

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 15 NUMBER 04



APRIL 15, 1993

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REGISTER

COMMONWEALTH REGISTER
VOLUME 15 NUMBER 04
APRIL 15, 1993

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Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CWRB

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CERTIFICATION

DIVISION OF CUSTOMS SERVICE REGULATIONS NO. 1300

PROPOSED AMENDMENT §1302.33(e)(1)

I, Eloy S. Inos, the Director of the Department of Finance which promulgated the Amended Customs Service Regulations No. 1300 published in the Commonwealth Register on January 15, 1993 at pages 10385 to 10386, by signature below hereby certify that such Regulations are a true, complete and correct copy of the Amended Customs Service Regulation No. 1300 formally adopted by the Department of Finance. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and Office of the Governor to the Customs Service Regulations referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 2nd day of April, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

A handwritten signature in black ink, appearing to read "Eloy S. Inos", written over a horizontal line.

ELOY S. INOS

Director of the Department of Finance



Commonwealth of the Northern Mariana Islands

Department of Natural Resources

Capital Hill

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan
Telephone 9830 - 9834


CERTIFICATION

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PLANT INDUSTRY QUARANTINE SERVICE REGULATION NO. 1-1-92

I, Nicolas M. Leon Guerrero, the Director of the Department of Natural Resources which promulgated the Amended Plant Industry Quarantine Service Regulation No.1-1-92 published in the Commonwealth Register on January 15, 1993 at pages 10443 to 10445, by signature below hereby certify that such Regulations are a true, complete and correct copy of the Amended Plant Industry Quarantine Service Regulation No. 1-1-92 formally adopted by the Department of Natural Resources. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and Office of the Governor to the Plant Industry Quarantine Service Regulations referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 1st day of April, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.



f. NICOLAS M. LEON GUERRERO
Director of Natural Resources



Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

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April 15, 1993

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PUBLIC NOTICE

DEPARTMENT OF FINANCE

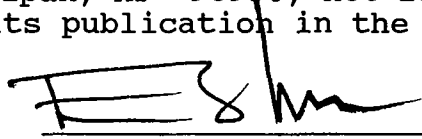
PROPOSED GOVERNMENT VEHICLE REGULATION NO. 1101

The Director of the Department of Finance hereby provides public notice of the proposed Government Vehicle Regulation No. 1101. The proposed Government Vehicle Regulation No. 1101 is to provide the standards in which CNMI government vehicles are to be procured and maintained; to establish standards for control and accountability on the use of government vehicles; to provide for the efficient and proper use of such vehicles; to safeguard such assets from waste and abuse due to unauthorized or improper use, or mismanagement; to protect the government from any liability resulting from any unauthorized use or misuse and report any impropriety in the use of such vehicles; and to provide for the day to day record keeping on the use of government vehicles. This proposed Government Vehicle Regulation No.1101 is to be promulgated under the authority given to the Director of Finance at the CNMI Constitution Article 10, Section 8, and 1 CMC §2553(j) and §2557.

The proposed regulation is published in the Commonwealth Register. Copies of the Commonwealth Register may be obtained from the Attorney General's Office.

Anyone interested in commenting on this proposed Government Vehicle Regulation No. 1101 may do so in writing addressed to the Director of Finance, Commonwealth of the Northern Mariana Islands, P.O. Box 5234 CHRB, Saipan, MP 96950, not later than thirty (30) days from the date of its publication in the Commonwealth Register.

Issued by:



ELOY S. INOS
Director of Finance


Apr. 15, 1993
Date

Concurred by:


LORENZO I. DE LEON GUERRERO
Governor

4/15/93
Date

Filed and
Recorded by:


fo: SOLEDAD B. SASAMOTO
Registrar of Corporations

4-15-93
Date



Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands
P.O. Box 5234 CHRB
Saipan, MP 96950

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Gov. NMI Saipan
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CERTIFICATION

I, Eloy S. Inos, the Director of the Department of Finance who is publishing this proposed Government Vehicle Regulation No. 1101, by signature below hereby certify that the proposed Government Vehicle Regulation No. 1101 is a true, correct, and complete copy of the regulation proposed by the Department of Finance. I further request and direct that this certification and the proposed Government Vehicle Regulation No. 1101 be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of April, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

A handwritten signature in black ink, appearing to read "Eloy S. Inos", written over a horizontal line.

