COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, MARIANA ISLANDS

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

BOARD OF EDUCATION DEPARTMENT OF EDUCATION SAIPAN, CM 96950

Tel: 322-9311/322-9812

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MEMBERS - SAIPAN Sr. Mary Louise Balzarini, MMB.

Mariano R. Bermudes

MEMBERS - TINIAN Frank P. Villagomez

 MEMBERS - ROTA Ricardo S. Atalia

 STUDENT REPRESENTATIVE Jane M. Tudela

Filed this 7th day of May 19 87.
Office of Beristrar & Corporations 10:00 am Commonwealth of the Northern Wariana Islands

PUBLIC NOTICE

Proposed Adoption of Department of Education Policies

The Board of Education of the Northern Mariana Islands, in accordance with Public Law 3-43, is proposing to adopt school policies.

proposed rules and regulations include following subject areas:

- Elementary School Grading System
- 2. Construction of Classrooms
- Students Beyond Normal Age of Attendance

Copies of the proposed regulations may be obtained from Henry I. Sablan, Superintendent of Education, at Lower Base, Saipan, CM 96950.

The Board of Education is soliciting views, opinions, facts, and data for or against the proposed policy from the general public.

Anyone interested in commenting on the proposed policy may do so by submitting comments in writing to the Superintendent of Education, Lower Base, Saipan, CM 96950, within thirty (30) days from the date this notice is published in the Commonwealth Register.

Elizabeth D. Rechebei

Chairperson, Board of Education

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



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NUTISIA PARA I PUBLIKU

- MEMBERS TINIAN
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 Frank P. Villagomez
- MEMBERS ROTA
- Ricardo S. Atalig

 STUDENT REPRESENTATIVE
- Illagomez I Mapropoponi Na Riparasion Pot I Regulasion
 ROTA Gi Halon I Depattamenton Edukasion
 Atalig

Sigun gi Lain Pupbliku numiru 3-34, i Board of Education i san kattan siha na Islas Marianas, ha propoponi rumipasa i regulasion.

- I manmapropoponi siha na regulasion ni para u fanmaripasa ha inklulusu i manatatte siha na arean suhetu:
- 1. Sesteman Manna'en Gradu Gi Eskuelan Elementario
- 2. Makahat Kuatton Eskuela
- Manestudiante Despues Di Ginagagao Na Idat Eskuela
- I kopian i manmapropoponi siha na regulasion sina manmachule' ginen as Sinot Henry I. Sablan, i Superintendent, gi ufisinan Lower Base, Saipan, CM 96950.
- I Board of Education lokkue, ha solilista opinion, fakto, yan enformasion siha para osino kontra i manmapropoponi siha na regulasion ginen i pupbliku hinerat.

Todu ayu siha i manenteresao manmanlaknos rekomendasion pot i mapropoponi na tinilaika gi regulasion siha, sina manmangge' guato gi Superintendent, Lower Base, Saipan, CM 96950, gi halom i trenta (30) dias desde i fecha ni mapupblika esta na nutisia gi Commonwealth Register.

Date

Elizabeth D. Rechebei

Chairperson, Board of Education

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



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Mariano R. Bermudes

ARONGORONGOL TOWLAP

MEMBERS - TINIAN Isaac P. Palacios Frank P. Villagomez

Allegh llol Bwulasiyool Meleitey

- MEMBERS ROTA Ricardo S. Atalia
- STUDENT REPRBYMANED of Education mellol Northern Mariana Islands,
 Jane H. Tudela
 Sangi arongorong towlap ye 3-34 pomoli ebwe adoptaay
 allegh.

Pomol allegh kka rebwe adoptaay nge milikka e tattaletiw faal.

- Tappal Grade Kka Re Ugalleer Atel Meleiteiteyil Elementary
- Akkayuul Imwal Meleitey
- 3. Atel Meleitey Kka Aa Parelo Raghiir Llol Gakko

Koopiyaal Mwoghutughutul Allegh kkaal emwel u bwe bwebwogh me reel Henry I. Sablan, Superintendent, Lower Base, Saipan, CM 96950.

Board of Education e tottongor ngali ghaamo mengement reel ngare ow afishchi me ow abwura kkapasal allegh ye e toowow reer aramas towlap.

Le e tipelo bwe ebwe isiisilong meta mengemeng reel allegh yeel emwel schagh ebwe feeru ngare e isch ngali Superintendent, Lower Base, Saipan, CM 96950, llol elligh (30) ral sangi igha re arongaawow arongorongol towlap yhe e toowow mellol Commonwealth Register.

5/5 87

Elizabeth D. Rechebei

Chairperson, Board of Education

PROPOSED POLICY

FACILITIES AND EQUIPMENT

Policy 805 Construction of Classrooms

- 805.1 Effective April 1, 1987, the Department of Education shall construct all classrooms, either new or to replace dilapidated classrooms, in a manner so as to be permanent and safe from typhoons or high winds and rain. The preferred material for construction of foundations, walls, beams, and roofs shall be concrete, but other materials may be used if proven to be typhoon-proof and long-lasting.
- 805.2 Whenever a school campus is restricted to expanding due to limited space, two-story building construction is preferred. Grades 1-3 shall not be assigned to any classroom higher than the first floor. Hallways and staircases shall be designed in a manner so as to minimize potential accidents and promote maximum safety for all students.

PUPIL PERSONNEL

Policy 615 Students Beyond Normal Age of Attendance

- 615.1 No student who has reached the age of 17 by September 30 of the school year in which attendance is being requested shall be enrolled in grades 1-9, unless an exemption is granted by the Superintendent for compelling and justifiable circumstances. No student who has reached the age of 20 by September 30 of the school year in which attendance is being requested shall be enrolled in grades 10-12, unless an exemption is granted by the Superintendent for compelling and justifiable circumstances.
- 615.2 Students who are 17 years or older in grades 8-9 or are 19 years or older in grades 10-12 who fail to earn at least five credits in the school year shall bot be re-enrolled the following school year.
- 615.3 Students who are 17 years or older in grades 8-9 are 19 years or older in grades 10-12 who commit major offenses as defined by the Department may be expelled upon the first offence, standard discipline procedures notwithstanding.

INSTRUCTIONAL PROGRAM

- Policy 411 Elementary School Grading System
- 411.1 The elementary schools will use a percent/letter grade system as follows:

<u>Per Cent</u>	<u>Letter</u>	Grade
90-100	A	
80-89	# R	
70-79	c	
60-69	D	
0-59	F	

- 411.2 Each teacher is responsible for Keeping accurate records in the grade book provided by the school and will submit the grade book to the principal at the end of the school year, if requested.
- 411.3 A teacher is recommended to measure a quarter grade based on a variety of factors, none of which should represent over 50% of the grade. The guidelines recommended below are intended to be general and will vary according to the content and activities of each particular $% \left(1\right) =\left\{ 1\right\} =\left\{ 1\right\}$ course. (For example, there may be no homework assigned for P.E., but there may be weekly quizzes in Math.)

Activities	% Ran e	Minimum Frequency
Quarter Exam	15-25%	1
Periodic Tests/ Quizzes	30-60%	5
Special Projects	10-20%	1
Homework	5-10%	5

411.4 All teachers are required to explain the grading policy to their students when they begin, or enter, the school year. All factors involved in computing the final grade should be maintained in the grade book.



MARIANA ISLANDS HOUSING AUTHORITY

P.O. BOX 514, SAIPAN, CM 96950

Filed this day of

TEL: 234-9447 234-6866

Office of Registrar of Corporations, Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE

Proposed Procurement Regulations

The Board of Directors of the Mariana Islands Housing Authority in accordance with 2 CMC §4433(t) is proposing to promulgate new regulations to be identified as MIHA Procurement Regulations.

The proposed procurement regulations provide for increased public confidence in the procedures followed in public procurement, provide increased economy in Commonwealth procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds, provide safeguards for the maintenance of a procurement system of quality and integrity, insure the fair and equitable treatment of all persons who deal with the procurement system of the Commonwealth, and foster effective broad-based competition within the free enterprise system.

Copies of the proposed regulations may be obtained from the Executive Director of the Mariana Islands Housing Authority.

The office of the Mariana Islands Housing Authority is soliciting views, opinions, facts, and data for or against the proposed regulations from the general public.

Anyone interested in commenting on the proposed regulations may do so by submitting comments in writing to the Executive Director, Mariana Islands Housing Authority, P. O. Box 514, Saipan, CM 96950, within 30 days from the date this notice is published in the Commonwealth Register.

DATED, this 15th day of May, 1987.

Submitted

Rud Sedmi Executive Director

Approved by:

JESUS P. MAFNAS

Chairman, Board of Directors



MARIANA ISLANDS HOUSING AUTHORITY P.O. BOX 514, SAIPAN, CM 96950

TEL: 234-9447 234-6866

NUTISIAN PUPBLEKU

Ma'entensiona Para U Mana'guaha Rigulasion

I kuetpon mandirektot gi aoturidat Guma' I Islas Marianas (Mariana Islands Housing Authority) sigun gi 2 CMC 4433(t) ha entensiona para u na'matungo' na i nuebo na rigulasion para u ma'aidentifika komu 'MIHA Procurement Regulations'.

I ma'entensiona na rigulasion manmaneha mana'guaha para u umentayi i komfidensian pupbleku gi manmaneha ni para u matattiyi ginen manmanehan pupleku, mana'guaha ni para u ma'aomenta i ikunumia gi aktebidat i manmaneha gi 'Commonwealth' yan para u na'guaha gi mas takkilo' na prinaktika i balen mamahan gi fondo pupbleku, mana'guaha kualidat yan sanu na kodigu, na'siguru na parehu i tratamenton todu petsona siha ni chumocho'gue i sesteman manmaneha gi 'Commonwealth' yan u machonnek i ifektibu na manera gi kumompetensia gi entre i sesteman besnes.

Sina machule' i kopian i ma'entensiona na rigulasion ginen i Direktot Eksekatibon I Aoturidat Guma' I Islas Marianas.

