



Paul Coverdell Forensic Science Improvement Grants Program



FY 2010 Grant Application Program Narrative

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Attachment 1

Paul Coverdell Forensic Science Improvement Grant Program

Proposal Abstract

Annually, the Guam Police Department Forensic Science Division (FSD) receives an average of 2,107 forensic cases, takes an average of 21,636 pieces of photographic forensic evidence, lifts an average of 9,208 latent prints, confiscates an average of 358 drug cases, analyzes an average of 76 drug cases, receives an average of 21 serological forensic cases, and receives an average of 13 firearms forensic cases. Due to current staffing levels, limited supplies for the digital minilab, the lack of information technology integration, Guam's only forensic laboratory is only processing forensic cases going to court, forensic cases with active leads, and forensic cases sent to laboratory. Confiscated evidence pending forensic analysis is being maintained in the Evidential Control Section.

Technology factors that limit the ability to provide quality and timely evidence processing include the following: aged gas chromatograph mass spectrometer (11 years old), the lack of a backup system for the VeriPic Digital Photo Lab and the Starlims Scientific Data Management System (SDMS), the lack of a Digital Signature Capture Device, the lack of a Barcode Scanner and Barcode Label Printer, the need to interface the Starlims Forensic Laboratory Information Management System (FLIMS) with the VeriPic Digital Photo Lab, Law Enforcement Records Management Information System (LERMS), Automated Fingerprint Identification System (AFIS), and limited supplies for the Photo Unit. These detrimental factors lead to excessive evidence processing time. Funding under this grant will be used to purchase instrument parts for the gas chromatograph mass spectrometer (a Triple Axis Electron Multiplier 5975 and a Agilent 6890 GC main board), to purchase and implement a Digital Signature

Capture Device, to purchase and implement a barcode scanner and barcode label printer, to purchase and implement a Network Attached Storage backup for VeriPic Digital Photo Lab and Starlims Scientific Data Management System (SDMS), to purchase additional supplies for the digital minilab, to purchase supplies for the barcode scanner and barcode printer label, to maintain the Starlims FLIMS contractual services, to maintain the Starlims FLIMS contractual services for the Annual Update Plan maintenance for the 10 user licenses, to implement five additional FLIMS user licenses, and to implement the Starlims FLIMS system interface with the forensic laboratory's VeriPic Digital Photo Lab, Law Enforcement Records Management System (LERMS), Automated Fingerprint Identification System (AFIS). Upon the implementation of the Digital Signature Capture Device, there is a need to interface the Starlims FLIMS with this mechanism.

The program evaluation criteria will consist of the successful implementation of the GC/MS parts for the drug analysis unit; successful implementation of the Digital Signature Capture Device; successful implementation of the Barcode Scanner and Barcode Label Printer; successful implementation of the Network Attached Storage (NAS) for the VeriPic Digital Photo Lab and Starlims Scientific Data Management System; successful implementation of the digital minilab supplies for the photo lab unit; successful implementation of the Starlims FLIMS maintenance support; successful implementation of the Starlims FLIMS Annual Update Plan maintenance for the ten user licenses; successful implementation of the five additional Starlims FLIMS user licenses; successful implementation of Starlims FLIMS interfaces to the VeriPic Digital Photo Lab, Law Enforcement Records Management System (LERMS), and the Automated Fingerprint Identification System (AFIS); Improvement in maintaining the evidence

chain of custody; Improvement in the reporting; and Improvement in the compilation of data.

The anticipated outcomes of this program are the following:

- reduction in the delay in getting the evidence into the laboratory for analysis and reporting of results to the requesting agency;
- reduction of backlog case evidence processing of a least 50%; and
- increased forensic quality of processed case evidence.

The implementation of the forensic parts, forensic equipments, forensic supplies, Starlims FLIMS service contracts, additional Starlims FLIMS licenses, and Starlims FLIMS interface contract with VeriPic Digital Photo Lab, AFIS, LERMS, and Digital Signature Capture will dramatically increase the effectiveness and efficiencies of the Crimes Scene Response Section and the Forensic Science Section of the Guam Police Department Forensic Science Laboratory in improving the timeliness and quality of the forensic services provided and the reporting of results to the requesting agency.

Program Narrative

Guam's government system is unique because there is only one level of Government. The Guam Police Department is the primary law enforcement agency with responsibility for Guam. The jurisdictional area is comprised of 173,456 citizens spread over a service area of 212 square miles. The department accomplishes its mission with a staff of 313 sworn officers and 62 full time civilian employees. The department reports an average of 3,763 (5 year average beginning with 2004 to 2008) instances of major crime each year as reported in the *Crime in Guam 2008 Uniform Crime Report*. The major crimes include murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. The Guam Police Department Forensic Science Division receives an average of 2,107 forensic cases per year that cumulate in average of 30,954 pieces of evidence to be processed annually.

Guam Police Department Uniform Crime Report 2004 – 2008						
Offenses	2004	2005	2006	2007	2008	Average
Murder	9	7	11	1	1	5
Rape	161	151	180	207	154	142
Robbery	104	105	72	108	49	73
Aggravated Assault	190	125	147	119	330	152
Burglary	1292	1468	1292	1057	647	959
Larceny-theft	3053	2851	2639	2791	1960	2216
Motor Vehicle theft	311	315	213	211	155	201
Arson	16	17	33	8	20	16
Total	5136	5039	4587	4502	3316	3763

Source: Crime in Guam 2008 Uniform Crime Report, Guam Police Department

The Guam Police Department Forensic Science Division is the only U.S. Forensic Laboratory in the Western Pacific region. In addition to providing forensic services for Guam, it provides forensic services to local and federal law enforcement entities in Guam, the Commonwealth of the Northern Mariana Islands, and throughout Micronesia. The Forensic Science Division consists of two distinct sections: Crime Scene Response Section and Forensic Science Section. The former provides services in the area of crime scene field investigation,

photo lab, and latent print/fingerprint analysis, while the latter conducts analyses of drugs, serological, and firearms and tool mark evidence.

The Forensic Science Division has seventeen (17) full time personnel. The staff consist of the following: 1 Division Chief / Operations Chief (Police Captain), 1 Crime Scene Response Section Officer in Charge (Police Sergeant), 1 Criminalist I (Civilian), 3 Criminalist III (Civilians), 1 Firearms Examiner (PO III), 1 Firearms Examiner Trainee (PO III), 1 Photo Lab (PO II), 3 Finger Print Examiners (2 PO III and 1 Civilian), 5 Crime Scene Investigators (2 POI, 1 POII, and 2 POIII). Of the seventeen (17) full time personnel, there are four (4) qualifying full time scientists. At this time, the Forensic Science Division does not perform the following analyses: DNA analyses, complete toxicology, hair and fiber, gun shot residue, questioned document, paint and polymers, soil, mineral and glass, and arson and explosives. This evidence is collected and sent off-island to the FBI laboratory for analysis.

Problem Statement

Annually, the Guam Police Department Forensic Science Division receives an average of 2,107 forensic cases, takes an average of 21,636 pieces of photographic forensic evidence, lifts an average of 9,208 latent prints, confiscates an average of 358 drug cases, analyzes an average of 76 drug cases, receives an average of 21 serological forensic cases, and receives an average of 13 firearms forensic cases. Due to current staffing levels, limited supplies for the digital minilab, the lack of information technology integration, Guam's only forensic laboratory is only processing forensic cases going to court, forensic cases with active leads, and forensic cases sent to laboratory. Confiscated evidence pending forensic analysis is being maintained in the Evidential Control Section.

Technology factors that limit the ability to provide quality and timely evidence processing include the following: aged gas chromatograph mass spectrometer (11 years old), the lack of a backup system for the VeriPic Digital Photo Lab and the Starlims Scientific Data Management System, the lack of a Digital Signature Capture Device, the lack of a Barcode Scanner and Barcode Label Printer, the need to interface the Starlims Forensic Laboratory Information Management System (FLIMS) with the VeriPic Digital Photo Lab, Law Enforcement Records Management Information System (LERMS), Automated Fingerprint Identification System (AFIS), and limited supplies for the Photo Unit. These detrimental factors lead to excessive evidence processing time. Funding under this grant will be used to purchase instrument parts for the gas chromatograph mass spectrometer (a Triple Axis Electron Multiplier 5975 and a Agilent 6890 GC main board), to purchase and implement a Digital Signature Capture Device, to purchase and implement a barcode scanner and barcode label printer, to purchase and implement a Network Attached Storage backup for VeriPic Digital Photo Lab and Starlims Scientific Data Management System, to purchase additional supplies for the digital minilab, to purchase supplies for the barcode scanner and barcode printer label, to maintain the Starlims FLIMS contractual services, to maintain the Starlims FLIMS contractual services for Annual Update Plan for the ten user licenses, to implement five additional FLIMS user licenses, and to implement the Starlims FLIMS system interface with the forensic laboratory's VeriPic Digital Photo Lab, Law Enforcement Records Management System (LERMS), Automated Fingerprint Identification System (AFIS). Upon the implementation of the Digital Signature Capture Device, there is a need to interface the Starlims FLIMS with this mechanism.

