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GUAM DEPARTMENT OF EDUCATION
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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS
DATE: 10/21/2013
TIME: 4:00 AM PM BY: Rg
FILE NO OPA-PA: 13-013

Attorney for Guam Department of Education

**BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL**

IN THE APPEAL OF

APPEAL NO. OPA-PA-13-013

G4S SECURITY SYSTEMS (GUAM)
INC.,

NOTICE OF FUNDING SOURCE

Appellant.

Comes now Guam Department of Education (“GDOE”) and submits this Notice of Funding Source to inform the Office of Public Accountability that the funding source that has been identified for GDOE Invitation for Bid 032-2013 (“IFB”) for the Design Build Fire Alarm System Upgrade/Replacement and Fire Suppression/Sprinkler System Repair for Southern High School is from the Adequate Education Act Trust Account (“Trust”). *See* Attached Declaration of Marcus Y. Pido, Supply Management Administrator. The Trust was established by Public Law 31-40 and amended by Public Law 31-234. Pursuant to Public Law 31-234, the funds contained in the Trust were set to expire if these funds are not obligated by September 30, 2013. *See* Attached Public Law 31-234 at pp. 2-3.

Dated this 21th day of October, 2013.

Respectfully submitted,

GUAM DEPARTMENT OF EDUCATION

By: _____



ANDREW T. PEREZ, ESQ.

Legal Counsel

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5
6 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
7 **PROCUREMENT APPEAL**

8 IN THE APPEAL OF

APPEAL NO. OPA-PA-13-013

9
10 G4S SECURITY SYSTEMS (GUAM) INC.,
11 Appellant.

**DECLARATION IN SUPPORT OF
DEPARTMENT OF EDUCATION'S
NOTICE OF FUNDING SOURCE**

12
13 I, Marcus Y. Pido, declare as follows:

14 1. I am Supply Management Administrator for the Guam Department of Education
15 (“GDOE”), a party in this appeal. The matters contained in this Declaration are of my personal
16 knowledge, and if called as a witness, I could and would testify competently to the matters set
17 forth herein.

18 2. The funds that have been identified for purchases under GDOE Invitation for Bid
19 032-2013 (“IFB”) for the Design Build Fire Alarm System Upgrade/Replacement and Fire
20 Suppression/Sprinkler System Repair for Southern High School are from the Adequate Education
21 Act Trust Account

22 I declare under penalty of perjury under the laws of the Territory of Guam that the
23 foregoing is true and correct to the best of my knowledge.

24 SIGNED this 21th day of October, 2013, at Hagåtña, Guam.

25
26 
27 **MARCUS Y. PIDO**
28

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2012 (SECOND) Regular Session

Bill No. 496-31 (COR)

As substituted by the Author, and amended on the Floor.

Introduced by:

J. T. Won Pat, Ed.D.
Tina Muña Barnes
V. C. Pangelinan
T. C. Ada
V. A. Ada
F. F. Blas, Jr.
Chris M. Dueñas
J. P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.

AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 31-40, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS; TO AMEND SECTION 13 OF CHAPTER XII OF PUBLIC LAW 31-233, RELATIVE TO RESTRICTIONS ON HIRING OF UNCLASSIFIED EMPLOYEES; AND TO AMEND SECTION 14(a) OF CHAPTER X OF PUBLIC LAW 31-233, RELATIVE TO SERVICE AND REPORTING REQUIREMENTS OF THE TOURIST ATTRACTION FUND (TAF).

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

1 **Section 1.** Section 3 of Public Law 31-40 is hereby *amended* to read as
2 follows:

3 **“Section 3. Appropriation.** Upon USDOE approval to amend the
4 Phase I and Phase II ARRA SFSF grant application, whereby, the amount of
5 Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars
6 (\$60,088,935) of federal funds originally allocated for Capital Improvement
7 Projects (CIPs), Technology Upgrades and Science, Technology, Engineering
8 and Math (STEM) CIPs and Equipment is reprogrammed to Salaries and
9 Benefits resulting in a reimbursement of funds appropriated and expended in
10 Section 2 of Chapter II, Part I of Public Law 30-196, the reimbursement of
11 Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars
12 (\$60,088,935) from the SFSF grant authorized by the USDOE pursuant to the
13 expenditure of local funds and certified by the TPFAs *shall* be deposited to the
14 Trust Account. The use of the reimbursed funds in the Trust Account *shall* be
15 pursuant to the following amounts and requirements:

16 (a) Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-
17 Five Dollars (\$60,088,935) is appropriated from the Adequate Education
18 Act Trust Account to the Guam Department of Education in Object
19 Classes 230, 250 and 450 as follows: object class 230 (Contracts) –
20 Thirty-Five Thousand Dollars (\$35,000); object class 250 (Equipment) –
21 Three Million Fifty Thousand Dollars (\$3,050,000); and object class 450
22 (Capital Outlay) – Fifty-Seven Million Three Thousand Nine Hundred
23 Thirty-Five Dollars (\$57,003,935).