Manggagagao este na ofisina hinasso pat upinion, fakto pat emfotmasion parehu ha' ha fabot pat ha kontra i ma'entensiona na rigulasion ginen i hinirat pupbleku.

Hayi na enterisao manna'i idehu gi ma'entensiona na rigulasion sina muna'halom palabra gi matugi' na manera guato gi Direktot Eksekutibon i Aoturidat Guma I Islas Marianas, P.O. Box 514, Saipan, CM 96950 gi halom i 30 dias desde i fechan i mapupleka-na este na nutisia gi Rehistran I 'Commonwealth'.

Mafecha, gi dia 15 di Mayo, 1987

Sinatmiti as:

Kudy Sedmik

Direcktot Eksekutibu

Inaprueba as:

Jesus P. Mafnas

Gume'hilulu'i, Kuetpon Mandirektot



MARIANA ISLANDS HOUSING AUTHORITY P.O. BOX 514, SAIPAN, CM 96950

TEL: 234-9447 234-6866

ARONGORONG NGÅLİIR ARAMAS TOWLAP FFEERUL ALLEGHUL ALUGHULUGH

Board of Directors-ul Mariana Islands Housing Authority sangi 2 CMC 4433(t) ekke feeru bwe ebwe ayooraata alughulugh kka e ffe nge ebwe ffailo bwe Alleghul Alughulughul MIHA.

Ffeerul alleghul alughulugh kkaal eyoor bwelle ebwe alapaalo alughulugh ngaliir aramas towlap reel mwoghutughut kka eghal yoorwow reel alughulughuur aramas towlap, ebwe ayoora mille ebwe tumwogheta ekonomiiyaal alughulughul milikka ebwe yoor llol Commonwealth me ebwe ghi ffil fisch yaayaal selaapiyal aramas towlap, me ebwe yoor alleghul aisiisil ammwoghutul alughulugh kkaal llol milla ghatchul me tipippaghul, e ghatch alughulughul me e aweewe ppaghiir aramas kka relo llol ammwoghutul alughulugh ye elo llol Commonwealth, me eghi piipiiy fischiiy milla e bwang ngaliir aramas llol tappal mwoghutughut yeel.

Koopiyaal ffeerul alleghul alughulugh yeel emmwel schagh ubwe lo bweibwogh mereel Executive Director-ul Mariana Islands Housing Authority.

Bwulaasiyool Mariana Islands Housing Authority ekke tingor ngaliir aramas towlap ngare meta mangemangiir reel ffeerul alleghul alughulugh yeel.

Inaamwo iyo ye e tipeli bwe ebwe isiisilong mangemangil reel ffeerul alleghul alughulugh yeel, emmwel schagh bwe ubwe isch ngali Executive Director-ul Mariana Islands Housing Authority, P. O. Box 514, Saipan, CM 96950 llol 30 ral sangi maram me ral la e atootoowow arongorong yeel llol Commonwealth Register.

E alughulughlo llol 15 wool Ghuuw, 1987.

Atoolongooya

Rudy/Sedmik Executive Pirector

Alughulugh Sangi:

Jesus P. Mafnas

Chairman, Board of Directors

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MIHA PROCUREMENT REGULATIONS

Article 1 - GENERAL PROVISIONS Part A - General

Section 1-101 Pur oses.

- (1) Interpretation. These regulations shall be construed and applied to promote their underlying purposes and policies.
- (2) Purposes and Policies. The underlying purposes and policies of these regulations are:
 - (a) to provide for increased public confidence in the procedures followed in public procurement;
 - (b) to insure the fair and equitable treatment of all persons who deal with the procurement system of the Commonwealth:
 - (c) to provide increased economy in Commonwealth procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds;
 - (d) to foster effective broad-based competition within the free enterprise system; and
 - (e) to provide safeguards for the maintenance of a procurement system of quality and integrity.

Section 1-102 Authority.

These regulations are promulgated in accordance with 2 CMC Sec. 4433(t) which gives the Executive Director and the Board of Directors the duty to be in control of and be responsible for procurement and supply in the Mariana Islands Housing Authority.

Section 1-103 Supplementary General Principles of Law Applicable.

Unless displaced by the particular provisions of these regulations, the principles of law and equity including, but not limited to, the Uniform Commercial Code of the Commonwealth and common law of fraud, conflicts of interest, waste, false pretenses, and public purpose shall supplement these regulations.

Section 1-104 Reguirement of Good Faith.

These regulations require all parties, including MIHA employees and contractors, involved in the negotiation, bidding, performance or administration of MIHA contracts to act in good faith.

Section 1-105 Application of Regulations.

Except as otherwise specified by law, these regulations apply to every expenditure of public funds irrespective of source, including federal assistance monies and Covenant funds, which are not subject to federal procurement requirements. These regulations do not apply to contracts between MIHA and its political subdivisions or other governments. Nothing in these regulations shall be construed to prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, cooperative agreement or memoranda of understanding. However, funds received for Community Development Block Grant (CDBG) Programs from the U.S. Department of Housing and Urban Development will be expended by strict compliance with the Procurement Standards as prescribed in the Office of Management and Budget Circular A-102 (Revised).

Section 1-106 Validity of Contract.

No MIHA contract covered by these regulations shall be valid unless it complies with these regulations.

Section 1-107 Remedy Against Employee.

Any procurement action of an employee of MIHA in violation of these regulations is an action outside the scope of his or her employment. MIHA will seek to have any liability asserted against it by a contractor which directly results from these improper acts to be determined judicially to be the individual liability of the employee who committed the wrongful act.

Part B - Definitions

Section 1-201 Definitions.

As used in these regulations, unless the context otherwise requires, the following meanings apply:

1. "Construction" means the process of building, alterating, repairing, improving or demolishing of a public structure or building or public improvements commonly known as "capital improvements". It does not include the routine maintenance of existing structures, buildings, or public real property.

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- "Contract" means all types of agreements, regardless of what they may be called for the procurement of supplies, services or construction.
- "Cost-Reimbursement Contract" means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and these regulations, and a fee, if any.
- "Dispute" means a disagreement concerning the legal rights and obligations of contracting parties, which, if not settled by mutual agreement, must be referred to a neutral third party for resolution.
- "Employee" means an individual receiving a salary from MIHA, including appointive and elective officials and nonsalaried individuals performing personal services for MIHA. definition extends to the consultants, independent contractors and part-time workers shall be considered employees.
- "Goods" means all property, including but not limited to equipment, materials, supplies, and other tangible personal property or any kind or nature, printing, insurance, leases of real and personal property, and sale or other disposal of real and personal property, and sale or other disposal of personal property.
- "Invitation for Bids" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.
- "Official with Expenditure Authority" means that public official/s who may expend, obligate, encumber or otherwise commit public funds under any annual appropriation act.
- 9. "Person" means an individual, sole proprietorship, partnership, joint venture, corporation, other unincorporated association or a private legal entity.
- 10. "Procurement" means buying, purchasing, renting, leasing or acquiring construction, goods or services. It also includes all functions that pertain to the obtaining of construction, goods or services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
- "Purchase Description" means the words used in a solicitation to describe the goods, services or construction to be purchased and includes specifications attached to, or made part of, the solicitation.
- 12. "Responsible" in reference to a bidder, means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

- "Responsive" in reference to a bidder, means a person who has submitted a bid which conforms in all material respects to the invitation for bids.
- "Services" means the furnishing of time, labor or effort by a person other than an employee, and not involving the delivery of a specific end product other than reports, plans and incidental documents.
- "Director" means the Executive Director of Mariana Islands Housing Authority.
- "Chairman" means the Chairman of the Board of Directors for the Mariana Islands Housing Authority.
- 17. "MIHA" means the Mariana Islands Housing Authority.

Part C - Public Access

Section 1-301 Public Access to Procurement Information.

Procurement information shall be a matter of public record and shall be available for public inspection. Procurement information may be kept confidential when necessary to insure proper bidding procedures. This decision shall be made only by the Director and/or the Chairman.

> Article 2 - PROCUREMENT ORGANIZATION Part A - Director and Chairman

Section 2-101 Duties and Authority of the Director and Chairman.

The duties and responsibilities of the Director and the Chairman include, but are not limited to, the following:

- (1) Oversee that the regulations are observed in all MIHA procurement;
- (2) Hear all appeals of protests and disputes;
- Conduct bidding, procurement, negotiation or administration of MIHA contracts.
- (4) Provide advanced planning for the centralized purchase of MIHA supplies.
- (5) Exercise general supervision and control over all inventories of supplies belonging to MIHA.
- (6) Establish and maintain programs for the inspection, testing and acceptance of supplies.

(7) The Chairman of the Board shall have the approval of the majority of the board members for any major procurement action.

Section 2-102 Contract Oversight

- (1) Before the execution of a contract, it must be reviewed and approved by both the Chairman and the Director. The Director, the Chairman, and with the assistance of MIHA's legal counsel, when required, shall review all contracts for construction, the procurement of goods, leases, the sale of goods and for services by an independent contractor to insure compliance with these regulations, that the contract is for a public purpose, and does not constitute a waste or abuse of public funds.
- (2) The Chairman and/or the Director shall cause such review to occur in a prompt and timely manner.
- (3) Upon the Director's and/or the Chairman's own initiative or upon the request of the Public Auditor, the Director and/or the Chairman may refer any contract to the Public Auditor for a recommendation before the contract is approved or disapproved.
- (4) The legal counsel of MIHA shall, upon request, certify the form and legal capacity of every MIHA contract, change order, or in some instances, purchase orders.
- (5) It is the responsibility of the official/s with expenditure authority to ensure that the contractor does not sign the contract or incur any expenses under it until all necessary MIHA signatures have been obtained. The supervision and inspection of a project is the primary responsibility of the official/s with expenditure authority.
- (6) No contract is effective against MIHA until all of the MIHA officials whose signatures appear on the contract form have signed the contract. A contract shall contain a Right to Audit Records Clause.

