

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
160-32 (COR), P.L. 32-083	Dennis G. Rodriguez, Jr.,	AN ACT TO ADOPT THE RULES OF PROCEDURE FOR GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.	7/24/13 5:02 p.m.	07/25/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens	8/1/13 1 p.m.	11/4/13 10:01 a.m.	Fiscal Notes Requested 7/26/15
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADOPT THE RULES OF PROCEDURE FOR THE GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-083	As amended on the Floor.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-13-1030
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 11.29.13
Time 9:57am
Received by [Signature]

2013 NOV 29 AM 11:12

Dear Madame Speaker:

Transmitted herewith is Bill No. 160-32 (COR) "AN ACT TO ADOPT THE RULES OF PROCEDURE FOR THE GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS" which I signed into law on November 27, 2013 as Public Law 32-083.

Senseramente,



EDDIE BAZA CALVO



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 160-32 (COR)**, "AN ACT TO ADOPT THE RULES OF PROCEDURE FOR THE GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS", was on the 12th day of November 2013, duly and regularly passed.

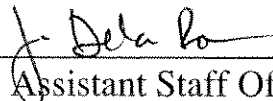


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 15th day of Nov.,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: NOV 27 2013

Public Law No. 32-083

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 160-32 (COR)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADOPT THE RULES OF PROCEDURE
FOR THE GOVERNMENT OF GUAM HEALTH
INSURANCE NEGOTIATING TEAM AND THE
CONDUCT OF THE ANNUAL SOLICITATION OF
HEALTH INSURANCE COVERAGE FOR
GOVERNMENT OF GUAM ACTIVE EMPLOYEES,
RETIREEES, AND THEIR DEPENDANTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that on July 19, 2013, the Government of Guam Health Insurance Negotiating Team submitted the proposed Rules of Procedure to the Legislature. The authority and mandate to establish the Rules of Procedure is provided for pursuant to §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated. The rules are

intended to provide for the orderly and equitable process by which the Negotiating Team *shall* annually seek to acquire healthcare insurance coverage for active and retired government of Guam employees, and their dependants.

I Liheslaturan Guåhan takes due notice that the annual process relative to the solicitation, receipt, review and contract award process for health insurance coverage is currently being conducted under interim rules of procedure, pending formal legislative action.

It is, therefore, the intent of *I Liheslaturan Guåhan* to adopt the Rules of Procedure, appended to this Act as **Exhibit “A”**.

Section 2. Adoption of Rules. Notwithstanding any other provision of law, rule, regulation and executive order, the Rules of Procedure of the Government of Guam Health Insurance Negotiating Team, and attached hereto as **Exhibit “A”**, are hereby adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan*, and *shall* be codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative Rules and Regulations.

Section 3. Amendment of Rules. The government of Guam Health Insurance Negotiating Team *shall*, in keeping with the provisions of Article 3 of Chapter 4, Title 4 GCA, and pursuant to Article 3 - rule making procedures, of Chapter 9, Title 5, Guam Code Annotated, review and amend, as *may* be necessary, the Rules of Procedure adopted pursuant to Section 2 of this Act.

Section 4. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

Section 5. Effective Date. This Act *shall* become effective upon its enactment.

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1 The responsibilities and roles of the Negotiating Team are those set out by
2 law at Title Four, Chapter Four, Article Three, of the Guam Code Annotated
3 (“Group Benefits Laws”). At any time that these Rules of Procedure come
4 into conflict with the Group Benefits Laws, the Group Benefits Laws shall
5 preempt these rules.

6 **II. Membership.**

7 A. The Negotiating Team is comprised of individuals identified by statute at
8 4 GCA §4302(c).

9 B. The Negotiating Team may obtain technical support from other financial,
10 legal and health-related agencies. The Director of Administration, upon
11 the approval of the Negotiating Team, may invite representatives of
12 government departments, agencies, bureaus and other government
13 entities to Negotiating Team meetings as seen fit to serve as consultants
14 in aid of the Negotiating Team in its duties. No unilateral consultations
15 shall be conducted by the Chairperson or any member of the Negotiating
16 Team nor shall they hold independent meetings or consultations with
17 persons outside of the Negotiating Team and its consultants prior to the
18 conclusion of the Negotiating Team proceedings.

19 C. The Attorney General or his designee shall act as legal advisor during all
20 phases of the solicitation or procurement process for group health
21 insurance benefits for employees and retirees of the government.

22 D. Non-delegation of representation. The following members of the
23 Negotiating Team are not permitted, by law, to delegate to another
24 individual the authority to serve in their stead as a substitute or proxy for
25 purposes of participation in Negotiating Team activities:

26 1. Director of Administration

1 2. The employee representative of the Judiciary of Guam to be
2 appointed by the Chief Justice of the Supreme Court of Guam.

3 3. The employee representative of the Legislative Branch to be
4 appointed by the Speaker of *I Liheslaturan Guåhan*.

5 4. The retiree who is a member of the Government of Guam
6 Retirement Fund appointed by the Board of Trustees of the
7 Government of Guam Retirement Fund.

8 5. The member of the general public appointed by *I Maga'låhen*
9 *Guåhan*.

10 E. Delegation of representation. The following members of the Negotiating
11 Team are permitted, by law, to delegate to another individual the
12 to serve in their stead as a substitute or proxy for purposes of
13 participation in Negotiating Team activities:

14 1. The Administrator of the Department of Integrated Services for
15 Individuals with Disabilities.

16 2. The Director of the Bureau of Budget and Management Research.

17 3. The Superintendent of the Department of Education.

18 4. The Director of the Government of Guam Retirement Fund.

19 5. The Chairperson of the Committee on Health or the successor
20 committee of *I Liheslaturan Guåhan*.

21 6. The Chairperson of the Committee on Appropriations, or the
22 successor committee of *I Liheslaturan Guåhan*.

23 F. Delegation in writing. A member of the Negotiating Team who is
24 permitted, by law, to delegate to another individual the authority to serve
25 in their stead as a substitute or proxy shall designate such delegation in
26 writing and have such written delegation delivered to the Chairperson of

the Negotiating Team prior to the delegation being effective. Any member of the Negotiating Team with the authority to delegate shall delegate only one representative for the entire process to ensure for continuity of communications and to safeguard the dissemination of information. A written delegation may be repealed in writing.

III. Voting.

A. Voting Members. The following members of the Negotiating Team are voting members:

1. The Director of Administration, who shall be Chairperson of the Negotiating Team.
2. The employee representative from the Judicial Branch appointed by the Chief Justice of the Supreme Court of Guam.
3. The employee representative of the Legislative Branch to be appointed by the Speaker of *I Liheslaturan Guåhan*.
4. The retiree who is a member of the Government of Guam Retirement Fund to be appointed by the Board of Trustees of the Government of Guam Retirement Fund.
5. The member of the general public, appointed *by I Maga'låhen Guåhan*.
6. The Administrator of the Department of Integrated Services for Individuals with Disabilities, or his or her designee.
7. The Director of the Bureau of Budget and Management Research, or his or her designee.
8. The Superintendent of the Department of Education, or his or her designee.

1 9. The Director of the Government of Guam Retirement Fund, or his
2 or her designee.

3 B. Non-Voting Members. The following members of the Negotiating Team
4 are non-voting members:

5 1. The Chairperson of the Committee on Health or the successor
6 committee of *I Liheslaturan Guåhan*, or his or her designee.

7 2. The Chairperson of the Committee on Appropriations or the
8 successor committee of *I Liheslaturan Guåhan*, or his or her
9 designee.

10 **IV. Confidentiality.** Members, delegates of members, consultants of the
11 Negotiating Team, and applicable Department of Administration staff as
12 determined by the Director of Administration must adhere to the strictest of
13 confidentiality and acknowledge that the proposals received are confidential
14 in nature. Team members, delegates of members, consultants, and
15 applicable Department of Administration staff acknowledge that no
16 information contained in the proposals, meetings or negotiations can be
17 divulged to any person outside of the Negotiating Team. Team members,
18 delegates of members, consultants and applicable Department of
19 Administration staff must sign a confidentiality agreement attesting to such.
20 Confidentiality agreements shall be signed prior to the predetermined
21 meeting date and time for opening proposals referenced in Section IX. A
22 delegate may brief the member of the Negotiating Team who made the
23 delegation about the business of the Negotiating Team but both parties are
24 subject to strict confidentiality throughout the entire process. Copies of all
25 correspondence between the negotiating team and the Judiciary or Governor,
26 shall also be transmitted to the Legislature.

1 **V. No conflict-of-interest.** A member, consultant or advisor of the Negotiating
2 Team that has a conflict of interest (as understood and regulated by 5 GCA
3 §§ 5625-5633) because of a financial interest with an offeror or due to
4 employment of a family member shall recuse him or herself from being a
5 member, consultant or advisor of the Negotiating Team during the pendency
6 of the solicitation. Members, consultants and advisors of the Negotiating
7 Team must sign an affidavit that no conflict of interest exists with any
8 offerors once knowledge of the names of the carriers who submitted
9 proposals is known and prior to receiving any information contained in the
10 proposals. Any member, consultant or advisor who later realizes that a
11 conflict of interest exists must recuse himself or herself from being a
12 member of the Negotiation Team.

13 **VI. Meetings.** Meetings of the Negotiating Team shall be called by the
14 Chairperson, or by a majority of the voting members of the Negotiating
15 Team.

16 A. The Chairperson shall set the time, day and place of meetings with the
17 intent to permit the largest number of voting members of the Negotiating
18 team to attend the meeting. The Chairperson shall establish an agenda
19 for each meeting. The agenda shall be adopted or amended by the
20 Negotiating Team at the start of a meeting.

21 B. Notice of meetings of the Negotiating Team shall be provided to each
22 member of the Negotiating Team in writing, by business email, and by
23 other acceptable written or telephonic format as may be determined by
24 the Negotiating Team from time to time, at least one business day in
25 advance of the meeting.

C. Notwithstanding the foregoing, the Negotiating Team, at a properly noticed meeting with a quorum present, may adjourn its business and schedule a subsequent meeting for a time, day and place certain even though notice as prescribed here cannot be given one business day before the meeting. Nonetheless, written notice, by business email of such subsequent meeting shall be provided to each member. Nothing here prohibits additional forms of providing notice to ensure that all members receive actual notice of a scheduled meeting.

D. The Chairperson is responsible for providing timely notice to all members of the Negotiating Team of each meeting, as provided for in this rule.

VII. Quorum. The Negotiating Team may conduct official business if a quorum of its voting members is present at any properly noticed meeting. A quorum of the Negotiating Team is seven (7) voting members.

VIII. Decisions. At any properly noticed meeting of the Negotiating Team where a quorum is present, the Negotiating Team shall make decisions based upon an affirming vote of at least five (5) of the voting members present, after a motion is made by any member, and seconded by any other member. In any circumstance, a failure to get an affirming vote of at least five (5) of the voting members present shall mean that the motion being voted on fails for lack of a majority. Upon the casting of votes, team members shall sign off on a voting sheet to document the decision made.

