

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

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BY: MNV

FILE No. OPA-PA 09-012

1 Department of Education
2 Laura J. Mooney
3 Legal Counsel
4 P.O. Box DE
5 Hagåtña, Guam 96932
6 (671) 300-1537 • (671) 472-5003 (Fax)

7 **BEFORE THE PUBLIC AUDITOR**
8 **PROCUREMENT APPEAL**

9 In the Appeal of)
10 Z4 Corporation,)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
Appellant.)
Docket No. OPA-PA-09-012
**APPELLEE: DOE'S CIP BOND
FUNDING AUTHORIZATION AND
THE DPW-GPSS RELATIONSHIP**

Now comes Appellee Department of Education (DOE) and in following to Madam Public Auditor's request of February 23, 2010 submits the attached Public Law 29-57 and Public Law 29-19 attachment A-1, that governs the relationship of Department of Public Works (DPW) and Guam Public School System (now DOE) at Capital Improvement Projects.

Dated: February 24, 2010.

DEPARTMENT OF EDUCATION

By: 

LAURA J. MOONEY
Counsel for Apellee DOE



Office of the Governor of Guam

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

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2008
MAR 26 PM 1:30

The Honorable Judith T. Won Pat
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 242(EC), "AN ACT TO AMEND ATTACHMENT A-1 OF PUBLIC LAW 29-19 RELATIVE TO (k)(2) of §22435, CHAPTER 22, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE GUAM PUBLIC SCHOOL SYSTEM TO ACCESS TO VITALLY NEEDED FUNDS IN ORDER TO ADDRESS CAPITAL IMPROVEMENT PROJECTS AND FACILITY REPAIRS WHICH DO NOT REQUIRE AN ENGINEERING ASSESSMENT" which I signed into law on March 19, 2008 as **Public Law 29-57**.

Sinseru yan Magåhet,

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

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

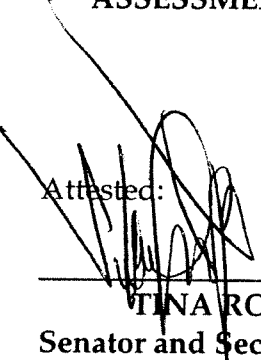
29-08-0209
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Office of Speaker
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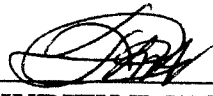
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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


This is to certify that Bill No. 242 (LS) , "AN ACT TO AMEND ATTACHMENT A-1 OF PUBLIC LAW 29-19 RELATIVE TO (k)(2) OF §22435, CHAPTER 22, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE GUAM PUBLIC SCHOOL SYSTEM ACCESS TO VITALLY NEEDED FUNDS IN ORDER TO ADDRESS CAPITAL IMPROVEMENT PROJECTS AND FACILITY REPAIRS WHICH DO NOT REQUIRE AN ENGINEERING ASSESSMENT," was on the 18th day of March, 2008, duly and regularly passed.

Attested:



TINA ROSE MUÑA BARNES
Senator and Secretary of the Legislature


JUDITH T. WON PAT, Ed.D
Speaker

This Act was received by *I Maga'lahen Guåhan* this 18 day of March, 2008, at 5:05 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 19 MARCH 2008

Public Law No. 29-57

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 242 (LS)

As amended on the Floor.

Introduced by:

Edward J.B. Calvo
Judith Won Pat, Ed.D
David L.G. Shimizu
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith Paulette Guthertz
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Ray Tenorio

AN ACT TO *AMEND* ATTACHMENT *A-1* OF PUBLIC LAW 29-19 RELATIVE TO (k)(2) OF §22435, CHAPTER 22, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE GUAM PUBLIC SCHOOL SYSTEM ACCESS TO VITALLY NEEDED FUNDS IN ORDER TO ADDRESS CAPITAL IMPROVEMENT PROJECTS AND FACILITY REPAIRS WHICH DO NOT REQUIRE AN ENGINEERING ASSESSMENT.

