

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

MEMORANDUM

May 8, 2020

TO: Mr. Lester Carlson, Jr.
Director
BUREAU OF BUDGET & MANAGEMENT RESEARCH

Mr. Edward Birn
Director
DEPARTMENT OF ADMINISTRATION

FROM: LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Re: Emergency Purchases for Laundry Services

Buenas yan Håfa Adai,

While no cases had yet been confirmed in Guam, on March 14, 2020, I declared a state of emergency to respond to the outbreak of Novel Coronavirus (COVID-19) that had been spreading throughout the continental United States and the rest of the world. In recognition of the emergent conditions that were present, I issued Executive Order No. 2020-03 in which I invoked the statutory authority set out in 10 G.C.A. § 19403(a). Specifically, § 19403(a)(1) allows the Governor to “suspend, the provisions of any regulatory statute prescribing procedures for conducting local business, or the orders, rules and regulations of any government of Guam agency, to the extent that strict compliance with the same would prevent, hinder or delay necessary action (including emergency purchases) by the public health authority to respond to the public health emergency, or increase the health threat to the population.” *See Sedfrey M. Linsangan v. Government of Guam, Linda DeNorcey, Lourdes Leon Guerrero (Acting in their Official Capacity)*, SP0050-20, at 11 (Super. Ct. Guam Apr. 20, 2020) (“The Governor’s emergency powers allow her to suspend the regulations of any government of Guam agency ‘to the extent that strict compliance with the same would prevent, hinder or delay necessary action....’” *citing* 10 G.C.A. § 19403); *see also* Legal Memorandum, Staff Attorney to Chief Justice and Chairman of

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the Judicial Council (Mar. 26, 2020) as included in Judicial Council Meeting Packet for April 16, 2020 meeting and submitted to the Legislature on May 5, 2020 (recognizing Governor's authority to suspend certain provisions of Open Government Law during a public health emergency).

By March 16, 2020, Guam had confirmed three (3) COVID-19 positive cases. I issued Executive Order No. 2020-04, which restricted entry into Guam pursuant to 10 G.C.A. § 3333. This restriction was prompted by a determination made by the Department of Public Health and Social Services (DPHSS) that a significant number of our confirmed positives were linked to travel from the Philippines, which saw a twenty-fold increase in its number of COVID-19 positive cases in the ten (10) day period between March 9 and March 19, 2020. *See In re Travelers from Manila, Philippines on or about March 19, 2020 and Travelers from Manila, Philippines on or about March 20, 2020*, SP0049-20, at 2 (Super. Ct. Guam Apr. 1, 2020). Under her authority pursuant to 10 G.C.A. § 10108 and with my approval, the director of DPHSS, who functions as the public health authority during this emergency period, "enacted a mandatory quarantine at a government facility for all persons arriving on Guam who had traveled from the Philippines." *Id.*, at 4. Among the factors that were considered was the lack of resources necessary to monitor all potentially COVID-19 infected travelers. *Id.*, at 5.

Even under the best circumstances, typical procurement is time-consuming and it was readily apparent that the emergent conditions made it impractical -- and sometimes impossible -- to utilize the normal process for acquiring goods and services. We recognized the immediate need to secure quarantine facilities and I instructed that efforts be made to secure the same. We required facilities sufficient to house what we anticipated may be at least two hundred (200) travelers. Additionally, we required necessary support services for such facilities, including food services, laundry services, and healthcare services.

Pursuant to my instruction and in support of the work that all government of Guam agencies are performing to respond to the COVID-19 outbreak on Guam, agreements were made with several service providers. All of these services have been secured pursuant to the authority to make emergency purchases set forth in 10 G.C.A. § 19403.

The federal government, through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, has directed money to Guam to assist us in our COVID-19 response and recovery efforts. These funds must be used by the Executive Branch for specific, if broadly stated, purposes. Oversight of the use of such funds is given to the federal Inspector General. *See* H.R. 748, the CARES Act, <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf> at 223-24. The funds are within the exclusive management of the Executive Branch. *See Wong v. Camina*, 2 Guam 134, 134, (Dist. Ct. Guam Jan. 24, 1978) (writing that "all grants and appropriations made by the United States to the government of Guam where the grant or appropriation provides one hundred percent (100%) of the funding for a specific project or purpose and which grant or appropriation makes no provision for local legislative control.")

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Services have been, and continue to be, provided to the government of Guam and are appropriate expenditures under the April 22, 2020 Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments issued by the United States Department of Treasury, which specifically allows that eligible expenditures include “public health expenses such as...[e]xpenses for quarantining individuals.” Additionally, the Guidance provides a non-exclusive list of eligible expenditures, including: establishing temporary medical facilities, emergency medical response expenses, and costs for food delivery, among others.

I, therefore, instruct compensation contemplated in the attached agreements and invoices shall be paid, subject to any necessary reconciliation. Where services continue to be provided, I instruct that future invoices be paid in accordance with any applicable terms and conditions of such agreements.

In accordance with Executive Order No. 2020-13, all agreements and invoices involving the services covered by this memorandum shall be posted on the website of the Office of the Governor. A copy of this memorandum shall also be posted. These expenditures shall be subject to review and shall be included in monthly reporting to the Legislature.

Si Yu'os Ma'ase'.

SO ORDERED:



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan
Governor of Guam

cc via email: *Sigundo Maga'låhen Guåhan*
Linda DeNorcey, Director, Department of Public Health & Social Services
Charles Esteves, Administrator, Guam Homeland Security/Office of Civil Defense



For today's hospitality...

150 Addeng Street, Suite 101, Dededo, Guam USA 96929
Telephone: (671) 637-7634

March 19, 2020

Attention: Mr. Tony Babauta
Chief Of Staff
Government of Guam

Re: Laundry services for Quarantined Personnel

Thank you for giving us an opportunity to submit our pricing agreement. We want to highlight the contents of our agreement as per our discussion with Mr. Haig Huynh.

- Our rates include the following:
 - Rate is \$ 40 per room / per week.
 - Once a week pick up/drop off (Wednesdays as discussed with the hotel).
 - Personal clothing is based on Wash and Fold only.
 - In room linen includes towels and sheets which are part of the regular room set up and are changed once a week only.
- Payment terms will be on a weekly basis, on or before the 7th day from the invoice date. Or before the next scheduled pick up.

Please be rest assured that our will coordinate with hotel manager and operation team on the logistics.

Mr. Raj Kumar Parangusam
President/Owner
The Laundry Solutions

Mr. Tony Babauta
Chief of Staff
Government of Guam

Cc: Atty. Haig Huynh
Office of the Governor of Guam