IX. Opening of Proposals. Provisions shall be made in each Request For Proposals that establish the process for receiving proposals, documenting the reception of proposals, the initial opening of proposals to ensure a proper count, documenting the count, and for adequately securing proposals

received so that they shall only be viewed by persons having legitimate access to proposals. Provisions made for the initial opening of proposals may include the involvement of the Negotiating Team and/or representatives of offerors, as determined by the Negotiating Team and set out in the Request For Proposals.

X. Communication by Offerors and Sub-contractors. Unsolicited communication by offerors and sub-contractors by phone, mobile phone, email, or any other mode of delivery about any facet of the RFP prior to negotiations is prohibited and may result in disqualification of proposals of any offending offeror. Prior to disqualification, the Negotiating Team shall request the Attorney General's office to conduct an investigation to verify the veracity of such communication and shall provide its recommendation to the negotiating team for action.

XI. Authority to Clarify Proposals. The Negotiation Team shall request any documents or information for any proposals received and deemed to be non-responsive or not qualified that will cause said proposals to be responsive and qualified. A proposal shall only be disqualified or rejected if any offeror fails to submit the requested information to the Negotiating Team within three business days after request.

XII. Proceeding to the Next Phase. After the conclusion of each phase identified in the RFP, Team Members must acknowledge, via signature, such approval or disapproval to proceed to the next phase.

XIII. Weighting and Ranking. During the planning stage of each solicitation for group health and dental insurance, the Negotiating Team shall establish the processes and mechanisms for evaluating proposals submitted in response to a solicitation for the purpose of the ultimate ranking of proposals, to include

the factors to be evaluated, the weighting of the various factors, the process of scoring the evaluation factors, the development of a scoring sheet or sheets, and all other processes that lead to the ultimate ranking of proposals. The Negotiating Team, and each Team member, shall follow the evaluation process developed for a given solicitation and as set out in the Request For Proposals for that solicitation.

XIV. Review and Audit. The Negotiating Team reserves the right and obligation to review and audit its evaluation determination during the solicitation process, consistent with the instructions and procedures provided for in a Request For Proposals, Guam law, and regulations.

XV. Roles of Team Members. The following are the responsibilities of the Department of Administration personnel, consultant and negotiating team members. Any additional duties identified in the consultant contract, 4 GCA § 4301, and other pertinent sections that may arise hereafter are also included under these Rules of Procedure.

A. Recording of Meetings. All meetings between the Negotiating Team's consultants and any offerors shall be recorded and be made available to members of the Negotiating Team upon request.

B. Consultant: Consultant is responsible for duties as defined in consultant contract and any amendments thereof.

C. DOA: The Department of Administration is responsible for the following:

1. Preparation of RFP to include comments and recommendations submitted by team members, finalization and issuance of RFP, advertisements, recordings of meetings with team, scheduling and notifications of meetings, compilation of voting sheets of motions

1 made, responding to inquiries posed during the issuance of the
2 RFP as guided by consultant, collection of incoming proposals,
3 review of proposals to ensure for initial compliance as defined in
4 the RFP, preparation of negotiations materials, securing site for
5 negotiations, logistics, communications to carriers as directed by
6 Negotiation Team members and communications to the consultant
7 except during designated official team meetings.

- 8 2. The publication date of the RFP is determined by the Chairperson
9 of the Negotiation Team.

10 D. Negotiation Team Members: Negotiation Team members are responsible
11 for the development of the minimum qualifications for proposals,
12 development of the ranking system used to rank proposals, reviewing
13 proposals upon conclusion of initial review by consultant, examination of
14 the financial information, rating of proposals, determination of qualified
15 carriers after review, approval and recommendation from the consultant
16 and Department of Administration, ranking of carriers, negotiations,
17 development of contractual language requirements, and the final
18 recommendation, after obtaining guidance from the Consultant,
19 Insurance Commissioner and Attorney General, to the Governor for
20 approval.

21 **XVI. Amendment.** These Rules of Procedure may be amended by the
22 Negotiating Team pursuant to the Administrative Adjudication Law, 5 GCA
23 § 9301.

24 **XVII. Compliance With Law.** The Negotiating Team shall retain consultants
25 cognizant of federal and Guam laws as applicable to the provision of health
26 and dental insurance and health and dental services, and as applicable to the

solicitation and acquisition of group health and dental insurance programs
for government employees, retirees, families and survivors.

XVIII. Vice Chairperson. There shall be a Vice Chairperson of the Negotiating
Team chosen from among the members of the Negotiating Team by a
majority vote of the Negotiating Team. The Vice Chairperson shall serve as
Chairperson at any meeting of the Negotiating Team at which the Director
of Administration is unable to attend.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahren Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED BY
TIME 11:28 AM. DATE 11/15/13

Dear Maga'lahi Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

FILE COPY

I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 160-32 (COR)**, "AN ACT TO ADOPT THE RULES OF PROCEDURE FOR THE GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS", was on the 12th day of November 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'laken Guåhan* this 15th day of Nov,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'laken Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 160-32 (COR)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

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Vicente (ben) C. Pangelinan

R. J. Respicio

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO ADOPT THE RULES OF PROCEDURE
FOR THE GOVERNMENT OF GUAM HEALTH
INSURANCE NEGOTIATING TEAM AND THE
CONDUCT OF THE ANNUAL SOLICITATION OF
HEALTH INSURANCE COVERAGE FOR
GOVERNMENT OF GUAM ACTIVE EMPLOYEES,
RETIREES, AND THEIR DEPENDANTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that on July 19, 2013, the Government of Guam Health Insurance Negotiating Team submitted the proposed Rules of Procedure to the Legislature. The authority and mandate to establish the Rules of Procedure is provided for pursuant to §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated. The rules are

1 intended to provide for the orderly and equitable process by which the Negotiating
2 Team *shall* annually seek to acquire healthcare insurance coverage for active and
3 retired government of Guam employees, and their dependants.

4 *I Liheslaturan Guåhan* takes due notice that the annual process relative to
5 the solicitation, receipt, review and contract award process for health insurance
6 coverage is currently being conducted under interim rules of procedure, pending
7 formal legislative action.

8 It is, therefore, the intent of *I Liheslaturan Guåhan* to adopt the Rules of
9 Procedure, appended to this Act as **Exhibit “A”**.

10 **Section 2. Adoption of Rules.** Notwithstanding any other provision of
11 law, rule, regulation and executive order, the Rules of Procedure of the
12 Government of Guam Health Insurance Negotiating Team, and attached hereto as
13 **Exhibit “A”**, are hereby adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan*,
14 and *shall* be codified under a new Chapter 13 of Division 4, Title 2, Guam
15 Administrative Rules and Regulations.

16 **Section 3. Amendment of Rules.** The government of Guam Health
17 Insurance Negotiating Team *shall*, in keeping with the provisions of Article 3 of
18 Chapter 4, Title 4 GCA, and pursuant to Article 3 - rule making procedures, of
19 Chapter 9, Title 5, Guam Code Annotated, review and amend, as *may* be
20 necessary, the Rules of Procedure adopted pursuant to Section 2 of this Act.

21 **Section 4. Severability.** *If* any provision of this Act or its application to
22 any person or circumstance is found to be invalid or contrary to law, such
23 invalidity *shall not* affect other provisions or applications of this Act which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this Act are severable.

26 **Section 5. Effective Date.** This Act *shall* become effective upon its
27 enactment.

1 **Exhibit “A”**

2 **Administrative Rules of Procedure**

3 **FOR**

4 **Government of Guam Health Insurance Negotiating Team**

5 **[Authority: §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated]**

6 **Department of Administration**

7 **PROPOSED - Rules of Procedure for Negotiating Team [as amended in**
8 **response to Public Hearing]**

9 **Approved by Negotiating Team on July 9, 2013.**

10 **I. Authority.** The Negotiating Team for the government of Guam,
11 responsible for the solicitation of group health insurance benefits for
12 employees and retirees of the government, is established by statute.
13 Pursuant to law, the Negotiating Team shall develop its rules of procedure in
14 accordance with the Administrative Adjudication Law. 4 GCA § 4302(c).

1 The responsibilities and roles of the Negotiating Team are those set out by
2 law at Title Four, Chapter Four, Article Three, of the Guam Code Annotated
3 (“Group Benefits Laws”). At any time that these Rules of Procedure come
4 into conflict with the Group Benefits Laws, the Group Benefits Laws shall
5 preempt these rules.

6 **II. Membership.**

7 A. The Negotiating Team is comprised of individuals identified by statute at
8 4 GCA §4302(c).

9 B. The Negotiating Team may obtain technical support from other financial,
10 legal and health-related agencies. The Director of Administration, upon
11 the approval of the Negotiating Team, may invite representatives of
12 government departments, agencies, bureaus and other government
13 entities to Negotiating Team meetings as seen fit to serve as consultants
14 in aid of the Negotiating Team in its duties. No unilateral consultations
15 shall be conducted by the Chairperson or any member of the Negotiating
16 Team nor shall they hold independent meetings or consultations with
17 persons outside of the Negotiating Team and its consultants prior to the
18 conclusion of the Negotiating Team proceedings.

19 C. The Attorney General or his designee shall act as legal advisor during all
20 phases of the solicitation or procurement process for group health
21 insurance benefits for employees and retirees of the government.

22 D. Non-delegation of representation. The following members of the
23 Negotiating Team are not permitted, by law, to delegate to another
24 individual the authority to serve in their stead as a substitute or proxy for
25 purposes of participation in Negotiating Team activities:

26 1. Director of Administration

2. The employee representative of the Judiciary of Guam to be appointed by the Chief Justice of the Supreme Court of Guam.
3. The employee representative of the Legislative Branch to be appointed by the Speaker of *I Liheslaturan Guåhan*.
4. The retiree who is a member of the Government of Guam Retirement Fund appointed by the Board of Trustees of the Government of Guam Retirement Fund.
5. The member of the general public appointed *by I Maga'låhen Guåhan*.

E. Delegation of representation. The following members of the Negotiating Team are permitted, by law, to delegate to another individual the authority to serve in their stead as a substitute or proxy for purposes of participation in Negotiating Team activities:

1. The Administrator of the Department of Integrated Services for Individuals with Disabilities.
2. The Director of the Bureau of Budget and Management Research.
3. The Superintendent of the Department of Education.
4. The Director of the Government of Guam Retirement Fund.
5. The Chairperson of the Committee on Health or the successor committee of *I Liheslaturan Guåhan*.
6. The Chairperson of the Committee on Appropriations, or the successor committee of *I Liheslaturan Guåhan*.

F. Delegation in writing. A member of the Negotiating Team who is permitted, by law, to delegate to another individual the authority to serve in their stead as a substitute or proxy shall designate such delegation in writing and have such written delegation delivered to the Chairperson of

1 the Negotiating Team prior to the delegation being effective. Any
2 member of the Negotiating Team with the authority to delegate shall
3 delegate only one representative for the entire process to ensure for
4 continuity of communications and to safeguard the dissemination of
5 information. A written delegation may be repealed in writing.

