

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
2017 (FIRST) Regular Session

Bill No. 19-34 (COR)

Introduced by:

Joe S. San Agustin 

2017 FEB 10 AM 8:20

KC

**AN ACT TO ADD NEW SUBSECTIONS (l), (m), AND (n) TO § 58D112, AND AMEND § 58D105, ALL OF CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PLACING A \$100 MILLION CAP ON THE RENOVATION OR RECONSTRUCTION OF SIMON SANCHEZ HIGH SCHOOL AUTHORIZED BY PUBLIC LAW 32-120, DEFINING BEST VALUE AS THE LOWEST COST OPTION TO THE GOVERNMENT OF GUAM, AND PROHIBITING THE USE OF INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.**

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

**Section 1.** New Subsections (l), (m), and (n) are *added* to § 58D112 of Chapter 58D, Title 5, Guam Code Annotated, to read as follows:

“(l) A material term of any such contract shall be that the renovation or construction of Simon Sanchez High School, and other public schools identified by law to date, shall not exceed One Hundred Million Dollars (\$100,000,000);

A) Seventy Five Million Dollars (\$75,000,000.00 ) for Simon Sanchez High School

B) Twenty Five Million Dollars (\$25,000,000.00) to be used for other renovation/ repair projects identified by Department of Education budget given.

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2 (m) Any such contract shall only be entered into with the contractor  
3 whose proposal delivers the best value for Guam in that it represents the  
4 lowest cost option to the government of Guam as provided in 5 GCA §  
5 58D105;

6 (n) No such contract shall take the form of an indefinite delivery,  
7 indefinite quantity contract.”

8 **Section 2.** § 58D105 of Chapter 58D, Title 5, Guam Code Annotated, is  
9 *amended* to read as follows:

10 “§ **58D105. Procurement.** Subject to the approval of *I Liheslaturan*  
11 *Guåhan*, the government of Guam or an education agency shall solicit  
12 Requests for Proposals (RFP) through the Department of Public Works, in  
13 compliance with the Guam procurement law, for the development of the  
14 comprehensive capital improvement plan, the financing, design, renovation,  
15 or construction of the education facility, together with insurance and  
16 maintenance of the education facility over the lease-back period, according  
17 to the needs of the education agency and consistent with this Chapter. The  
18 choice of the contractor shall be made by a selection committee comprised  
19 of the Superintendent of the Department of Education, serving as Chairman,  
20 and including the Director of the Department of Public Works or Deputy  
21 Director, the Director of the Department of Land Management or Deputy  
22 Director, the Administrator of the Guam Environmental Protection Agency  
23 or Deputy Administrator, and the Administrator of the Guam Economic  
24 Development Authority or Deputy Administrator. The committee shall  
25 ~~access~~ assess the prior performance of the contractor on similar projects and  
26 may disqualify any Contractor that does not have a successful record of  
27 project completion on Guam.

1           The selection of a contractor shall be based upon the proposal that  
2           delivers the best value for Guam in meeting the objectives of the education  
3           agency. For purposes of this Section, “best value” means the proposal that  
4           represents the lowest cost option to the government of Guam.

5           ~~The RFP shall be issued within thirty (30) days of enactment of this~~  
6           ~~Act for the renovation or construction of a new Simon Sanchez High School~~  
7           ~~on the existing site, which may include demolition of such portions of the~~  
8           ~~existing facility as necessary.”~~

9           **Section 3. Severability.** If any provision of this Act or its application to  
10          any person or circumstance is found to be invalid or contrary to law, such  
11          invalidity *shall not* affect other provisions or applications of this Act that can be  
12          given effect without the invalid provisions or application, and to this end the  
13          provisions of this Act are severable.