



OFFICE OF PUBLIC ACCOUNTABILITY

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February 22, 2023

Honorable Senator Sabina Flores Perez
Chairman, Committee on Environment, Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910
office@senatorperez.org

Re: Bill 36-37 (COR) An Act to Add a New §5428 to Subarticle A, Article 9, Chapter 5,
Division 1, Title 5, Guam Code Annotated, Relative to Administrative Review of Critical
Government of Guam Procurement Contract Decisions Generally in Excess of Five
Million Dollars (\$5,000,000)

Hafa Adai Senator Perez and Committee Members,

Thank you for the opportunity to provide testimony on Bill No. 36-37. The Guam Office of Public Accountability (OPA) supports this bill. However, we would recommend the Critical Procurement Contract should be designated at the start of the procurement solicitation, and should be done by the Governor of Guam and the Attorney General of Guam, not by the procuring agency. It should be clearly stated in the procurement solicitation that it is a “Critical Procurement”, and that any protest relative to the procurement will be treated in a special expedited process. All prospective bidders for the procurement must acknowledge and sign off that they are aware of and will abide by the special expedited process.

In addition, OPA will develop and promulgate the rules and regulations for this special expedited process within ninety (90) days.

Should you have any questions or concerns, please contact Jerrick Hernandez at jhernandez@guamopa.com.

Senseramente,

Benjamin J.F. Cruz
Public Auditor