Section 2-103 Selit Contracts

If the Director and/or the Chairman determines that a contract has been split into subcontracts for the purpose of avoiding bidding or if a change order is unreasonably being made in a contract to increase the contract price where a contract has been bid and awarded to the lowest responsible and responsive bidder, the Director and/or the Chairman may require the contract or the modification to be competitively bid. An unreasonable modification or change order would be, for example, one which

would have been reasonably foreseeable at the time of the formation of the contract.

Section 2-104 Acceptance of Gratuities by the Director, Chairman, members of the Board and MIHA Employees

In addition to the restrictions found in Section 6-205, the Chairman, all board members, Director and employees of MIHA shall not accept any gift of value from any person with the intent to influence their business judgement or give the appearance of impropriety.

Part B - Procurement Function

Section 2-201 Decentralized Procurement.

Officials with expenditure authority may conduct bidding, procurement, negotiation and the administration of contracts involving funds appropriated to their respective office or branch. All such activity must be shown to the reasonable satisfaction of the Director and/or Chairman to be in compliance with the regulations.

Section 2-202 Procurement Services.

Upon request of any official with expenditure authority, the Director and/or Chairman shall provide assistance or conduct the bidding, procurement, negotiation or administration of a particular contract.

Article 3 - SOURCE SELECTION AND CONTRACT FORMATION Part A - Source Selection

Section 3-101 Methods of Source Selection.

Unless otherwise authorized by law or by regulation, all government contracts shall be awarded by competitive sealed bidding, except as provided in:

- Section 3-103 (Small Purchases); (1)
- (2) Section 3-104 (Sole Source Procurement);
- (3) Section 3-105 (Emergency Procurement);
- (4) Section 3-106 (Competitive Sealed Proposals);
- (5) Section 3-107 (Professional Services);
- (6) Section 4-102 (Architect-Engineer Services).

Section 3-102 Competitive Sealed Bidding.

- (1) Invitation for Bids. An invitation for bids shall be issued and shall include at the minimum:
 - (a) an invitation for bids number
 - (b) date of issuance;
 - (c) name, address and location of issuing office;
 - (d) specific location where bids must be submitted;
 - (e) date, hour and place of bid opening;
 - (f) a purchase description in sufficient detail to permit full and open competition and allow bidders to properly respond;
 - (g) quantity to be furnished;
 - (h) time, place and method of delivery or performance requirements;
 - (i) essential contractual terms and conditions; and
 - (j) any bonding requirements.
- (2) Public Notice. Adequate public notice of the invitation for Bids shall be given a reasonable time prior to the date set forth for the opening of bids. Publication of notice in a newspaper of general circulation in the Commonwealth once in each week over a period of thirty (30) calendar days shall be deemed to be adequate notice.
- (3) Bidding Time. A bidding time of at least thirty (30) calendar days shall be provided, unless the Director and/or the Chairman determines a shorter period is reasonable and necessary.
- (4) Bid Receipt. All bids shall be submitted to MIHA. Bids shall be received prior to the time set for opening and shall be maintained sealed in a locked receptacle at the MIHA office. If a bid is opened by mistake, it shall be resealed and the person who opened the bid shall write his signature and print his title on the envelope and deliver it to the Director. No information contained in the bid shall be disclosed prior to the bid opening. The Director shall cause the opened bid to be placed into the sealed receptacle.
- (5) Bid Opening. The bid opening shall be conducted by the Director and/or the Chairman. Bids shall be opened publicly in the presence of one or more witnesses at the

- time and place designated in the Invitation for Bids. The bids received prior to the bid closing date shall be publicly opened. The amount of each bid, together with the name of each bidder shall be recorded, the record and each bid shall be open to public inspection.
- Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in these regulations. Bids shall be evaluated based on the requirements set forth in the invitation for Bids, which may include criteria as is necessary to reasonably permit a determination as to the acceptability of the bid for the particular purpose intended.
- Bid rejection. A bid may be rejected for any of the following reasons:
 - (a) failure to conform to essential requirements of the Invitation for Bids such as specifications or time of delivery;
 - imposition of conditions or restrictions in the bid which modify requirements of the invitation or limit the bidder's liability to the government. For example, bids shall be rejected in which the bidder:
 - (i) protects against future changes in conditions, such as increased costs;
 - fails to state a price and indicates that price shall be the price in effect at the time of delivery;
 - (iii) states a price but qualifies it as subject to price in effect at time of delivery; or
 - (iv) Limits the rights of MIHA.
 - (c) unreasonableness as to price;
 - a bid from a nonresponsible bidder
- Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids, before or after award, or cancellation of awards or contracts based on bid mistakes must be approved by the Director and/or Chairman in writing. After the bid opening, no changes in bid price or other provisions of bids prejudicial to the interest of MIHA or fair competition shall be allowed. Whenever a bid mistake is suspected, MIHA shall request confirmation of the bid prior to award. In such an instance, if the bidder alleges an error, the government shall only permit correction of the bid or withdrawal of the bid in accordance with subparagraph (a) or (b).

- (a) Correction of bids. Correction of bids shall only be permitted when:
 - (i) an obvious clerical mistake is clearly evident from examining the bid document. Examples of such mistakes are errors in addition or the obvious misplacement of a decimal point; or
 - (ii) the otherwise low bidder alleges a mistake and the intended bid is evident from the bid document or is otherwise supported by clear and convincing evidence as to the bid intended and the corrected bid remains the low bid. A low bidder may not be permitted to correct a bid mistake resulting from an error in judgment.
- (b) Withdrawal of Bids. Withdrawal of a bid shall only be permitted where the otherwise low bidder alleges a mistake and there is clear and convincing evidence as to the existence of a mistake.
- (c) Cancellation of Awards. Cancellation of awards or contracts shall only be permitted when:
 - (i) evidence as to the existence of the mistake is not discovered until after the award;
 - (ii) there exists no clear and convincing evidence to support the bid intended; and
 - (iii) performance of the contract at the award price would be unconscionable.

(9) Award.

- (a) The contract must be awarded with reasonable promptness by written notice to the lowest responsive bid by a responsible bidder whose bid fully meets the requirements of the invitation for bids and these regulations. Unsuccessful bidders shall also be promptly notified.
- (b) Notice of an award shall only be made by the presentation of a contract with all of the required signatures to the bidder. No other notice of an award shall be made orally or by letter. No acceptance of an offer shall occur nor shall any contract be formed until a MIHA contract is written and has been approved by all the officials required by law and regulation. MIHA contracts shall contain a clause which states that the signature of the private contractor shall be the last in time to be affixed to a contract and that no contract can be formed prior to the approval of all required MIHA officials.

(c) In the event all bids exceed available funds and the bid of the lowest responsive and responsible bidder does not exceed those funds by more than five percent (5%), and time or economic considerations preclude resolicitation of work of a reduced scope, the official with expenditure authority may be authorized to negotiate an adjustment of the bid price, including changes in bid requirements, with the lowest responsive and responsible bidder in order to bring the bid price within the amount of available funds. The negotiation shall be documented in writing and attached to the bidding documents.

Section 3-103 Small Purchases.

- (1) Any procurement not exceeding the amounts established herein may be made in accordance with small purchase procedures. However, procurement requirements shall not be artificially divided so as to constitute a small purchase.
- No price quotations are required but is encouraged for procurement under \$1,000.00.
- (3) Bidding is not required for procurement under \$5,000.00. The official with expenditure authority must obtain price quotations from at least three (3) vendors and base the selection on competitive price and quality for procurement valued at \$1,000.00 to \$5,000.00.
- Purchase orders may be utilized for small purchases in subparagraphs (2) and (3) only. In no other instance may purchase orders be utilized instead of contracts.

Section 3-104 Sole Source Procurement.

- (1) A contract may be awarded for a supply, service or construction item without competition when the Director and/or Chairman determines in writing that there is only one source for the required supply, service or construction item.
- The written determination shall be prepared by the official with expenditure authority and shall contain the following information:
 - (i) the unique capabilities required and why they are required and the consideration given to alternative sources.

Section 3-105 Emergency Procurement.

(1) Notwithstanding any other provision of these

regulations, MIHA may make emergency procurements when there exists a threat to public health, safety or welfare under emergency conditions. An emergency procurement must be as competitive as practicable under the circumstances.

A written determination of the basis for the emergency and for the selection of the particular contractor must be made by the official with expenditure authority.

Section 3-106 Competitive Sealed Proposals.

- Conditions for use. When an official with expenditure authority determines in writing that the use of a competitive sealed bidding is either not practical or not advantageous to MIHA, a contract may be entered into by competitive sealed proposals.
- Request for proposals. Proposals shall be solicited (2) through a request for proposals.
- Public notice. Adequate public notice of the request for proposals shall be given in the same manner as provided for in competitive sealed bids.
- Receipt of proposals. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and opened for public inspection after contract award.
- Evaluation factors. The request for proposals shall state the relative importance of price and other evaluation factors.
- Discussion with responsible offerors and revisions to proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification and to insure full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission and prior to award for the purpose of obtaining the best and final offers. conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- Award. Award shall be made to the responsible offeror **(7)** whose proposal is determined in writing to be most advantageous to MIHA taking into consideration price and the evaluation factors set forth in the request for

proposals. No other factors or criteria shall be used in the evaluation and the contract file shall contain the basis on which the award is made.

Section 3-107 Comeetitive Selection Procedures for Professional Services.

