

1 **GUAM DEPARTMENT OF EDUCATION**
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7 *Attorney for Guam Department of Education*

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 4/29/13

TIME: 11:45 AM PM BY: JH

FILE NO OPA-PA: 13-003

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
9 **PROCUREMENT APPEAL**

10 IN THE APPEAL OF

11 PHIL-GETS (GUAM)
12 INTERNATIONAL TRADING CORP.
13 dba J&B MODERN TECH,

14 Appellant.

15 APPEAL NO. OPA-PA-13-003

16 **NOTICE OF DEADLINE FOR OBLIGATION**
17 **OF FUNDS**

18 Comes now Guam Department of Education (“GDOE”) and submits this Notice of
19 Deadline for Obligation of Funds to inform the Office of Public Accountability that the funding
20 source that has been identified for GDOE Invitation for Bid 008-2013 (“IFB”) for the Indefinite
21 Quantity Bid for Purchase of Air Conditioning Equipment is from the Adequate Education Act
22 Trust Account (“Trust”). *See* Attached Declaration of Marcus Y. Pido, Supply Management
23 Administrator. The Trust was established by Public Law 31-40 and amended by Public Law 31-
24 234. Pursuant to Public Law 31-234, the funds contained in the Trust are set to expire if these
25 funds are not obligated by September 30, 2013. *See* Attached Public Law 31-234 at pp. 2-3.

26 Dated this 29th day of April, 2013.

27 Respectfully submitted,

28 **GUAM DEPARTMENT OF EDUCATION**

By: 
ANDREW T. PEREZ, ESQ.
Legal Counsel

EDDIE BAZA CALVO
Governor



Office of the Governor of Guam

2012 OCT 11 PM 4:27
RAY TENORIO
Lieutenant Governor

October 10, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

~~31-12-1857~~

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 10/11/12
Time 11:17 AM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 496-31 (COR), "AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 31-40, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS; TO AMEND SECTION 13 OF CHAPTER XII OF PUBLIC LAW 31-233, RELATIVE TO RESTRICTIONS ON HIRING OF UNCLASSIFIED EMPLOYEES; AND TO AMEND SECTION 14(a) OF CHAPTER X OF PUBLIC LAW 31-233, RELATIVE TO SERVICE AND REPORTING REQUIREMENTS OF THE TOURIST ATTRACTION FUND (TAF)", which I signed into law on October 9, 2012 as Public Law 31-234.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

1957

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

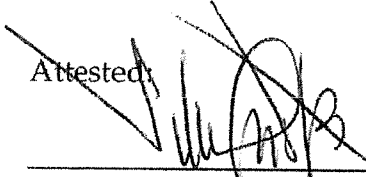
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 496-31 (COR), "AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 31-40, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS; TO AMEND SECTION 13 OF CHAPTER XII OF PUBLIC LAW 31-233, RELATIVE TO RESTRICTIONS ON HIRING OF UNCLASSIFIED EMPLOYEES; AND TO AMEND SECTION 14(a) OF CHAPTER X OF PUBLIC LAW 31-233, RELATIVE TO SERVICE AND REPORTING REQUIREMENTS OF THE TOURIST ATTRACTION FUND (TAF)", was on the 1st day of October, 2012, duly and regularly passed.



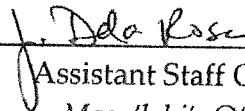
Judith T. Won Pat, Ed.D.
Speaker

Attested:



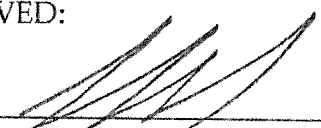
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 2nd day of Oct., 2012, at 09:40 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: OCT 09 2012

Public Law No. 31-234

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2012 (SECOND) Regular Session

Bill No. 496-31 (COR)

As substituted by the Author, and amended on the Floor.

Introduced by:

J. T. Won Pat, Ed.D.
Tina Muña Barnes
V. C. Pangelinan
T. C. Ada
V. A. Ada
F. F. Blas, Jr.
Chris M. Dueñas
J. P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.

AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 31-40, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS; TO *AMEND* SECTION 13 OF CHAPTER XII OF PUBLIC LAW 31-233, RELATIVE TO RESTRICTIONS ON HIRING OF UNCLASSIFIED EMPLOYEES; AND TO *AMEND* SECTION 14(a) OF CHAPTER X OF PUBLIC LAW 31-233, RELATIVE TO SERVICE AND REPORTING REQUIREMENTS OF THE TOURIST ATTRACTION FUND (TAF).