The Starlims FLIMS system interface to LERMS will allow the Forensic Science Division to electronically transfer completed reports for upload into the LERMS. This will

reduce the amount of time spent printing, tracking and transporting the reports to Records & ID section (RIDS). With the electronic transfer of reports, paper use will be reduced, consumption of fuel used for the transport vehicle will be reduced and personnel time spent on this task can be redirected to addressing cases submitted for analysis. The process for submitting completed reports is to print to hard-copy, transport to RIDS, where the report is verified then scanned back into electronic form for upload into the LERMS. The tracking process is lengthy and tedious which involves the recording of reports for transmittal and documenting receipt, rejection and resubmission of reports. The interface will allow for the report to be reviewed and uploaded in electronic form which can be done through the intranet without personnel physically leaving the work area. The system will be capable of audit trail for reports that are viewed and by what user. This streamlined process will allow agencies to gain access to laboratory reports in a timely manner and for the transfer of reports to be almost instantaneous.

The Starlims FLIMS interface to the VeriPic Digital Photo Lab will allow for access to complete case information responded to by the Crime Scene Officers. With the system interface, supervisors reviewing the Crime Scene Reports can access case photos or videos within the Starlims FLIMS which will be linked to the VeriPic Digital Photo Lab. This will increase the quality control of the photo evidence being taken of crime scenes and reduce the amount of time needed to view two separate systems for one report. The Digital Media will still be loaded into the database via the VeriPic workstation to maintain appropriate security and audit controls.

The Starlims FLIMS interface to AFIS will allow the Fingerprint Unit (FPU) to upload and link charted enlargements and analysis charts to the appropriate case record automatically. These files are the supporting documents that the FPU uses to illustrate how the examiner deduced the identity of the unknown individual. Without the interface, the examiners will have

to print the files to pdf then upload into FLIMS. With the system interface, the FLIMS can be trained to recognize and import the charted enlargements and analysis files for permanent storage to the case record. This automated process can be initiated with simple functions and can be accomplished in a much shorter time than if done manually.

The system interfaces will also reduce the amount of transcription errors that may occur as case information is typed. Quality control measures can insure that the case information is initially entered correctly into the appropriate system, then through the system interfaces, the data can be populated in the appropriate fields within the AFIS, LERMS, VeriPic or FLIMS.

The Starlims FLIMS system is a web based solution that requires the use of concurrent licenses for access to the system. The solution can be accessed via the internet through a secure connection from any workstation with internet access. The concurrent licenses control the amount of users that can be logged onto the system at any one time. Because the solution is web based, external entities on Guam or around the region, that rely on the FSD laboratory for analytical support could have access to the FLIMS system through a secured connection to check on the status of cases, send inquiries on the status of cases, send a service request for the analysis or processing of evidence, schedule for the transfer of evidence and more depending on the role access granted. Given the number of FSD employees using the system, ten (10) concurrent licenses are just enough to provide access to FSD employees only. With five (5) additional concurrent licenses, FSD will be able to allow external entities to access FLIMS without interrupting the work of FSD personnel. The additional licenses should be sufficient enough to accommodate both external inquiries and requests for services and for FSD employees' work.

By allowing external entities to check on the status of their cases remotely, the interruption of FSD laboratory work will be reduced. Less time will be spent entertaining phone

calls and conducting case research to report on the status of a case or making arrangements for the transfer of evidence. In addition, the assigned examiner/analyst would not have to be present to give case status information as the FLIMS will be able to report information based on the entries made by the analyst/examiner and based on the role provided to the external user. The wait time for external entities as well as calling cost (off-island), if granted access to the system, would be reduced and thereby improving the quality of service that is provided by the laboratory.

The Annual Update Plan (AUP) is a maintenance plan that is available following the expiration of the Warranty Period. The AUP is currently available at 16% of the cost of the total purchase price of the existing Starlims FLIMS user licenses. The AUP entitles GPD to software updates which include enhancements in technology (e.g. speed, stability, etc) and also functionality. In addition, the inclusion of the AUP also provides the insurance that should the FLIMS provider no longer exist, GPD will be entitled to retrieve the source code to ensure that the FLIMS software can still be used. The major benefits of the AUP is that GPD will be entitled to free software upgrades, such as the software to the next major version of the current solution and that GPD will receive a high return on investment by keeping the FLIMS software up-to-date with the latest technology trends.

The contractual services for FLIMS maintenance, Annual Update Plan maintenance for the Starlims FLIMS ten licenses, the implementation of five additional Starlims FLIMS user licenses, and the Starlims FLIMS interface with the VeriPic Digital Photo Lab, LERMS, AFIS, and Digital Signature Capture Device will improve the criminalist and examiners ability in processing the forensic cases in a timely manner. It will also improve the quality of the forensic services provided.

Forensic Science Division Crime Scene Response Section										
Year	Crime Scene Investigation	Photo Lab				Latent/Fingerprint Analysis				
	Forensic Cases Investigated	Forensic Evidence Taken	Forensic Evidence Printed and Delivered	Forensic Evidence Digitally Recorded and Distributed in CD Format to Requesting Agency	Forensic Evidence Backlog	Latent Prints Lifted	Latent Prints of Value	Manual Matches	AFIS Matches	Latent Prints Backlog
2004	1905	16131	3648		12483	7644	644	14	0	630
2005	2137	21091	2411		18680	9812	754	18	0	736
2006	2187	25824	2611		23213	9714	694	14	0	680
2007	2818	27571	2132		25439	9498	624	15	0	609
2008	1542	15490	1701	9574	4215	6800	336	0	0	336
2009	2051	23709	0	773	22936	11777	396	0	57	339
Average Total	2107	21636	2084	5174	17828	9208	575	10	57	555
Average turnaround time to process and deliver forensic evidence to the requesting agency is 2 to 3 days.										
*AFIS - Searches and Matches of Latent Prints and Ten prints beginning October 21, 2009										

Forensic Science Division Forensic Science Section				
Drug Analysis				
Year	Drug Cases Confiscated	Drug Cases Received	Drug Cases Analyzed (a)	Drug Cases Backlog
2004		84	55	29
2005	474	70	46	428
2006	410	44	88	322
2007	496	134	192	304
2008	456	60	107	349
2009	310	63	78	232
Average Total	358	76	94	277
<i>Backlog drug cases is calculated based on Drug Cases Confiscated less Drug Cases Analyzed. The prior year backlog drug cases are not added on to the following year.</i>				
<i>Because of the 3 year statute of limitation for drug cases, backlog drug cases prior to 2005 will not be analyzed.</i>				
Turnaround time: Submission to lab to analysis: 1-2 days, 2 weeks for multiple case submissions				
(a) In 2006 an additional criminalist was hired for Drug Analysis and was on training status until Aug 2006. Additional criminalist working full time processing current and backlog cases and the other criminalist working part time.				
Confiscation to Analysis: 2 years (Average)				
Desired turnaround time: Confiscation to Analysis: 3 - 7 days				

Forensic Science Division Forensic Science Section							
Serological				Firearms and Tool Mark Analysis			
Year	Forensic Cases Received (b)	Forensic Cases Analyzed (c)	Forensic Cases Backlog (d)	Forensic Cases Received (e)	Forensic Cases Analyzed	Forensic Backlog Cases Analyzed	Forensic Cases Backlog
2004	21	14	1	17	17	0	0
2005	20	12	1	22	24	2	0
2006	26	21	2	8	12	4	0
2007	27	23	0	12	12	1	1
2008	22	15	2	11	11	12	0
2009	11	10	0	9	6	0	2
Average Total	21	16	1	13	14	3	1

(b) Only includes cases going to court and cases with active leads for investigation. 2004-2006, due to a reduction in manpower, only forensic evidence that is going to court was being processed at this time. Evidential Control Section maintains those forensic cases that have not been processed.

(b) As of June 2006 two serologists are now working full time. CY 2007 and current, the Serology Unit accepts all serology cases because of the additional criminalist assigned to Serology.

(c) 2004 and 2005 includes FBI analyzed cases.

(d) Cases in which only blood reference samples are submitted do not require analysis and are not considered backlog.

(e) Only includes cases going to court and cases with active leads for investigation.

Resource Needs and Gaps in Services

The Forensic Science Division needs to replace some of the forensic parts on the aged gas chromatograph mass spectrometer in the Drug Analysis Unit, acquire additional forensic supplies for the Photo Lab Unit, acquire additional forensic equipment for the forensic laboratory with state of the art equipment (Digital Signature Capture Device, Barcode Scanner and Barcode Label Printer, and Network Attached Storage), systems integrations with Starlims FLIMS, acquire five additional Starlims FLIMS user licenses, and maintenance support for the Starlims Annual Update Plan for the ten Starlims FLIMS user licenses and Starlims FLIMS. These additional equipment will allow for faster, timely processing of forensic evidence, and reduction in the amount of time the criminalist and examiners will spent in entering the forensic case information into the various systems. The additional supplies will assist in archiving current and

historical digital photographic evidence and converting historical homicide cases in 35mm film to digital media.

Purpose of the Program

The purpose of this program is to enhance the Forensic Science Division's ability to improve the quality and timeliness of forensic science services in reducing the lag time in getting the evidence into the laboratory for analysis; in maintaining the evidence property chain of custody; in the ease of reporting; in the monitoring of case assignments and dispositions; in the compilation of statistics; and in the inventory of equipment and supplies. In addition it will improve the Forensic Science Division quality and timeliness of forensic science services in processing the forensic evidence and providing the results to the requesting agency.