6 **III. Voting.**

7 A. Voting Members. The following members of the Negotiating Team are
8 voting members:

- 9
10 1. The Director of Administration, who shall be Chairperson of the
11 Negotiating Team.
- 12 2. The employee representative from the Judicial Branch appointed
13 by the Chief Justice of the Supreme Court of Guam.
- 14 3. The employee representative of the Legislative Branch to be
15 appointed by the Speaker of *I Liheslaturan Guåhan*.
- 16 4. The retiree who is a member of the Government of Guam
17 Retirement Fund to be appointed by the Board of Trustees of the
18 Government of Guam Retirement Fund.
- 19 5. The member of the general public, appointed by *I Maga'låhen*
20 *Guåhan*.
- 21 6. The Administrator of the Department of Integrated Services for
22 Individuals with Disabilities, or his or her designee.
- 23 7. The Director of the Bureau of Budget and Management Research,
24 or his or her designee.
- 25 8. The Superintendent of the Department of Education, or his or her
26 designee.

1 9. The Director of the Government of Guam Retirement Fund, or his
2 or her designee.

3 B. Non-Voting Members. The following members of the Negotiating Team
4 are non-voting members:

5 1. The Chairperson of the Committee on Health or the successor
6 committee of *I Liheslaturan Guåhan*, or his or her designee.

7 2. The Chairperson of the Committee on Appropriations or the
8 successor committee of *I Liheslaturan Guåhan*, or his or her
9 designee.

10 **IV. Confidentiality.** Members, delegates of members, consultants of the
11 Negotiating Team, and applicable Department of Administration staff as
12 determined by the Director of Administration must adhere to the strictest of
13 confidentiality and acknowledge that the proposals received are confidential
14 in nature. Team members, delegates of members, consultants, and
15 applicable Department of Administration staff acknowledge that no
16 information contained in the proposals, meetings or negotiations can be
17 divulged to any person outside of the Negotiating Team. Team members,
18 delegates of members, consultants and applicable Department of
19 Administration staff must sign a confidentiality agreement attesting to such.
20 Confidentiality agreements shall be signed prior to the predetermined
21 meeting date and time for opening proposals referenced in Section IX. A
22 delegate may brief the member of the Negotiating Team who made the
23 delegation about the business of the Negotiating Team but both parties are
24 subject to strict confidentiality throughout the entire process. Copies of all
25 correspondence between the negotiating team and the Judiciary or Governor,
26 shall also be transmitted to the Legislature.

1 **V. No conflict-of-interest.** A member, consultant or advisor of the Negotiating
2 Team that has a conflict of interest (as understood and regulated by 5 GCA
3 §§ 5625-5633) because of a financial interest with an offeror or due to
4 employment of a family member shall recuse him or herself from being a
5 member, consultant or advisor of the Negotiating Team during the pendency
6 of the solicitation. Members, consultants and advisors of the Negotiating
7 Team must sign an affidavit that no conflict of interest exists with any
8 offerors once knowledge of the names of the carriers who submitted
9 proposals is known and prior to receiving any information contained in the
10 proposals. Any member, consultant or advisor who later realizes that a
11 conflict of interest exists must recuse himself or herself from being a
12 member of the Negotiation Team.

13 **VI. Meetings.** Meetings of the Negotiating Team shall be called by the
14 Chairperson, or by a majority of the voting members of the Negotiating
15 Team.

16 A. The Chairperson shall set the time, day and place of meetings with the
17 intent to permit the largest number of voting members of the Negotiating
18 team to attend the meeting. The Chairperson shall establish an agenda
19 for each meeting. The agenda shall be adopted or amended by the
20 Negotiating Team at the start of a meeting.

21 B. Notice of meetings of the Negotiating Team shall be provided to each
22 member of the Negotiating Team in writing, by business email, and by
23 other acceptable written or telephonic format as may be determined by
24 the Negotiating Team from time to time, at least one business day in
25 advance of the meeting.

1 C. Notwithstanding the foregoing, the Negotiating Team, at a properly
2 noticed meeting with a quorum present, may adjourn its business and
3 schedule a subsequent meeting for a time, day and place certain even
4 though notice as prescribed here cannot be given one business day before
5 the meeting. Nonetheless, written notice, by business email of such
6 subsequent meeting shall be provided to each member. Nothing here
7 prohibits additional forms of providing notice to ensure that all members
8 receive actual notice of a scheduled meeting.

9 D. The Chairperson is responsible for providing timely notice to all
10 members of the Negotiating Team of each meeting, as provided for in
11 this rule.

12 **VII. Quorum.** The Negotiating Team may conduct official business if a quorum
13 of its voting members is present at any properly noticed meeting. A quorum
14 of the Negotiating Team is seven (7) voting members.

15 **VIII. Decisions.** At any properly noticed meeting of the Negotiating Team where
16 a quorum is present, the Negotiating Team shall make decisions based upon
17 an affirming vote of at least five (5) of the voting members present, after a
18 motion is made by any member, and seconded by any other member. In any
19 circumstance, a failure to get an affirming vote of at least five (5) of the
20 voting members present shall mean that the motion being voted on fails for
21 lack of a majority. Upon the casting of votes, team members shall sign off
22 on a voting sheet to document the decision made.

23 **IX. Opening of Proposals.** Provisions shall be made in each Request For
24 Proposals that establish the process for receiving proposals, documenting the
25 reception of proposals, the initial opening of proposals to ensure a proper
26 count, documenting the count, and for adequately securing proposals

received so that they shall only be viewed by persons having legitimate access to proposals. Provisions made for the initial opening of proposals may include the involvement of the Negotiating Team and/or representatives of offerors, as determined by the Negotiating Team and set out in the Request For Proposals.

X. Communication by Offerors and Sub-contractors. Unsolicited

communication by offerors and sub-contractors by phone, mobile phone, email, or any other mode of delivery about any facet of the RFP prior to negotiations is prohibited and may result in disqualification of proposals of any offending offeror. Prior to disqualification, the Negotiating Team shall request the Attorney General's office to conduct an investigation to verify the veracity of such communication and shall provide its recommendation to the negotiating team for action.

XI. Authority to Clarify Proposals. The Negotiation Team shall request any documents or information for any proposals received and deemed to be non-responsive or not qualified that will cause said proposals to be responsive and qualified. A proposal shall only be disqualified or rejected if any offeror fails to submit the requested information to the Negotiating Team within three business days after request.

XII. Proceeding to the Next Phase. After the conclusion of each phase identified in the RFP, Team Members must acknowledge, via signature, such approval or disapproval to proceed to the next phase.

XIII. Weighting and Ranking. During the planning stage of each solicitation for group health and dental insurance, the Negotiating Team shall establish the processes and mechanisms for evaluating proposals submitted in response to a solicitation for the purpose of the ultimate ranking of proposals, to include

1 the factors to be evaluated, the weighting of the various factors, the process
2 of scoring the evaluation factors, the development of a scoring sheet or
3 sheets, and all other processes that lead to the ultimate ranking of proposals.
4 The Negotiating Team, and each Team member, shall follow the evaluation
5 process developed for a given solicitation and as set out in the Request For
6 Proposals for that solicitation.

7 **XIV. Review and Audit.** The Negotiating Team reserves the right and obligation
8 to review and audit its evaluation determination during the solicitation
9 process, consistent with the instructions and procedures provided for in a
10 Request For Proposals, Guam law, and regulations.

11 **XV. Roles of Team Members.** The following are the responsibilities of the
12 Department of Administration personnel, consultant and negotiating team
13 members. Any additional duties identified in the consultant contract, 4 GCA
14 § 4301, and other pertinent sections that may arise hereafter are also
15 included under these Rules of Procedure.

16 **A. Recording of Meetings.** All meetings between the Negotiating Team's
17 consultants and any offerors shall be recorded and be made available to
18 members of the Negotiating Team upon request.

19 **B. Consultant:** Consultant is responsible for duties as defined in consultant
20 contract and any amendments thereof.

21 **C. DOA:** The Department of Administration is responsible for the
22 following:

- 23 1. Preparation of RFP to include comments and recommendations
24 submitted by team members, finalization and issuance of RFP,
25 advertisements, recordings of meetings with team, scheduling and
26 notifications of meetings, compilation of voting sheets of motions

1 made, responding to inquiries posed during the issuance of the
2 RFP as guided by consultant, collection of incoming proposals,
3 review of proposals to ensure for initial compliance as defined in
4 the RFP, preparation of negotiations materials, securing site for
5 negotiations, logistics, communications to carriers as directed by
6 Negotiation Team members and communications to the consultant
7 except during designated official team meetings.

- 8 2. The publication date of the RFP is determined by the Chairperson
9 of the Negotiation Team.

10 D. Negotiation Team Members: Negotiation Team members are responsible
11 for the development of the minimum qualifications for proposals,
12 development of the ranking system used to rank proposals, reviewing
13 proposals upon conclusion of initial review by consultant, examination of
14 the financial information, rating of proposals, determination of qualified
15 carriers after review, approval and recommendation from the consultant
16 and Department of Administration, ranking of carriers, negotiations,
17 development of contractual language requirements, and the final
18 recommendation, after obtaining guidance from the Consultant,
19 Insurance Commissioner and Attorney General, to the Governor for
20 approval.

21 **XVI. Amendment.** These Rules of Procedure may be amended by the
22 Negotiating Team pursuant to the Administrative Adjudication Law, 5 GCA
23 § 9301.

24 **XVII. Compliance With Law.** The Negotiating Team shall retain consultants
25 cognizant of federal and Guam laws as applicable to the provision of health
26 and dental insurance and health and dental services, and as applicable to the

1 solicitation and acquisition of group health and dental insurance programs
2 for government employees, retirees, families and survivors.

3 **XVIII. Vice Chairperson.** There shall be a Vice Chairperson of the Negotiating
4 Team chosen from among the members of the Negotiating Team by a
5 majority vote of the Negotiating Team. The Vice Chairperson shall serve as
6 Chairperson at any meeting of the Negotiating Team at which the Director
7 of Administration is unable to attend.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
November 12, 2013

Bill No. 160-32 (COR)
As amended on the Floor.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

I = Pass


Clerk of the Legislature



SENATOR DENNIS G. RODRIGUEZ, JR.

October 31, 2013

Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina' Trental Dos Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 160-32 (COR)

Dear Speaker Won Pat:

- Transmitted herewith, for your consideration, is the **Committee Report on BILL 160-32(COR)- An act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependants.** Introduced by Sen. Dennis G. Rodriguez, Jr., and referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens. Bill No. 160-32 (COR) was publicly heard on August 1, 2013.

Committee votes are as follows:

<u>06</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	ABSTAIN
<u>03</u>	TO REPORT OUT ONLY
<u>0</u>	TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

2013 NOV 14 AM 10:01

Attachments

**COMMITTEE REPORT
ON**

BILL NO. 160-32 (COR)

Sponsored by Senator Dennis G. Rodriguez, Jr.

An act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependants.