- (1) Procurement method. The services of accountants, advisors or lawyers shall be procured as provided in this section except when authorized as a small purchase, emergency procurement or sole-source procurement.
- Policy. It is the policy to publicly announce all requirements for professional services and negotiate contracts on the basis of demonstrated competence and qualifications at a fair and reasonable price. Persons engaged in providing professional services may submit statements of qualifications and expressions of interests providing such types of services. Persons may amend these statements at any time by filing a new statement.
- Public announcement and form of request for proposals. Adequate notice of the need for such services shall be given by the official with expenditure authority through a request for proposals. The request for proposals shall describe the services required, list the type of information and data required of each offeror and state the relative importance of particular qualifications.
- The official with expenditure Discussions. authority may conduct discussions with any offeror who has submitted a proposal to determine such offerors qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.
- Award. Award shall be made to the offeror determined in writing by the official with expenditure authority to be the best qualified based on the evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified offeror then negotiations will be formally terminated with the selected If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in the order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked as best qualified if the amount of compensation is determined to be fair and reasonable.

Part B - Cancellation of Invitation for Bids or Requests for Proposals

Section 3-201 Cancellation.

An invitation for bids or request for proposals may be cancelled, and any and all bids or proposals may be rejected, when such action is determined in writing by the official with expenditure authority to be in the best interest of MIHA based on:

- inadequate or ambiguous specifications contained in the solicitation;
- (2) specifications which have been revised;
- goods or services being procured which are no longer (3) required;
- inadequate consideration given to all factors of cost to MIHA in the solicitation;
- bids or proposals received indicate that the needs of MIHA can be certified by a less expensive good or service;
- all offers with acceptable bids or proposals received are at unreasonable prices; or
- (7) bids were collusive.

Part C - Oualifications and Duties

Section 3-301 Responsibility of Bidders and Offerors.

- Awards shall be made only to responsible contractors. To be determined responsible, a prospective contractor must;
 - (a) have adequate financial resources to perform the contract, or the ability to obtain them;
 - (b) be able to comply with the required delivery or performance schedule;
 - (c) have a satisfactory performance record;
 - (d) have a satisfactory record of integrity and business ethics;
 - (e) have the necessary organization, experience and skills, (or the ability to obtain them), required to successfully perform the contract;
 - (f) have the necessary production, construction and technical equipment facilities, or the ability to obtain

them; and

- (g) be otherwise qualified and eligible to receive an award under applicable law and rules.
- (2) Obtaining information. Prior to award, the official with expenditure authority shall obtain information from the bidder or offeror necessary to make a determination of responsibility using the factors in paragraph 1 above. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for determination of non-responsibility with respect to that bidder or offeror.
- (3) Right of non-disclosure. Information furnished by a bidder or offeror pursuant to paragraph 2 may not be disclosed outside of the office of the official with expenditure authority, Attorney General or any involved government agency without prior consent by the bidder or offeror.
- (4) Nonresponsibility determination. When a bid or proposal on which a contract award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a written determination shall be signed by the official with expenditure authority stating the basis for the determination and this shall be placed in the contract file.

Section 3-302 Pre-ualification of Contractors.

Prospective suppliers of goods or services may be prequalified for particular types of construction, goods and services when determined necessary. Opportunity for qualification before solicitation shall be afforded to all suppliers. Solicitation mailing lists of potential contractors shall include, but shall not be limited to, prequalified suppliers. In no event will bidders be allowed to qualify after the bid opening.

Part D - Types of Contracts

Section 3-401 Types of Contracts.

- (1) Use of a cost-plus-a-percentage-of-cost and percentage of construction cost methods of contracting are prohibited.
- (2) MIHA contracts shall utilize a firm fixed price unless use of a cost reimbursement contract is justified under paragraph 3.
- (3) A cost reimbursement contract may be used when the official with expenditure authority determines in writing

which is attached to the contract that:

- (a) uncertainties in the work to be performed make the cost of performance too difficult to estimate with the degree of accuracy required for a firm fixed price contract;
- (b) use of a firm fixed price contract could seriously effect the contractor's financial stability or result in payment by MIHA for contingencies that never occur; or
- (c) use of a cost reimbursement contract is likely to be less costly to MIHA than any other type due to the nature of the work to be performed under the contract.

Part E - Inspection and Audit

Section 3-501 Right to Inspect Place of Business.

MIHA, may at reasonable times, inspect the place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by MIHA.

Section 3-502 Right to Audit Records.

As required by Section 404 of Public Law No. 3-91, the contractor and subcontractor or grantee and subgrantee at all levels shall provide the Public Auditor of the Commonwealth with access to and the right to examine and copy any records, data or papers relevant to a MIHA contract or grant for a period of three (3) years after the final payment under the contract or grant. A clause to this effect shall appear in all government contracts and obligations.

Part F - Reports and Records

Section 3-601 Report of Anticompetitive or Deceptive Practices.

When for any reason any person suspects the following practices are occuring among bidders, offerors, contractors or subcontractors, a notice of the relevant facts shall be transmitted to the Attorney General without delay:

- unfair methods of competition; (1)
- (2) deceptive acts; or
- (3) unfair business practices.

These acts are more fully defined at 4 CMC SS5101 through 5206.

Section 3-602 Retention of Procurement Records.

- (1) All procurement records shall be retained by the official with expenditure authority for MIHA files.
- (2) MIHA shall maintain a record listing all contracts made under sole-source procurement or emergency procurements for a minimum of five (5) years. The records shall contain:
 - (a) each contractors name;
 - (b) the amount and type of each contract; and
 - (c) a listing of the supplies, services or construction procured under each contract.
- (3) All procurement records, except those designated herein as not subject to disclosure, shall be available to public inspection.

Article 4 - PROCUREMENT OF CONSTRUCTION AND ARCHITECT-ENGINEER SERVICES

Section 4-101 Construction Procurement.

- (1) Invitation for Bids.
 - (a) Deposit. The official with expenditure authority shall determine the amount of deposit required for potential bidders to obtain the invitation for bids.
 - (b) Contents. The invitation for bids shall be prepared in accordance with section 3-102(1). In addition, the following items shall be included in the Invitation for Bids:
 - (i) Notice to Bidders. General Information regarding project;
 - (ii) Instructions to Bidders. Information on the preparation of bids, bid security requirements and forms and certifications that must be submitted with the bid;
 - (iii) General Conditions. Standard contract clauses governing the performance of work;
 - (iv) Special Conditions. Special contract clauses depending on the nature and dollar amount of the work to be performed; and
 - (v) Technical Specifications. Specifications governing the technical aspects of the work to be

performed;

(2) Bid Security.

- Requirement. Bid security shall be required for all competitive sealed bidding construction contracts where the price is estimated by the Director to exceed \$25,000.00 or when the Director determines it is in the interest of the Commonwealth. Bid security shall be on a bid bond, in cash, by certified check, cashiers check or other form acceptable to MIHA. A surety company shall hold the certificate of authority from the U.S. Secretary of the Treasury as an acceptable surety or other surety acceptable to the Attorney General.
- Amount. Bid security shall be an amount equal to at least fifteen percent (15%) of the amount of the bid or other amount as specified in the Invitations for Bids depending upon the source of funding.
- Rejection of Bid. Failure to furnish bid security when required by the invitation, shall result in rejection of the bid as nonresponsive.
- (3) Contract Performance and Payment Bonds.
 - When a construction contract is awarded in excess of \$25,000.00, the following bonds or security shall be delivered to MIHA and shall become binding on the parties upon the execution of the contract:
 - a performance bond satisfactory to MIHA, executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to the Commonwealth, in an amount equal to one hundred percent (100%) of the price specified in the contract; and
 - (ii) a payment bond satisfactory to the Commonwealth, executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to the Commonwealth, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred percent (100%) of the price specified in the contract.
- Suits on Payment Bonds; Right to Institute. persons who has furnished labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this

section, and who has not been paid in full therefore before the expiration of a period of ninety (90) days after the day on which the last of the labor was done or performed by such person or material was furnished or supplied by such person for which such claim is made, shall have the right to sue on the payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action for the sum or sums justly due such person; provided, however, that any person having a direct contractual relationship with a subcontractor of the contractor, but no contractual relationship express or implied with the contractor furnishing said payment bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within ninety (90) days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material upon which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be personally served or served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts its business.

- (5) Suits on Payment Bonds; Where and When Brought. Every suit instituted upon a payment bond shall be brought in a court of competent jurisdiction for the Commonwealth; but no such suit shall be commenced after the expiration of one (1) year after the day on which the last of the labor was performed or material was supplied by the person bringing suit. The obligee named in the bond need not be joined as a party in any such suit.
- Fiscal Responsibility. Every contract modification, change order, or contract price adjustment under a construction contract shall be subject to prior written certification by MIHA as to the effect of the contract modification, change order or adjustment in contract price on the total project budget or the total contract budget. the event that the certification discloses a resulting increase in the total project budget and/or the total contract budget, such contract modification, change order or adjustment in contract price shall not be made unless sufficient funds are available therefor, or the scope of the project or contract is adjusted so as to permit the degree of completion that is feasible within the total project budget and/or total contract budget as it existed prior to the contract modification, change order or adjustment in contract price under consideration; provided, however, that with respect to the validity, as to the contractor, of any executed contract modification, change order or adjustment in contract price which the contractor has reasonably relied upon, it shall be presumed that there has been compliance

with the provisions of this subsection.

Section 4-102 Architect-Engineer Services.

- (1) Procurement Method. Architect-engineer services shall be procured as provided in this section except when authorized as a small purchase or emergency procurement.
- (2) Policy. It is the policy to publicly announce all requirements for architect-engineer services and negotiate contracts on the basis of demonstrated competence and qualifications at a fair and reasonable price.
- (3) Selection. The Technical Division of MIHA and the Technical Services Division of the Department of Public Works shall jointly maintain files of current statements of qualifications of architect-engineer firms. After public announcement of requirement for architect-engineer services, current statements shall be reviewed together with those that may be submitted by other firms in response to the announcement. Discussions shall be conducted with at least three (3) of the firms regarding the contract requirements and technical approach and selection made therefrom, in order of preference, of no less than three (3) firms determined to be the most highly qualified to perform the services required.
- (4) Negotiation. The official with expenditure authority shall negotiate a contract with the highest qualified architect-engineer firm at a price determined to be fair and reasonable to MIHA. If a fair and reasonable price cannot be negotiated, negotiations shall be terminated and negotiations shall be undertaken with the second highest qualified firm. If a fair and reasonable price cannot be negotiated, negotiations shall be terminated and negotiations shall be undertaken with the third highest qualified firm. If a fair and reasonable price cannot be negotiated with any of the firms, then the officer with expenditure authority shall select additional firms in order of competence and qualifications and continue negotiations until a fair and reasonable price is agreed upon.

