



*Office of the Governor of Guam*

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Felix P. Camacho  
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Michael W. Cruz, M.D.  
*Lieutenant Governor*

NOV 25 2009

Honorable Judith T. Won Pat, Ed.D  
Speaker  
*I Mina' Trenta Na Liheslaturan Guåhan*  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Submitted herewith is Bill No. 209-30 (LS), "AN ACT TO ADD A NEW ITEM (4) TO SUBSECTION (a) OF §13102 OF CHAPTER 13, OF TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE ALL PERSONS OR PUBLIC OFFICIALS THAT HAVE AUTHORITY TO ENTER INTO BINDING CONTRACTS ON BEHALF OF THE GOVERNMENT OF GUAM OR ANY OF ITS DEPARTMENTS, AGENCIES, AUTONOMOUS ENTITIES AND PUBLIC CORPORATIONS TO COMPLY WITH THE PUBLIC OFFICIAL FINANCIAL DISCLOSURE ACT OF THE GOVERNMENT OF GUAM; AND TO AMEND §5114, CHAPTER 5, ARTICLE 2, PART B OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DELEGATION OF PROCUREMENT AUTHORITY," which I have vetoed.

Bill No. 209-30 proposes to amend Guam's financial disclosure law to include individuals who are delegated to have *sole* authority to enter into procurement contracts or approved change order. Unfortunately, it is unclear whether such an individual exists as no single individual has sole authority to enter into procurement contracts.

Procurement contracts are awarded pursuant to a competitive process and are evaluated based on either price or qualification depending on the nature of the service or product to be acquired. Negotiation commences only after the most qualified offeror or lowest cost offeror is selected. Upon successful negotiation, a contract is drawn up and signed by the offeror and the head of the procuring agency or designee. The agency's certifying officer certifies there are funds available to pay for the product or service. The contract is then forwarded to the Bureau of Budget and Management Research for review and approval followed by the review and approval of the Attorney General. Guam law also requires that all contracts, after approval of the Attorney General, shall be executed upon the approval of the Governor. *See* 5 G.C.A. § 22601. As evident in all government of Guam contracts, no single person has the authority to enter into

procurement contracts. Rather than sign legislation that has no effect since it will not apply to anyone, I have vetoed the measure.

*Sinseru yan Magåhet,*

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long horizontal flourish extending to the right.

**FELIX P. CAMACHO**  
*I Maga' Låhen Guahan*  
Governor of Guam

Attachment