



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

PRESS RELEASE

Senator Perez Introduces Bill to Clarify Emergency Health Powers and Create Task Force

Hagåtña, Guam – On July 30, 2020, Bill No. 386-35 (COR), introduced by Senator Sabina Perez and co-sponsored by Senator Therese Terlaje, will tie emergency health powers to local procurement law and create a public health emergency purchasing task force.

During the coronavirus pandemic, the government of Guam cited its emergency health powers to bypass traditional emergency procurement laws when contracting quarantine facilities. Emergency procurement laws are intended to provide a means of speeding up the process by which the government purchases goods and services during an emergency, while still maintaining safeguards to prevent abuse or waste. Following the local decision to utilize emergency health powers instead of emergency procurement law to contract hotels, it was found that several facilities were paid for prior to securing signed contracts.

“The initial procurement of the quarantine facilities underscores the need to update our laws to ensure the entire government is on the same page,” said Senator Perez. “We cannot continue to have differing interpretations of the law. Bill 386-35 ensures consistent application of procurement processes when emergency health powers are declared, improves transparency, and holds accountable those involved in the procurement process,” Senator Perez added.

Bill 386-35 clarifies that all purchases made under emergency powers must go through established procurement processes. By having emergency purchases conducted within the scope allowed by procurement law, the bill closes the loophole of purchases being made without proper safeguards. The procurement law is intended to protect the people’s money and ensure that government is following the law.

Bill 386-35 also creates a task force that must be ready to respond in the midst of an emergency, such as the pandemic, and also prepare for future emergencies. This task force, which includes the Chief Procurement Officer, will be responsible for all procurement, management and staffing of the procurement for all supplies and services needed to address a public health emergency. “This task force will facilitate communication with frontline agencies and the Governor and respond to the needs of agencies and the community during the pandemic,” said Senator Perez.

The bill requires that properly trained procurement personnel be involved from the start of an emergency. This ensures procurement decisions are not made in isolation by one branch, but collectively by the task force.

“I want to sincerely thank Senator Perez for holding an oversight hearing on the emergency procurement conducted during the COVID-19 health emergency and for introducing this legislation. The oversight hearing uncovered the blatant disregard of Guam’s procurement law. I understand we were in an unprecedented health emergency at the time, but we have faced many other emergencies



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before and managed to work within the law. Our government must do better at adapting and improving emergency procurement rather than ignoring it,” stated Senator Therese Terlaje.

“During these uncertain times, it is even more critical that our government utilizes public funds wisely. Our local procurement laws safeguard public funds through transparency and accountability measures. As a result, it is essential that government officials work for the public good by upholding and implementing our local procurement laws,” said Senator Perez.

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