ELOY S. INOS,
Director of Finance



Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands

P.O. Box 5234 CHRB

Saipan, MP 96950

ABRIT 15, 1993

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NUTISIAN PUBLIKU DIPATAMENTON FAINANSIAT

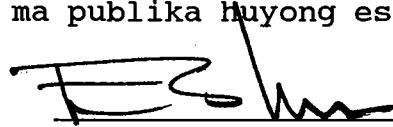
I MAPROPOPONE NA REGULASION NO. 1101

I Direktot Depatamenton Fainansiat ginen este hana guaha nutisian publiku put i mapropoconi na Regulasion Ma'usan Karentan Gobetno No. 1101 para Dipatamenton Fainansiat, Fainansiat Publiku put minaneha yan inango'ko na Regulasion. I mapropopone na Regulasion put Kareta Ma usan Karentan Gobetno No. 1101 para u establese areklamento yan minaneha yan regulasion put ma usan karentan Gobetno para u pribeniyi mihinilat yan propiu para ma usan este siha na guinaha para u protehe este naguinaha gi halom CNMI ginen ginasto yan ti ma atienden maolek osino ti ma manehan maolek; yan para u protehe i Gobetnamento responsabilidatna put resutta anai ti ma usa maolek, yan atiende maolek este siha na guinaha. I mapropoconi na regulasion para u prubenyi rekod kada dia put mausan este siha na kareta. I mapropoconi na Regulasion Put Kareta Gobetno No. 1101 u ma establese sigun i aturidat ni manae i Direktot Fainansiat ginen i fuetsa yan sinangan 1 CMC §2553(j) yan §2557 yan CNMI Constitution Atikulu 10, Seksiona 8.

I mapropoconi na regulasion ma publika huyong gi Commonwealth Register. Haye interesao na petsona sina manule kopian i Commonwealth Register gi Ofisinan Attorney General.

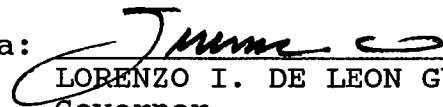
Hayi interesao mamatinas komentu put i mapropoconi na Regulasion Pot karentan Gobetno No. 1101 para Minaneha yan Inango'ko ginen Fainansiat Publiku, sina ha matuge papa ya u mana hanao guato gi, Direktot Fainansiat, Commonwealth of the Northern Mariana Islands, P.O. Box 5234 CHRB, Saipan, MP 96950 ti u mas di trenta (30) dias despues di ma publika huyong este na nutisia gi halom Commonwealth Register.

Linaknos:


ELOY S. INOS
Director of Finance

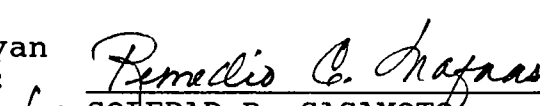
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Inakonfotma:


LORENZO I. DE LEON GUERRERO
Governor

4/15/93
Fecha

Ma File yan
Rekot as:


for: SOLEDAD B. SASAMOTO
Registrar of Corporations

4/15/92
Fecha



Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands
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ABRIID 15, 1993

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ARONGORONGOL TOWLAP
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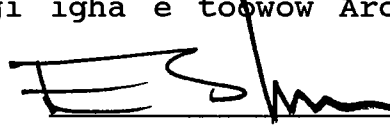
FFEERUL ALLEGHUL YAYAAL GHARETAAL GOBENNO NO. 1101