Article 5 - PROTESTS AND DISPUTES Part A - Bid Protests and Appeals

Section 5-101 Protests to MIHA.

(1) General

(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Director or Chairman. The protest shall be received by

MIHA in writing within ten (10) days after such aggrieved person knows or should have known of the facts giving rise thereto. MIHA shall consider all protests or objections to the award of a contract, whether submitted before or after award. If a protest is oral and the matter cannot be resolved, written confirmation of the protest shall be requested by MIHA. The written protest shall state fully the factual and legal grounds for the protest;

- (b) Other person, including bidders, involved in or affected by the protest shall be given notice of the protest and its basis in appropriate cases. These persons shall also be advised that they may submit their views and relevant information to MIHA within a specified period of time. Normally, the time specified will be one (1) week;
- (c) MIHA shall decide the protest within thirty (30) calendar days after all interested parties have submitted their views unless he certifies that the complexity of the matter requires a longer time, in which event he shall specify the appropriate longer time;
- (d) When a protest, before or after award, has been appealed to the Public Auditor, as provided in these procedures, and MIHA is requested to submit a report, MIHA should include with their report a copy of:
 - (i) the protest;
 - (ii) the bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award, or whose bid is being protested;
 - (iii) the solicitation, including the specifications on portions relevant to the protest;
 - (iv) the abstract of offers or relevant portions;
 - (v) any other documents that are relevant to the protest; and
 - (vi) MIHA's signed statement setting forth findings, actions, and recommendations and any additional evidence or information deemed necessary in determining the validity of the protest. The statement shall be fully responsive to the allegation of the protest. If the award was made after receipt of the protest, MIHA's report will include the determination prescribed in subparagraph (2) (d) below.

Since timely action on protests is essential, they should be handled on a priority basis. Upon receipt of notice that an appeal from MIHA's decision has been taken to the Public Auditor, MIHA shall immediately begin compiling the information necessary for a report as provided in subsection (d) above. To further expedite processing, the official who furnishes the agency's report should, upon request of the protestor or the Public Auditor, simultaneously furnish a complete copy (except for information privileged by law or which the MIHA deems must be confidential in order to benefit from competitive bidding) to the protester. instances, the protester shall be requested to furnish a copy of any comments on the administrative report directly to the Public Auditor as well as MIHA.

(2) Protests Before Award:

- (a) MIHA shall require that written confirmation of an oral protest be submitted by the time specified in section 5-101(1)(a) and may inform the protester that the award will be withheld until the specified time. If the written protest is not received by the time specified, the oral protest may be disregarded. An award may be made in the normal manner unless MIHA finds it necessary in his discretion to take remedial action.
- (b) When a proper protest against the making of an award is received, the award will be withheld pending disposition of the protest. The bidders whose bids might become eligible for award shall be informed of the protest. In addition, those bidders shall be requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance to avoid the need for advertisement. In the event of failure to obtain such extensions of bids, consideration shall be given to proceeding with an award under subparagraph (c) below.
- (c) When a written protest is received, award shall not be made until the matter is resolved, unless MIHA determines that:
 - (i) the materials and services to be contracted for are urgently required;
 - (ii) delivery or performance will be unduly delayed by failure to make award promptly; or
 - (iii) a prompt award will otherwise be advantageous to the Commonwealth.
- (d) If award is made under subparagraph (c) above, MIHA shall document the file to explain the need for an

immediate award. MIHA also shall give written notice to the protestor and others concerned of the decision to proceed with the award.

(3) Protests After Award:

Although persons involved in or affected by the filing of a protest after award may be limited, at least the contractor shall be furnished the notice of protest and its basis in accordance with subparagraph (1) (b) above. When it appears likely that an award may be invalidated and a delay in receiving the supplies or services is not prejudicial to MIHA's interest, MIHA should consider seeking a mutual agreement with the contractor to suspend performance on a nocost basis.

(4) Computation of Time:

- (a) Except as otherwise specified, all "days" referred to in this part are deemed to be working days of the Commonwealth Government. The term "file" or "submit" except as otherwise provided refers to the date of transmission.
- (b) In computing any period of time prescribed or allowed by these procedures, the day of the act or event from which the designated period of time begins to run shall not be included.

Part B - Disputes

Section 5-102 Disputes.

- (1) Any dispute between MIHA and a contractor relating to the performance, interpretation of or compensation due under a contract, which is the subject of these regulations, must be filed in writing with the official with expenditure authority within ten (10) calendar days after knowledge of the facts surrounding the dispute.
- (2) When a claim by or against a contractor cannot be satisfied or settled by mutual agreement and a decision on the dispute is necessary, the officer with expenditure authority shall review the facts pertinent to the dispute, secure necessary legal assistance and prepare a written description that shall include:
 - (a) description of the dispute;
 - (b) reference to pertinent contract terms;
 - (c) statement of the factual areas of disagreement or agreement; and

- (d) statement of the decision as to the factual areas of disagreement and conclusion of the dispute with any supporting rationale.
- Appeals. MIHA shall review and render a decision on an appeal from an adverse decision timely taken by a contractor. MIHA may require a hearing or that information be submitted on the record, in his discretion. MIHA may affirm, reverse or modify the decision or remand it for further consideration.
- (4) Duty to Continue Performance. A contractor that has a dispute pending before the official with expenditure authority must continue to perform according to the terms of the contract and failure to so continue shall be deemed to be a material breach of the contract unless he obtains a waiver of this provision by the official with expenditure authority.

Article 6 - ETHICS IN PUBLIC CONTRACTING Part A - Definitions

Section 6-101 Definitions of Terms.

- "Confidential information" means any information which is available to an employee only because of the employee's status as an employee of MIHA and is not a matter of public knowledge or available to the public on request.
- "Conspicuously" means written in such special or distinctive form, print or manner that a reasonable person against whom it is to operate ought to have noticed it.
- "Direct or indirect participation" means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity.
- 4. "Financial interest" means:
 - ownership of any interest or involvement in any relationship from which or as a result of which, a person within the past year has received or is presently or in the future entitled to receive compensation; or
 - b. holding a position in a business such as an officer, director, trustee, partner, employee or the like or holding any position of management.
- "Gratuity" means a payment, loan, subscription, advance deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

"Immediate family" means spouse, children, parents, brothers and sisters.

Part B - Standards of Conduct

Section 6-201 Policy.

Public employment is a public trust. In governmental (MIHA) contracting, public employees shall discharge their duties impartially so as to:

- insure fair competitive access to MIHA procurement by reasonable contractors; and
- (2) conduct themselves in a manner as to foster public confidence in the integrity of MIHA.

Section 6-202 General Standards.

- Employees. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of a public trust. In order to fulfill this ethical standard, employees must meet the requirements of these regulations.
- (2) Contractors. Any effort to influence any public employee to breach the standards of ethical conduct set forth in these regulations is also a breach of ethical standards.

Section 6-203 Employee Disclosure Requirements.

- (1) Disclosure of benefit received from contract. Any employee who has, or obtains any benefit from, any MIHA contract with a business in which the employee has a financial interest shall report such benefit to the Director.
- (2) Failure to disclose benefit received. Any employee who knows or should have known of such benefit and fails to report such benefit is in breach of these ethical standards.

Section 6-204 Employee Conflict of Interest.

- Conflict of Interest. It is a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows that:
 - (a) the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

- (b) a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- (c) any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- (2) Discovery of actual or potential conflict of interest, disqualification and waiver. Upon discovery of an actual or potential conflict of interest, an employee shall promptly file with the Director a written statement of disqualification and shall withdraw from further participation in the transaction involved. The employee may, at the same time, apply to the Public Auditor for an advisory opinion as to what further participation, if any, the employee may have in the transaction.

Section 6-205 Gratuities and Kickbacks.

- (1) Gratuities. It shall be a breach of ethical standards for any person to offer, give or agree to give any employee or former employee, or for any employee or another person, a gratuity or an offer of employment in former employee to solicit, demand, accept or agree to accept from connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefor.
- (2) Kickbacks. It shall be a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith as an adducement for the award of a subcontractor or order.

Section 6-206 Prohibition Against Contineent Fees.

(1) Contingent fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure MIHA contracts upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees

or bona fide established commercial selling agencies for the purpose of securing business.

(2) Representation of contractor. Every person, before being awarded a government contract, shall represent, in writing that such person has not retained anyone in violation of this section. Failure to do so constitutes a breach of ethical standards.

Section 6-207 Contract Clauses.

The prohibitions against gratuities, kickbacks and against contingent fees shall be conspicuously set forth in every contract and solicitation therefor.

Section 6-208 Restrictions on Employment of Present and Former Employees.

- Present employees. It shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be while such an employee, the employee of any person contracting with MIHA by whom the employee is employed.
- Restrictions on former employees in matters connected with their former duties.
 - (a) Permanent disqualification of former employee personally involved in a particular matter. It shall be a breach of ethical standards for any former employee knowingly to act as a principal or as an agent for anyone other than MIHA, in connection with any:
 - judicial or other proceeding, application request for a ruling or other determination;
 - (ii) contract;
 - (iii) claim; or
 - (iv) charge or controversy

in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation or otherwise while an employee, where MIHA is a party or has a direct or substantial interest.

Disqualification of business when an employee has a financial interest. It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as principal, or as an agent for

anyone other than MIHA, in connection with any:

- (a) judicial or other proceeding, application, request for a ruling or other determination;
- (b) contract;
- (c) claim; or
- (d) charge or controversy

in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of the employee's official responsible, where MIHA is a party or has a direct and substantial interest.

