEND §§5121(c) AND 5211(b) AND (g), ALL OF TITLE 5 G.C.A., RELATIVE TO REQUIRING THE CHIEF PROCUREMENT OFFICER TO ENSURE ALL BIDDERS COMPLY WITH THE U.S.D.O.L. WAGE DETERMINATION," as amended, was on the 20<sup>th</sup> day of December, 2006, duly and regularly passed.

  
Mark Forbes  
Speaker

Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 27 day of Dec, 2006, at 10:36 o'clock a.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 4 January 2007

Public Law No. 28-165

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2006 (SECOND) Regular Session**

**Bill No. 369 (EC)**

As amended by the Committee on  
Finance, Taxation, & Commerce  
and further amended.

Introduced by:

R. Klitzkie  
Mark Forbes  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
L. F. Kasperbauer  
J. A. Lujan  
A. B. Palacios, Sr.  
R. J. Respicio  
Ray Tenorio  
J. T. Won Pat  
A. R. Unpingco

**AN ACT TO ADD A NEW §5805 AND TO AMEND  
§§5121(c) AND 5211(b) AND (g), ALL OF TITLE 5 G.C.A.,  
RELATIVE TO REQUIRING THE CHIEF  
PROCUREMENT OFFICER TO ENSURE ALL BIDDERS  
COMPLY WITH THE U.S.D.O.L. WAGE  
DETERMINATION.**

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

2        **Section 1. Awards & Compliance.** A new Title 5 G.C.A., Chapter 5,  
3 Article 13, §5805 is *added* to read:

4            **“§5805. Awards & Compliance.** The Chief Procurement  
5 Officer shall require bidders to submit declarations made pursuant to

1 Title 6 G.C.A. §4308 to demonstrate their compliance with §§5801  
2 and 5802 of this Chapter, if applicable.”

3 **Section 2. Approval of Contracts Generally.** Title 5, Chapter 5, §5121(c)  
4 is *amended* to read:

5 “(c) **Approval of Contracts Generally.** The Chief  
6 Procurement Officer, or his designee, or a procurement officer of an  
7 agency authorized to procure the services or supplies in question, as  
8 stated in the Rules promulgated by the Policy Office, shall execute all  
9 contracts for the government of Guam. The Chief Procurement  
10 Officer may approve standard form contracts or purchase orders  
11 which shall include a demonstration of compliance with §§5801 &  
12 5802 of this Chapter, where applicable, and once such approval of the  
13 standard form is given, contracts or purchase orders made on such  
14 form may be executed without the further approval of the Chief  
15 Procurement Officer unless he has reserved such power of approval  
16 pursuant to the applicable rules promulgated by the Policy Office.”

17 **Section 3. Invitation for Bids.** Title 5, Chapter 5, §5211(b) is *amended* to  
18 read:

19 “(b) **Invitation for Bids.** An Invitation for Bids shall be issued  
20 and shall include a purchase description, a recitation of the Wage  
21 Determination most recently issued by the U.S. Department of Labor,  
22 and all contractual terms and conditions applicable to the procurement  
23 including a demonstration of compliance with §§5801 & 5802 of this  
24 Chapter, if applicable.”

25 **Section 4. Award.** Title 5, Chapter 5, §5211(g) is *amended* to read:

26 “(g) **Award.** The contract shall be awarded with reasonable  
27 promptness by written notice to the lowest responsible bidder whose

1 bid meets the requirements and criteria set forth in the Invitation for  
2 Bids and whose bid amount is sufficient to comply with Article 13 of  
3 this Chapter, if applicable. In the event all bids for a construction  
4 project exceed available funds as certified by the appropriate fiscal  
5 officer, and the low responsive and responsible bid does *not* exceed  
6 such funds by more than five percent (5%), the Chief Procurement  
7 Officer, the Director of Public Works, or the head of a purchasing  
8 agency, is authorized, in situations where time or economic  
9 considerations preclude resolicitation of work of a reduced scope, to  
10 negotiate an adjustment of the bid price, including changes in the bid  
11 requirements, with the low responsive and responsible bidder, in order  
12 to bring the bid within the amount of available funds.”