Direktoodul Dipatamentool Finance sangi arongorong yeel nge ekke arongaar towlap reel Ffeerul Alleghul Gharetaal Gobenno No. 1101 mellol Dipatamentool finance, me Public finance reel Lemelemil me Appelughulugh. Ffeerul Allegh ye No. 1101. Reel Gharetaal Gobenno nge ebwe ayooraa allegh reel lemelemil me yayaal gharetaal Gobenno; ebwe ayooraa mille rebwe limiti ghatchuuw schowar kkaal; rebwe aghatchu schowar kkaal mellol CNMI bwe rete angowa jaar yaalil me lemlil; me ebwe pileey ngare baluuw bogenno bwe ressobw tip ngali ngare eyoor meta igha rese limiti ghatchiuuw schowar kkaal. Allegh nge ebwe ayooraa appelughulugh ral me ral reel yayaal ghareeta kkaal. Ffeerul Alleghul yayaal gharetaal Gobenno ye No. 1101; nge rebwe feeru sangi bwang ye re ngaleey Direktoodul Finance reel bwangil me aileewal mille 1 CMC §2553(j) me §2557 me bwal CNMI Constitution Article 10, Section 8.

Allegh kkaal nge aa toowow llol Commonwealth Register. Kkopiyaal Commonwealth Register nge emmwel schagh aramas rebwelo bweibwoogh mellol Bwulasiyool Attorney General.


Aramas ye e tipali bwe ebwe isiisilong me tipal me mangemangil Alleghul Gharetaal Gobenno No. 1101 Ngal Public Finance reel lemelemil me appelughulugh, nge emmwel schagh ebwe ischiitiw nge aa afanga ngali Direktoodul Finance, Commonwealth of the Northern Mariana Islands, P.O. Box 5234 CHRB, Saipan, MP 96950, llol eliigh (30) ral sangi igha e toowow Arongorong yeel llol Commonwealth Register.

Feeuuyal:


ELOY S. INOS
Direktoodul Finance

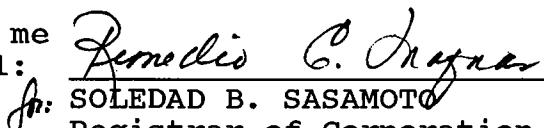
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LORENZO I. DE LEON GUERRERO
Governor

4/15/93
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So: SOLEDAD B. SASAMOTO
Registrar of Corporation

4/15/93
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DEPARTMENT OF FINANCE
PROPOSED GOVERNMENT VEHICLE REGULATION NO. 1101

Section 1 Authority: This regulation is issued under the authority of CNMI Constitution, Article 10, Section 8, and 1 CMC §2553(j), and 1 CMC §2557.

Section 2 Purpose: The purpose of this regulation is to provide the standards in which CNMI government vehicles are to be procured and maintained; to establish standards for control and accountability on the use of government vehicles; to provide for the efficient and proper use of such vehicles; to safeguard such assets from waste and abuse due to unauthorized or improper use, or mismanagement; to protect the government from any liability resulting from any unauthorized use or misuse and report any impropriety in the use of such vehicles; and to provide for the day to day record keeping on the use of government vehicles.

Section 3 Definitions:

(a) "CNMI" or "Commonwealth" means the Commonwealth of the Northern Mariana Islands, which lie within the area north of the 14 degrees north latitude, south of 21 degrees north latitude, west of 150 degrees east longitude and east of 144 degrees longitude, as extended by the Marine Sovereignty Act (commencing at Section 1101 of Title 2 of the Commonwealth Code).

(b) "CNMI government" means any government entity within the CNMI and includes the executive, legislative, and judicial branches of the government, autonomous agencies or instrumentalities, and administrative departments or agencies. It also includes the government offices and activity heads established and located outside the CNMI and supported by CNMI funds.

(c) "Director" means the Director of the Department of Finance or his designee.

(d) "Chief" means the Chief of the Division of Procurement and Supply within the Department of Finance.

(e) "Director of Public Safety" means the Director of the CNMI Department of Public Safety or his designee.

(f) "Employee" means all persons, other than government officials, as defined herein, whom are receiving compensation from the CNMI government, its agencies and instrumentalities.