24 (b) The appropriation to Object Classes 230, 250 and 450 in this
25 Section *shall* be continuing appropriations for the GDOE and *shall* be
26 earmarked for Capital Improvement Projects and for the renovation,

1 rehabilitation, and repair of Untalan Middle School, Technology
2 Upgrades and Science, Technology, Engineering and Math (STEM) CIPs
3 and Equipment approved by USDOE contained in the ARRA SFSF
4 Phase I and Phase II grant application, including any subsequent
5 amendments approved by USDOE; *provided*, that all these appropriations
6 *shall* expire if *not* obligated by September 30, 2013.

7 (c) *Up to* the sum of Two Hundred Twenty-Six Thousand Dollars
8 (\$226,000) from the appropriation in Subsection (a), object class 250
9 may be transferred to personnel object classes 112 to fund overtime for
10 GDOE employees for the implementation of GDOE's Financial
11 Management Information System.

12 (d) GDOE *shall* report to *I Maga'lahi* and *I Liheslatura* on a
13 monthly basis as to the obligation and expenditure of the funds from the
14 Trust Fund and the completion of the ARRA/SFSF projects."

15 **Section 2.** Section 13 of Chapter XII of Public Law 31-233 is hereby
16 *amended* to read as follows:

17 **"Section 13. Restrictions on Executive Branch Hiring of Unclassified**
18 **Employees.** No government funds of any kind or description may be expended
19 for the employment or hiring of unclassified employees in the Executive Branch
20 of the government of Guam during Fiscal Year 2013, *except* for the following:

21 (a) Certified persons in the Guam Department of Education, as
22 identified in §715(12) of Chapter 7, Title 1 GCA;

23 (b) Any academic positions at the University of Guam and the
24 Guam Community College;

25 (c) Nurses, doctors, licensed health professionals and ancillary
26 health employees necessary for clinical purposes at the Department of

1 Public Health and Social Services, the Department of Mental Health and
2 Substance Abuse, the Office of the Chief Medical Examiner, the Guam
3 Memorial Hospital Authority, the Guam Police Department, and the
4 Department of Integrated Services for Individuals with Disabilities;

5 (d) Department of Labor Survey Workers;

6 (e) Systems and Programming Administrator, Junior Systems
7 Programmer, Senior Programmer Analyst, Junior Application Analyst,
8 Junior Programmer Analyst and Junior Application Programmer; and
9 positions dealing with reporting, tax audits, tax investigations, tax
10 collections, and processing of taxes at the Department of Revenue and
11 Taxation;

12 (f) Federally-funded positions (matching and up to 100%);

13 (g) Persons filling temporary vacancies created by the call to active
14 military duty of employees who are members of the reserve components
15 of the Department of Defense and the Department of Transportation,
16 including, but *not* limited to, the United States Army, United States
17 Navy, United States Marine Corps, United States Air Force, the Army
18 National Guard, the Air National Guard, and the United States Coast
19 Guard, *or* created by absence due to a long term disability status which
20 has been certified by a medical doctor. Departments may exercise this
21 hiring authority; *provided*, its authorized budget for personnel is *not*
22 exceeded;

23 (h) Positions within the Office of *I Maga'låhen Guåhan*, the Office
24 of *I Segundu Na Maga'låhen Guåhan* and the Guam State Clearinghouse,
25 and department or agency heads, deputies and private secretaries;

26 (i) Positions within the Mayors' Council of Guam;

- 1 (j) Positions within the Guam Election Commission;
2 (k) Limited-term, part time substitute teachers of the Guam
3 Department of Education; and
4 (l) professional engineers required to fill Chief Engineer positions.
5 (m) All persons employed pursuant to this Section, effective
6 October 1, 2011, *shall* meet the minimum Knowledge, Abilities
7 and Skills (KAS) associated with such position.”

8 **Section 3.** Section 14(a) of Chapter X of Public Law 31-233 is hereby *amended*
9 to read as follows:

10 **“Section 14. Service and Reporting Requirements.** (a) Organizations
11 receiving funding from the Tourist Attraction Fund (TAF) *shall* provide
12 community service in the amount of ten (10) hours of service per One Thousand
13 Dollars (\$1,000) appropriated to them for activities and/or events. The services
14 *shall* be consistent with the services provided pursuant to the respective TAF
15 appropriation.”