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

1 **Section 1.** Section 3 of Public Law 31-40 is hereby *amended* to read as
2 follows:

3 **“Section 3. Appropriation.** Upon USDOE approval to amend the
4 Phase I and Phase II ARRA SFSF grant application, whereby, the amount of
5 Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars
6 (\$60,088,935) of federal funds originally allocated for Capital Improvement
7 Projects (CIPs), Technology Upgrades and Science, Technology, Engineering
8 and Math (STEM) CIPs and Equipment is reprogrammed to Salaries and
9 Benefits resulting in a reimbursement of funds appropriated and expended in
10 Section 2 of Chapter II, Part I of Public Law 30-196, the reimbursement of
11 Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars
12 (\$60,088,935) from the SFSF grant authorized by the USDOE pursuant to the
13 expenditure of local funds and certified by the TPFAs *shall* be deposited to the
14 Trust Account. The use of the reimbursed funds in the Trust Account *shall* be
15 pursuant to the following amounts and requirements:

16 (a) Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-
17 Five Dollars (\$60,088,935) is appropriated from the Adequate Education
18 Act Trust Account to the Guam Department of Education in Object
19 Classes 230, 250 and 450 as follows: object class 230 (Contracts) –
20 Thirty-Five Thousand Dollars (\$35,000); object class 250 (Equipment) –
21 Three Million Fifty Thousand Dollars (\$3,050,000); and object class 450
22 (Capital Outlay) – Fifty-Seven Million Three Thousand Nine Hundred
23 Thirty-Five Dollars (\$57,003,935).

24 (b) The appropriation to Object Classes 230, 250 and 450 in this
25 Section *shall* be continuing appropriations for the GDOE and *shall* be
26 earmarked for Capital Improvement Projects and for the renovation,

1 rehabilitation, and repair of Untalan Middle School, Technology
2 Upgrades and Science, Technology, Engineering and Math (STEM) CIPs
3 and Equipment approved by USDOE contained in the ARRA SFSF
4 Phase I and Phase II grant application, including any subsequent
5 amendments approved by USDOE; *provided*, that all these appropriations
6 *shall* expire if *not* obligated by September 30, 2013.

7 (c) *Up to* the sum of Two Hundred Twenty-Six Thousand Dollars
8 (\$226,000) from the appropriation in Subsection (a), object class 250
9 may be transferred to personnel object classes 112 to fund overtime for
10 GDOE employees for the implementation of GDOE's Financial
11 Management Information System.

12 (d) GDOE *shall* report to *I Maga'lahi* and *I Liheslatura* on a
13 monthly basis as to the obligation and expenditure of the funds from the
14 Trust Fund and the completion of the ARRA/SFSF projects."

15 **Section 2.** Section 13 of Chapter XII of Public Law 31-233 is hereby
16 *amended* to read as follows:

17 **"Section 13. Restrictions on Executive Branch Hiring of Unclassified**
18 **Employees.** No government funds of any kind or description may be expended
19 for the employment or hiring of unclassified employees in the Executive Branch
20 of the government of Guam during Fiscal Year 2013, *except* for the following:

21 (a) Certified persons in the Guam Department of Education, as
22 identified in §715(12) of Chapter 7, Title 1 GCA;

23 (b) Any academic positions at the University of Guam and the
24 Guam Community College;

25 (c) Nurses, doctors, licensed health professionals and ancillary
26 health employees necessary for clinical purposes at the Department of

1 Public Health and Social Services, the Department of Mental Health and
2 Substance Abuse, the Office of the Chief Medical Examiner, the Guam
3 Memorial Hospital Authority, the Guam Police Department, and the
4 Department of Integrated Services for Individuals with Disabilities;

5 (d) Department of Labor Survey Workers;

6 (e) Systems and Programming Administrator, Junior Systems
7 Programmer, Senior Programmer Analyst, Junior Application Analyst,
8 Junior Programmer Analyst and Junior Application Programmer; and
9 positions dealing with reporting, tax audits, tax investigations, tax
10 collections, and processing of taxes at the Department of Revenue and
11 Taxation;

12 (f) Federally-funded positions (matching and up to 100%);

13 (g) Persons filling temporary vacancies created by the call to active
14 military duty of employees who are members of the reserve components
15 of the Department of Defense and the Department of Transportation,
16 including, but *not* limited to, the United States Army, United States
17 Navy, United States Marine Corps, United States Air Force, the Army
18 National Guard, the Air National Guard, and the United States Coast
19 Guard, *or* created by absence due to a long term disability status which
20 has been certified by a medical doctor. Departments may exercise this
21 hiring authority; *provided*, its authorized budget for personnel is *not*
22 exceeded;

23 (h) Positions within the Office of *I Maga'låhen Guåhan*, the Office
24 of *I Segundu Na Maga'låhen Guåhan* and the Guam State Clearinghouse,
25 and department or agency heads, deputies and private secretaries;

26 (i) Positions within the Mayors' Council of Guam;

- 1 (j) Positions within the Guam Election Commission;
2 (k) Limited-term, part time substitute teachers of the Guam
3 Department of Education; and
4 (l) professional engineers required to fill Chief Engineer positions.
5 (m) All persons employed pursuant to this Section, effective
6 October 1, 2011, *shall* meet the minimum Knowledge, Abilities
7 and Skills (KAS) associated with such position.”

8 **Section 3.** Section 14(a) of Chapter X of Public Law 31-233 is hereby *amended*
9 to read as follows:

10 **“Section 14. Service and Reporting Requirements.** (a) Organizations
11 receiving funding from the Tourist Attraction Fund (TAF) *shall* provide
12 community service in the amount of ten (10) hours of service per One Thousand
13 Dollars (\$1,000) appropriated to them for activities and/or events. The services
14 *shall* be consistent with the services provided pursuant to the respective TAF
15 appropriation.”