(g) "Government Official" means a Department Head, Activity Head, Agency Head and their deputies; Judges of the Commonwealth Judiciary; any elected official; or any CNMI government official with expenditure authority who is authorized by law to administer, obligate, or expend public funds.

(h) "Government Vehicle" means all motor vehicles:

(i) as defined in the CNMI Vehicle Code, 9 CMC §1102(u);

(ii) owned or leased by the CNMI government; and

(iii) vehicles purchased or leased from federal funds where the CNMI government is the grantee.

The term shall not include privately owned vehicles or any other vehicle rented by employees or government officials on a day-to-day basis during intra-island and off-island travel. Nor shall the term include "heavy equipment vehicle" as defined in the CNMI Vehicle Code, 9 CMC §1102(w).

(i) "Regular Government Working Hours", for the purposes of this regulation, means the hours from 7:30 am to 4:30 pm. Monday through Friday and other than on official government holidays. The term shall also include the one hour period prior to and after the above stated hours.

Section 4 Procurement of Government Vehicles:

(a) The procurement of vehicles by the CNMI government or any of its agencies or instrumentalities shall be consistent with the CNMI Procurement Regulations, and policies and procedures adopted by the Director. Such procurement shall be in accordance with the Vehicle Fleet Management Plan approved by the Director which shall contain standard vehicle specifications and features for the type or class of vehicle, authorized for use by employees, government officials, division chiefs, administrative personnel, and specialty activities. The Director may, from time to time, amend the Vehicle Fleet Management Plan as required to economically and effectively meet the vehicle and transportation needs of the CNMI government.

(b) All government vehicles shall bear CNMI government license plates and any other identification as may be approved and assigned by the Chief. Such license plates and identification must be clearly visible during operation of the vehicle. This provision does not apply to those vehicles which the Director of Public Safety has requested an exemption for security and other precautions. Such exempt vehicles shall be separately identified under procedures prescribed by the Director.

(c) Government vehicles shall not be equipped with tinted,

reflective, or darkened window glass that might interfere with outside visibility of the interior of the vehicle or with the visibility of the operator at any time, except those vehicles which the Director of Public Safety has determined and requested the installation of such equipment or other material for security and other precautions.

(d) No vehicle which has been procured or leased by the CNMI government may be altered or modified without the specific concurrence of the Director.

Section 5 Use of Government Vehicles:

Government vehicles shall be used exclusively as follows:

(a) Government vehicles may be used by government officials 24 hours a day, seven days a week, in the performance or in the furtherance of their official duties. Division Chiefs and other designated employees may use government vehicles on the same basis upon the approval by the appropriate Government Official and with the concurrence of the Director.

(b) Government vehicles may be used by employees in accordance with this regulation and only for the purpose of accomplishing their regularly assigned duties and responsibilities and as authorized by the appropriate government official; provided that government vehicles may only be used during regular government working hours and for official government business.

(c) Use of a government vehicle by an employee at any time to accomplish regularly assigned and scheduled duties and responsibilities outside regular government working hours shall require the written authorization by the Government Official with the concurrence of the Director. Such written authorization must be retained by the employee on his or her person during the operation of the vehicle. The Director shall provide a copy of the written authorization to the Director of Public Safety. A special authorization shall be visibly displayed on the vehicle.

(d) Use of a government vehicle by an employee at any time to accomplish irregularly assigned and unscheduled duties outside regular government working hours shall require prior and immediate notification to the Department of Public Safety. Such notification shall be reported in writing to the Director within 24 hours of the authorization.

(e) Official guests of the CNMI government, including guests of government officials, may have the use of a government vehicle upon the approval of the appropriate government official and concurrence by the Director. Such

approval shall be in writing and contain the identity of the guest, the official nature of the guest's visit, the date of issuance, the date of the expiration of authorization, and the purpose of use. The Director shall provide a copy of the written authorization to the Director of Public Safety. Such written authorization must be retained by the official guest on his or her person during the operation of the vehicle.