The funding made available under this program will enable the Forensic Science Division acquire forensic equipments replacement parts (GCMS Triple Axis Electron Multiplier 5975C and Agilent 6890 GC Main Board), acquire additional forensic equipments (Digital Signature Capture Device, barcode scanner and barcode label printer, and network attached storage) and supplies (digital minilab supplies and barcode scanner and barcode label printer supplies), to maintain the Starlims FLIMS and the Annual Update Plan for the ten Starlims user licenses, and to implement five additional Starlims user licenses, and to interface Starlims FLIMS with VeriPic Digital Photo Lab, LERMS, and AFIS. The equipment, supplies, and technology system will improve the quality and timeliness of the forensic services provided by the Forensic Science Division in reducing the examiners' and criminalists' time spent preparing the written findings on the reports; reducing the amount of time spent documenting and recording the details of cases worked; reducing current forensic case backlog by at least twenty percent; decreasing forensic

evidence processing time by fifty percent; and increasing the quality of processed forensic evidence.

Program Goal and Objective

The goal is to improve the quality and timeliness of forensic services in processing forensic evidence and providing the forensic evidence results to the requesting agency in a timely manner.

The objectives of this program is to acquire forensic equipments replacement parts (GCMS Triple Axis Electron Multiplier 5975C and Agilent 6890 GC Main Board), acquire additional forensic equipments (Digital Signature Capture Device, barcode scanner and barcode label printer, and network attached storage) and supplies (office and laser printer supplies, digital minilab supplies and GC/MS supplies), to maintain the Starlims FLIMS and the 10 Starlims user licenses, and to implement five additional Starlims user licenses that will enable the Forensic Science Division to process the current and backlog forensic evidence in a timely manner, and to provide forensic evidence results to the requesting agency, and improve the quality of the forensic services provided.

Program Implementation Plan

Upon the establishment and receipt of the grant award, the Guam Police Department's Forensic Science Division, and Special Programs Section will collaborate to purchase the forensic equipments and forensic supplies; to maintain the Starlims FLIMS; to maintain the ten Starlims FLIMS user licenses; to purchase 5 additional Starlims FLIMS user license; to prepare the sole source documentation for the systems interface with Starlims FLIMS. The following timeline is submitted to represent the proposed implementation of program activities. Actual

realized implementation may vary slightly due to the establishment of the account and the additional time required in the competitive bidding process.

Program Implementation Timeline

MONTH	ACTIVITIES
Month 1-2	<ul style="list-style-type: none"> ▪ Request sole source approval from Guam GSA for the Starlims FLIMS interface with VeriPic Digital Photo Lab, LERMS, and AFIS with the Starlims Vendor. ▪ Request sole source approval from Guam GSA Chief Procurement Officer for the Starlims FLIMS maintenance, Starlims FLIMS Annual Update Plan maintenance of the 10 user licenses and to purchase 5 additional user licenses with the Starlims Vendor. ▪ Obtain the specification for the Network Attached Storage and Digital Signature Capture Device from GPD MIS. ▪ Obtain three price quotations for the GCMS Instrument Parts, Digital Signature Capture Device, Barcode Scanner and Barcode Label Printer, Network Attached Storage, digital minilab supplies, and Barcode label printer supplies. <p>Documentation of about task will be forward to Special Programs for processing.</p>
Month 3-4	<ul style="list-style-type: none"> ▪ Special Programs will prepare the requisitions for processing at Department of Administration.
Month 5-6	<p>The Guam Police Department FSD and Special Program will coordinate with the vendors on the purchase of equipments and supplies, the replacement of the GC/MS parts, Starlims FLIMS service maintenance contract, Annual Update Plan maintenance for the Starlims FLIMS 10 user licenses, Starlims FLIMS user licenses, and Starlims FLIMS interface.</p>
Month 7-9	<p>The Guam Police Department will prepare for the delivery of the supplies and equipments.</p>
Month 10-11	<p>Equipment is in place and operational. Starlims FLIMS interface is implemented, Starlims FLIMS 5 additional user licenses is in place.</p>
Month 12	<p>Continue processing current and backlog case evidence in the Serology Unit, Firearm and Tool Mark Analysis Unit, Crime Scene Response Unit, Drug Unit, and Photo Lab Unit.</p> <p>Process grant project for closure, prepare final financial and close out narrative reports, prepare and submit the grant program evaluation and effectiveness report.</p>

Evaluation Plan, Outcomes, and Effectiveness of the Program

The program evaluation criteria will consist of the following:

- successful implementation of the GC/MS parts for the drug analysis unit;
- successful implementation of the Digital Signature Capture Device;
- successful implementation of the Barcode Scanner and Barcode Label Printer;
- successful implementation of the Network Attached Storage (NAS) for the VeriPic Digital Photo Lab and Starlims Scientific Data Management System;
- successful implementation of the digital minilab supplies for the photo lab unit;
- successful implementation of the Starlims FLIMS maintenance support;
- successful implementation of the Starlims FLIMS Annual Update Plan maintenance for the 10 user licenses;
- successful implementation of the five additional Starlims FLIMS user licenses;
- successful implementation of system interfaces of the Forensic Laboratory Information Management System (FLIMS) to the VeriPic Digital Photo Lab, Law Enforcement Records Management System (LERMS), and the Automated Fingerprint Identification System (AFIS);
- Improvement in maintaining the evidence chain of custody;
- Improvement in the reporting; and
- Improvement in the compilation of data.

The program outcomes and effectiveness of the project will be based on the efficiencies that the Forensic Science Division will experience with the implementation of the forensic equipment and forensic supplies, Starlims FLIMS service maintenance, Starlims FLIMS Annual Update Plan maintenance for the ten user license, additional Starlims FLIMS user licenses, and GC/MS enhancement. The anticipated outcomes of this program are the following:

- Reduction in the delay in getting the evidence into the laboratory for analysis and reporting of results to the requesting agency;
- Reduction of backlog case evidence processing of a least 20%;
- Increased forensic quality of processed case evidence.

The implementation of the forensic parts, forensic equipments, forensic supplies, Starlims FLIMS service contracts, additional Starlims FLIMS licenses, and Starlims FLIMS interface contract with VeriPic, AFIS, LERMS, and Digital Signature Capture Device provided by this grant opportunity will dramatically increase the effectiveness and efficiencies of the Crimes Scene Response Section and the Forensic Science Section of the Guam Police Department Forensic Science Laboratory in improving the timeliness and quality of the forensic services provided and the reporting of results to the requesting agency.

Paul Coverdell Forensic Science Improvement Grants Performance Measures

To assist in fulfilling the State Administrative Agency’s responsibilities under the Government Performance and Results Act (GPRA), Public Law 103-62, the Guam Police Department’s Forensic Science Division will provide and report data that measures the results of the program. The Performance Measures are as follows:

Objective	Performance Measures	Data Grantee Provides
To improve the quality and timeliness of forensic services and to reduce the number of backlogged cases in forensic laboratories.	<p><i>Outcome Measure</i></p> <ol style="list-style-type: none"> 1. Reduction in the average number of days from sample submission to a forensic science laboratory and delivery of test results to a requesting office or agency. 2. Percent reduction in the number of backlogged forensic cases. 	<ol style="list-style-type: none"> 1. Average number of days to process a sample at the beginning of the grant period. 2. Average number of days to process a sample at the end of the grant period. 3. Number of backlogged cases at the beginning of the grant period.

Objective	Performance Measures	Data Grantee Provides
	<p><i>Output Measures</i></p> <p>1. The number of forensic science or medical examiner personnel who completed appropriate training or education opportunities with Coverdell funds (if applicable to the grant).</p>	<p>4. Number of backlogged cases at the end of the grant period.</p> <p>5. Number of forensic science personnel attending training.</p> <p>6. Number of medical examiner personnel attending training programs.</p>

Description of the Applicant’s Plan for the Collection of the Data Required for

Performance Measures:

The Bureau of Statistics and Plans has developed a data table that encompasses the five disciplines within the forensic laboratory. The data table along with the GPRA Coverdell Performance Measures will be provided to the Guam Police Department Forensic Science Division Criminalist III in the Drug Analysis Section and the Crime Scene Investigator Supervisor at the start date of the project. They are task with coordinating the collection of the data from each Unit within the Forensic Laboratory monthly. The Criminalist III and the Crime Scene Investigator Supervisor will compile the data monthly through the Starlims Forensic Laboratory Management Information System, analyze the data quarterly and submits it to the Bureau fifteen days after the end of the calendar year quarter along with the quarterly progress report. The Criminalist III and the Crime Scene Investigator Supervisor will ensure the data is accurate, auditable, and correctly measure the impact of the Federal funds provided. The data will be available for review 3 years after the grant has closed with the Bureau of Statistics and Plans, the State Administering Agency.

Attachment 2

FY 2010 Paul Coverdell External Investigations

FY 2010 Coverdell Forensic Science Improvements Grants Program

Attachment: External Investigations

The "Certification as to External Investigations" that is submitted on behalf of the applicant agency as part of this application certifies that—

A government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility that will receive a portion of the grant amount.

Prior to receiving funds, the applicant agency (that is, the agency receiving the funds under this grant) must provide—for each forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility that will receive a portion of the grant amount—the name of the "government entity" (or entities) that form the basis for the certification. Please use the template below to provide this information.