SENATOR DENNIS G. RODRIGUEZ, JR.

October 31, 2013

MEMORANDUM

To: ALL MEMBERS
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens.

From: Senator Dennis G. Rodriguez, Jr. *DR*
Committee Chairperson

Subject: Committee Report on Bill no. 160-32 (COR)

Transmitted herewith, for your consideration, is the **Committee Report on BILL 160-32(COR)- An act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependants. Introduced by Sen. Dennis G. Rodriguez, Jr.**

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 160-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 160-32 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

BILL 160-32(COR)- An act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependants. Introduced by Sen. Dennis G. Rodriguez, Jr.,

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 10/21				
V. ANTHONY ADA Vice Chairman		10/31				
JUDITH T. WON PAT, Ed.D. Speaker (Ex-officio)		10/31/13				
BENJAMIN J. F. CRUZ Vice-Speaker						
TINA ROSE MUNA-BARNES Legislative Secretary						
FRANK B. AGUON, Jr.						
VICENTE C. PANGELINAN						
RORY J. RESPICIO		10/31/13				
ALINE A. YAMASHITA, Ph.D.						
THOMAS MORRISON					✓ 10/31/13	
MICHAEL LIMTIACO					✓	
BRANT T. MCCREADIE					✓ 10/31-13	
CHRISTOPHER M. DUENAS						



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 160-32 (COR)

- I. OVERVIEW:** The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens conducted a public hearing on August 1, 2013. The hearing convened at 11:04AM in 1 Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL 160-32(COR)-An act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependants. Introduced by Sen. Dennis G. Rodriguez, Jr.**

II. Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on July 25, 2013 (5-day notice), and again on July 30, 2013 (48-hour notice).

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator V. Anthony Ada	Vice-Chairman
Senator Vicente Pangelinan	Committee Member
Senator Rory J. Respicio	Committee Member
Senator Thomas Morrison	Committee Member
Senator Brant McCreadie	Committee Member
Senator Aline Yamashita, Ph.D.	Committee Member

The public hearing on agenda item Bill No. 160-32 (COR) was called to order at 11:04AM.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Sen. Rodriguez: What this legislation does is adopt the rules and procedures for the negotiating team for the government. This document was transmitted to the legislature on July 19 and a few days later we introduced this, Bill 160. We have before us the negotiating team.

Benita Manglona: We submitted that and we hope the legislature will adopt the rules that we submitted without changes. We went through the deliberation process and went through each item on the rules and we conducted a hearing and took into consideration the testimonies. I ask all the members of the team to be present because this was a team effort and we worked hard to put those rules together.



SENATOR DENNIS G. RODRIGUEZ, JR.

Sen. Rodriguez: I just want to state for the record that the negotiating team has been actively engaged

Benita Manglona: That's correct. We have been meeting regularly since February 1st. We were working on the rules and developing the RFP because time is of the essence and we want to ensure that we do have a new contract for this upcoming year.

So this is something that what you are working off of now?

That's correct; we adopted that as our interim rules.

Senators there anyone else that wishes to provide testimony?

John Wiesenberger: Senator, I just want to say that I am here I am an Assistant Attorney General assigned to represent the negotiating team and I am here in that capacity and had it cleared by the office.

Sen. Respicio: This is a follow up to how you are operating. You said these rules are being used as your guideline and waiting for approval by the legislature.

Benita Manglona: That is correct.

Sen. Respicio: Attorney General, is that proper?

John Wiesenberger: With all due respect, I am going to advise the team in front of the legislature that any questions that go into this, we are really not at liberty to discuss, though I appreciate that frustrates you, but the question has been answered. We are using the existing rules as the interim rules for the process that is taking place at this time and since it is a procurement process taking place we are really not at liberty to discuss that.

Sen. Respicio: So if you are doctoring the rules, why are you involving the legislature?

John Wiesenberger: I think it is fair to say that we are following what the law requires.

What if the law requires that you follow the rules that have properly been adopted? I don't want to frustrate your process, I know that you have a difficult task ahead of you and I know that it presents a situation as you pointed out, you want to move forward, but you also want to move forward properly and how do you ask the legislature for authority to adopt these when you are using these to operate already?

John Wiesenberger: We cannot answer the question because it specifically goes to the ongoing procurement.

Sen. Respicio: To which there is existing protest?



SENATOR DENNIS G. RODRIGUEZ, JR.

John Wiesenberger: There is no protest, but we can't comment on the ongoing procurement.

Sen. Respicio: But what is the status of the current health insurance?

John Wiesenberger: It's ongoing. It's in procurement.

Sen. Respicio: And in a month it will be moot?

John Wiesenberger: When there is an award made, anyone on the team can answer questions.

Sen. Respicio: I appreciate that, but if you want to be cautious about it, shouldn't you stop the current negotiating process until such time that the legislature adopts the rules by which you are supposed to operate?

John Wiesenberger: We cannot answer that question.

Sen. Respicio: You will be even more sorry if there is a protest at the end of this road.

John Wiesenberger: That goes directly to the question, of the ongoing procurement.

Sen. Respicio: Let me ask you another hypothetical question. So you're operating under these rules, and maybe that's why you're begging the legislature not change a single word. What if they were changed by the legislature?

John Wiesenberger: I would presume the team will follow the rules adopted by the legislature.

Sen. Respicio: But then you change the rules and that would cause concern to all the other bidders.

John Wiesenberger: Hypothetically, that goes to the ongoing process Senator.

Sen. Respicio: Which you can't comment on?

John Wiesenberger: Which I can't comment on. Each member of the team, including myself has signed a confidentiality agreement.

Sen. Respicio: We are not talking about the details of what you are discussing, we are just talking about procedure.

John Wiesenberger: The hypothetical, goes to the existing ongoing procurement and senator, please understand that if there were a protest that were to occur, any comment made by this team at the juncture regarding the very questions you're asking us, puts us in a difficult position.

Sen. Respicio: Except my comments right? So I can keep talking?

John Wiesenberger: You're welcome to comment as you would like sir.



SENATOR DENNIS G. RODRIGUEZ, JR.

Sen. Respicio: It goes to show, who cares what the legislature thinks. Whether it's this process or any other process that you see. That's the issue that the chairman raised.

John Wiesenberger: The law that requires the rules and procedures was adopted in 1998 and this team for the first time has taken the necessary steps to draft and forward them to the legislature as required by law, so I would just say that some credit should be given to the negotiating team for doing what no negotiating team has ever done.

Sen. Respicio: I did acknowledge your hard work and the challenges before you, but I'm a process guy and I have always maintained that if you have a good process it doesn't matter because the outcome will take care of itself. So if you are going down this parallel track, the way you're operating under these rules that you are hoping for us to adopt, yet there is something in this process. What if the legislature changes these and it's like trains collided? I just wanted to raise these issues.

Sen. Pangelinan: John, since you are the legal advisor of the team, you had a large hand in drafting the proposals, can you tell me that the proposed rules and laws relative to the conducting of the health negotiating teams. These positions of the team are all in compliance with current law?

John Wiesenberger: Thank you for the question. To the best of our ability, yes. I believe that the rules that the negotiating team has submitted to the legislature are consistent with both Title 4 and Title 5, to the extent that it was appropriate, I believe that the team cited the laws, both in the rules or in the report to the legislature or I think they went to some extent to try to advise the legislature of the laws that might have that affect on the rules. So, yes, we attempted our best we could to be consistent with what the law requires.

Is there anything else the team put in place that may not be specific in law, but may not be contrary to the law? For example, the legislature passed the bill the year before, that required the contract be approved by the legislature. And there is also a process in which the recommendation of the committee goes to the governor for approval and signature, in terms of who gets the contract. Looking at those laws, does the fact that the contract gets to be approved by the legislature, would it also be appropriate that the recommendation of the committee be also given to the legislature?

John Wiesenberger: Exhibit "T" in submission to the legislature in the opinion of the Attorney General, specific to that section of the law that required that this team would submit any contract to the legislature for approval, the opinion of the AG is that provision of the law is inorganic and that only the governor is to approve contracts. So it is fair to say, as for that provision of the law, these rules are inconsistent with the law, because it is our understanding that when the AG ruled that section to be inorganic it was ineffective. Presumably the legislature would have a remedy or if it is correct to ask the superior court to ask the following. It has been my recommendation to the negotiating team that to that specific portion of the law, PL 30-277, and codified in GCA 4203C,



SENATOR DENNIS G. RODRIGUEZ, JR.

limited to only that part of the law that requires the submission of the contracts of the proposals to the legislature for approval.

I wonder what the governor thinks of that?

John Wiesenberger: I never had the opportunity to speak to him on that.

Sen. Pangelinan: Has anyone on the team had a chance to speak to him on that? No? Would it be appropriate for the recommendation that is sent by the team, cause the legislature has to fund the contract, the AG's opinion was that you could fund it beyond the appropriations level, so shouldn't it be notified of what the recommendation is and at the same time the governor is to see that there is adequate funding for that contract.

It makes sense and in that same law, there is a deadline of July 31, which the negotiating team did not make this year and trying to get that resolved by July 31st and clearly intending to get that and from the legislature to know what the cost of health insurance would be.

That would not be inorganic?

John Wiesenberger: That is not organic.

I meant giving the legislature the recommendation, that is finalized and approved by the negotiation committee.

Subsequent public law, provided that 2 members of the legislature to be members of the negotiating team.

But you require us to sign a confidentiality agreement so we can't tell anybody else, so what good is it?

John Wiesenberger: This is my suggestion, we've discussed this amongst ourselves and it is a bit of a dilemma. It might make sense for representatives of the legislature and of the executive branch to sit down and look at how the law might be amended to accommodate that and invite the attorney general to make sure that the organic issues are resolved because it is a potential problem that deserves a solution. If the contract is approved and the government can't afford to fund it then we've created a problem.

Sen. Pangelinan: Is there anything in the law now that prevents, once the final recommendation is reached, being transmitted to the legislature?

I think that is the dilemma, the procurement law keeps that information confidential until there has been an award. I think it is a problem that could be addressed with branches of government coming together.



SENATOR DENNIS G. RODRIGUEZ, JR.

Don't you think that would be a usurpation of the legislatures appropriation authority for the governor to enter into the contract?

John Wiesenberger: It would be and where we are again when timing is critical, presumably the government isn't executing the contract until there has been an appropriation, which is what physically occurred in the past. The appropriation is made and that then allows us to execute the contract.

Sen. Pangelinan: On the appropriation level?

John Wiesenberger: I don't think so.

Sen. Pangelinan: But it did.

John Wiesenberger: Historically, that may have happened in the past.

Sen. Pangelinan: John can you send me the legal opinion, you say that an award is defined when a contract is executed, not when it's a notice to proceed or notice of award? Because the governor can take years to sign a contract.

John Wiesenberger: I'm not sure that there is a specific document or an opinion or a collection of advice given over the years, but let me see what I can do.

Sen. Pangelinan: Because I know that the health insurance contract itself wasn't signed for years.

