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
369-38 (LS)	Sabina Flores Perez	AN ACT TO *ADD* A NEW § 58D104.1 TO CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE USE OF AN EXPEDITED PROCESS TO RESOLVE PROTESTS FOR THE CONSTRUCTION OF SIMON SANCHEZ HIGH SCHOOL.	10/12/26 3:31 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 369-38 (LS)

Introduced by: Sabina Flores Perez SFP

AN ACT TO *ADD* A NEW § 58D104.1 TO CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE USE OF AN EXPEDITED PROCESS TO RESOLVE PROTESTS FOR THE CONSTRUCTION OF SIMON SANCHEZ HIGH SCHOOL.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that efforts to rebuild Simon Sanchez High School (SSHS), which was shut down fully in 2023 due to various issues with the facility, has been ongoing for over a decade. The lack of progress towards constructing a new facility has led to prolonged double sessions for SSHS students on other school campuses and increasing public dissatisfaction with Guam's public school system.

I Liheslatura finds that double sessions have deprived students from SSHS, John F. Kennedy High School, Tiyan High School, and now Okkodo High School from experiencing a stable high school career. Double sessions have, at times, disrupted instructional and recreation time, created administrative issues during transitions, and placed undue stress on students, parents, faculty, staff and on school facilities.

I Liheslatura finds that funding has not been the primary setback in the construction of a new SSHS facility. Procurement protests and the need for training

and compliance with procurement laws have also compounded the issue and led to years-long delays, displayed by the Department of Public Works (DPW) completely cancelling the request for proposals in August 2026 to prevent another years-long protest. It is critical that potential issues related to procurement be prevented as much as practicable.

Therefore, it is the intent of *I Liheslaturan Guåhan* to prevent further delays in rebuilding SSHS by authorizing the use of an expedited process to resolve procurement protests for the construction of Simon Sanchez High School.

Section 2. A new § 58D104.1 is hereby *added* to Chapter 58D, Title 5, Guam Code Annotated to read:

"§ 58D101. Title.

§ 58D102. Definitions.

§ 58D103. Authorization to Enter Into Long-Term Leases.

§ 58D104. Procurement.

<u>§ 58D104.1. Authority to Resolve Protests.</u>

§ 58D105. Responsibilities of Contractor.

§ 58D106. Contractual Safeguards.

§ 58D107. Assignments.

§ 58D108. Financing.

§ 58D109. Leaseback Payments Under the Lease Payable from Lawfully Available Monies.

§ 58D110. Utilities and Routine Maintenance and Repair.

§ 58D111. Maintenance Fund.

§ 58D112. Severability.

<u>§ 58D104.1. Authority to Resolve Protests.</u>

(a) Right to Protest. Any actual or prospective offeror or contractor who may be aggrieved in connection with a solicitation or award pursuant to this Chapter may protest to the Chief Procurement Officer, the Director of Public Works, or the head of a purchasing agency. The protest shall be submitted in writing within fourteen (14) days after such aggrieved person knows or should have known of the facts giving rise thereto.

(b) Authority to Resolve Protests. The Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of one of these officers shall have the authority, prior to the commencement of an appeal to the Public Auditor concerning the controversy, to settle and resolve a protest of an aggrieved offeror or contractor, actual or prospective, concerning the solicitation or award of a contract. This authority shall be exercised in accordance with regulations promulgated by the Policy Office.

(c) Decision. If the protest is not resolved by mutual agreement, the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of one of these officers shall promptly issue a decision in writing within fifteen (15) days from the date the protest is filed. The decision shall:

(1) state the reasons for the action taken; and

(2) inform the protestant of its right to administrative appeal.

(d) Notice of Decision. A copy of the decision under Subsection (c) of this Section shall be mailed electronically or otherwise furnished immediately to the protestant and any other party intervening.

(e) Appeal. A decision under Subsection (c) of this Section may be appealed by the protestant to the Public Auditor within fifteen (15) days after receipt by the protestant of the notice of decision.

(f) Finality. For the purposes of this Section, the determination of facts and decision by the Public Auditor for the resolution shall be final and conclusive with

no right of appeal or judicial review and the automatic stay for the solicitation or award pursuant to this Chapter shall be lifted.

(g) Automatic Stay. In the event of a timely protest under Subsection (a) of this Section, the government of Guam shall not proceed further with the solicitation or with the award of the contract prior to final administrative resolution of such protest, and any such further action is void.

(h) No Entitlement to Costs. There shall be no entitlement to costs or fees regardless of the outcome of the protest or appeal to the Public Auditor.

(i) The Public Auditor shall expedite the administrative review process of the appeal in accordance with the rules and regulations to be promulgated and adopted by the Public Auditor within sixty (60) days of the effective date of this Act, notwithstanding the Administrative Adjudication Law found in Chapter 9 of Title 5, Guam Code Annotated. Protests to the Public Auditor shall be in compliance with Title 5, Guam Code Annotated, Chapter 5, Article 12; and Title 2, Guam Administrative Rules and Regulations, Division 4, Chapter 12."

Section 3. Promulgation of Rules and Regulations. The Procurement Policy Office, pursuant to 5 GCA, Chapter 5, § 5130(a), shall promulgate rules and regulations consistent with this Act no later than sixty (60) calendar days after enactment of this Act, except for the rules and regulations required in § 58D104.1(i) of Chapter 58D, 5 GCA, which shall be promulgated by the Public Auditor.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or inorganic, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 5. Effective Date. This Act shall be effective upon enactment.