Section 6-209 Use of Confidential Information.

It shall be a breach of ethical standards for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

Section 6-210 Collusion by Bidders.

Collusion or secret agreements between bidders for the purpose of securing an advantage to the bidders against the authorizing agent in the awarding of contracts is prohibited. The official with the expenditure authority may declare the contract void if he finds sufficient evidence after a contract has been let that the contract was obtained by a bidder or bidders by reason of collusive or secret agreement among the bidders to the disadvantage of MIHA.

Section 6-211 Penalties.

- (1) MIHA employees. MIHA employee is any person whether appointed, elected, excepted service or civil service. An employee who violates the provisions of these rules and regulations is subject to adverse action as may be appropriate in his or her particular circumstances. This action includes but is not limited to reprimand, suspension without pay, termination of employment, civil injunction, civil suit for damages or return of MIHA money, or criminal prosecution.
- (2) Contractors. A contractor who violates a provision of these rules and regulations shall be subject to a written warning of reprimand, the termination of the contract or

suspension from being a contractor or subcontractor under a MIHA contract in addition to other penalties prescribed by law.

(3) All proceedings under this section must be in accordance with due process requirements.

Section 6-212 Authority to Debar or Suspend.

- (1) Authority. After reasonable notice to the person involved and reasonable opportunity for the person to be heard under the Administrative Procedures Act, the Director and/or the Chairman after consultation with the official and the Attorney General, shall have authority to have debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three (3) years. The same officer, after consultation with the official with expenditure authority and the Attorney General, shall have authority to suspend a person from consideration for award of contracts if there is a probable cause of debarment. The suspension shall not be for a period exceeding three (3) months.
- (2) Causes for debarment or suspension. The causes for debarment or suspension include the following:
 - (a) conviction for commission of a criminal offense is an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
 - (b) conviction under Commonwealth or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the Consumer Protection Act (4 CMC S5101 et. seq.), violation of any unfair business practices as prescribed by 4 CMCS5202, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects its responsibility as a MIHA contractor;
 - (c) conviction under Commonwealth or federal antitrust statues arising out of the submission of bids or proposals such as in Chapter 2 of Division 5 of Title 4 of the Commonwealth Code;
 - (d) violation of contract provisions, as set forth below, of a character which is regarded by the Director and/or Chairman to be so serious as to justify debarment action:
 - (i) deliberate failure without good cause to perform in accordance with the specifications

within the time limits provided in the contract; or

- (ii) a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered a basis for debarment;
- (e) any other cause that the Director and/or Chairman determines to be so serious and compelling as to effect responsibility as a MIHA contractor, including debarment by another governmental entity; and
- (f) for violation of any of the ethical standards set forth in Article 6.
- (3) Decision. Director and/or Chairman shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken.
- (4) Notice of decision. A copy of the decision shall be mailed or otherwise furnished immediately to the debarred or suspended person.

Article 7 - SEVERABILITY

Section 7-101 Severabilit 7.

If any provision of these regulations or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end, the provisions of this Code are declared to be severable.



Commonwealth of the Northern Mariana Islands Coastal Resources Management

Office of the Gobernor Saipan, Mariana Islands 96950

CABLE ADDRESS GOV. NMI SAIPAN

Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE

Proposed Amendments to Coastal Resources Management Rules and Regulations

The Coastal Resources Management Program is proposing to amend its Rules and Regulations under the authority of P.L. 3-47 by adding a new Section 9 D "Height, Density, Setback, Coverage and Parking Guidelines.

The purpose of the amendments are to establish guidelines for building heights, setbacks and densities, lot coverage and parking requirements for buildings subject to Coastal Resources Management Program jurisdiction.

The proposed amendments follow this notice in the Commonwealth Register. Additional copies may be obtained from the Coastal Resources Management Office, 6th Floor Nauru Building, Susupe CM 96950.

Comments may be submitted in writing to the Administrator, Coastal Resources Management Office at the address above within 30 days of the date this notice is published in the Commonwealth Register. All comments will be carefully considered.

Date: 4/15 87

ROBERT W. RUDOLPH

Acting A ministrator

Coan al Resources Management Office



Commonwealth of the Northern Mariana Islands . Coastal Resources Management

Office of the Governor Saipan, Mariana Islands 96950

CABLE ADDRESS GOV. NMI SAIPAN TELS. 234-6623/7820

NOTISAN PUBLIKU

Amendasion Para i Rules yan Regulations i Coastal Resources Management.

I programan Coastal Resources Mana ement para hu amenda i Rules yan Reeulations gi papa i aturidad i Lian Publiku 3-47 ya para una guaha nuebo na Seksiona 9 D, put tinatkilo guma, kantidanguma, china tate gi lugat i guma, kuanto gi lugat para hu tinampi ni guma yan i ma park niha i kareta siha.

Este ha amendasion para una guaha tinigi' put este i tamensiona esta na manera ni humahalum qi programan i Coastal Resources Mana ement.

I man ma proposito na amendasion dumadana yan este na notisia. Sina manuli hao copian este na amendasion gi ofisinan i <u>Coastal Resources</u>
Mana•ement giya Nauru na guma gi mina sies na bibenda.

Yangin guaha para enepemu, tugi para i Administradot i programan i Coastal Resources Management gi halom trenta (30) dias desti ma publikana este na notisia. Todo enepi sempri man ma konsideran mauleg.

5 15 87

Robert Rudolph Aministradot i

Offisinan i Coastal Resources
Management

Section 9 D. Height, Density, Setback, Coverage and Parking Guidelines

(i) Application

The following building design and site utilization guidelines will be applied to all projects requiring a Coastal Resources Management permit. Projects must meet all of the guidelines unless the CRM Directors with concurrence by the CRMO Administrator permit exceptions by a written consensus which consensus shall set forth substantial reason for the exception.

(ii) Shoreline Setbacks

1. Scope of Regulations:

The Shoreline setback regulations herein prescribed apply to all coasts of the Commonwealth except for the Port & Industrial APC's where no shoreline setback regulations shall apply. Shoreline setbacks shall be measured inland from the mean high water level.

2. Shoreline Setbacks:

a) Shoreline Setback A, from 0-35 feet

Beach and shoreline reservation zone for use as public access and recreation. Generally, structures are prohibited.

b) Shoreline Setback B, from 35-75 feet

No vertical construction which will obstruct the visual openness and continuity of the shoreline area is permitted.

Open space, rest and recreation areas, swimming pools, terraces, landscaping and related outdoor improvements are allowed. Parking areas are not permitted.

c) Shoreline Setback C, from 75-100 feet

Single-story structures, covered porches, trellises and similar improvements not to exceed 12-feet in height measured from the natural grade line. Parking is permitted if otherwise allowed by law.

d) Shoreline Setback D, from 100-feet or more

Building height based on Property Setback/Height Regulations. If the building is higher than 2 stories, 100 feet from the shoreline shall be considered the property line for applying the Setback/Height Regulations.

3. Set backs for Small Shoreline lots:

For any lot where thirty percent (30%) or more of the land area of the lot is affected by the mandatory shoreline setback above, such shoreline setback regulations are modified as follows:

a) Shoreline Setback A-1, from 0-20 feet

Beach recreation zone for use as public access and recreation.

b) Shoreline Setback B-1, from 20-60 feet

Shall be open space with no vertical construction or parking permitted.

c) Shoreline Setback C-1, from 60-100 feet

Single and two-story structures only, with the total height not to exceed 20 feet.

d) Shoreline Setback D-1, from 100-feet or more

Building height based on proposed Property Setback/ Height Regulations

Shoreline Setback/Height Graph, graphically depicts Shoreline Setbacks A,B,C and D.

(iii) Setback and Height Regulations for Properties outside the Shoreline APC.

1. One and Two Family Residential:

One and Two Family Residential buildings must be set back at least 20 feet from primary roads, 10 feet from collector roads and 5 feet from tertiary roads. One and Two Family Residential buildings shall not exceed a height that inhibits access to sunlight for adjacent lots.

2. Multi-Unit Residential:

Multi-Unit Residential buildings must be setback two feet from the front and back property lines for each one foot in the overall height of the building. All multi-unit residential buildings must be set back at least 10 feet from the side property lines. No multi family residential building shall exceed 45 feet in height from grade level.

3. Commercial:

Commercial buildings must be set back two feet from the front and back property lines for each one foot in the overall height of the building. All Commercial buildings must be set back at least 10 feet from the side property lines. The CRMO Administrator may allow a smaller side setback upon a determination that the adjacent property is being or is substantially likely to be used for commercial or industrial purposes. No Commercial building shall exceed 35 feet in height.

4. Hotel & Resort:

Hotel and Resort buildings must be set back two feet from the front and back property lines for each one foot in the overall height of the building. No Hotel or Resort building shall exceed 85 feet in height.

5. Industrial:

Industrial buildings shall be setback a minimum of 20 feet from all property lines. The CRMO Administrator may allow less than a 20 foot setback upon a determination that the adjacent property is being or is substantially likely to be used for Industrial purposes. No Industrial building shall exceed 45 feet in height.

6. Height/Setback Clustering Graph. See Figure 1:

It is recommended that taller buildings be oriented or clustered in a manner to minimize the impact of each individual tower. Certain concessions in the setback-height standards can be proposed where a desirable concept of clustering is possible.

(iv) Lot Coverage Density and Parking Regulations

Lot coverage for structures means the "footprint" of buildings on the site and does not consider the floor area of upper floors or the overall density of the development. Where the first floor is elevated above the ground level, its lot coverage ratio shall be based on the proposed use for the area below the structure.

The lot coverage ratio for open space is considered to include plazas, terraces, decks and other outdoor areas which are not covered or walled, landscaped areas, recreation and open space, improved or unimproved natural areas, covered storm water disposal areas, and pedestrian walkways. The continuity, conservation and maintenance of open space must be provided for; any later modification must be first approved.