IMPORTANT NOTE: If necessary for accuracy, list more than one entity with respect to each intended recipient of a portion of the grant amount. For example, if no single entity has an appropriate process in place with respect to allegations of serious negligence as well as serious misconduct, it will be necessary to list more than one entity. Similarly, if no single entity has an appropriate process in place with respect to allegations concerning contractors as well as employees, it will be necessary to list more than one entity.

Additional guidance regarding the "Certification as to External Investigations" appears in the "Eligibility" section of the program announcement for the FY 2010 Coverdell program.

Name of Applicant Agency (including Name of State or Unit of Local Government):

GUAM BUREAU OF STATISTICS AND PLANS - GUAM

Date: May 17, 2010

Name of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility that will receive a portion of the grant amount	Existing government entity (or entities) with an appropriate process in place to conduct independent external investigations
1. Guam Police Department Forensic Science Laboratory	Internal Affairs Units, Guam Police Department
2.	

Attachment 3

FY 2010 Paul Coverdell Budget Narrative

State Administrative Agency Cost

Office Supplies

Office Supplies and Computer Supplies The State Administrative Agency will use the administrative cost to purchase the necessary office supplies to be used towards the general administration of the program. The supplies include the following: 10 cases of copier paper, 2 boxes of folders, 2 each of the HP3800 color toners (yellow, magenta, black and cyan), and 2 each of the HP3700 color toners (yellow, magenta, black and cyan). Estimated Office Supplies Cost: \$5,076.

Other Costs

Copier Machine Lease The State Administrative Agency will use the administrative cost to cover the copier machine lease for one month that is used towards the general administration of the program. Estimated Lease Cost: \$800.

Internet Service Provider T1 Line Lease The State Administrative Agency will use the administrative cost to cover the Internet Service Provider Line Lease for one month that is used towards the general administration of the program. Estimated Lease Cost: \$480.

Subrecipient Cost

Equipment

Digital Signature Capture Device. This equipment will allow non-users of the Starlims FLIMS to sign an electronic Chain of Custody that will be initiated within FLIMS for the transfer of evidence. This equipment will provide for the continuity of the chain of custody and reduce the amount of paper being used for evidence transfer and release. Estimated Purchase cost: \$10,000.

Network Attached Storage (NAS). A NAS unit is a computer connected to a network that only provides file-based data storage services to other devices on the network. This unit will serve as the backup storage for the forensic laboratory management information system scientific data management and the digital photo and video media. The forensic laboratory digital photo and video media resides in a VeriPic System. Estimated Purchase cost: \$10,000.

Supplies

Digital Minilab Frontier 500 Supplies (Photo Lab Unit). The supplies are for the photo lab digital minilab. The supplies include the following: 10 - 1 pkg per 50 pcs compact disk recordable @ \$36, 4 - 1 pkg per 100 pcs compact disk hard sleeves @ \$20, 3 - 610 x 12" roll for 4x6 @ \$125, 2 - 610 x 12" roll for 6x8 @ \$125, 3 - 610 x 12" roll for 8 x 10 @ \$90, 1 - 610 x 12" roll for 10x12 @ \$100, 7 - color developer @ \$77, 3 - bleach replenisher @ \$153, 3 - fixer and replenisher @ \$45, 3 - stabilizer and replenisher @ \$38, 3 - color developer starter @ \$103, 1 super conditioner tablet @ \$9. The supplies are necessary to archive the digital photos and to print evidence. Estimated Purchase Cost: \$3,000.

Barcode Label Printer Supplies. The barcode label printer supplies are necessary to keep track of documents for evidence inventory, for chain of custody transactions, and to minimize entry errors. The supplies are the following: 2 – 4 x 6 barcode label paper @ \$19 ea \$38, 2 – 4 x 2 barcode label paper @ \$25 ea \$50, 2 – 3 x 9 barcode label paper @ \$25 ea \$50, 3 – back ribbon ink @ \$50 ea \$150. Estimated Purchase Cost: \$288.

Contractual

Starlims Forensic Laboratory Management Information System Maintenance (FLIMS) Support. This is a one year maintenance contract for the FLIMS application to include upgrades. The Starlims FLIMS will be implemented in August 2010. Estimated Purchase Cost: \$33,920.

Starlims FLIMS Annual Update Plan License maintenance. Upon the implementation of the Starlims FLIMS in August 2010, the forensic laboratory will have implemented 10 licenses to allow for 10 users to access the system. The funding will be used to budget for the annual maintenance plan of the 10 licenses. Estimated Purchase Cost: \$14,400 (10 licenses x \$9000 x 16%).

Starlims FLIMS concurrent license for 5 licenses. The forensic laboratory needs 5 additional licenses for the forensic laboratory criminal and forensic analyst for access to the web based solution. The funding will be used to budget for 5 additional Starlims FLIMS. Estimated Purchase Cost: \$45,000 (5 licenses x \$9000).

Starlims FLIMS interface with the Forensic Laboratory VeriPic system, the Guam Police Department's Law Enforcement Records Management System, the Forensic Laboratory Automated Fingerprint Identification System, and the proposed budgeted Digital Signature Capture Device. The Starlims Forensic laboratory information management solution will be implemented in August 2010. The integration of the various system will allow the information generated by the laboratory to be readily incorporated into case histories and case reports. Estimated Purchase Cost: \$71,108.

Other Costs

Shipping and Handling

Shipping and Handling for Equipments. GC/MS General Instrument Parts: Triple Axis Electron Multiplier 5975 C, GC/MS General Instrument Parts: Agilent 6890 GC Main Board, Digital Signature Capture Device, Barcode Scanner and Barcode Label Printer, Network Attached Storage (NAS). Estimated Purchase Cost: \$800.

Equipments

GC/MS General Instrument Parts: Triple Axis Electron Multiplier 5975 C (Drug Analysis Unit). The gas chromatograph mass spectrometer was purchased in 1998. The GC/MS is used to identify different substances within a test sample. Funds will be used to purchase the following replacement part, Triple Axis Electron Multiplier 5975, to keep the GC/MS operating at optimal conditions. Estimated Purchase Cost: \$1,406.

GC/MS General Instrument Parts: Agilent 6890 GC Main Board (Drug Analysis Unit). The gas chromatograph mass spectrometer was purchased in 1998. The GC/MS is used to identify different substances within a test sample. Funds will be used to purchase the following replacement part, Agilent 6890 GC Main Board, to keep the GC/MS operating at optimal conditions. Estimated Purchase Cost: \$1,850.

Barcode Scanner and Barcode Label Printer. The barcode scanner and the barcode label printer will assist in the tracking of documents for evidence inventory, for chain of custody transactions, and to minimize entry errors. Estimated Purchase Cost: \$1,000 (2 x \$500) for the barcode scanner and \$600 for the barcode label printer.

FY 2010 Paul Coverdell Budget Detail Worksheet and Budget Summary

FY 2010 Paul Coverdell Forensic Science Improvement Grant Program

Base Funds Budget Detail Worksheet and Budget Summary

A. Personnel--List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

<u>Position</u>	<u>Computation</u>	<u>Cost</u>
		TOTAL PERSONNEL
		\$0

B. Fringe Benefits--Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

TOTAL FRINGE BENEFITS	\$0
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C. Travel-- Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meetings, etc. Show the basis of computation (e.g., six people 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects travel and meals for trainees should be listed separately. Show the number of trainees and unit cost involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

<u>Purpose of Travel</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
		TOTAL TRAVEL	\$0

D. Equipment-- List non-expendable items that are to be purchased. (Note: Organization's own capitalization policy for classification of equipment should be used. Expendable items should be included in the "Supplies" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

<u>Item</u>	<u>Computation</u>	<u>Cost</u>
(250) Digital signature capture device	1 x \$10000	\$10,000
(450) 1 - Network Attached Storage (NAS) for digital photo and video image storage, and FLIMS scientific data management storage	1 x \$10000	\$10,000
		TOTAL EQUIPMENT
		\$20,000

E.-Supplies--List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

<u>Item</u>	<u>Computation</u>	<u>Cost</u>
(240) Office Supplies (Administrative Cost)		\$5,076
10 - 1 cs 10 ream copier paper @ \$45	10 x \$45	\$450
2 - 1 bx 10 pcs folders \$75	2 x \$75	\$150
2 - HP 3800 toner cartridge - yellow \$290 ea	2 x \$290	\$580
2 - HP 3800 toner cartridge - magenta \$290	2 x \$290	\$580
2 - HP 3800 toner cartridge - cyan \$290 ea	2 x \$290	\$580
2 - HP 3800 toner cartridge - black \$249 ea	2 x \$249	\$498
2 - HP 3700 toner cartridge - yellow \$290 ea	2 x \$290	\$580
2 - HP 3700 toner cartridge - magenta \$290 ea	2 x \$290	\$580
2 - HP 3700 toner cartridge - cyan \$290 ea	2 x \$290	\$580
2 - HP 3700 toner cartridge - black \$249 ea	2 x \$249	\$498
Total Office Supplies (Adm. Cost)		\$5,076
(240) Supplies for the Digital Minilab		\$3,000
10 - 1 pkg per 50 pcs compact disk recordable @ \$36	10 x \$36	\$360
4 - 1 pkg per 100 pcs compact disk hard sleeves @ \$20	4 x \$20	\$80
3 - 610 x 12" roll for 4x6 @ \$125	3 x \$125	\$375
2 - 610 x 12" roll for 6x8 @ \$125	2 x \$125	\$250
3 - 610 x 12" roll for 8 x 10 @ \$90	3 x \$90	\$270
1 - 610 x 12" roll for 10x12 @ \$100	1 x \$100	\$100
7 - color developer @ \$77	7 x \$77	\$539
3 - bleach replenisher @ \$153	3 x \$153	\$459
3 - fixer and replenisher @ \$45	3 x \$45	\$135
3 - stabilizer and replenisher @ \$38	3 x \$38	\$114
3 - color developer starter @ \$103	3 x \$103	\$309
1 super conditioner tablet @ \$9	1 x \$9	\$9
Total Digital Minilab Supplies		\$3,000
(240) Supplies for the Barcode Label Printer		\$288
2 - 4 x 6 barcode label paper	2 x \$20	\$38
2 - 4 x 2 barcode label paper	2 x \$25	\$50
2 - 3 x 9 barcode label paper	2 x \$25	\$50
3 - black ribbon ink	3 x \$50	\$150
Total Barcode Label Printer		\$288
TOTAL SUPPLIES		\$8,364

F. Construction-- As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the program office before budgeting funds in this category.

