

22 GAR – GUAM ENVIRONMENTAL PROTECTION AGENCY  
DIV. 11 – ENERGY EFFICIENT PRODUCTS  
CH. 56 – ENERGY EFFICIENT PRODUCTS MANDATE

**CHAPTER 56**  
**ENERGY EFFICIENT PRODUCTS MANDATE**

**SOURCE:** Added by P.L. 35-045:2 (Oct. 18, 2019), effective three (3) months after enactment pursuant to P.L. 35-045:3 (Oct. 18, 2019).

§ 56101. Purchase of Energy Efficient Products.

**§ 56101. Purchase of Energy Efficient Products.**

(a) All branches, agencies, instrumentalities, and public corporations of the government of Guam *shall* purchase energy efficient products when such products are available.

(b) For the purposes of this Chapter, *energy efficient product shall* mean any Energy Star product, as designated by the U.S. Environmental Protection Agency, or any product that is certified under the U.S. Department of Energy Federal Energy Management Program (DOE/FEMP), or any product that meets or exceeds these standards as determined by the Director of the Guam Energy Office in advance of its procurement.

(c) Prior to initiating a request for procurement of any product, a government of Guam entity *shall* review the specifications for such product to determine whether an energy efficient product is available. The Guam Energy Office *shall* provide assistance and resources to streamline this review process if needed. If an energy efficient product is available, the entity is required to include in its bid specifications the requirement that the product be an energy efficient product.

(d) The requirements of Subsections (a) and (b) of this Section *shall* be waived if the government of Guam entity can demonstrate, in writing, to the satisfaction of the Administrator of the Guam Environmental Protection Agency, or his/her designee, that the interests of the government of Guam would be better served by procuring a non-energy efficient product by meeting *at least* one (1) of the following criteria:

- (1) the product is not available competitively;

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(2) the product is not available within a reasonable time frame, or, if an emergency situation exists, in a time frame to meet the needs of the emergency;

(3) the product is shown to not be cost-effective on a life-cycle basis; or

(4) the product does not meet appropriate performance standards.

(e) If a government of Guam entity disagrees with the waiver decision provided pursuant to Subsection (d) of this Section, it may appeal the decision to the Board of Directors of the Guam Environmental Protection Agency, which may overrule or amend the decision by majority vote.

(f) The Administrator of the Guam Environmental Protection Agency may delegate waiver authority, as outlined in Subsection (d) of this Section, to the Director of the Guam Energy Office or his/her designee.

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