

5 GCA GOVERNMENT OPERATIONS
CH. 68 PROCUREMENT OF LOCAL PRODUCTS

CHAPTER 68
PROCUREMENT OF LOCAL PRODUCTS

SOURCE: This entire Chapter was added by P.L. 23-18:2 (May 30, 1995).

- § 68101. Procurement of Local Produce from Local Farmers and Fish from Local Fishermen.
- § 68102. Budgeting & Payment System Required.
- § 68103. Farmers' and Fishermen's Preferences.

§ 68101. Procurement of Local Produce from Local Farmers and Fish from Local Fishermen.

(a) The Department of Agriculture shall, on a continuing basis, make every effort to ensure that the crops of the farmers and the fish products of the fishermen of Guam are first procured by agencies of the government, such as Department of Education, Department of Youth Affairs, Department of Corrections, the Guam Memorial Hospital, and the Government House, unless the farmer or fisherman has made previous arrangements for sale to other users.

(b) The Department shall facilitate the negotiation of prices, amounts and availability of local produce and fish with the farmers and fishermen for the sale to other Government Agencies and shall assist in securing payment from fiscal officers of the respective Agencies. The Department shall provide the necessary advice and assistance to ensure that the crops and fishes are delivered to the particular agency in the best possible condition. All participating Government of Guam Agencies are mandated to give preference to local farmers and fishermen prior to purchasing from off island and other markets or fishing industries owned by foreign countries.

(c) The Director shall adopt operational procedures relative to establishing a list of qualified local farmers and fishermen and to assist those qualified local farmers and fishermen in establishment of pricing, variety, quantity, quality, availability, and other related logistics to facilitate acquisition of local produce and fish by other Government Agencies consistent with the needs of those agencies.

5 GCA GOVERNMENT OPERATIONS
CH. 68 PROCUREMENT OF LOCAL PRODUCTS

(d) Farmers intending to sell locally grown produce or aquaculture products to government agencies, private companies, or private citizens must be registered with the Department of Agriculture as a certified bona fide farmer. Farmers selling produce or products to private consumers must have the bona fide farmer certificate displayed in a conspicuous location. Government agencies and private companies shall verify the bona fide farmer certification of the seller prior to the purchase. Failure of farmers to comply with the provisions of this Section will result in the suspension or delayed certification by the Department of Agriculture.

(1) Any eating, drinking, or food establishment as defined in Chapters 23 and 24 of Title 10, Guam Code Annotated, found purchasing local produce or aquacultural products from a farmer who is not certified by the Department of Agriculture as a bona fide farmer will be found in violation of this Chapter and shall be subject to suspension or revocation of its business license pursuant to the Business License Law.

(2) For the purposes of this Section, “bona fide farmer” shall be as defined in 5 GCA § 63801(b).

SOURCE: Added by P.L. 23-018:2 (May 30, 1995). Amended by P.L. 36-024:2 (May 12, 2021).

2021 NOTE: Subsection designations added and altered pursuant to authority granted by 1 GCA § 1606.

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education.

§ 68102. Budgeting and Payment System Required.

All government of Guam agencies mentioned in § 68101 above, will include in their budget request a plan for the purchase of farm and fish products from local farmers and fishermen, including a specific line item for local produce and fish purchases in the budget digest incorporated in the respective agency's annual budget submission to *I Liheslaturan Guåhan*; provide the Bureau of Statistics and Plans with quarterly information on actual purchases of local produce and fish; and provide the Department

5 GCA GOVERNMENT OPERATIONS
CH. 68 PROCUREMENT OF LOCAL PRODUCTS

of Agriculture with quarterly projections on procurement of local produce and fish. No funds shall be expended for off island purchases of farm or fish products unless preference is first given to local farmers and fishermen. All participating agencies are mandated to establish a system where payment for these products will be made in an expeditious manner with a minimum delay of no longer than two (2) working days. The Department of Agriculture *shall* establish and maintain a computerized match making system which would provide the farmers and the fishermen with a listing of prospective buyers, the products, and the amount needed. The Department *shall* also provide a listing of all farmers and fishermen to prospective buyers indicating the types of produce and fish available, the quantity, and when the produce and fish can be made available.

SOURCE: Added by P.L. 23-18:2 (May 30, 1995), amended by P.L. 33-093:3 (Nov. 9, 2015).

§ 68103. Farmers' and Fishermen's Preferences.

Local farmers and fishermen shall be exempt from the requirement of the Government of Guam local preference laws which would disqualify them in the procurement process. In addition, all local laws which outline the methods of procurement of local farm and fish products shall be reviewed and amended to provide methods for the purchase of local produce commodities.