John Wiesenberger: There are times in the past when that did happen and the contract was not signed prior to October 1st, correct.

Sen. Pangelinan: Or even prior to September 30th, the end of the fiscal year when all sums were paid out in terms of the contract.

John Wiesenberger: I would simply point out that this particular group has never started the process sooner to avoid those deadlines and experiences.

Sen. Pangelinan: I have not attended personally the negotiating team meetings, but I have followed all of the correspondence that affects the negotiation process so I am aware of the internal discussions and last year I listened to the recordings so I know what is going on, I just don't think that I want to separate my role in the separation of powers issue, that's my own personal philosophy and that's why I haven't attended the meetings, but I have been following them. I do want to say that the discussions of this negotiating team are exhaustive and detailed so I do want to commend the team for their diligence and service. I do want to express my congratulations and you don't receive a stipend so that speaks of the true public service that occurs with regards to the work.



SENATOR DENNIS G. RODRIGUEZ, JR.

Sen. Rodriguez: I know how hard it is to sit in at that committee and I want to acknowledge and I think I have publicly already the work of this years team. You guys are moving forward and I want to congratulate and commend you guys.

John, how important is it for us to pass this now, when the process has began.

John Wiesenberger: I have to answer your question the same way I answered Senator Respicio's.

Sen. Rodriguez: I guess the fact that you submitted it, when you transmitted it, we can take it as a signal that it's important to pass and to have it approved by this legislature.

John Wiesenberger: Since it's 13 years late, the sooner the better.

Sen. Rodriguez: You could've waited til after, but you didn't so we'll take that as a sign to pass it through.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 160-32 (COR).

Fiscal Note: Request attached

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens hereby reports out **Bill No. 160-32 (COR)**, with the recommendation to

Report out only

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

Bill No. 160 -32 (COR.)

Introduced by:

D.G. RODRIGUEZ, JR. *CV*

**AN ACT TO ADOPT THE RULES OF PROCEDURE FOR
GOVERNMENT OF GUAM HEALTH INSURANCE
NEGOTIATING TEAM AND THE CONDUCT OF THE
ANNUAL SOLICITATION OF HEALTH INSURANCE
COVERAGE FOR GOVERNMENT OF GUAM ACTIVE
EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that on July 19, 2013, the Government of Guam Health Insurance Negotiating Team has submitted the proposed Rules of Procedure to the Legislature. The authority and mandate to establish the rules of procedure is provided for pursuant to §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated. The rules are intended to provide for the orderly and equitable process by which the Negotiating Team shall annually seek to acquire healthcare insurance coverage for active and retired government of Guam employees and their dependants.

I Liheslaturan Guåhan takes due notice that the annual process relative to the solicitation, receipt, review and contract award process for health insurance coverage is currently being conducted under *interim rules of procedure*, pending formal legislative action.

It is, therefore, the *intent* of *I Liheslaturan Guåhan* to adopt the Rules of Procedures appended to this Act as Exhibit "A".

1 **Section 2. Adoption of Rules.** Notwithstanding any other provision of law,
2 rule, regulation and Executive Order, the Rules of Procedure of the Government of
3 Guam Health Insurance Negotiating Team, and attached hereto as Exhibit "A", are
4 hereby adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan*, and shall be
5 codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative
6 Rules and Regulations.

7 **Section 3. Amendment of Rules.** The government of Guam Health
8 Insurance Negotiating Team *shall*, in keeping with the provisions of Article 3 of
9 Chapter 4, 4 GCA, and pursuant to Article 3- rule making procedures, of Chapter
10 9, Title 5, Guam Code Annotated, review and amend, as may be necessary, the
11 Rules of Procedure adopted pursuant to section 2 of this Act.

12 **Section 4. Severability.** *If* any provision of this Act or its application to
13 any person or circumstance is found to be invalid or contrary to law, such
14 invalidity shall *not* affect other provisions or applications of this Act which can be
15 given effect without the invalid provisions or application, and to this end the
16 provisions of this Act are severable.

17 **Section 5. Effective Date.** This Act shall become immediately effective
18 upon enactment.

Exhibit “A”

Administrative Rules of Procedure

FOR

Government of Guam Health Insurance Negotiating Team

[Authority: §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated]

Department of Administration

PROPOSED - Rules of Procedure for Negotiating Team [as amended in response to Public Hearing]

Approved by Negotiating Team on July 9, 2013.

I. Authority. The Negotiating Team for the government of Guam, responsible for the solicitation of group health insurance benefits for employees and retirees of the government, is established by statute. Pursuant to law, the Negotiating Team shall develop its rules of procedure in accordance with the Administrative Adjudication Law, 4 GCA § 4302(c). The responsibilities and roles of the Negotiating Team are those set out by law at Title Four, Chapter Four, Article Three, of the Guam Code Annotated ("Group Benefits Laws"). At any time that these Rules of Procedure come into conflict with the Group Benefits Laws, the Group Benefits Laws shall preempt these rules.

II. Membership.

A. The Negotiating Team is comprised of individuals identified by statute at 4 GCA §4302(c).

B. The Negotiating Team may obtain technical support from other financial, legal and health-related agencies. The Director of Administration, upon the approval of the Negotiating Team, may invite representatives of government departments, agencies, bureaus and other government entities to Negotiating Team meetings as seen fit to serve as consultants in aid of the Negotiating Team in its duties. No unilateral consultations shall be conducted by the Chairperson or any member of the Negotiating Team nor shall they hold independent meetings or consultations with

1 persons outside of the Negotiating Team and its consultants prior to the
2 conclusion of the Negotiating Team proceedings.

3 C. The Attorney General or his designee shall act as legal advisor during all
4 phases of the solicitation or procurement process for group health
5 insurance benefits for employees and retirees of the government.

6 D. Non-delegation of representation. The following members of the
7 Negotiating Team are not permitted, by law, to delegate to another
8 individual the authority to serve in their stead as a substitute or proxy for
9 purposes of participation in Negotiating Team activities:

- 10 1. Director of Administration
- 11 2. The employee representative of the Judiciary of Guam to be
12 appointed by the Chief Justice of the Supreme Court of Guam.
- 13 3. The employee representative of the Legislative Branch to be
14 appointed by the Speaker of *I Liheslaturan Guåhan*.
- 15 4. The retiree who is a member of the Government of Guam
16 Retirement Fund appointed by the Board of Trustees of the
17 Government of Guam Retirement Fund.
- 18 5. The member of the general public appointed *by I Maga'låhen*
19 *Guåhan*.

20 E. Delegation of representation. The following members of the Negotiating
21 Team are permitted, by law, to delegate to another individual the
22 authority to serve in their stead as a substitute or proxy for purposes of
23 participation in Negotiating Team activities:

- 24 1. The Administrator of the Department of Integrated Services for
25 Individuals with Disabilities.
- 26 2. The Director of the Bureau of Budget and Management Research.

3. The Superintendent of the Department of Education.
4. The Director of the Government of Guam Retirement Fund.
5. The Chairperson of the Committee on Health or the successor committee of *I Liheslaturan Guåhan*.
6. The Chairperson of the Committee on Appropriations, or the successor committee of *I Liheslaturan Guåhan*.

F. Delegation in writing. A member of the Negotiating Team who is permitted, by law, to delegate to another individual the authority to serve in their stead as a substitute or proxy shall designate such delegation in writing and have such written delegation delivered to the Chairperson of the Negotiating Team prior to the delegation being effective. Any member of the Negotiating Team with the authority to delegate shall delegate only one representative for the entire process to ensure for continuity of communications and to safeguard the dissemination of information. A written delegation may be repealed in writing.

III. Voting.

A. Voting Members. The following members of the Negotiating Team are voting members:

1. The Director of Administration, who shall be Chairperson of the Negotiating Team.
2. The employee representative from the Judicial Branch appointed by the Chief Justice of the Supreme Court of Guam.
3. The employee representative of the Legislative Branch to be appointed by the Speaker of *I Liheslaturan Guåhan*.

- 1 4. The retiree who is a member of the Government of Guam
2 Retirement Fund to be appointed by the Board of Trustees of the
3 Government of Guam Retirement Fund.
- 4 5. The member of the general public, appointed *by I Maga'låhen*
5 *Guåhan*.
- 6 6. The Administrator of the Department of Integrated Services for
7 Individuals with Disabilities, or his or her designee.
- 8 7. The Director of the Bureau of Budget and Management Research,
9 or his or her designee.
- 10 8. The Superintendent of the Department of Education, or his or her
11 designee.
- 12 9. The Director of the Government of Guam Retirement Fund, or his
13 or her designee.

14 B. Non-Voting Members. The following members of the Negotiating Team
15 are non-voting members:

- 16 1. The Chairperson of the Committee on Health or the successor
17 committee *of I Liheslaturan Guåhan*, or his or her designee.
- 18 2. The Chairperson of the Committee on Appropriations or the
19 successor committee *of I Liheslaturan Guåhan*, or his or her
20 designee.

21 **IV. Confidentiality.** Members, delegates of members, consultants of the
22 Negotiating Team, and applicable Department of Administration staff as
23 determined by the Director of Administration must adhere to the strictest of
24 confidentiality and acknowledge that the proposals received are confidential
25 in nature. Team members, delegates of members, consultants, and
26 applicable Department of Administration staff acknowledge that no

1 information contained in the proposals, meetings or negotiations can be
2 divulged to any person outside of the Negotiating Team. Team members,
3 delegates of members, consultants and applicable Department of
4 Administration staff must sign a confidentiality agreement attesting to such.
5 Confidentiality agreements shall be signed prior to the predetermined
6 meeting date and time for opening proposals referenced in Section IX. A
7 delegate may brief the member of the Negotiating Team who made the
8 delegation about the business of the Negotiating Team but both parties are
9 subject to strict confidentiality throughout the entire process.

10 **V. No conflict-of-interest.** A member, consultant or advisor of the Negotiating
11 Team that has a conflict of interest (as understood and regulated by 5 GCA
12 §§ 5625-5633) because of a financial interest with an offeror or due to
13 employment of a family member shall recuse him or herself from being a
14 member, consultant or advisor of the Negotiating Team during the pendency
15 of the solicitation. Members, consultants and advisors of the Negotiating
16 Team must sign an affidavit that no conflict of interest exists with any
17 offerors once knowledge of the names of the carriers who submitted
18 proposals is known and prior to receiving any information contained in the
19 proposals. Any member, consultant or advisor who later realizes that a
20 conflict of interest exists must recuse himself or herself from being a
21 member of the Negotiation Team.

22 **VI. Meetings.** Meetings of the Negotiating Team shall be called by the
23 Chairperson, or by a majority of the voting members of the Negotiating
24 Team.

25 A. The Chairperson shall set the time, day and place of meetings with the
26 intent to permit the largest number of voting members of the Negotiating

1 team to attend the meeting. The Chairperson shall establish an agenda
2 for each meeting. The agenda shall be confirmed by the Negotiating
3 Team at the start of a meeting.