<u>Purpose</u>	<u>Description of Work</u>	<u>Cost</u>
<i>Not Applicable (N/A)</i>		
TOTAL CONSTRUCTION		\$0

G. Consultants/Contracts-- Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisitions

Consultant Fee: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

<u>Name of Consultant</u>	<u>Service Provided</u>	<u>Computation</u>	<u>Cost</u>
			Sub total
			\$0

<u>Consultant Expenses</u>			
<u>Item</u>	<u>Location</u>	<u>Computation</u>	<u>Cost</u>
			Sub Total
			\$0

<u>Contracts</u>			
<u>Item</u>			<u>Cost</u>
(230) Starlims FLIMS Maintenance Support			\$33,920
(230) Starlims FLIMS Annual Update Plan License maintenance for 10 licenses (10 licenses x \$9000 x 16%)			\$14,400
(230) Additional FLIMS license (5 licenses x \$9000)			\$45,000
(230) Starlims FLIMS Interface with Veripic, LERMS, AFIS, and Digital Signature Capture			\$71,108
			Sub Total
			\$164,428
TOTAL CONSULTANTS/CONTRACTS			\$164,428

H. Other Costs-- List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot rent, and provide a monthly rental cost and how many months to rent.

(230) Internet Service Provider (Administrative Cost)	\$480 per month for 1 quarters	\$480
<i>Internet Service Provider to access the OJP website, Grants Management System, Grants.Gov, and other related site related to the program</i>		
TOTAL INTERNET SERVICES (Administrative Cost)		\$480

(230) Copier Lease (Administrative Cost)	\$800 per month for 1 quarters	\$800
<i>Copier Lease is needed for reproducing documents related to the program</i>		
TOTAL COPIER LEASE (Administrative Cost)		\$800

(230) Shipping and Handling for Equipments	GC/MS parts \$100, Network Attached Storage \$400, Digital signature capture device \$100, Barcode Scanner and Barcode Label Printer \$200		\$800
<i>Shipping and handling is needed for the shipment of the equipment to Guam from the Continental U.S.</i>			
TOTAL SHIPPING AND HANDLING			\$800
(250) 1 - GCMS Instrument Part: Triple Axis Electron Multiplier 5975 C (Drug Analysis Unit)		1 x \$1406	\$1,406
(250) 1 - GCMS Instrument Part: Agilent 6890 GC Main Board (Drug Analysis Unit)		1 x \$1850	\$1,850
(250) 2 - Barcode Scanner and 1 - Barcode Label Printer	scanner: 2 x \$500 and label printer: 1	x \$600	\$1,600
TOTAL OTHER EQUIPMENT			\$4,856
TOTAL OTHER COSTS			\$6,936
I. Indirect Cost --Indirect costs are allowed only if the applicant has Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.			
<i>Not Applicable (N/A)</i>			
TOTAL INDIRECT COST			\$0

TOTAL BASE	\$199,728
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FY 2010 PAUL COVERDELL BASE BUDGET SUMMARY

<u>Budget Category</u>	<u>Amount</u>
A. Personnel	\$0.00
B. Fringe Benefits	\$0.00
C. Travel	\$0.00
D. Equipment	\$20,000.00
E. Supplies	\$8,364.00
F. Construction	\$0.00
G. Consultants/Contracts	\$164,428.00
H. Other	\$6,936.00
I. Indirect Cost	\$0.00
TOTAL	\$199,728.00

Government of Guam Procurement Method Narrative

Purchase Items

The items to be procured under this grant funded project will be offered to viable authorized suppliers in an open-competitive bid proposal process.

Local Purchasing Guidelines

Title 5 of the Guam Code Annotated Chapter 5 Article requires a competitive bid process for all equipment or contractual services except for situations in which sole source proprietary procurement and emergency procurement is justified due to extenuating circumstances.

PART F
DUTIES OF THE ATTORNEY GENERAL

§ 5150. Duties of the Attorney General.

§ 5150. Duties of the Attorney General.

The Attorney General, the Deputy Attorney General or such Assistant Attorneys General as the Attorney General may designate, shall serve as legal counsel and provide necessary legal services to the Policy Officer and the General Services Agency. The Attorney General shall, in addition, when he approves contracts, determine not only the correctness of their form, but their legality. In making such a determination of legality, he may require any or all agencies involved in the contract to supply him with evidence that the required procedures precedent to executing the contract were carried out. He may prescribe the forms and format required to be followed by the agencies in aiding him in his determination of legality.

ARTICLE 3
SOURCE SELECTION AND CONTRACT FORMATION

- Part A. Definitions.
- Part B. Methods of Source Selection.
- Part C. Cancellation of Invitations for Bids or Requests for Proposals.
- Part D. Qualifications and Duties.
- Part E. Types of Contracts.
- Part F. Inspection of Plant and Audit of Records.
- Part G. Determinations and Reports.

PART A
DEFINITIONS

§ 5201. Definitions.

§ 5201. Definitions.

As used in this Chapter:

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(a) *Cost-Reimbursement Contract* means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this Chapter, and a fee, if any.

(b) *Established Catalogue Price* means the price included in a catalogue, price list, schedule or other form that:

(1) is regularly maintained by a manufacturer or contractor;

(2) is either published or otherwise available for inspection by customers; and

(3) states prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the supplies or services involved.

(c) *Invitation for Bids* means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

(d) *Purchase Description* means the words used in a solicitation to describe the supplies, services or construction to be purchased, and includes specifications attached to, or made a part of, the solicitation.

(e) *Requests for Proposals* means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

(f) *Responsible Bidder or Officer* means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

(g) *Responsive Bidder* means a person who has submitted a bid which conforms in all material respects to the Invitation for Bids.

SOURCE: GC § 6958. MPC § 3-101.

**PART B
METHODS OF SOURCE SELECTION**

- § 5210. Methods of Source Selection.
- § 5211. Competitive Sealed Bidding.
- § 5212. Bid Security and Performance Bond Requirement for Contractors.
- § 5213. Small Purchases.

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- § 5214. Sole Source Procurement.
- § 5215. Emergency Procurement.
- § 5216. Competitive Selection Procedures for Services Specified in § 5121 of this Chapter.
- § 5217. Procurement from Nonprofit Corporations.
- § 5218. Procurement of Products Manufactured from Recycled Glass.
- § 5219. Unsolicited Offers.

§ 5210. Methods of Source Selection.

(a) Unless otherwise authorized by law, all territorial contracts shall be awarded by competitive sealed bidding, pursuant to § 5211 of this Article, except for the procurement of professional services and except as provided in:

- (1) Section 5212 of this Article; [see note below]
- (2) Section 5213 of this Article;
- (3) Section 5214 of this Article;
- (4) Section 5215 of this Article;
- (5) Section 5216 of this Article for services specified in § 5121 of this Chapter; or
- (6) Section 5217 of this Article.

(b) Nothing in this Section requiring competitive bidding shall prohibit the development of specifications which require compatibility with existing supplies, equipment or data processing systems.

SOURCE: GC § 6959. MPC § 3-202 modified. Subsections (a)(4) and (a)(5) amended, and (a)(6) added by P.L. 18-15:X:24.

NOTE: With respect to subsection (a)(1), section 5212 (regarding Competitive Sealed Proposals) was repealed in 1985 by P.L. 18-8:8. However, subsection (a) was not amended to reflect that repeal. In 2004, section 5212 was added as a new completely unrelated law (Bid Security and Performance Bond Requirement for Contractors) by P.L. 27-127:2.

COMMENT: In the past, some problems have arisen due to the requirement for competitive bidding for equipment which should have been, but was not, compatible with existing equipment. The reason alleged was that the lowest bidder had to be chosen. Of course, the proper writing of specifications could have prevented the problem and Subsection (b) makes clear that compatibility may be a legitimate part of the specifications. Changed by Committee on GGO.

§ 5211. Competitive Sealed Bidding.

(a) Conditions for Use. Contracts shall be awarded by competitive sealed bidding except as otherwise provided in § 5210 of this Article.

(b) Invitation for Bids. An Invitation for Bids shall be issued and shall include a purchase description, a recitation of the Wage Determination most recently issued by the U.S. Department of Labor, and all contractual terms and conditions applicable to the procurement including a demonstration of compliance with §§ 5801 & 5802 of this Chapter, if applicable..

