

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
289-32 (COR)	B.J.F. Cruz	AN ACT TO AMEND SUBSECTION 5121(E) OF PART C, ARTICLE 2, CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PERMITTING ALTERNATIVE DISPUTE RESOLUTION IN CONTRACTS APPROVED BY THE GOVERNMENT OF GUAM RETIREMENT FUND	03/07/14 4:18 p.m.	03/07/14	Committee on General Governmental Operations and Cultural Affairs			



COMMITTEE ON RULES

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March 7, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 289-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 289-32(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 GUÅHAN
2014 (SECOND) Regular Session

Bill No. 289-32 (COR)

Introduced by:

B.J.F. Cruz



**AN ACT TO AMEND SUBSECTION 5121(E) OF PART C,
ARTICLE 2, CHAPTER 5, TITLE 5 OF THE GUAM CODE
ANNOTATED RELATIVE TO PERMITTING ALTERNATIVE
DISPUTE RESOLUTION IN CONTRACTS APPROVED BY THE
GOVERNMENT OF GUAM RETIREMENT FUND**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guahan* finds

that Public Law No. 28-188 added a new Subsection 5121(e) to Guam's
Procurement Statute to permit the Board of Trustees of the Retirement Fund
to retain a certain level of autonomy with respect to procurement matters
involving its retention of professional service providers. *I Liheslaturan
Guahan* further finds that it also is in the best interests of the Retirement
Fund to ensure an orderly and efficient process for the prompt resolution of
disputes and controversies that may occur between the Retirement Fund and
its personal service providers. *I Liheslaturan Guahan* further finds that
alternative dispute resolution provides opportunities (a) for the parties to
resolve controversies before experienced fact-finders knowledgeable in the
subject matter of the dispute; (b) to reduce some of the litigation costs

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1 typically arising from protracted administrative and judicial proceedings; (c)
2 to reduce duplicative review, decision, and appeal; and (d) to provide the
3 parties with greater certainty as to jurisdiction, venue, finality, and
4 procedural timeframes; all of which are more likely to enhance competition
5 and potentially reduce fees and costs in connection with the solicitation and
6 retention of professional services.

7 **Section 2. Legislative Intent.** *I Liheslaturan Guahan* intends to
8 authorize the Board of Trustees of the Government of Guam Retirement
9 Fund to determine if it is in the best interests of the Retirement Fund to
10 solicit and enter into contracts for professional services under which
11 controversies may be resolved by mediation, arbitration, or other alternative
12 dispute resolution.

13 **Section 3.** Subsection 5121(e) of Part C, Article 2, Chapter 5, Title 5
14 of the Guam Code Annotated, added by Public Law No. 28-188, is hereby
15 further *amended* to read:

16 **(e) Approval of Contracts by Government of Guam**
17 **Retirement Fund.** Notwithstanding any other provision
18 of law, the Board of Trustees of the Government of
19 Guam Retirement Fund shall have exclusive authority to
20 approve and execute all contracts for the procurement of
21 professional services associated with the operation of the
22 Fund. The Board may enter into contracts providing for
23 alternative dispute resolution (including mediation and
24 arbitration) of controversies arising between the
25 Retirement Fund and its professional service contractors,

1 if, in the Board's discretion, alternative dispute resolution
2 is determined to be in the best interests of the Retirement
3 Fund.

4 **Section 4. Effective Date.** This Act shall be effective upon
5 enactment.

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