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

2 **Section 1. Legislative Intent.** Recent failures of safety and sanitary
3 inspections conducted by the Department of Public Health and Social Services and
4 the Guam Fire Department by as many as eight (8) schools within the Guam Public
5 School System is of great concern to *I Liheslaturan Guåhan*, as the very health and

1 safety of our children have been placed at great risk. These conditions cannot and
2 should not be tolerated. *I Liheslaturan Guåhan*, by this Act, intends to make
3 available the funding necessary for the Guam Public School System to *immediately*
4 make the necessary repairs in order to correct these deficiencies and ensure that the
5 health and safety of our school children, teachers and staff are not compromised. *I*
6 *Liheslaturan Guåhan* finds that proceeds from the sale of the government of Guam
7 General Obligation Bonds, 2007 Series A, included Twenty-nine Million Five
8 Hundred Four Thousand Dollars (\$29,504,000) to fund the capital expense items
9 and capital improvement projects of the Guam Public School System needed to
10 comply with the “*Every Child is Entitled to an Adequate Public Education Act*” as
11 listed in Attachments A and A-1. Additionally, *I Liheslaturan Guåhan* has been
12 informed by the Administration that pro rata adjustments have been made to the
13 distribution of all recipients of bond proceeds as Seventy-nine Million Dollars
14 (\$79,000,000) was appropriated for various uses; however, the net proceeds from
15 the sale of the bonds amounted to Sixty-nine Million Two Hundred Seventy-seven
16 Thousand Three Hundred Fifty-two Dollars (\$69,277,352). As a result the bond
17 proceeds for the Guam Public School System capital expense items and capital
18 improvement projects have been adjusted to Twenty-six Million One Hundred
19 Thirty-five Thousand Nine Hundred Seventy-seven Dollars (\$26,135,977). It is
20 the intent of *I Liheslaturan Guåhan* to amend legislation which requires an
21 assessment by an outsourced engineering firm prior to the use of bond proceeds for
22 capital improvement projects and facility repairs, provided, that such capital
23 improvement projects and facility repairs are *not* structural in nature and are
24 necessary to address health and safety concerns resulting from failed inspections
25 by the Department of Public Health and Social Services and the Guam Fire
26 Department. *I Liheslaturan Guåhan* has been informed by the Guam Public
27 School System that such a list of urgently needed repairs, which are *not* structural

1 in nature, will be made available to *I Liheslaturan Guåhan* and it is the intent of *I*
2 *Liheslaturan Guåhan* to append said list to this Act.

3 **Section 2.** Attachment A-1 of Public Law 29-19 relative to (k)(2) of
4 §22435, Chapter 22, Title 5 of the Guam Code Annotated is *amended* to read:

5 “(a) Funds provided to Guam Public School System (GPSS) from
6 the Bond proceeds for capital improvement projects and facilities repair,
7 shall be held in reserve until such time as an assessment of the facilities is
8 conducted by an outsourced engineering firm. The Superintendent of
9 Education is authorized to use bond funding proceeds for the outsourcing of
10 the assessment. Upon completion of the assessment, the Superintendent shall
11 ensure that funds are expended in accordance with the recommendations
12 contained in the assessment.

13 (b) Notwithstanding all other provisions of law, the following
14 funds from the Bond proceeds as delineated in Attachment A of Public Law
15 29-19, specifically: Intercom, Security & Fire Alarm Systems; A/C
16 Replacement; A/C Maintenance and Repairs; Recreational Facility Upgrade
17 and Replacement; and General CIP (Facility Repair/Replacement), may be
18 released from reserve for the purposes of addressing health, sanitary and
19 safety repairs, replacements, and services necessary to correct the
20 deficiencies cited in an official citation report from an enforcement agency
21 of the government of Guam relative to the health, sanitation and safety of the
22 students and personnel of the GPSS. The funds to be used *shall* come from
23 the respective category relative to the deficiency. Funds for items, repairs,
24 replacements and services *not* relative to categories listed *shall* come from
25 the General CIP (Facility Repair/Replacement) category. The requirement
26 for an engineering assessment *shall* not apply to repairs, replacements, and
27 services which are *not* structural in nature and which are necessary pursuant

1 to this Subsection.

2 (c) The Superintendent of Education, within five (5) working days
3 from the receipt of a citation report from an enforcement agency of the
4 government of Guam relative to the health, sanitation and safety of the
5 students and personnel of the GPSS, *shall* provide to the Speaker of *I*
6 *Liheslaturan Guåhan* a list of items and services necessary to correct the
7 deficiencies cited.