(c) Public Notice. Adequate public notice of the Invitation for Bids shall be given a reasonable time prior to the date set forth therein for the opening of bids, in accordance with regulations promulgated by the Policy Office. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening. If a bid is given public notice which is within the time specified in the Policy Office's rules and regulations on the subject, it shall not be challenged unless the bidder can show exceptional circumstances which would render the rules and regulations inapplicable in the case of a particular bid being requested.

(d) Bid Opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. The amount of each bid, and such other relevant information as may be specified by regulation, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection.

(e) Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Chapter. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The Invitation for Bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the Invitation for Bids.

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(f) Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with regulations promulgated by the Policy Office. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the Territory or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Chief Procurement Officer, the Director of Public Works or head of a purchasing agency.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids and whose bid amount is sufficient to comply with Article 13 of this Chapter, if applicable. In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed such funds by more than five percent (5%), the Chief Procurement Officer, the Director of Public Works, or the head of a purchasing agency, is authorized, in situations where time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.

(h) Multi-Step Sealed Bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for Bids may be issued requesting the submission of unpriced offers to be followed by an Invitation for Bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

SOURCE: GC § 6959.1. MPC § 3-202; Subsection (c) modified. Subsection (b) amended by P.L. 28-165:3 (Jan. 4, 2007). Subsection (g) amended by P.L. 28-165:4 (Jan. 4, 2007).

COMMENT: See Official Comments for full commentary. Subsection (c) is modified to make sure that a dissatisfied bidder cannot challenge a bid because of lack of time where the bid is in conformance with the rules and regulations unless there has been some serious and exceptional reason for the challenge, such as where the time for bids was extended and, for some reason, one bidder was not notified. Further modified by P.L. 28-165 (Jan. 4, 2007).

§ 5212. Bid Security and Performance Bond Requirement for Contractors.

(a) Requirement for Bid Security. Bid security shall be required for all competitive sealed bidding for the procurement of supplies or services when the total price is estimated by the Chief Procurement Officer to exceed Twenty-Five Thousand Dollars (\$25,000.00). Bid security shall be a bond provided by a surety company authorized to do business in Guam, or the equivalent in cash, or otherwise supplied in a form satisfactory to the government of Guam. Nothing herein prevents the requirement of such bonds on the procurement of supplies or services totaling fewer than Twenty-Five Thousand Dollars (\$25,000.00) when a written determination and justification for such requirement is included as an integral part of the Invitation for Bid solicitation package.

(b) Amount of Bid Security. Bid security shall be in an amount equal to fifteen percent (15%) of the total amount bid.

(c) Release of Bid Security. The bid security required above under any applicable Invitation for Bid shall not be released upon award of the bid, but instead shall continue in full force and effect until delivery of the supplies or services required by any contract awarded to contractor under the associated Invitation for Bid is completed.

(d) Action against Bid Security. In the event that a successful bidder fails to complete delivery of supplies or services as required in the contract between such contractor and the government of Guam, the government of Guam may proceed to procure such supplies or services from the next lowest bidder who is able to deliver such supplies or services. The government of Guam may retain so much of the bid security as may be required to compensate the government for damages arising from contractor's failure to complete delivery of such supplies or services, and the government of Guam may also bring an action in the Superior Court of Guam against the contractor for direct damages, if any, beyond the amount of the bid security posted except that no action against bid security maybe taken in such circumstances where supplies or services are terminated due to the government of Guam's failure to pay for such services or supplies on a timely basis.

(e) Rejection of Bids for Noncompliance with Bid Security Requirements. When the Invitation for Bids requires bid security, noncompliance requires that the bid be rejected unless, pursuant to

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Policy Office regulations, it is determined that the bid fails to comply in a non-substantial manner with the security requirements.

(f) **Withdrawal of Bids.** After the bids are opened, they shall be irrevocable for the period specified in the Invitation for Bids, except as provided in §§ 5211(f) of this Chapter. If a bidder is permitted to withdraw its bid before award, no action shall be had against the bidder or the bid security.

(g) **No Requirement for Performance Bond.** The bid security that shall be held until complete delivery of the supplies or services by the successful bidder is deemed to be satisfactory to adequately protect the best interest of the government of Guam, from default, and thus, no separate performance bond shall be required of the successful bidder on a contract for supplies or services.

(h) **Bond Forms.** The Policy Office shall promulgate by regulation the form of the bond or other bid security required by this Section together with any additional regulations necessary for the administration of this Section. Any person may request and obtain from the Government of Guam a certified copy of a bond upon payment of the cost of reproduction of the bond and postage, if any. A certified copy of a bond shall be prima facie evidence of the contents, execution and delivery of the original.

SOURCE: Added by P.L. 27-127:2.

§ 5213. Small Purchases.

Any procurement not exceeding the amount established by regulation may be made in accordance with small purchase procedures promulgated by the Policy Office, provided, however, that procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section.

SOURCE: GC § 6959.3. MPC § 3-204.

§ 5214. Sole Source Procurement.

A contract may be awarded for a supply, service, or construction item without competition when, under regulations promulgated by the Policy Office, the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of either officer above the level of the Procurement Officer determines in writing that

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there is only one source for the required supply, service or construction item.

SOURCE: GC § 6959.4. MPC § 3-205.

§ 5215. Emergency Procurements.

Notwithstanding any other provision of this Chapter, the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions as defined in regulations promulgated by the Policy Office; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances, and further provided that the procurement agent must solicit at least three (3) informal price quotations, if time allows must give notice to all contractors from the qualified bid list who have provided the needed supplies and services to the government within the preceding twelve (12) months, and must award the procurement to the firm with the best offer, as determined by evaluating cost and delivery time. No emergency procurement or combination of emergency procurements may be made for an amount of goods or supplies greater than the amount of such goods and supplies which is necessary to meet an emergency for the thirty (30) day period immediately following the procurement. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The requirements for a written determination for the emergency shall be met if the procurements are being made on the basis of the Governor's declaration of an emergency situation by Executive Order if such Order states that emergency procurement may be resorted to for the purposes of the Order. Unless authorized by an Executive Order declaring an emergency, no emergency procurement may be made except on a certificate made under penalty of perjury by the Chief Procurement Officer, Director of Public Works or the head of a purchasing agency, as the case may be. Certified copies of the certificate shall be sent, prior to award and as a condition thereof, to the Governor and Speaker of the Legislature. The certificate shall contain the following:

- (1) a statement of the facts giving rise to the emergency;

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(2) the factual basis of the determination that an emergency procurement is necessary; and

(3) a statement that emergency procurement is not being used solely for the purpose of avoidance of the provisions of this Chapter.

In addition to any other requirement, the Governor must approve in writing all authorizations for emergency procurement.

SOURCE: GC § 6959.5. MPC § 3-206. Amended by P.L. 18-44:23.

§ 5216. Competitive Selection Procedures for Services Specified in § 5121 of this Chapter.

(a) Conditions for Use. The services specified in § 5121(a) of this Chapter shall be procured in accordance with this Section, except as authorized under §§ 5214 or 5215 of this Chapter. Services for architecture, engineering, construction, land surveying, environmental assessment and other such services shall be procured in accordance with Article 5 of this Chapter.

(b) Statement of Qualifications. Persons engaged in providing the types of services specified in § 5121(a) of this Chapter may submit statements of qualifications and expressions of interest in providing such types of services. The Procurement Officer may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.

(c) Public Announcement and Form of Request for Proposals. Adequate notice of the need for such services shall be given by the purchasing agency through a Request for Proposals. The Request for Proposals shall describe the services required, list the type of information and data required of each offeror, and state the relative importance of particular qualifications.

(d) Discussions. The head of the purchasing agency or a designee of such officer may conduct discussions with any offeror who has submitted a proposal to determine such offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.

(e) Award. Award shall be made to the offeror determined in writing by the head of the purchasing agency or a designee of such

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officer to be best qualified based on the evaluation factors set forth in the Request for Proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified offeror, the negotiations will be formally terminated with the selected offeror. If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in the order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked as best qualified if the amount of compensation is determined to be fair and reasonable.

SOURCE: GC § 6959.6. MPC § 3-207. Subsection (a) amended by P.L. 18-44:32.

§ 5217. Procurement from Nonprofit Corporations.

A contract may be awarded for a supply or service without competition when the contractor is a nonprofit corporation employing sheltered or handicapped workers. As a condition of the award of the contract the contractor must certify that labor on the project will be performed by handicapped persons except that supervisory personnel do not have to be handicapped. A contractor awarded a contract pursuant to this Section shall not be required to post any of the bonds required under Article 5 of this Chapter.

SOURCE: GC § 6959.7 added by P.L. 18-15:X:25.

§5218. Procurement of Products Manufactured from Recycled Glass.

Each Request for Proposal, Request for Price Quotation, Request for Bid or any other method used for the procurement of services and construction where the project includes concrete or asphalt paving, construction and repair of highways, including all secondary and tertiary roads, shall include the requirement that the individual or company submitting a response to any request for proposal, price quotation, bid or procurement includes the purchase of available recycled glass pulverized on Guam or appropriate products manufactured therefrom. In all contracts for concrete or asphalt paving, construction and repair of highways, including all secondary and tertiary roads, the administrator of the contract shall determine the suitable percentage of recycled glass to be used in the project and, as a condition of the award of the contract, shall require the contractor to identify and certify in writing the percentage of recycled glass contained in the material offered.