1. One and Two Family Residential:

- Maximum lot coverage by buildings is 40% for lots on which not all dwellings are connected to a public sewer and 60% for lots on which all dwellings are connected to a public sewer.
- In developments consisting of more than four lots, the developer and/or subdivider must provide common use open space at a ratio of one acre of common use open space per every five acres of private lots. Up to 50% of the required common open space may be open space useable by the community included in public schools or similar public facilities.

2 Multi Unit Residential:

Maximum lot coverage by buildings is 60%. A minimum of 1.25 parking spaces must be provided for each dwelling unit.

3 Commercial:

Maximum lot coverage by structures is 75%. A minimum of one parking space must be provided for each 200 square feet of commercial space; one parking space for each 150 square feet of office space; and one parking space for every four restaurant seats.

Hotel & Resort: 4.

For buildings exceeding 35 feet in height: a)

> Maximum lot coverage by structures is 20%. Maximum bt coverage by parking, roads and service entries is 35% Minimum bt coverage for open space is 45%.

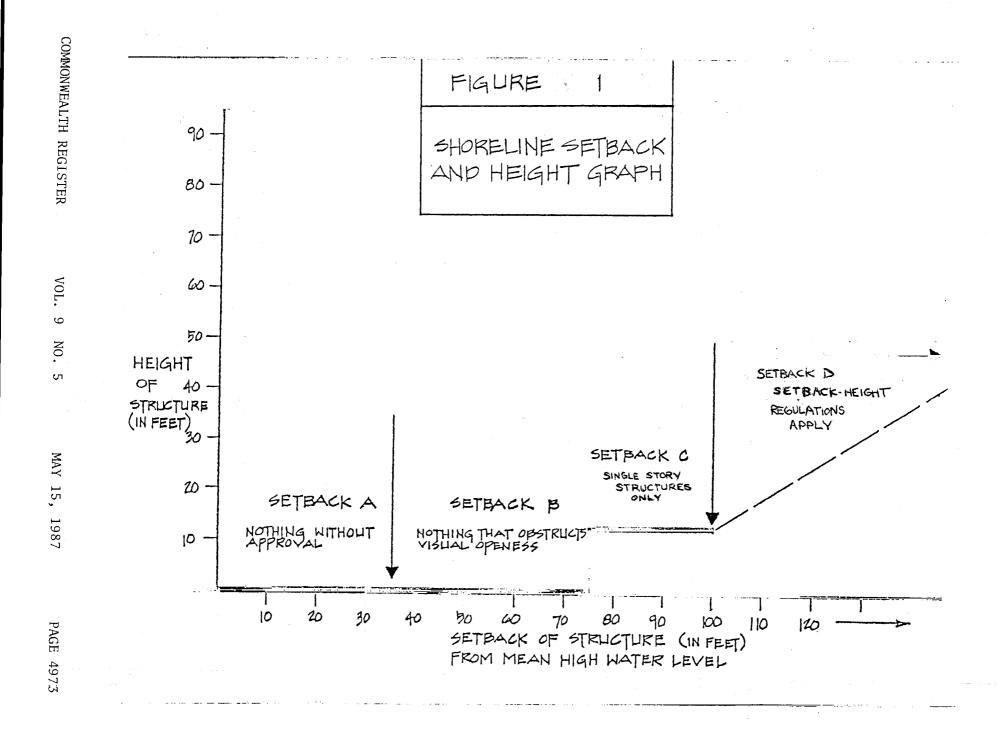
For buildings less than 35 feet in height b)

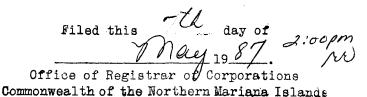
> Maximum lot coverage by structures is 35% Maximum lot coverage by parking, roads and service entries is 35%. Minimum bt coverage for open space is 30%.

A minimum of 1 parking space for each 5 guest units must be provided.

5. Industrial:

An adequate number of parking spaces for employees and customers must be provided.





PUBLIC NOTICE

NOTICE OF ADOPTION OF AMENDMENTS
TO THE
COMMONWEALTH BOARD OF NURSE EXAMINER'S
RULES AND REGULATIONS

The Chairperson of the Commonwealth Board of Nurse Examiners hereby adopts the amendments to the Rules and Regulations which were proposed in the Commonwealth Register, Vol. 9 No. 3 dated March 16, 1987.

These adopted amendments pertain to:

- 1. Required Fees
- 2. Requirements for licensure as a Licensed Practical Nurse
- 3. Requirements for licensure as a Registered Nurse.
- 4. Licensure by Endorsement.

Copies of the amended Rules and Regulations may be obtained for the Office of Commonwealth Board of Nurse Examiners, Room U36, located in the Commonwealth Health Center, Navy Hill Road, Saipan, CM 96950.

5,6/87 ate

Epizabeth . John R.N.
Elizabeth S. Torres
Chairperson, Commonwealth Board of
Nurse Examiners

NOTICIA PARA I PUBLIKU

NOTICIA PARA I MAN MA'ADOPTA NA AMENDACION GI HALOM I COMMONWEALTH BOARD OF NURSE EXAMINERS NA AREKLAMENTO YAN REGULOCION SIHA

I maniyanten i Commonwealth Board of Nurse Examiners esta man'man' adopta amendacion pot i areklamento yan i regulacion siha ni manma proposito gi halom i Commonwealth Register, Volume 9 No. 3 fecha gi Matso 16, 1987.

Este na amendacion, ni esta man'ma adopta, mantinetika i mansigente siha na manera:

- 1. Apas
- 2. I manginagagao siha ni para malisensia komo Licensed Practical Nurse.
- 3. I manginagagao siha ni para malisensia komo Registered Nurse.
- 4. Licensia para ma endotsa.

I kopia ni ma'amenda pot i Areklamento yan i Regulacion i Commonwealth Board of Nurse Examiners sina-ha machule gi oficinan i Commonwealth Board of Nurse Examiners, Room U36, gi halom i Commonwealth Health Center, Navy Hill Road, Saipan, CM 96950.

5 6/87 / late Chairperson, Commonwealth Board of
Nurse Examiners

ADOPTED AMENDMENTS TO THE COMMONWEALTH BOARD OF NURSE EXAMINERS' RULES AND REGULATIONS

SEC	Ţη	\cap	Ţ
SEC	T 7	LUL	ν.

IV Continuing Education Application Fee \$75.00

Continuing Education Application Renewal \$75.00

Verification of License Fee \$10.00

SECTION Examination and re-examination

"The procedures for examinations for practical nurses are the same as for registered nurses except the current series for testing will be the National Council Licensure Examinations for Practical Nurses (NCLEX-PN) for official nurse licensure. The NCLEX-PN exam will consist of two two-hour tests with a minimum standard score of 300 for the total examination. Examinations will be conducted once or twice a year, in April and/or October, at the discretion of the Board."

SECTION Licensure by examination Procedure

I,B 2a "Submission of an application form provided by the Board of Nurse Examiners. Application must be notarized and be received by the Board of Nurse Examiners not less than 60 days before the

scheduled date of the examination."

SECTION Licensure by Endorsement

I,C 2a Application procedures are the same for application for licensure by examination as set

forth in Section I,B. with the exception of B-3."

Filed this _____ day of

Office of Registrar (Corporations

Commonwealth of the Northern Mariana Islands

EMERGENCY REGULATIONS

1 CMC SECTION 2507

DEPARTMENT OF PUBLIC SAFETY RULES AND REGULATIONS

EMERGENCY: The Director of Public Safety hereby finds under 1 CMC Section 9104(b) that the public

interest requires the adoption of regulations governing the conduct of employees of the Department

of Public Safety, pursuant to the above referenced statute. The Director further finds that the

6th Cycle Police Academy programs will be conducted during the month of May 1987, at which time

the employees will undergo training in the fields of public safety requiring those attending to acquire

specialized knowledge and discipline. It is the position of the Director that these regulations

are necessary in order to enhance the goals of the Academy and the Department of Public Safety.

CONTENT: These regulations govern the conduct and responsibilities of employees of the Department

of Public Safety while at the Police Academy. They further represent the oath of office to be taken

by such employees; cover uniforms and equipment; the use of department property and equipment;

communications and correspondence; attendance, level of proficiency and classroom demeanor.

PROPOSED REGULATIONS: These regulations are being adopted pursuant to emergency provisions of the

Commonwealth Administrative Procedure Act, 1 CMC 9104(b). Pursuant to 1 CMC 9104, comments regarding

the contents of these regulations may be sent to the Department of Public Safety, Saipan, CM 96950,

within thirty (30) days.

AUTHORITY: The Director of Public Safety is authorized to promulgate regulations under 1 CMC 2507.

<u>EFFECTIVE</u> <u>DATE</u>: These regulations shall become effective upon filing with the Registrar of Corporations and shall remain in effect for 120 days.

CERTIFIED BY:

Musel MassifingEDWARD MANIBUSAN

DIRECTOR OF PUBLIC SAFETY

PEDRO P. TEMORIO

 ${\bf GOVERNOR}$

DATED: 4/8/

SOLEDAD B. SASAMOTO

REGISTRAR OF CORPORATIONS

DATED: 5 7/87

DPS:jd[S-39/4;3-87]

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF PUBLIC SAFETY

RULES AND REGULATIONS: ACADEMY

The Director of Public Safety hereby finds under CNMI Public Law 1-8 that the interest of the public and the department requires the adoption of rules and regulations governing the conduct of Police Academy trainees.

THESE REGULATIONS CONSIST OF THE FOLLOWING NUMBERED SECTIONS:

- I. PURPOSE OF TRAINING
- II. CLASS HOURS AND ATTENDANCE
- III. UNIFORM, GROOMING AND INSPECTIONS
- IV. CLASSROOM DEMEANOR
- V. TRANSPORTATION
- VI. LEVELS OF PROFICIENCY
- VII. NOTEBOOKS/NOTE TAKING
- VIII. WEAPONS CONTROL
 - IX. MISCELLANEOUS

I. PURPOSE OF TRAINING

The purpose of training is to bring the skills of individuals up to desired standards for present or potential assignments, and to provide the basic skills and knowledge required in carrying out the various specialized parts of the overall task of the organization.