8 (d) In addition to the reporting requirements mandated by Public
9 Law 29-19, at the end of each month the Superintendent of Education *shall*
10 submit to the Speaker of *I Liheslaturan Guåhan* a detailed report of the
11 expenditures made pursuant to Subsection (b), including, the category from
12 which the expenditure was funded, the citation report it addressed, and the
13 remaining balance of the respective category from which the funds were
14 used. The GPSS *shall* post said report on its website. The penalty for non-
15 compliance of reporting requirements as mandated by Public Law 29-19
16 *shall* apply to this Section.”



**OFFICE OF THE SPEAKER
29th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D**

March 18, 2008

To: I Mina'Bente Nuebi Na Liheslaturan Guahan

RE: Emergency Certification of Bill 242

After careful evaluation for a request to waive the requirements for a public hearing on bill 242;

Bill 242 - An act to amend attachment A-1 of §22435 (k)(2), Title 5, Chapter 22 Guam Code Annotated relative to allowing the Guam Public School System access to vitally needed funds in order to address capital improvement projects and facility repairs which do not require an engineering assessment

I certify, pursuant to 2 GCA §2103, that an emergency condition exists at our Public School system and that the requirements for a public hearing on bill 242 is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Senator Edward J.B. Calvo
Clerk of the Legislature

SECONDARY SCHOOLS THINGS NEEDS FOR BUDGETING

Item no.	SCHOOLS:	AIJMS	FBLG	IMS	JRMS	LPUMS	OMS	VBMS	GWHS	JFKHS	SSHS	SHS	JPT/ALT.	Quantity	Unit Price	Extension
	Descriptions															
1	Toilets	4	6	6	4	6	3	9	8	2	8	32	2	90	119.99	10,799.10
2	Urinals	0	0	4	0	2	3	4	16	5	2	8	0	44	114.99	5,059.56
3	Lavatory Sinks	2	4	17	3	13	3	6	16	0	9	5	3	81	29.49	2,388.69
4	Shower Stalls	4	0	8	3	0	6	4	22	0	12	17	0	76	154.99	11,779.24
5	Spigots/Faucets	0	1	0	4	5	8	0	16	3	2	11	0	50	59.99	2,999.50
6	Liquid Soap Dispensers	6	42	18	0	3	18	4	57	31	25	79	4	287	35.59	10,214.33
7	Paper Towel Dispensers	16	42	18	0	2	18	8	57	15	25	30	3	234	46.15	10,799.10
8	Toilet Tissue Dispensers	0	42	35	43	27	30	12	104	20	50	74	14	451	29.99	13,525.49
9	Emergency Lights	25	81	12	6	66	20	8	11	60	40	35	6	370	48.00	17,760.00
10	Fire Extinguishers, Dry Chemical, 20lb	78	42	20	21	40	20	10	13	90	125	50	25	534	89.95	48,033.30
11	Bathroom Stall Doors	0	2	0	2	1	0	2	11	5	30	16	0	69	-	-
12	Plexiglass 1/4" x 4' x 8' (Clear)	18	72	12	0	200	20	0	4	0	20	0	24	370	95.00	35,150.00
13	Trash Containers 33 gals capacity	10	42	18	50	30	31	5	33	15	50	10	8	302	21.99	6,640.98
TOTAL AMOUNT:																\$ 175,149.29

