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## OFFICE OF THE ATTORNEY GENERAL

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March 8, 2013

**PROCUREMENT CIRCULAR No. 2013-01**

Ref: AG 13-0190

**TO:** All Government Agencies

**FROM:** Attorney General of Guam

**SUBJECT:** Announcement of Policy for Prioritizing and Handling Procurement Representation and Contract Review of Human Services Solicitations

Set out here is the policy of the Office of the Attorney General to prioritize the representation of agencies and the review of contracts involving the acquisition of Human Services in order to minimize the occurrence of delays that result in the disruption of important services to our citizens and the community.

### **Policy for Prioritizing and Handling Procurement Representation and Contract Review - Human Services Solicitations**

The delivery of human services by not-for-profit organizations under contract with Government of Guam executive branch agencies is essential to the health, safety and welfare of our community's most vulnerable citizens.

Delays in the solicitation and finalization of human services contracts can result in gaps between the ending of one contract term and the beginning of a next contract term that may result in the unavailability of services to individuals and families that are critical to the health, safety and welfare of vulnerable citizens.

It is feasible for the Office of the Attorney General to prioritize the delivery of legal representation in procurement matters and contract review for the solicitation of human services without jeopardizing the timely provision of these same services with regard to other solicitations and contract reviews.

For these reasons, it is the policy of the Office of the Attorney General to prioritize the delivery of legal representation in procurement matters and contract review to agencies engaging in the solicitation of human services. Human services is defined as the provision of those services or programs needed to meet basic health,

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welfare, safety and other needs of individuals or groups, such as poor persons, sick persons, elderly persons, children and persons with disability. Human services focus on prevention and remediation of problems and improving on the overall quality of life.

Human services procurements will have 'front of the line' priority. Representation of agencies that are soliciting contracts for the provision of human services will be given priority by the Office of the Attorney General. The policy of first in – first out representation in procurement and contract review will not apply to agency solicitation of human services.

The Agency seeking representation in solicitation of a contract for human services shall continue to be responsible for the timely and organized completion of those matters that are the responsibility of the agency in the solicitation process. The Office of the Attorney General is responsible for the timely and organized completion of those matters that are the responsibility of the Attorney General, and will endeavor to communicate clearly, and in a timely manner with the agency to assure that agency personnel are aware of and can complete those matters for which the agency is responsible.

### Important Agency Considerations

The policy set out above, adopted at this time by the Office of the Attorney General, will not fully resolve the occurrence of the untimely and late acquisition of necessary human services contracts. The largest responsibility for timely acquisition of any professional service, including human services, remains with the agency seeking the acquisition. The procurement of human services must begin early enough to accommodate delays that may, and likely will, occur in the process. **Early and proper planning** of the procurement is the surest means to a successful and timely acquisition of human services. **Maintenance of complete procurement records from the beginning** will reduce or eliminate delays that could be avoided. **Contract provisions that provide for the extension of a contract due to a procurement delay** have been developed, are available for inclusion into future solicitation materials and contracts, and should be used as appropriate. Use of these contract provisions will mitigate delays that do occur in order to prevent the disruption of services. Agencies should **consider staggering procurement of multi-year human services solicitations** so that a number of critical acquisitions are not being conducted in the same year and at the same time.

Guam law requires that, in solicitations estimated to result in an award greater than Five Hundred Thousand Dollars (\$500,000.00), the Attorney General or his/her designee shall act as legal advisor during all phases of the procurement process. See **Attorney General Procurement Circular 2011-01** and **Procurement Form 014** for particulars. As

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well, some procurement forms and tools have been developed which can aid agency procurement personnel in managing procurement responsibilities.

If you have any questions regarding this circular, please contact the Civil Division at 475-3324, extension 3660, or at [paag@guamag.org](mailto:paag@guamag.org).



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cc: Governor of Guam  
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GSA Chief Procurement Officer