



OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 Pacific News Building, 238 Archbishop Flores St., Hagåtña, Guam 96910
Phone: (671) 475-0390 / FAX: (671) 472-7951

February 22, 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

Re: Bill 46-37 (COR) An Act to Add a New §5425.2 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)

Hafa Adai Senator Perez and Committee Members,

Thank you for the opportunity to provide testimony on Bill No. 46-37. The Guam Office of Public Accountability (OPA) supports this bill, as we understand the urgency to expend ARPA funds before December 2024. We have already had the same expedited procedures previously in place for procurements funded by the American Recovery and Reinvestment Act (ARRA). 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. Guam Department of Education) and OPA-PA-12-014 (Pacific Data Systems vs. Guam Department of Education).

We would 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. In addition, OPA will develop and promulgate the rules and regulations for this special expedited process within ninety (90) days.

Should you have any questions or concerns, please contact Jerrick Hernandez at jhernandez@guamopa.com.

Senseramente,

Benjamin J.F. Cruz
Public Auditor