




*I Mina'trentai Ocho Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
<b>18-38 (COR)</b>	Sabina Flores Perez Telo T. Taitague Therese M. Terlaje Chris Barnett	AN ACT TO <i>AMEND</i> § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS.	1/13/25 10:33 a.m.						

***I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN***  
**2025 (FIRST) Regular Session**

**Bill No.18-38 (COR)**

Introduced by:

Sabina Flores Perez <sup>SFP</sup>  
Telo T. Taitague   
Therese M. Terlaje   
Chris Barnett 

**AN ACT TO *AMEND* § 5707(a) OF ARTICLE 12,  
CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO THE PROCEDURE FOR JUDICIAL  
REVIEW OF DECISIONS MADE BY THE PUBLIC  
AUDITOR IN PROCUREMENT APPEALS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that currently, when a party seeks judicial review of the decision of the Office of  
4 Public Accountability (OPA) in a procurement appeal matter, the OPA is named as  
5 a defendant in a civil action in the Superior Court of Guam. The judicial review  
6 process for such OPA decisions is treated like a regular civil action between parties  
7 suing for money damages, property rights, etc. This is different from the procedure  
8 followed for judicial review of other administrative decisions under Guam law,  
9 forcing the OPA to divert operational and human resources to respond to the civil  
10 action.

11 *I Liheslatura* further finds there is uncertainty as to the proper procedure for  
12 the judicial review of decisions by the Public Auditor in procurement appeals and  
13 related matters; it is, therefore, the intent of *I Liheslatura* to clarify that the proper  
14 procedure for such judicial review should be similar to that for judicial review of  
15 other administrative agency decisions under Guam law.

1           **Section 2.** § 5707(a) of Article 12, Chapter 5, Title 5, Guam Code  
2 Annotated, is hereby *amended* to read as follows:

3           **§ 5707. Appeals and Review of Public Auditor Decisions.**

4           (a) Appeal. Any person receiving an adverse decision, the government or  
5 any autonomous agency or public corporation, or both, may appeal ~~from~~ a decision  
6 by the Public Auditor to the Superior Court of Guam ~~as provided in Article D of~~  
7 ~~Chapter 9 of this Chapter~~ by filing a petition for judicial review.

8           **Section 3. Effective Date.** This Act shall be effective upon enactment.

9           **Section 4. Severability.** If any provision of this Act or its application  
10 to 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 provision or application, and to this end, the  
13 provisions of this Act are severable.