

*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
243-38 (COR)	William A. Parkinson	AN ACT TO <i>AMEND</i> § 5425(g) OF ARTICLE 9, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; AND TO <i>ADD</i> A NEW § 5425.1 TO ARTICLE 9, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE AUTOMATIC STAY OF PROCUREMENT UPON THE FILING OF A PROTEST AND REQUIRING AN AFFIRMATIVE DETERMINATION OR ORDER TO STAY AN AWARD, TO MODERNIZE GUAM'S PROCUREMENT REGIME.	12/10/25 2:22 p.m.	12/18/25	Committee on Finance and Government Operations.	Request: 12/18/25  12/29/25			



## COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson  
*I Mina'trentai Ocho Na Liheslaturan Guåhan*  
38<sup>th</sup> Guam Legislature

December 29, 2025

**To:** **Rennae V. C. Meno**  
Clerk of the Legislature

**From:** **Senator Christopher M. Dueñas**   
Acting Chairperson, Committee on Rules

**Subject:** **Fiscal Note for Bill No. 243-38 (COR)**

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*Håfa Adai!*

Find the attached, Fiscal Note for the following bill:

**Bill No. 243-38 (COR).**

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly copy the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 243-38 (COR)**

**AN ACT TO AMEND § 5425(g) OF ARTICLE 9, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; AND TO ADD A NEW § 5425.1 TO ARTICLE 9, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE AUTOMATIC STAY OF PROCUREMENT UPON THE FILING OF A PROTEST AND REQUIRING AN AFFIRMATIVE DETERMINATION OR ORDER TO STAY AN AWARD, TO MDERNIZE GUAM'S PROCUREMENT REGIME.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Administration (DOA)	Dept./Agency Head: Birn, Edward M., Director
Department's General Fund (GF) appropriation(s) to date:	\$11,036,842
Department's Other Fund (Specify) appropriation(s) to date: Indirect Cost Fund (\$947,521) & Limited Gaming Fund (\$54,246)	\$1,001,767
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$12,038,609</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2025 Unreserved Fund Balance	\$0	\$0	\$0
FY 2026 Adopted Revenues	\$0	\$0	\$0
FY 2026 Appro. (P.L. 38-60)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2026 (if applicable)	FY 2027	FY 2028	FY 2029	FY 2030
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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|---|--------------------------------|----------------------------|---------------------------|
| 1. Does the bill contain "revenue generating" provisions?<br>If Yes, see attachment   |                                | // Yes                     | /X/ No                    |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?<br>If no, what is the additional amount required? \$ _____  | /X/ N/A                        | // Yes                     | // No                     |
| 3. Does the Bill establish a new program/agency?<br>If yes, will the program duplicate existing programs/agencies?<br>Is there a federal mandate to establish the program/agency? | /X/ N/A                        | // Yes<br>// Yes<br>// Yes | /X/ No<br>// No<br>/X/ No |
| 4. Will the enactment of this Bill require new physical facilities?   |                                | // Yes                     | /X/ No                    |
| 5. Was Fiscal Note coordinated with the affected dept/agency?<br>/X/ Requested agency comments not received by due date:  | If no, indicate reason:<br>DOA | // Yes                     | /X/ No                    |
|   | // Other                       |                            |                           |

Analyst: <u>Raymond Rieta</u> Raymond Rieta, BMA IV	Date: <u>12/28/25</u>	Director: <u>Lester L. Carlson, Jr.</u> Lester L. Carlson, Jr., Director	Date: <u>DEC 29 2025</u>
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Notes:  
1/ See Additional Comments.

**Bureau of Budget & Management Research**  
**Additional Comments on Bill No. 243-38 (COR)**

Legislative Bill No. 243-38 is an act to amend § 5425(g) of Article 9, Chapter 5, Title 5, Guam Code Annotated (GCA) and to add a new § 5425.1 to Article 9, Chapter 5, Title 5, GCA, relative to removing the automatic stay of procurement upon the filing of a protest and requiring an affirmative determination or order to stay an award, to modernize Guam's procurement regime. The intent of the Bill is to remove the automatic nature of the stay, shifting the burden to the protester to justify why a stay is necessary, or requiring the government to stay performance only when a "substantial interest" of the Territory is not harmed.

The Bill as written appears to be administrative in nature as its potential enactment poses no immediate fiscal impact to Government of Guam funds. The responsibility of the burden of proof and the requirement of a protest bond falls on the protester seeking to stay the solicitation or award. If the stay or appeal is granted from the protest, the procurement in question may be delayed, thus extending the completion date of any associated project. However, absent comment from the General Service Agency of the Department of Administration the Bureau is unable to determine a more specific fiscal impact should the Bill become law.