ELEMENTARY SCHOOLS THINGS NEEDS FOR BUDGETING

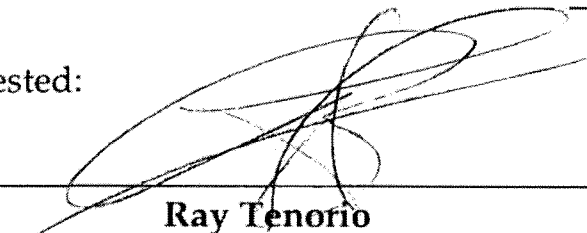
SCHOOLS:	AHT	AST	CLT	BPC	CBE	DLPE	FQS	FES	HSTE	IES	JMG	JQS	LBJ	MAU	MUL	MAC	MSE	MES	OCP	PCL	HBP	TAL	TAM	UPI	WES	Quantity	Unit Price	Extension
Descriptions																												
Toilets	1	7	0	1	0	5	0	7	0	0	0	5	0	12	4	0	0	0	0	0	14	0	0	1	3	60	119.99	7,199.40
Urinals	0	0	1	1	0	3	1	1	0	0	0	3	0	2	1	0	0	1	0	0	3	0	0	0	5	22	114.99	2,529.78
Lavatory Sinks	0	0	0	7	0	15	1	9	3	0	0	4	0	8	10	0	0	0	0	0	0	0	0	0	11	68	29.49	2,005.32
4 Shower Stalls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	154.99	-
5 Spigots/Faucets	0	2	0	0	0	4	0	3	4	0	0	1	0	0	1	0	2	2	0	0	0	0	0	2	2	23	59.99	1,379.77
6 Liquid Soap Dispens	15	4	40	0	4	51	2	69	0	28	3	44	29	12	41	42	0	4	25	16	47	8	0	0	15	499	35.59	17,759.41
7 Paper Towel Dispen	15	0	9	2	4	34	4	69	0	30	3	44	32	19	18	0	0	0	25	18	47	8	10	0	11	402	46.15	18,552.30
8 Toilet Tissue Dispen	0	29	5	20	14	44	2	71	25	4	13	15	5	23	54	45	0	12	20	20	57	10	0	0	22	510	29.99	15,294.90
9 Emergency Lights	12	2	0	60	6	7	5	77	0	20	5	0	21	128	84	55	0	0	0	10	72	0	4	0	41	609	48.00	29,232.00
10 Fire Extinguishers, C	5	3	0	15	16	80	11	0	0	0	15	0	0	17	14	5	0	0	0	0	7	0	60	0	50	298	89.95	26,805.10
11 Bathroom Stall Door	0	0	0	20	0	2	2	0	0	17	0	0	19	5	0	3	0	0	0	0	0	0	0	0	0	68	-	-
12 Plexiglass 1/4" x 4' x	5	2	0	0	0	391	0	0	0	23	0	180	27	24	11	0	0	0	0	2	5	100	0	0	15	785	95.00	74,575.00
13 Trash Containers 33	10	2	0	6	0	30	11	20	0	3	0	3	34	68	10	10	0	22	0	12	10	12	0	15	11	289	21.99	6,355.11
TOTAL AMOUNT:																												\$ 201,688.09

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

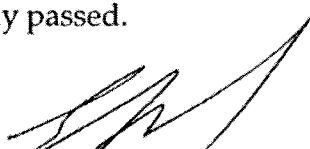
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 174 (EC), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008, MAKING OTHER APPROPRIATIONS, AND ENACTING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," was on the 23rd day of September, 2007, duly and regularly passed.

Attested:



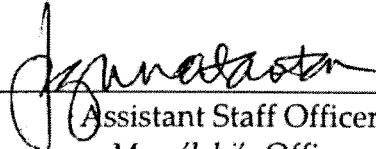
Ray Tenorio
Senator and Secretary of the Legislature



Edward J.B. Calvo
Acting Speaker

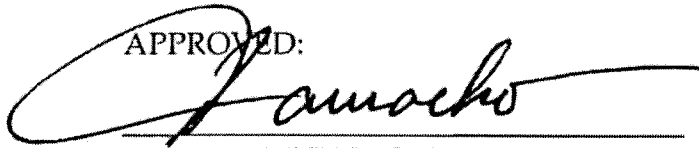
.....

This Act was received by *I Maga'lahaen Guåhan* this 24 day of Sept, 2007, at
600 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 29 September 2007

Public Law No. 29-19

ATTACHMENT A-1

1 Funds provided to Guam Public School System (GPSS) from the
2 Bond proceeds for capital improvement projects and facilities repair, shall be
3 held in reserve until such time as an assessment of the facilities is conducted
4 by an outsourced engineering firm. The Superintendent of Education is
5 authorized to use bond funding for the outsourcing of the assessment.
6 Upon completion of the assessment, the Superintendent shall ensure that
7 funds are expended in accordance with the recommendations contained in
8 the assessment.

ATTACHMENT A-1

1 Funds provided to Guam Public School System (GPSS) from the
2 Bond proceeds for capital improvement projects and facilities repair, shall be
3 held in reserve until such time as an assessment of the facilities is conducted
4 by an outsourced engineering firm. The Superintendent of Education is
5 authorized to use bond funding for the outsourcing of the assessment.
6 Upon completion of the assessment, the Superintendent shall ensure that
7 funds are expended in accordance with the recommendations contained in
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