4 B. Notice of meetings of the Negotiating Team shall be provided to each
5 member of the Negotiating Team in writing, by business email, and by
6 other acceptable written or telephonic format as may be determined by
7 the Negotiating Team from time to time, at least one business day in
8 advance of the meeting.

9 C. Notwithstanding the foregoing, the Negotiating Team, at a properly
10 noticed meeting with a quorum present, may adjourn its business and
11 schedule a subsequent meeting for a time, day and place certain even
12 though notice as prescribed here cannot be given one business day before
13 the meeting. Nonetheless, written notice, by business email of such
14 subsequent meeting shall be provided to each member. Nothing here
15 prohibits additional forms of providing notice to ensure that all members
16 receive actual notice of a scheduled meeting.

17 D. The Chairperson is responsible for providing timely notice to all
18 members of the Negotiating Team of each meeting, as provided for in
19 this rule.

20 **VII. Quorum.** The Negotiating Team may conduct official business if a quorum
21 of its voting members is present at any properly noticed meeting. A quorum
22 of the Negotiating Team is seven (7) voting members.

23 **VIII. Decisions.** At any properly noticed meeting of the Negotiating Team where
24 a quorum is present, the Negotiating Team shall make decisions based upon
25 an affirming vote of at least five (5) of the voting members present, after a
26 motion is made by any member, and seconded by any other member. In any

1 circumstance, a failure to get an affirming vote of at least five (5) of the
2 voting members present shall mean that the motion being voted on fails for
3 lack of a majority. Upon the casting of votes, team members shall sign off
4 on a voting sheet to document the decision made.

5 **IX. Opening of Proposals.** Provisions shall be made in each Request For
6 Proposals that establish the process for receiving proposals, documenting the
7 reception of proposals, the initial opening of proposals to ensure a proper
8 count, documenting the count, and for adequately securing proposals
9 received so that they shall only be viewed by persons having legitimate
10 access to proposals. Provisions made for the initial opening of proposals
11 may include the involvement of the Negotiating Team and/or representatives
12 of offerors, as determined by the Negotiating Team and set out in the
13 Request For Proposals.

14 **X. Authority to Clarify Proposals.** The Negotiation Team shall request any
15 documents or information for any proposals received and deemed to be non-
16 responsive or not qualified that will cause said proposals to be responsive
17 and qualified. A proposal shall only be disqualified or rejected if any offeror
18 fails to submit the requested information to the Negotiating Team within
19 three business days after request.

20 **XI. Proceeding to the Next Phase.** After the conclusion of each phase
21 identified in the RFP, Team Members must acknowledge, via signature, such
22 approval or disapproval to proceed to the next phase.

23 **XII. Weighting and Ranking.** During the planning stage of each solicitation for
24 group health and dental insurance, the Negotiating Team shall establish the
25 processes and mechanisms for evaluating proposals submitted in response to
26 a solicitation for the purpose of the ultimate ranking of proposals, to include

1 the factors to be evaluated, the weighting of the various factors, the process
2 of scoring the evaluation factors, the development of a scoring sheet or
3 sheets, and all other processes that lead to the ultimate ranking of proposals.
4 The Negotiating Team, and each Team member, shall follow the evaluation
5 process developed for a given solicitation and as set out in the Request For
6 Proposals for that solicitation.

7 **XIII. Review and Audit.** The Negotiating Team reserves the right and obligation
8 to review and audit its evaluation determination during the solicitation
9 process, consistent with the instructions and procedures provided for in a
10 Request For Proposals, Guam law and regulations.

11 **XIV. Roles of Team Members.** The following are the responsibilities of the
12 Department of Administration personnel, consultant and negotiating team
13 members. Any additional duties identified in the Consultant contract, 4
14 GCA, § 4301 and other pertinent sections that may arise hereafter are also
15 included under these Rules of Procedures.

16 A. Consultant: Consultant is responsible for duties as defined in consultant
17 contract and any amendments thereof.

18 B. DOA: The Department of Administration is responsible for the
19 following:

- 20 1. Preparation of RFP to include comments and recommendations
21 submitted by team members, finalization and issuance of RFP,
22 advertisements, recordings of meetings with team, scheduling and
23 notifications of meetings, compilation of voting sheets of motions
24 made, responding to inquiries posed during the issuance of the
25 RFP as guided by consultant, collection of incoming proposals,
26 review of proposals to ensure for initial compliance as defined in

1 the RFP, preparation of negotiations materials, securing site for
2 negotiations, logistics, communications to carriers as directed by
3 Negotiation Team members and communications to the consultant
4 except during designated official team meetings.

5 2. The publication date of the RFP is determined by the Chairperson
6 of the Negotiation Team.

7 C. Negotiation Team Members: Negotiation Team members are responsible
8 for the development of the minimum qualifications for proposals,
9 development of the ranking system used to rank proposals, reviewing
10 proposals upon conclusion of initial review by consultant, examination of
11 the financial information, rating of proposals, determination of qualified
12 carriers after review, approval and recommendation from the consultant
13 and Department of Administration, ranking of carriers, negotiations,
14 development of contractual language requirements, and the final
15 recommendation, after obtaining guidance from the Consultant,
16 Insurance Commissioner and Attorney General, to the Governor for
17 approval.

18 **XV. Amendment.** These Rules of Procedure may be amended by the
19 Negotiating Team pursuant to the Administrative Adjudication Law, 5 GCA
20 § 9301.

21 **XVI. Compliance With Law.** The Negotiating Team shall retain consultants
22 cognizant of Federal and Guam laws as applicable to the provision of health
23 and dental insurance and health and dental services, and as applicable to the
24 solicitation and acquisition of group health and dental insurance programs
25 for government employees, retirees, families and survivors.

1 **XVII. Vice Chairperson.** There shall be a Vice Chairperson of the Negotiating
2 Team chosen from among the members of the Negotiating Team by a
3 majority vote of the Negotiating Team. The Vice Chairperson shall serve as
4 Chairperson at any meeting of the Negotiating Team at which the Director
5 of Administration is unable to attend.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
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Legislative Secretary
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Senator
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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of

Fiscal Note Requirement

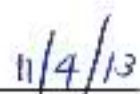
This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 160-32 (COR) – "AN ACT TO ADOPT THE RULES OF PROCEDURE FOR GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS."** – on November 4, 2013. COR hereby certifies that BBMR confirmed receipt of this request on July 26, 2013 at 9:38 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 160-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules



Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

July 26, 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. 158-160(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'ase' for your attention to this matter.

Very Truly Yours,

Senator Thomas C. Ada
Acting Chairperson of the Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 JUL 26 AM 11:42

Bill Nos.	Sponsor	Title
158-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO REQUIRE EACH AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT OF GUAM TO DETERMINE PAYMENTS THAT CAN BE MADE THROUGH ITS WEBSITE AND TO REQUIRE THE BUREAU OF INFORMATION TECHNOLOGY TO ESTIMATE THE COST OF IMPLEMENTING SUCH ONLINE PAYMENTS.
159-32 (COR)	T.A. Morrison T.R. MUÑA Barnes B.J.F. Cruz	AN ACT TO AMEND SUBSECTION II. AG. OF SECTION 2 OF CHAPTER I, AND TO ADD A NEW SECTION 19 TO CHAPTER X BOTH OF PUBLIC LAW 31-233 (GENERAL APPROPRIATIONS ACT OF 2013) MAKING AN APPROPRIATION FROM THE TOURIST ATTRACTION FUND (TAF) TO THE GUAM VISITORS BUREAU (GVB) FOR THE HUMATAK COMMUNITY FOUNDATION (HCF), INC. FOR THE PURPOSES OF DEVELOPING THE HUMATAK HERITAGE VILLAGE MUSEUM (HHVM).
160-32 (COR)	Dennis G. Rodriguez, Jr.,	AN ACT TO ADOPT THE RULES OF PROCEDURE FOR GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.



COMMITTEE ON RULES

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MINORITY LEADER


Senator
Aline Yamashita
Member

July 25, 2013

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 160-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 160-32(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
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
160-32 (COR)	Dennis G. Rodriguez, Jr.,	AN ACT TO ADOPT THE RULES OF PROCEDURE FOR GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.	7/24/13 5:02 p.m.	07/25/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens			



Joseph Anthony Mesigon <jmesigon.senator@rodriguez@gmail.com>

FIRST NOTICE OF PUBLIC HEARING- AUGUST 1, 2013

1 message

Nicole Cruz <nicole@toduguam.com>

Thu, Jul 25, 2013 at 4:24 PM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE OF PUBLIC HEARING- AUGUST 1, 2013

Buenas yan Hafa Adai.

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for Thursday, August 1, 2013.

Please see attached document for the Bills, Appointments, and Public Hearing notice. Should you have any questions, please contact our office. Thank you and I look forward to your presence and participation.

—
Regards,
Nicole Cruz

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: nicole@toduguam.com


Website: www.toduguam.com


This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.


By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.


6 attachments


 **Bill No. 90-32 (COR) tmb HISTORY.pdf**
151K

 **Bill No. 160-32 (COR) dgr HISTORY.pdf**
588K

 **Alexis Silverio Appt. HISTORY.pdf**
861K

 **Lavina Camacho Appt. HISTORY.pdf**
1246K

 **Melissa Chargualaf Appt. HISTORY.pdf**
904K

 **PH Notice August 1, 2013.pdf**
221K



SENATOR DENNIS G. RODRIGUEZ, JR.

FOR IMMEDIATE RELEASE

July 25, 2013

**PRESS RELEASE
FIRST NOTICE OF PUBLIC HEARING
Thursday, August 1, 2013**

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Insurance Reform, Economic Development and Senior Citizens will be conducting a Public Hearing on **Thursday, August 1, 2013 at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña**, on the following:

11:00 a.m.

- **Bill No. 90-32:** an act to amend §§18102, 18103, 18105, 18105.0, 18106, 18108, 18112, 18114, 18121, 18125, 18126, 18128.4, 18128.5, 18128.7, 18129, 18131, and 18133 of Division 1 of Chapter 18 of Title 10 Guam Code Annotated, relative to the Barbering and Cosmetology Act of 2010. *T.R. Muna-Barnes/ D.G. Rodriguez, Jr.*

1:00 p.m.

- **Bill No. 160-32:** an act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependents. *D.G. Rodriguez, Jr.*
- The Executive Appointment of **Mr. Alexis Silverio** as a member of Guam Board of Social Work.
- The Executive Appointment of **Ms. Lavina Camacho** as a member of Guam Board of Social Work.
- The Executive Appointment of **Ms. Melissa Chargualaf** as a member of Guam Board of Social Work.

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.



SENATOR DENNIS G. RODRIGUEZ, JR.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU).

###



Joseph Anthony Mesngon <jmesngon.senator@rodriguez@gmail.com>

SECOND NOTICE OF PUBLIC HEARING-AUGUST 1, 2013

2 messages

Nicole Cruz <nicole@toduguam.com>

Tue, Jul 30, 2013 at 1:05 PM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, cpocalgue@hotmail.com, salonparadis@gmail.com, daniel4style@gmail.com, l.taitano@mariaacy.edu, barry.meed@guamcc.edu, nailsbyjenneth@gmail.com, bebiw@yahoo.com, marlene.carbullido@dphss.guam.gov, january.suzuki@dphss.guam.gov

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE OF PUBLIC HEARING- AUGUST 1, 2013

Buenas yan Hafa Adai.