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SOURCE: Added by P.L. 24-100:2.

§ 5219. Unsolicited Offers.

(a) Defined. An unsolicited offer is any offer other than one submitted in response to a solicitation.

(b) Processing of Unsolicited Offers. The Chief Procurement Officer, the Director of Public Works or the head of the Purchasing Agency shall consider the offer as provided in this Section. *If* an agency that receives an unsolicited offer is *not* authorized to solicit or enter into a contract for the supplies, services or construction offered, the head of such agency shall forward the offer to the Chief Procurement Officer, the Director of Public Works or the head of a Purchasing Agency, who shall consider and evaluate the offer as provided in this Section.

(c) Conditions for Consideration. To be considered for evaluation, an unsolicited offer:

(1) must be in writing;

(2) must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to Guam and to the government;

(3) must be unique or innovative to Guam's and the government's use; *and*

(4) may be subject to testing under terms and conditions specified by the government.

(d) Evaluation. The unsolicited offer shall be evaluated to determine its utility to Guam and to the government, and whether it would be to Guam's and the government's advantage to procure such service.

(e) Competitive Sealed Bidding Required. All unsolicited offers considered as being desirable shall be subjected to the Competitive Sealed Bidding process under § 5211. Notwithstanding any other provision of law, sole source procurement shall *not* be permissible in any procurement arising from an unsolicited offer. The criteria set forth in the Invitation for Bids shall *not* require the inclusion of any proprietary item proposed in the unsolicited offer, and the proprietary character of an unsolicited offer or the inclusion of a proprietary item in the unsolicited offer shall *not* be used to favor the offer or any other bid, nor be a determining factor in awarding a bid. Such Invitation for Bids shall *not* contain any reference to the financial offer of the unsolicited offeror, but shall contain a sufficient technical

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description to allow other parties to identify the technical concept of the offer, and to prepare bids.

SOURCE: Added by P.L. 25:31:2 as § 1518; renumbered by Compiler.

**PART C
CANCELLATION OF INVITATIONS FOR BIDS OR
REQUESTS FOR PROPOSALS**

§ 5225. Cancellation of Invitations for Bids or Requests for Proposals.

§ 5225. Cancellation of Invitations for Bids or Requests for Proposals.

An Invitation for Bids, a Request for Proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the Territory in accordance with regulations promulgated by the Policy Office. The reasons therefor shall be made part of the contract file.

SOURCE: GC § 6960. MPC § 3-301.

**PART D
QUALIFICATIONS AND DUTIES**

§ 5230. Responsibility of Bidders and Offerors.

§ 5231. Prequalification of Suppliers.

§ 5232. Cost or Pricing Data.

§ 5233. Disclosure of Major Shareholders.

§ 5230. Responsibility of Bidders and Offerors.

(a) Determination of Nonresponsibility. A written determination of nonresponsibility of a bidder or offeror shall be made in accordance with regulations promulgated by the Policy Office. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror.

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(b) Right of Nondisclosure. Information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the General Services Agency, the Department of Public Works or the purchasing agency without prior written consent by the bidder or offeror, but may be disclosed to the Attorney General at any time.

SOURCE: GC § 6961. MPC § 3-401 modified.

COMMENT: Subsection (b) is modified to make it clear that the Attorney General, as counsel to the government in general and to the GSA in particular, may review all data. In the past some have argued that confidential information protected in a manner of the original MPC (not mentioning the Attorney General) was not to be revealed to the Attorney General even when the agency was requesting a legal opinion on that same information.

§ 5231. Prequalification of Suppliers.

Prospective suppliers may be prequalified for particular types of supplies, services and construction. Solicitation mailing lists of potential contractors shall include but shall not be limited to such prequalified suppliers.

SOURCE: GC § 6961.1. MPC § 3-402.

§ 5232. Cost or Pricing Data.

(a) Contractor Certification. A contractor shall, except as provided in Subsection (c) of this Section, submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete, and current as of a mutually determined specified date prior to the date of:

(1) the pricing of any contract awarded pursuant to the sole source procurement authority (§ 5214) where the total contract price is expected to exceed an amount established by Policy Office regulations; or

(2) the pricing of any change order or contract modification which is expected to exceed an amount established by Policy Office regulations.

(b) Price Adjustment. Any contract, change order, or contract modification under which a certificate is required shall contain a provision that the price to the Territory, including profit or fee, shall be adjusted to exclude any significant sums by which the Territory finds that such price was increased because the contractor- furnished cost or pricing data was inaccurate, incomplete or not current as of the date

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agreed upon between the parties. The price shall also be adjusted to reflect the non-payment by the contractor of any taxes which would have been paid by him were it not for the exclusion provided by 11 GCA § 26203(k)(14) (Gross Receipts Tax).

(c) Cost or Pricing Data Not Required. The requirements of this Section need not be applied to contracts:

- (1) where the contract is based on adequate price competition;
- (2) where the contract price is based on established catalogue prices or market prices;
- (3) where contract prices are set by law or regulation; or
- (4) where it is determined in writing in accordance with regulations promulgated by the Policy Office that the requirements of this Section may be waived, and the reasons for such waiver are stated in writing.

SOURCE: GC § 6961.2. MPC § 3-403.

COMMENT: The words "by competitive sealed proposals (§ 5212) or" have been deleted from this section as the section authorizing such competitive sealed proposals has been repealed from this Chapter.

§ 5233. Disclosure of Major Shareholders.

As a condition of bidding, any partnership, sole proprietorship or corporation doing business with the government of Guam shall submit an affidavit executed under oath that lists the name and address of any person who has held more than ten percent (10%) of the outstanding interest or shares in said partnership, sole proprietorship or corporation at any time during the twelve (12) month period immediately preceding submission of a bid. The affidavit shall contain the number of shares or the percentage of all assets of such partnership, sole proprietorship or corporation which have held by each such person during the twelve (12) month period. In addition, the affidavit shall contain the name and address of any person who has received or is entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid for the bidder and shall also contain the amounts of any such commission, gratuity or other compensation. The affidavit shall be open and available to the public for inspection and copying.

SOURCE: Added by P.L. 18-44:44.

PART E
TYPES OF CONTRACTS

- § 5235. Types of Contracts.
- § 5236. Approval of Accounting System.
- § 5237. Multi-Year Contracts.

§ 5235. Types of Contracts.

Subject to the limitations of this Section, any type of contract which will promote the best interest of the Territory may be used; provided that the use of cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the Territory than any other type or that it is impracticable to obtain the supplies, services or construction required except under such contract.

SOURCE: GC § 6962. MPC § 3-501.

§ 5236. Approval of Accounting System.

Except with respect to firm fixed-price contracts, no contract type shall be used unless it has been determined in writing by the Chief Procurement Officer, the Director of Public Works, the head of a Purchasing Agency, or a designee of any such officer that:

- (a) the proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated; and
- (b) the proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.

SOURCE: GC § 6962.1. MPC § 3-502.

§ 5237. Multi-Year Contracts.

(a) Specified Period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the Territory provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.

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(b) Determination Prior to Use. Prior to the utilization of a multi-year contract, it shall be determined in writing:

(1) that estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(2) that such a contract will serve the best interests of the Territory by encouraging effective competition or otherwise promoting economies in territory procurement.

(c) Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the supplies or services delivered under the contract. The cost of cancellation may be paid from any appropriations available for such purposes.

SOURCE: GC § 6962.2. MPC § 3-503.

PART F

INSPECTION OF PLANT AND AUDIT OF RECORDS

§ 5240. Right to Inspect Plant.

§ 5241. Right to Audit Records.

§ 5240. Right to Inspect Plant.

The Territory may, at reasonable times, inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the Territory.

SOURCE: GC § 6963. MPC § 3-601.

§ 5241. Right to Audit Records.

(a) Audit of Cost or Pricing Data. The Territory may, at reasonable times and places, audit the books and records of any person who has submitted costs or pricing data pursuant to § 5232 of this Chapter to the extent that such books and records relate to such cost or pricing data. Any person who receives a contract, change order, or contract modification for which cost or pricing data is required shall maintain such books and records that relate to such cost or pricing data for three (3) years from the date of

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final payment under the contract, unless a shorter period is otherwise authorized in writing.

(b) Contract Audit. The Territory shall be entitled to audit the books and records of a contractor or any subcontractor under any negotiated contract or subcontract other than a firm fixed price contract to the extent that such books and records relate to the performance of such contract or subcontract. Such books and records shall be maintained by the contractor for a period of three (3) years from the date of final payment under the prime contract and by the subcontractor for a period of three (3) years from the date of final payment under the subcontract, unless a shorter period is otherwise authorized in writing.

SOURCE: GC § 6963.1. MPC § 3-602.

**PART G
DETERMINATIONS AND REPORTS**

- § 5245. Finality of Determinations.
- § 5246. Reporting of Anticompetitive Practices.
- § 5247. Retention of Procurement Records.
- § 5248. Record of Procurement Actions Taken Under §§ 5214 and 5215 of this Chapter.
- § 5249. Record of Procurement Actions.
- § 5250. Certification of Record.
- § 5251. Public Record.
- § 5252. Rules for Procurement Records.
- § 5253. Restriction Against Contractors Employing Convicted Sex Offenders from Working at Government of Guam Venues.

