



EXECUTIVE SUMMARY
Government of Guam Procurement Training and Certification
OPA Report No. 19-04, April 2019

Our review of the Government of Guam's (GovGuam) compliance with the Guam Community College (GCC) Procurement Program found that as of calendar year (CY) 2018, only 42 of the 62 GovGuam agencies have at least one employee who obtained Module 1 certification, the basic requirement of the procurement training. Only 26 of those 42 agencies have at least one employee who obtained certification in all four modules. Furthermore, only five of the 62 directors/administrators obtained Module 1 certification, with only two of them obtaining certification in all four modules. GovGuam personnel who are not trained and certified are prohibited from participating in government procurement.

Public Law (P.L.) 32-131, codified as Title 5 of the Guam Code Annotated (GCA) Chapter 5 §5141 mandates all GovGuam personnel responsible in procuring goods, services, or construction to receive the training and continuing education through the GCC Procurement Program, or equivalent training. GCC administers this program since 2012. GovGuam purchasing personnel are required to obtain the following modules depending on the purchasing capacity they perform:

- Module 1: Fundamentals and Principles of Procurement (Basic)
- Module 2: The Procurement Solicitation Process (Advanced)
- Module 3: The Procurement Review and Remedies (Administrative)
- Module 4: The Management and Administration of Procurement (Administrative)

Statistics of Agencies' Compliance with GCC Procurement Program

Our survey from GovGuam agencies showed that as of CY 2018:

- Only 27 of 47 line agencies, including the executive office, have employees who obtained Module 1 certification; 13 of these agencies have employees who were certified in all four modules.
- All 11 autonomous agencies have employees who obtained Module 1 certification. However, three of these agencies have only one to two employees who obtained certification in all four modules.
- The Mayors Council of Guam (MCOG) has 15 employees who obtained Module 1 certification. However, none was certified in all four modules.
- The Judiciary of Guam has seven employees certified in all four modules.
- The Guam Legislature has four employees certified in all four modules. One of them was a Senator from the 34th Guam Legislature.

Office of Public Accountability (OPA) Compliance

The employees of OPA responsible for administering procurement appeals or auditing of the purchasing activities of GovGuam, must receive the procurement training and continuing education to the extent required by law. As a best practice, OPA requires all employees to obtain certification in Modules 1 to 4. As of CY 2018, 10 of 13 OPA employees were certified in all four modules. Currently, the remaining three employees obtained Module 1 certification, and are working on obtaining certification on the remaining three modules.

Decrease in Procurement Appeals

Procurement appeals submitted to OPA revealed the need for further government procurement training. We reviewed the appeals filed from CY 2012 to CY 2018 to determine the impact of the procurement training in addressing this deficiency. We found that appeals filed decreased significantly from 19 in CY 2012, when GCC started provided the procurement training, to eight in CY 2018. Of the eight appeals filed in CY 2018, two of them pertained to prior appeals, and two were consolidated because they were related to the same procurement. Six of the eight appeals were ultimately dismissed, which shows a bigger decline in the number of new appeals filed. GovGuam's partial compliance with P.L. 32-131 may have contributed to the decline in procurement appeals and the likelihood of protests.

Other Matters

Title 5 GCA Chapter 5 specified that the Guam Procurement Advisory Council (the Council) should guide the GCC Procurement Program. Our review found that the Council has been inactive since 2014. As a result, GCC and GovGuam agencies lack the guidance on matters related to the procurement training, such as the continuing education program and determining required attendees. We recommend the Governor and Legislature take action to revive the Council.

Conclusion and Recommendations

Since GCC administered the procurement program in CY 2012, GovGuam agencies have partially complied with the procurement training and certification requirements. The purpose of this program is to ensure that employees are knowledgeable of the Guam Procurement Law in order to effectively and efficiently perform their jobs. Having employees properly trained in procurement may also prevent or reduce the number of procurement protests and appeals.

GovGuam procurement personnel may not participate in the government procurement if they have not obtained the mandated training and certifications. Therefore, we recommend all directors and administrators of line and autonomous agencies, mayors, and their procurement personnel obtain the required training and certifications according to their procurement capacity. To ensure GovGuam executive and legislative officials, and their staff handling procurement, have the basic understanding of the Guam Procurement Law, we recommend that they obtain certification on Module 1 and assess obtaining the additional three modules depending on their procurement involvement.

GCC plays an important role in implementing the procurement training and certification program. As more GovGuam personnel work towards obtaining the mandated training and certifications, we recommend GCC implement the continuing education program in consultation with the Council.

Disclosure

As a matter of disclosure, the Public Auditor was previously the Speaker of the 34th Guam Legislature and the author of P.L. 32-131. OPA, as a best practice, requires all its employees to complete the training and obtain certification in all four modules.

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