



## OFFICE OF PUBLIC ACCOUNTABILITY

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March 23, 2023

Honorable Senator Sabina Flores Perez  
Chairman, 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 57-37 (COR) An Act to Add a New §5425.3 to Part of Article 9, Chapter 5 of Title 5, Guam Code Annotated, Relative to Providing Temporary Expedited Procurement Protest Procedures for Acquisitions Funded with American Rescue Plan Act (ARPA) moneys allotted to the Government of Guam

Hafa Adai Senator Perez and Committee Members,

Thank you for the opportunity to provide testimony on Bill No. 57-37. The Guam Office of Public Accountability (OPA) supports this bill, as we understand the urgency to expend ARPA funds before December 2024. Similar expedited procedures were previously in place for procurements funded by the American Recovery and Reinvestment Act (ARRA) for the Guam Department of Education (GDOE).

We would recommend that the number of days given to the Public Auditor to issue a decision on the protest be consistent with similar bills related to expedited protest procedures for GDOE ARP funded procurements, which was twenty (20) days. There were two specific procurement appeals (protests) related to ARRA that we successfully resolved well within the twenty (20) day expedited timeline, which were OPA-PA-11-008 (Sanford Technology Group, LLC vs. GDOE) and OPA-PA-12-014 (Pacific Data Systems vs. GDOE). As a compromise, we would recommend at least fifteen (15) days from receipt of protest to issue a decision.

We would also recommend that all prospective bidders be notified upfront in the procurement solicitation that the procurement is funded by ARPA and any procurement protest will be taken through the Special Expedited Procurement Protest Procedures.

Should you have any questions or concerns, please contact Jerrick Hernandez at [jhernandez@guamopa.com](mailto:jhernandez@guamopa.com).

Senseramente,

Benjamin J.F. Cruz  
Public Auditor