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for Thursday, August 1, 2013 on the following:

11:00 a.m.

- **Bill No. 90-32:** an act to amend §§18102, 18103, 18105, 18105.0, 18106, 18108, 18112, 18114, 18121, 18125, 18126, 18128.4, 18128.5, 18128.7, 18129, 18131, and 18133 of Division 1 of Chapter 18 of Title 10 Guam Code Annotated, relative to the Barbering and Cosmetology Act of 2010. *T.R. Muna-Barnes/ D.G. Rodriguez, Jr.*

1:00 p.m.

-
- **Bill No. 160-32:** an act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependents. *D.G. Rodriguez, Jr.*
- The Executive Appointment of **Mr. Alexis Silverio** as a member of Guam Board of Social Work.
- The Executive Appointment of **Ms. Lavina Camacho** as a member of Guam Board of Social Work.
- The Executive Appointment of **Ms. Melissa Chargualaf** as a member of Guam Board of Social Work.

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via-

hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU).

—
Regards,
Nicole Cruz

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: nicole@toduguan.com

Website: www.toduguan.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

Marlene M. Carbullido <marlene.carbullido@dphss.guam.gov>

Tue, Jul 30, 2013 at 1:47 PM

To: Marcy Tiong <marcytiong@hotmail.com>, marcytiong@gmail.com, january.suzuki@dphss.guam.gov

Cc: Joseph Anthony Mesngon <jmesngon.senatordrodriguez@gmail.com>, senatordrodriguez@gmail.com, Rob Weinberg <rob.weinberg@yahoo.com>, James Gillan <james.gillan@dphss.guam.gov>, Leo Casil <leo.casil@dphss.guam.gov>

Hi Marcy please attend...and January can you send this to the Board members. I will be unable to attend as I will be administering/proctoring a test to the Division of Senior Citizens staff during that time-11:00 AM. thanks, Marlene

— Forwarded Message —

From: "Nicole Cruz" <nicole@toduguan.com>

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, cpocaigue@hotmail.com, salonparadis@gmail.com, daniel4style@gmail.com, "I taitano" <I.taitano@mariaacy.edu>, "barry meed" <barry.meed@guamcc.edu>, nailsbyjenneth@gmail.com, bebivi@yahoo.com, "marlene carbullido" <marlene.carbullido@dphss.guam.gov>, "january suzuki" <january.suzuki@dphss.guam.gov>

Sent: Tuesday, July 30, 2013 1:05:36 PM

Subject: SECOND NOTICE OF PUBLIC HEARING-AUGUST 1, 2013

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE OF PUBLIC HEARING- AUGUST 1, 2013

Buenas yan Hafa Adai.

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for Thursday, August 1, 2013 on the following:

11:00 a.m.

Bill No. 90-32: an act to amend §§18102, 18103, 18105, 18105.0, 18106, 18108, 18112, 18114, 18121, 18125, 18126, 18128.4, 18128.5, 18128.7, 18129, 18131, and 18133 of Division 1 of Chapter 18 of Title 10 Guam Code Annotated, relative to the Barbering and Cosmetology Act of 2010 . T.R. Muna-Barnes/ D.G. Rodriguez, Jr.

[Quoted text hidden]

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action@weareguahan.com
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admin@leapguam.com
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zpalomo@guamag.org



SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

Thursday, August 1, 2013

Public Hearing Room, *I Liheslaturan Guåhan*, Hagatña, Guam

I. Call to Order

II. Announcements

III. Items for Public Consideration

11:00 a.m.

- **Bill No. 90-32:** an act to amend §§18102, 18103, 18105, 18105.0, 18106, 18108, 18112, 18114, 18121, 18125, 18126, 18128.4, 18128.5, 18128.7, 18129, 18131, and 18133 of Division I of Chapter 18 of Title 10 Guam Code Annotated, relative to the Barbering and Cosmetology Act of 2010. *T.R. Muna-Barnes/ D.G. Rodriguez, Jr.*

1:00 p.m.

- **Bill No. 160-32:** an act to adopt the Rules and Procedure for Government of Guam Health Insurance Negotiating Team and the conduct of annual solicitation of health insurance coverage for government of Guam active employees, retirees, and their dependents. *D.G. Rodriguez, Jr.*
- The Executive Appointment of **Mr. Alexis Silverio** as a member of Guam Board of Social Work.
- The Executive Appointment of **Ms. Lavina Camacho** as a member of Guam Board of Social Work. **[Withdrawn]**
- The Executive Appointment of **Ms. Melissa Chargualaf** as a member of Guam Board of Social Work.

IV. Announcements

V. Adjournment



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

July 26, 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. 158–160(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 Thomas C. Ada
Acting Chairperson of the Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 JUL 26 AM 11:42

Bill Nos.	Sponsor	Title
158-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO REQUIRE EACH AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT OF GUAM TO DETERMINE PAYMENTS THAT CAN BE MADE THROUGH ITS WEBSITE AND TO REQUIRE THE BUREAU OF INFORMATION TECHNOLOGY TO ESTIMATE THE COST OF IMPLEMENTING SUCH ONLINE PAYMENTS.
159-32 (COR)	T.A. Morrison T.R. MUÑA Barnes B.J.F. Cruz	AN ACT TO AMEND SUBSECTION II. AG. OF SECTION 2 OF CHAPTER I, AND TO ADD A NEW SECTION 19 TO CHAPTER X BOTH OF PUBLIC LAW 31-233 (GENERAL APPROPRIATIONS ACT OF 2013) MAKING AN APPROPRIATION FROM THE TOURIST ATTRACTION FUND (TAF) TO THE GUAM VISITORS BUREAU (GVB) FOR THE HUMÅTAK COMMUNITY FOUNDATION (HCF), INC. FOR THE PURPOSES OF DEVELOPING THE HUMÅTAK HERITAGE VILLAGE MUSEUM (HHVM).
160-32 (COR)	Dennis G. Rodriguez, Jr.,	AN ACT TO ADOPT THE RULES OF PROCEDURE FOR GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 25, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM


Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

From: Senator Thomas C. Ada 
Acting Chairperson of the Committee on Rules

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: Referral of Bill No. 160-32(COR)

Legislative Secretary
Tina Rose Muña Barnes
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 160-32(COR)**.

Senator
Frank Blas Aguon, Jr.
Member

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*.

Senator
Michael F.Q. San Nicolas
Member

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

Si Yu'os Ma'åse!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachment

Senator
Aline Yamashita
Member

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

Bill No. 160 -32 (COR.)

Introduced by:

D.G. RODRIGUEZ, JR. *CR*

**AN ACT TO ADOPT THE RULES OF PROCEDURE FOR
GOVERNMENT OF GUAM HEALTH INSURANCE
NEGOTIATING TEAM AND THE CONDUCT OF THE
ANNUAL SOLICITATION OF HEALTH INSURANCE
COVERAGE FOR GOVERNMENT OF GUAM ACTIVE
EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent: *I Liheslaturan Guåhan* finds that on July 19, 2013, the Government of Guam Health Insurance Negotiating Team has submitted the proposed Rules of Procedure to the Legislature. The authority and mandate to establish the rules of procedure is provided for pursuant to §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated. The rules are intended to provide for the orderly and equitable process by which the Negotiating Team shall annually seek to acquire healthcare insurance coverage for active and retired government of Guam employees and their dependants.

I Liheslaturan Guåhan takes due notice that the annual process relative to the solicitation, receipt, review and contract award process for health insurance coverage is currently being conducted under *interim rules of procedure*, pending formal legislative action.

It is, therefore, the *intent* of *I Liheslaturan Guåhan* to adopt the Rules of Procedures appended to this Act as Exhibit "A".

1 **Section 2. Adoption of Rules.** Notwithstanding any other provision of law,
2 rule, regulation and Executive Order, the Rules of Procedure of the Government of
3 Guam Health Insurance Negotiating Team, and attached hereto as Exhibit “A”, are
4 hereby adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan*, and shall be
5 codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative
6 Rules and Regulations.

7 **Section 3. Amendment of Rules.** The government of Guam Health
8 Insurance Negotiating Team *shall*, in keeping with the provisions of Article 3 of
9 Chapter 4, 4 GCA, and pursuant to Article 3- rule making procedures, of Chapter
10 9, Title 5, Guam Code Annotated, review and amend, as may be necessary, the
11 Rules of Procedure adopted pursuant to section 2 of this Act.

12 **Section 4. Severability.** *If* any provision of this Act or its application to
13 any person or circumstance is found to be invalid or contrary to law, such
14 invalidity shall *not* affect other provisions or applications of this Act which can be
15 given effect without the invalid provisions or application, and to this end the
16 provisions of this Act are severable.

17 **Section 5. Effective Date.** This Act shall become immediately effective
18 upon enactment.

Exhibit “A”

Administrative Rules of Procedure

FOR

Government of Guam Health Insurance Negotiating Team

[Authority: §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated]

Department of Administration

PROPOSED - Rules of Procedure for Negotiating Team [as amended in response to Public Hearing]

Approved by Negotiating Team on July 9, 2013.

I. Authority. The Negotiating Team for the government of Guam, responsible for the solicitation of group health insurance benefits for employees and retirees of the government, is established by statute. Pursuant to law, the Negotiating Team shall develop its rules of procedure in accordance with the Administrative Adjudication Law. 4 GCA § 4302(c). The responsibilities and roles of the Negotiating Team are those set out by law at Title Four, Chapter Four, Article Three, of the Guam Code Annotated (“Group Benefits Laws”). At any time that these Rules of Procedure come into conflict with the Group Benefits Laws, the Group Benefits Laws shall preempt these rules.

II. Membership.

A. The Negotiating Team is comprised of individuals identified by statute at 4 GCA §4302(c).

B. The Negotiating Team may obtain technical support from other financial, legal and health-related agencies. The Director of Administration, upon the approval of the Negotiating Team, may invite representatives of government departments, agencies, bureaus and other government entities to Negotiating Team meetings as seen fit to serve as consultants in aid of the Negotiating Team in its duties. No unilateral consultations shall be conducted by the Chairperson or any member of the Negotiating Team nor shall they hold independent meetings or consultations with

1 persons outside of the Negotiating Team and its consultants prior to the
2 conclusion of the Negotiating Team proceedings.

3 C. The Attorney General or his designee shall act as legal advisor during all
4 phases of the solicitation or procurement process for group health
5 insurance benefits for employees and retirees of the government.

6 D. Non-delegation of representation. The following members of the
7 Negotiating Team are not permitted, by law, to delegate to another
8 individual the authority to serve in their stead as a substitute or proxy for
9 purposes of participation in Negotiating Team activities:

10 1. Director of Administration

11 2. The employee representative of the Judiciary of Guam to be
12 appointed by the Chief Justice of the Supreme Court of Guam.

