



## OFFICE OF PUBLIC ACCOUNTABILITY

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February 23, 2023

Honorable Sabina F. Perez  
Chairperson, 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](mailto:office@senatorperez.org)

Re: Bill No. 45-37 (COR) An Act to Amend § 5230 of Chapter 5, Title 5, Guam Code Annotated,  
Relative to Clarifying the Process for the Determination of Responsibility of Bidders and  
Offerors in Procurement.

Hafa adai Senator Perez and Committee Members,

The Office of Public Accountability (OPA) submits this testimony in support of Bill Number  
45-37 (COR), introduced by Senator Sabina Flores Perez, with some additional comments.

Bill No. 45-37 intends to update current statutes by clarifying standard and processes in  
making a determination of responsibility by providing for specialty requirements with the  
assistance with experts, as is necessary for successful completion of a contract and that  
applies to all bidders and offerors.

Our office supports the idea of having something in place that is stricter when it comes to  
determining responsibility, whether it be more affidavits included or certifications put in  
place before the awarding of a contract. As an example, when it comes to construction  
project, the purchasing agency should have that assurance that any construction company  
has the personnel, financial capability, and licenses in place when they place their bid.

Our office currently oversees the request for proposals (RFP) for all government of Guam  
contracts for independent financial audit services. When we receive proposals from audit  
first, we can already see who will be working on the audits, complete with their biography,  
resume, qualifications, copies of certifications, and continuing professional education (CPE)  
credits to ensure they are up-to-date with their requirements. The goal is to see who has the  
most qualified people to do the job and if they have sufficient personnel, to ensure they have  
the financial performance to see that the job is finished, and ensure their certifications and  
licenses are up-to-date.

Although it is currently allowed where you do not have to acquire a license until after an  
award is given, it might be time to change the law to make it so a vendor has all their licenses  
in place beforehand. This will ensure there are no issues when it comes to determining  
responsibility.

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Thank you for the opportunity to comment on this bill.

Should you have any questions or concerns, please contact Vincent Duenas at [vduenas@guamopa.com](mailto:vduenas@guamopa.com).

Senseramente,



Benjamin J.F. Cruz  
Public Auditor