

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
369-38 (LS)	Sabina Flores Perez	AN ACT TO <i>ADD</i> A NEW § 58D104.1 TO CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE USE OF AN EXPEDITED PROCESS TO RESOLVE PROTESTS FOR THE CONSTRUCTION OF SIMON SANCHEZ HIGH SCHOOL.	10/12/26 3:31 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 369-38 (LS)

Introduced by:

Sabina Flores Perez *SFP*

**AN ACT TO *ADD* A NEW § 58D104.1 TO CHAPTER 58D,
TITLE 5, GUAM CODE ANNOTATED RELATIVE TO
AUTHORIZING THE USE OF AN EXPEDITED
PROCESS TO RESOLVE PROTESTS FOR THE
CONSTRUCTION OF SIMON SANCHEZ HIGH
SCHOOL.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

finds that efforts to rebuild Simon Sanchez High School (SSHS), which was shut down fully in 2023 due to various issues with the facility, has been ongoing for over a decade. The lack of progress towards constructing a new facility has led to prolonged double sessions for SSHS students on other school campuses and increasing public dissatisfaction with Guam's public school system.

I Liheslatura finds that double sessions have deprived students from SSHS, John F. Kennedy High School, Tiyan High School, and now Okkodo High School from experiencing a stable high school career. Double sessions have, at times, disrupted instructional and recreation time, created administrative issues during transitions, and placed undue stress on students, parents, faculty, staff and on school facilities.

I Liheslatura finds that funding has not been the primary setback in the construction of a new SSHS facility. Procurement protests and the need for training

1 and compliance with procurement laws have also compounded the issue and led to
2 years-long delays, displayed by the Department of Public Works (DPW) completely
3 cancelling the request for proposals in August 2026 to prevent another years-long
4 protest. It is critical that potential issues related to procurement be prevented as much
5 as practicable.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to prevent further delays
7 in rebuilding SSHS by authorizing the use of an expedited process to resolve
8 procurement protests for the construction of Simon Sanchez High School.

9 **Section 2.** A new § 58D104.1 is hereby *added* to Chapter 58D, Title 5,
10 Guam Code Annotated to read:

11 “§ 58D101. Title.

12 § 58D102. Definitions.

13 § 58D103. Authorization to Enter Into Long-Term Leases.

14 § 58D104. Procurement.

15 § 58D104.1. Authority to Resolve Protests.

16 § 58D105. Responsibilities of Contractor.

17 § 58D106. Contractual Safeguards.

18 § 58D107. Assignments.

19 § 58D108. Financing.

20 § 58D109. Leaseback Payments Under the Lease Payable from Lawfully
21 Available Monies.

22 § 58D110. Utilities and Routine Maintenance and Repair.

23 § 58D111. Maintenance Fund.

24 § 58D112. Severability.

25 **§ 58D104.1. Authority to Resolve Protests.**

1 (a) Right to Protest. Any actual or prospective offeror or contractor who
2 may be aggrieved in connection with a solicitation or award pursuant to this Chapter
3 may protest to the Chief Procurement Officer, the Director of Public Works, or the
4 head of a purchasing agency. The protest shall be submitted in writing within
5 fourteen (14) days after such aggrieved person knows or should have known of the
6 facts giving rise thereto.

7 (b) Authority to Resolve Protests. The Chief Procurement Officer, the
8 Director of Public Works, the head of a purchasing agency, or a designee of one of
9 these officers shall have the authority, prior to the commencement of an appeal to
10 the Public Auditor concerning the controversy, to settle and resolve a protest of an
11 aggrieved offeror or contractor, actual or prospective, concerning the solicitation or
12 award of a contract. This authority shall be exercised in accordance with regulations
13 promulgated by the Policy Office.

14 (c) Decision. If the protest is not resolved by mutual agreement, the Chief
15 Procurement Officer, the Director of Public Works, the head of a purchasing agency,
16 or a designee of one of these officers shall promptly issue a decision in writing within
17 fifteen (15) days from the date the protest is filed. The decision shall:

18 (1) state the reasons for the action taken; and

19 (2) inform the protestant of its right to administrative appeal.

20 (d) Notice of Decision. A copy of the decision under Subsection (c) of this
21 Section shall be mailed electronically or otherwise furnished immediately to the
22 protestant and any other party intervening.

23 (e) Appeal. A decision under Subsection (c) of this Section may be
24 appealed by the protestant to the Public Auditor within fifteen (15) days after receipt
25 by the protestant of the notice of decision.

26 (f) Finality. For the purposes of this Section, the determination of facts and
27 decision by the Public Auditor for the resolution shall be final and conclusive with

1 no right of appeal or judicial review and the automatic stay for the solicitation or
2 award pursuant to this Chapter shall be lifted.

3 (g) Automatic Stay. In the event of a timely protest under Subsection (a) of
4 this Section, the government of Guam shall not proceed further with the solicitation
5 or with the award of the contract prior to final administrative resolution of such
6 protest, and any such further action is void.

7 (h) No Entitlement to Costs. There shall be no entitlement to costs or fees
8 regardless of the outcome of the protest or appeal to the Public Auditor.

9 (i) The Public Auditor shall expedite the administrative review process of
10 the appeal in accordance with the rules and regulations to be promulgated and
11 adopted by the Public Auditor within sixty (60) days of the effective date of this Act,
12 notwithstanding the Administrative Adjudication Law found in Chapter 9 of Title 5,
13 Guam Code Annotated. Protests to the Public Auditor shall be in compliance with
14 Title 5, Guam Code Annotated, Chapter 5, Article 12; and Title 2, Guam
15 Administrative Rules and Regulations, Division 4, Chapter 12.”

16 **Section 3. Promulgation of Rules and Regulations.** The Procurement Policy
17 Office, pursuant to 5 GCA, Chapter 5, § 5130(a), shall promulgate rules and
18 regulations consistent with this Act no later than sixty (60) calendar days after
19 enactment of this Act, except for the rules and regulations required in § 58D104.1(i)
20 of Chapter 58D, 5 GCA, which shall be promulgated by the Public Auditor.

21 **Section 4. Severability.** If any provision of this Act or its application to any
22 person or circumstance is found to be invalid or inorganic, such invalidity shall not
23 affect other provisions or applications of this Act that can be given effect without
24 the invalid provision or application, and to this end the provisions of this Act are
25 severable.

26 **Section 5. Effective Date.** This Act shall be effective upon enactment.