II. CLASS HOURS AND ATTENDANCE

A. Classroom hours shall be from 0800 to 1700 hours, Monday through Friday, except for legal holidays. Special class hours, which may include night classes, may be designated by the Academy in concurrence with the Director of Public Safety.

A one-hour lunch break will be taken commencing at 1200 hours and ending at 1300 hours.

B. Attendance at all class sessions is absolutely mandatory and shall be carefully monitored and recorded. Should a situation arise where a trainee may be late or unable to attend a particular session, he/she shall notify the Academy or his/her immediate supervisor.

Telephone notification must be made at least one hour before the start of class. The date, time and name of the person notified must be submitted to the Academy in writing.

- C. Unusual attendance patterns and tardiness are carefully scrutinized; abuse of leave may be sufficient grounds for disciplinary action which may result in dismissal.
- D. Twenty-five percent (25% non-attendance of any one subject shall result in failure to pass that subject. Failure to pass a subject will result in non-graduation of the trainee. Seventy percent (70%) shall be the minimum passing score in all tests and as standard in all subjects.
- E. All absences must be reported on the proper form and be supported by required documentation.

III. UNIFORM, GROOMING AND INSPECTIONS

- A. The uniform for trainees shall consist of:
 - 1. For Recruits: black pants, white shirt [short sleeved], white T-shirt, black socks, black military shoes, black belt. For all other trainees: the approved trousers or skirts, shirts, shoes, leather goods, and other items required by the department.
 - 2. Name tags with black background shall be worn over the right breast at all times.
 - 3. Keys, whistle, and other equipment shall be as and when specified.
- B. Trainees shall be well groomed at all times and neatly dressed. Beards shall be shaved daily before reporting to class, clothes neatly pressed, and shoes spit shined. Recruit males shall have crew cut hair, females shall have hair neatly styled and trimmed above the collar.
- C. Inspections of trainees shall be conducted at 0730 hours every day prior to class sessions, or as previously arranged by the Academy.

IV. CLASSROOM DEMEANOR

- A. Classes shall be conducted in a business like manner so that all may benefit from instruction and discussion. Disruption in class by any student will result in disciplinary action.
 - 1. Courtesy to all instructors and guest speakers shall prevail at all times. They shall be addressed by their proper rank or "Sir", with the exception of female lecturers, who shall be acknowledged by their appropriate titles.
 - 2. Questions are a necessity of learning and are encourage. Trainees shall raise their hand to be recognized. Vocal interruptions are rude and unacceptable, and shall not be tolerated.
- B. There will be a ten-minute break before each hour of instruction, e.g., 0950 to 1000 hours, 1050 to 1100 hours, etc. There will be no break before lunch and no break prior to the closing hour of the day. Students shall be in their seats at the end of each break period.
- C. Often, and instructor engaged in discussion will inadvertently overlook a break period. Under no circumstances will be instructor/lecturer be interrupted by a student. The ten-minute break is a privilege, not a right.
- D. There shall be no smoking, gum chewing, betelnut, or horse play during any class session, regardless of where the session is being conducted.
- E. Monitors will be assigned to maintain order, decorum, and cleanliness; however, it is the responsibility of each student to maintain the cleanliness in his/her immediate area.

V. TRANSPORTATION

A. Trainees must provide their own transportation to and from class sites. Suggested modes of transportation are: car pools, bicycles, walking, or other reasonable means. Congestion in the roadway areas and in limited parking areas makes it imperative to encourage these measures.

B. The CNMI Traffic Codes will be followed explicitly by trainees operating vehicles. All officers and personnel must abide by the laws in order to honestly and effectively uphold them. Any complaint received regarding a trainee violating the CNMI Traffic Codes shall be grounds for immediate investigation and possible disciplinary action.

VI. LEVELS OF PROFICIENCY

A. Routine examinations will be administered throughout the curriculum and a minimum standard level of proficiency must be maintained as established by the Academy in concurrence with competent authority. Trainees with exam scores of seventy percent (70%) or less will be scrutinized closely, and counseled. Continued low grade levels, following counseling and reasonable assistance, will be cause for dismissal for Recruit Officers. In the case of Trainees, having passed the probationary period, failure will result in non-award of certificate and notation of such failure will be included in the trainee's personnel jacket.

The assistance of the entire Academy staff is at the Recruit/trainee's disposal and he/she shall be afforded all reasonable and fair assistance needed. Proficiency levels must be maintained and a trainee may be dismissed from the Academy if he/she fails to show substantial improvement.

- B. Since honesty integrity are major qualities of a good officer, the honor system will be employed during examinations.
- C. The use of reference materials and library sources are encouraged for individuals requiring more detailed information on any Academy/Police subject.

VII. NOTEBOOKS/NOTE TAKING

- A. Note-takin: Officers must, by virtue of their employment, be able to take clear, concise, and complete notes.
 - 1. Each trainee will take notes on all subjects presented to them unless otherwise specified.
 - 2. All notes will be compiled into a folder or binder for presentation for staff inspection and comment. Notebooks, however compiled, will be inspected at least twice during the term, or at any time at the discretion of the Academy.

B. Or anization:

- 1. There shall be a table of contents at the beginning of every folder or binder, which shall act as a map to the reader to indicate what page a particular subject may be found. Each subject shall be identified by index tabs.
- 2. Pages shall be numbered consecutively within the subject material.
- 3. Notes shall be printed in black or blue ink.
- 4. Either outline or narrative form may be used for organization of notes.
 - a. The outline form is exactly as used in this format. It is simple to follow.
 - b. The <u>narrative</u> form is lengthy and time consuming, and is accomplished through entries in paragraph form, such as any book.

C. Individual Pages:

- 1. Each page should look like a picture frame, by maintaining a $1\frac{1}{2}$ inch margin on all sides of each page. [See attachment #1]
- 2. Each individual trainee's name shall be placed in the upper left hand corner of each page in the folder or binder. [See attachment #2]
- 3. The instructor's name shall be placed in the upper right hand corner of the <u>first</u> page of the applicable subject. [See attachment #3]
- 4. The title of the subject will be placed on the first page, one inch below the trainee's name and the instructor's name, centered on the page. [see attachment #4]
- 5. One side of the paper shall be used, ONLY. No more than one (1) subject shall be on any one page; no abbreviations are accepted; corrections shall be made neatly.
- Even spacing shall be maintained between lines. Notes shall be organized and easy to read.
- 7. Interim handouts shall be inserted within appropriate subject.

VIII. WEAPONS CONTROL

- A. <u>Use of Firearms</u>: No trainee shall wear or carry upon his/her person any firearm or other weapons while attending class. This shall apply both on and off duty.
 - Exceptions may be made in certain specific cases. If a trainee has been cleared to carry a weapon, he/she may do so only upon certification by the Director of Public Safety or the Chief of Police; such certification must comply with the current Department of Public Safety Rules and Regulations. The same criteria shall apply to any and all weapons.
 - 2. Trainees are not authorized to purchase or carry any firearm or weapon contrary to CNMI law or the Department of Public Safety Rules and Regulations.
- B. Wea ons Issue: Issue of the Smith and Wesson [S&W] .38 caliber firearm shall be made to Recruit Officers attending the Academy ONLY under the following conditions, and when provided with strict and properly certified supervision:
 - 1. During firearms training classes and qualification shooting.
 - 2. During intersection control classes, of trainees are required to be in $\underline{\text{full}}$ police uniform.
 - 3. During beat exercises and problems classes for the manual of arms and inspection drills.
 - 4. During an official emergency situation, as declared by the Governor or Director of Public Safety, and in which the Director of Public Safety specifically requires the mobilization of all personnel, including the Recruit Academy Officers.
 - 5. Under circumstances as outlined in item A.1. [above].

C. All personnel shall be guided by the provisions of the laws of the Commonwealth and the Department of Public Safety Rules and Regulations and Directives. Any deviation may be cause for disciplinary action, which may result in dismissal.

IX. MISCELLANEOUS

- A. Trainees must be especially considerate during their breaks. Complaints received from nearby residences or offices adjacent to the training area regarding trainee misbehavior, shall result in the suspension of break privileges for the individual trainee, and in some cases the entire class.
- B. Trainees are not permitted to enter any office(s) without specific permission or to use the telephone(s). The offices and telephones are provided for staff business purposes.
- C. In order to comply with safety regulations, gym shoes must be worn to and from physical training and self defense classes.

Specified Academy uniforms and individual I.D. Cards must be worn at all times when in the Academy complex or any Department of Public Safety building.

- D. Changes of status [marital, births, deaths, changes of address and/or telephone numbers] must be reported to the Department of Public Safety Administrative Services Section, through the Trainee's immediate Supervisor.
- E. Any injury sustained will be reported immediately.

CERTIFIED BY:

aurio manifessay					
EDWARD MANIBUSAN					
DIDECTOR OF DURI TO CAFETY					

DIRECTOR OF PUBLIC SAFETY

DATE: Man 4, 1987

PEDRO P. TFNURIO

GOVERNOR

SOLEDAD B. SASAMOTO

REGISTRAR OF CORPORATIONS

DPS:jd[S-40/4;3-87]

Margin Attachment No. 1

Edward Manibusan

Attachment No. 2

Jane Haggerty

Attachment No. 3

Criminal Law

Attachment No. 4

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS OFFICE OF THE ATTORNEY GENERAL

ALEXANDRO C. CASTRO ATTORNEY GENERAL

5TH FLOOR, NAURU BLDG. SAIPAN, CM 96950 TEL: (670) 234-7771/6207/7111

PUBLIC NOTICE

A. G. OPINIONS PUBLISHED

April 15, 1987 - May 15, 1987

Index

Number	Date	Sub ect
87-15	5/7/87	Termination of Acting Legislative Bureau Director

Date:

5/15/87

ANDRO' Attorney General