13 3. The employee representative of the Legislative Branch to be
14 appointed by the Speaker of *I Liheslaturan Guåhan*.

15 4. The retiree who is a member of the Government of Guam
16 Retirement Fund appointed by the Board of Trustees of the
17 Government of Guam Retirement Fund.

18 5. The member of the general public appointed by *I Maga'låhen*
19 *Guåhan*.

20 E. Delegation of representation. The following members of the Negotiating
21 Team are permitted, by law, to delegate to another individual the
22 authority to serve in their stead as a substitute or proxy for purposes of
23 participation in Negotiating Team activities:

24 1. The Administrator of the Department of Integrated Services for
25 Individuals with Disabilities.

26 2. The Director of the Bureau of Budget and Management Research.

1 3. The Superintendent of the Department of Education.

2 4. The Director of the Government of Guam Retirement Fund.

3 5. The Chairperson of the Committee on Health or the successor
4 committee of *I Liheslaturan Guåhan*.

5 6. The Chairperson of the Committee on Appropriations, or the
6 successor committee of *I Liheslaturan Guåhan*.

7 F. Delegation in writing. A member of the Negotiating Team who is
8 permitted, by law, to delegate to another individual the authority to serve
9 in their stead as a substitute or proxy shall designate such delegation in
10 writing and have such written delegation delivered to the Chairperson of
11 the Negotiating Team prior to the delegation being effective. Any
12 member of the Negotiating Team with the authority to delegate shall
13 delegate only one representative for the entire process to ensure for
14 continuity of communications and to safeguard the dissemination of
15 information. A written delegation may be repealed in writing.

16 **III. Voting.**

17 A. Voting Members. The following members of the Negotiating Team are
18 voting members:

19
20 1. The Director of Administration, who shall be Chairperson of the
21 Negotiating Team.

22 2. The employee representative from the Judicial Branch appointed
23 by the Chief Justice of the Supreme Court of Guam.

24 3. The employee representative of the Legislative Branch to be
25 appointed by the Speaker of *I Liheslaturan Guåhan*.

1 4. The retiree who is a member of the Government of Guam
2 Retirement Fund to be appointed by the Board of Trustees of the
3 Government of Guam Retirement Fund.

4 5. The member of the general public, appointed *by I Maga'låhen*
5 *Guåhan*.

6 6. The Administrator of the Department of Integrated Services for
7 Individuals with Disabilities, or his or her designee.

8 7. The Director of the Bureau of Budget and Management Research,
9 or his or her designee.

10 8. The Superintendent of the Department of Education, or his or her
11 designee.

12 9. The Director of the Government of Guam Retirement Fund, or his
13 or her designee.

14 B. Non-Voting Members. The following members of the Negotiating Team
15 are non-voting members:

16 1. The Chairperson of the Committee on Health or the successor
17 committee *of I Liheslaturan Guåhan*, or his or her designee.

18 2. The Chairperson of the Committee on Appropriations or the
19 successor committee *of I Liheslaturan Guåhan*, or his or her
20 designee.

21 **IV. Confidentiality.** Members, delegates of members, consultants of the
22 Negotiating Team, and applicable Department of Administration staff as
23 determined by the Director of Administration must adhere to the strictest of
24 confidentiality and acknowledge that the proposals received are confidential
25 in nature. Team members, delegates of members, consultants, and
26 applicable Department of Administration staff acknowledge that no

1 information contained in the proposals, meetings or negotiations can be
2 divulged to any person outside of the Negotiating Team. Team members,
3 delegates of members, consultants and applicable Department of
4 Administration staff must sign a confidentiality agreement attesting to such.
5 Confidentiality agreements shall be signed prior to the predetermined
6 meeting date and time for opening proposals referenced in Section IX. A
7 delegate may brief the member of the Negotiating Team who made the
8 delegation about the business of the Negotiating Team but both parties are
9 subject to strict confidentiality throughout the entire process.

10 **V. No conflict-of-interest.** A member, consultant or advisor of the Negotiating
11 Team that has a conflict of interest (as understood and regulated by 5 GCA
12 §§ 5625-5633) because of a financial interest with an offeror or due to
13 employment of a family member shall recuse him or herself from being a
14 member, consultant or advisor of the Negotiating Team during the pendency
15 of the solicitation. Members, consultants and advisors of the Negotiating
16 Team must sign an affidavit that no conflict of interest exists with any
17 offerors once knowledge of the names of the carriers who submitted
18 proposals is known and prior to receiving any information contained in the
19 proposals. Any member, consultant or advisor who later realizes that a
20 conflict of interest exists must recuse himself or herself from being a
21 member of the Negotiation Team.

22 **VI. Meetings.** Meetings of the Negotiating Team shall be called by the
23 Chairperson, or by a majority of the voting members of the Negotiating
24 Team.

25 A. The Chairperson shall set the time, day and place of meetings with the
26 intent to permit the largest number of voting members of the Negotiating

1 team to attend the meeting. The Chairperson shall establish an agenda
2 for each meeting. The agenda shall be confirmed by the Negotiating
3 Team at the start of a meeting.

4 B. Notice of meetings of the Negotiating Team shall be provided to each
5 member of the Negotiating Team in writing, by business email, and by
6 other acceptable written or telephonic format as may be determined by
7 the Negotiating Team from time to time, at least one business day in
8 advance of the meeting.

9 C. Notwithstanding the foregoing, the Negotiating Team, at a properly
10 noticed meeting with a quorum present, may adjourn its business and
11 schedule a subsequent meeting for a time, day and place certain even
12 though notice as prescribed here cannot be given one business day before
13 the meeting. Nonetheless, written notice, by business email of such
14 subsequent meeting shall be provided to each member. Nothing here
15 prohibits additional forms of providing notice to ensure that all members
16 receive actual notice of a scheduled meeting.

17 D. The Chairperson is responsible for providing timely notice to all
18 members of the Negotiating Team of each meeting, as provided for in
19 this rule.

20 **VII. Quorum.** The Negotiating Team may conduct official business if a quorum
21 of its voting members is present at any properly noticed meeting. A quorum
22 of the Negotiating Team is seven (7) voting members.

23 **VIII. Decisions.** At any properly noticed meeting of the Negotiating Team where
24 a quorum is present, the Negotiating Team shall make decisions based upon
25 an affirming vote of at least five (5) of the voting members present, after a
26 motion is made by any member, and seconded by any other member. In any

1 circumstance, a failure to get an affirming vote of at least five (5) of the
2 voting members present shall mean that the motion being voted on fails for
3 lack of a majority. Upon the casting of votes, team members shall sign off
4 on a voting sheet to document the decision made.

5 **IX. Opening of Proposals.** Provisions shall be made in each Request For
6 Proposals that establish the process for receiving proposals, documenting the
7 reception of proposals, the initial opening of proposals to ensure a proper
8 count, documenting the count, and for adequately securing proposals
9 received so that they shall only be viewed by persons having legitimate
10 access to proposals. Provisions made for the initial opening of proposals
11 may include the involvement of the Negotiating Team and/or representatives
12 of offerors, as determined by the Negotiating Team and set out in the
13 Request For Proposals.

14 **X. Authority to Clarify Proposals.** The Negotiation Team shall request any
15 documents or information for any proposals received and deemed to be non-
16 responsive or not qualified that will cause said proposals to be responsive
17 and qualified. A proposal shall only be disqualified or rejected if any offeror
18 fails to submit the requested information to the Negotiating Team within
19 three business days after request.

20 **XI. Proceeding to the Next Phase.** After the conclusion of each phase
21 identified in the RFP, Team Members must acknowledge, via signature, such
22 approval or disapproval to proceed to the next phase.

23 **XII. Weighting and Ranking.** During the planning stage of each solicitation for
24 group health and dental insurance, the Negotiating Team shall establish the
25 processes and mechanisms for evaluating proposals submitted in response to
26 a solicitation for the purpose of the ultimate ranking of proposals, to include

1 the factors to be evaluated, the weighting of the various factors, the process
2 of scoring the evaluation factors, the development of a scoring sheet or
3 sheets, and all other processes that lead to the ultimate ranking of proposals.
4 The Negotiating Team, and each Team member, shall follow the evaluation
5 process developed for a given solicitation and as set out in the Request For
6 Proposals for that solicitation.

7 **XIII. Review and Audit.** The Negotiating Team reserves the right and obligation
8 to review and audit its evaluation determination during the solicitation
9 process, consistent with the instructions and procedures provided for in a
10 Request For Proposals, Guam law and regulations.

11 **XIV. Roles of Team Members.** The following are the responsibilities of the
12 Department of Administration personnel, consultant and negotiating team
13 members. Any additional duties identified in the Consultant contract, 4
14 GCA, § 4301 and other pertinent sections that may arise hereafter are also
15 included under these Rules of Procedures.

16 A. Consultant: Consultant is responsible for duties as defined in consultant
17 contract and any amendments thereof.

18 B. DOA: The Department of Administration is responsible for the
19 following:

- 20 1. Preparation of RFP to include comments and recommendations
21 submitted by team members, finalization and issuance of RFP,
22 advertisements, recordings of meetings with team, scheduling and
23 notifications of meetings, compilation of voting sheets of motions
24 made, responding to inquiries posed during the issuance of the
25 RFP as guided by consultant, collection of incoming proposals,
26 review of proposals to ensure for initial compliance as defined in

1 the RFP, preparation of negotiations materials, securing site for
2 negotiations, logistics, communications to carriers as directed by
3 Negotiation Team members and communications to the consultant
4 except during designated official team meetings.

5 2. The publication date of the RFP is determined by the Chairperson
6 of the Negotiation Team.

7 C. Negotiation Team Members: Negotiation Team members are responsible
8 for the development of the minimum qualifications for proposals,
9 development of the ranking system used to rank proposals, reviewing
10 proposals upon conclusion of initial review by consultant, examination of
11 the financial information, rating of proposals, determination of qualified
12 carriers after review, approval and recommendation from the consultant
13 and Department of Administration, ranking of carriers, negotiations,
14 development of contractual language requirements, and the final
15 recommendation, after obtaining guidance from the Consultant,
16 Insurance Commissioner and Attorney General, to the Governor for
17 approval.

18 **XV. Amendment.** These Rules of Procedure may be amended by the
19 Negotiating Team pursuant to the Administrative Adjudication Law, 5 GCA
20 § 9301.

21 **XVI. Compliance With Law.** The Negotiating Team shall retain consultants
22 cognizant of Federal and Guam laws as applicable to the provision of health
23 and dental insurance and health and dental services, and as applicable to the
24 solicitation and acquisition of group health and dental insurance programs
25 for government employees, retirees, families and survivors.

1 **XVII. Vice Chairperson.** There shall be a Vice Chairperson of the Negotiating
2 Team chosen from among the members of the Negotiating Team by a
3 majority vote of the Negotiating Team. The Vice Chairperson shall serve as
4 Chairperson at any meeting of the Negotiating Team at which the Director
5 of Administration is unable to attend.