§ 5245. Finality of Determinations.

The determinations required by §§ 5211(f), 5212(a), 5212(g), 5214, 5215, 5216(e), 5230(a), 5232(c), 5235, 5236 and 5237(b) of this Chapter are final and conclusive unless they are clearly erroneous, arbitrary, capricious or contrary to law.

SOURCE: GC § 6964. MPC § 3-701.

§ 5246. Reporting of Anticompetitive Practices.

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When for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the Attorney General.

SOURCE: GC § 6964.1. MPC § 3-702.

COMMENT: Reference to Territorial Prosecutor deleted by Compiler because all prosecution functions have been returned to the Attorney General following the determination by the District Court, Appellate Division that the Territorial Prosecutor Act was contrary to the Organic Act and thus null and void. *Territorial Prosecutor for the Territory of Guam, People of the Territory of Guam, Petitioners, v. Superior Court of Guam, Respondent. Peter M. Perez, et al., Real Parties in Interest*, D.C. Civ. App. 82-0215, D.C. Guam, App. Div. May 26, 1983.

§ 5247. Retention of Procurement Records.

All procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the Attorney General. All retained documents shall be made available to the Attorney General or a designee upon request and proper receipt therefor.

SOURCE: GC § 6964.2. MPC § 3-703.

§ 5248. Record of Procurement Actions Taken Under §§ 5214 and 5215 of this Chapter.

(a) Contents of Record. The Chief Procurement Officer or the Director of Public Works shall maintain a record listing of all contracts made under § 5214 or § 5215 of this Chapter for a minimum of five (5) years. The record shall contain:

- (1) each contractor's name;
- (2) the amount and type of each contract; and
- (3) a listing of the supplies, services or construction procured under each contract.

(b) Submission to Legislature. A copy of such record shall be submitted to the Legislature on an annual basis. The record shall be available for public inspection.

SOURCE: GC § 6964.3. MPC § 3-704.

§ 5249. Record Of Procurement Actions.

Each procurement officer shall maintain a complete record of each procurement. The record shall include the following:

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(a) the date, time, subject matter and names of participants at any meeting including government employees that is in any way related to a particular procurement;

(b) a log of all communications between government employees and any member of the public, potential bidder, vendor or manufacturer which is in any way related to the procurement;

(c) sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement;

(d) brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the draftsman, and other papers or materials used in the development of specifications; and

(e) the requesting agency's determination of need.

SOURCE: GC § 6964.4 added by P.L. 18-44:17.

§ 5250. Certification of Record.

No procurement award shall be made unless the responsible procurement officer certifies in writing under penalty of perjury that he has maintained the record required by § 5249 of this Chapter and that it is complete and available for public inspection. The certificate is itself a part of the record.

SOURCE: GC § 6964.5 added by P.L. 18-44:18.

§ 5251. Public Record.

The record required by § 5249 of this Chapter is a public record and, subject to rules promulgated by the Public Auditor, any person may inspect and copy any portion of the record.

SOURCE: GC § 6964.6 added by P.L. 18-44:19. Amended by P.L. 28-068:IV:66 (Sept. 30, 2005).

§ 5252. Rules for Procurement Records.

The rules promulgated pursuant to § 5251 of this Chapter shall:

- (a) protect the integrity of the bidding process;
- (b) protect the confidentiality of trade secrets;
- (c) establish reasonable charges for copying papers;

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- (d) provide for transcription of sound recordings;
- (e) require public access to the record at the earliest possible time; and
- (f) not require that the record be complete or that the procurement award be made before inspection and copying are permitted.

SOURCE: GC § 6964.7 added by P.L. 18-44:20.

§ 5253. Restriction Against Contractors Employing Convicted Sex Offenders from Working at Government of Guam Venues.

(a) No person convicted of a sex offense under the provisions of Chapter 25 of Title 9 Guam Code Annotated, or an offense as defined in Article 2 of Chapter 28, Title 9 GCA in Guam, or an offense in any jurisdiction which includes, at a minimum, all of the elements of said offenses, or who is listed on the Sex Offender Registry, and who is employed by a business contracted to perform services for an agency or instrumentality of the government of Guam, shall work for his employer on the property of the government of Guam other than a public highway.

(b) All contracts for services to agencies listed herein shall include the following provisions: (1) warranties that no person providing services on behalf of the contractor has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 GCA or an offense as defined in Article 2 of Chapter 28, Title 9 GCA, or an offense in another jurisdiction with, at a minimum, the same elements as such offenses, or who is listed on the Sex Offender Registry; and (2) that if any person providing services on behalf of the contractor is convicted of a sex offense under the provisions of Chapter 25 of Title 9 GCA or an offense as defined in Article 2 of Chapter 28, Title 9 GCA or an offense in another jurisdiction with, at a minimum, the same elements as such offenses, or who is listed on the Sex Offender Registry, that such person will be immediately removed from working at said agency and that the administrator of said agency be informed of such within twenty-four (24) hours of such conviction.

(c) Duties of the General Services Agency or Procurement Administrators. All contracts, bids, or Requests for Proposals shall state all the conditions in §5253(b).

(d) Any contractor found in violation of §5253(b), after notice from

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the contracting authority of such violation, shall, within twenty-four (24) hours, take corrective action and shall report such action to the contracting authority. Failure to take corrective action within the stipulated period may result in the temporary suspension of the contract at the discretion of the contracting authority.

SOURCE: Added by P.L. 28-24:2. Amended by P.L. 28-98:2 (Feb. 7, 2006).

**ARTICLE 4
SPECIFICATIONS**

- § 5260. Definitions.
- § 5261. Duties of the Policy Office.
- § 5262. Duties of the Chief Procurement Officer and Director of Public Works.
- § 5263. Exempted Items.
- § 5264. Relationship With Using Agencies.
- § 5265. Maximum Practicable Competition.
- § 5266. Specifications Prepared by Architects and Engineers.
- § 5267. Publication of Source of Specifications.
- § 5268. Salient Features.
- § 5269. Purchase of Drugs by Generic Names.
- § 5270. Government to Purchase Drugs from Manufacturer.
- § 5271. Prescription of Drugs by Generic Name.

§ 5260. Definitions.

As used in this Chapter Specification means any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.

SOURCE: GC § 6965. MPC § 4-101.

§ 5261. Duties of the Policy Office.

The Policy Office shall promulgate regulations governing the preparation, maintenance, and content of specifications for supplies, services and construction required by the Territory.

SOURCE: GC § 6965.1. MPC § 4-202.

FY 2010 Paul Coverdell Statutory Certifications

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

FY 2010 Coverdell Forensic Science Improvement Grants Program

Certification as to Plan for Forensic Science Laboratories—
Application from a State (Guam)

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice:

The State has developed a plan for forensic science laboratories under a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Program grants, including certifications provided in connections with such grants, are subject to review by the Office of Justice Programs and / or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).



Signature of Certifying Official

ALBERTO A. LAMORENA V

Printed Name of Certifying Official

DIRECTOR

Title of Certifying Official

GUAM BUREAU OF STATISTICS AND PLANS - GUAM

Name of Subrecipient Applicant Agency
(Including Name of State)

MAY 17 2010

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

FY 2010 Coverdell Forensic Science Improvement Grants Program

Certification as to Generally Accepted Laboratory Practices and Procedures

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice:

Any forensic laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations or appropriate certifying bodies.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Program grants, including certifications provided in connections with such grants, are subject to review by the Office of Justice Programs and / or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).



Signature of Certifying Official

ALBERTO A. LAMORENA V

Printed Name of Certifying Official

DIRECTOR

Title of Certifying Official

GUAM BUREAU OF STATISTICS AND PLANS - GUAM

Name of Subrecipient Applicant Agency
(Including Name of State)

MAY 17 2010

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

FY 2010 Coverdell Forensic Science Improvement Grants Program

Certification as to Use of Funds for New Facilities

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice:

The amount of the grant (if any) used for the costs of any new facility or facilities to be constructed as part of a program to improve the quality and timeliness of forensic science and medical examiner services will not exceed the limitations set forth at 42 U.S.C. § 3797m(c) and summarized in the FY 2010 Coverdell Forensic Science Improvement Grants Program Announcement.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Program grants, including certifications provided in connections with such grants, are subject to review by the Office of Justice Programs and / or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).



Signature of Certifying Official

ALBERTO A. LAMORENA V

Printed Name of Certifying Official

DIRECTOR

Title of Certifying Official

GUAM BUREAU OF STATISTICS AND PLANS - GUAM

Name of Subrecipient Applicant Agency
(Including Name of State)

MAY 17 2010

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

FY 2010 Coverdell Forensic Science Improvement Grants Program

Certification as to External Investigations

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice:

A government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

I personally read and reviewed the section entitled "Eligibility" in the Fiscal Year 2010 program announcement for the Coverdell Forensic Science Improvement Grants Program. I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).



Signature of Certifying Official

ALBERTO A. LAMORENA V

Printed Name of Certifying Official

DIRECTOR

Title of Certifying Official

GUAM BUREAU OF STATISTICS AND PLANS - GUAM

Name of Subrecipient Applicant Agency
(Including Name of State)

MAY 17 2010

Date