(f) All government vehicles shall be parked overnight and on weekends and holidays in secure areas as designated by the Director. Upon the written authorization of the government official and with the concurrence of the Director, certain vehicles may be driven home by designated employees based upon the following guidelines:

(1) the employee's regularly assigned duties include 24-hour emergency or on-call services requiring the use of the government vehicle; or

(2) the government official is unable to locate a secure location on government property to park the vehicle during nonbusiness hours; and

(3) the designated employee agrees to assume responsibility for maintaining the safety and security of the vehicle at his or her residence during those hours; and

(4) the designated employee agrees to assume primary responsibility for any liability or damage occurring from any accident that may occur where such employee is determined to be negligent by the Director, or the Department of Public Safety, or by a court of competent jurisdiction.

(5) the employee shall retain the written authorization and the vehicle shall be properly marked in accordance with this regulation; and

(6) the employee agrees to be responsible for any tax consequences resulting from the benefit of the use of the government vehicle to and from his or her home and place of employment.

(g) Government vehicles shall not be used to transport anyone other than government officials and employees and only for official government business. When official government business requires, the government official with the concurrence of the Director, may authorize the use of government vehicles to transport non-employees and other passengers. Any person who allows unauthorized passengers in government vehicles shall be personally liable for any damage

or injury to persons or property. The CNMI government expressly refuses to accept any liability in such a situation.

(h) Restrictions on the use of government vehicles may be waived by the Governor during the time of natural disaster or other emergencies.

Section 6 Vehicle Log Records: Except for vehicles assigned to and used by government officials; official government guests; emergency vehicles used by the Department of Public Safety, Civil Defense, Commonwealth Utilities Corporation, or Department of Public Health; and other authorized law enforcement officers, all other vehicles shall be equipped with continuous vehicle trip log forms at all times when in use by employees.

(a) The Chief shall prepare and make available for use by all government employees, vehicle assignment and trip log forms which shall be used by the operator to provide basic trip information such as date, time, places of travel, purpose of travel, beginning and ending speedometer readings, total miles driven, the signature of the vehicle operator and vehicle identification data.

(b) These log forms shall be placed in every vehicle and maintained by the vehicle operator.

(c) Monthly, each government official shall account for the accuracy of the log forms, sign the log sheets, and transmit the log forms to the Chief where they will be maintained and filed as a part of the operational history of each vehicle.

(d) Failure to maintain and submit these forms within fifteen days after the close of each month to the Director, shall be grounds for the Director to take possession of the vehicle in question.

Section 7 Maintenance and Upkeep of Government Vehicles:

Every government official shall be responsible for the maintenance and upkeep of all vehicles assigned to his or her activity.

(a) Unless approved by the Director, all government vehicles shall be fueled only at the CNMI centralized fuel station maintained and operated by the Department of Public Works at Lower Base.

(b) In coordination between the Director and the Department of Public Works, government vehicles shall be turned in for periodic preventive maintenance in accordance with the schedule

and procedures established by the two departments.

(c) No government vehicle shall be turned in for maintenance or repairs to any privately owned and operated vehicle repair shops without specific approval of the Chief.

Section 8 Government Vehicle Operator's Permit:

No person is authorized to drive or operate a government vehicle without a valid government vehicle operator's permit issued by the Department of Public Safety.

(a) Subject to subsection (b), CNMI Government employees may be issued a CNMI Government vehicle operator's permit for operation of the appropriate class of government vehicle to be driven or operated by the employee if:

(i) the employee is in possession of a valid CNMI driver's license as provided in Title 9, Division 2, Chapter 2 of the Commonwealth Code;

(ii) the employee provides information of any accidents, arrests, or convictions for traffic violations of any vehicle codes, outstanding monetary liabilities for any traffic related incidents, and denial or non-renewal of any vehicle liability insurance for five years prior to the application date;

Failure to provide complete and/or accurate information shall be grounds for non-issuance of a CNMI government vehicle operator's permit or revocation of a previously issued permit;

(b) Prior to issuing a CNMI government vehicle operator's permit, the Department of Public Safety shall review the driving record of the employee-applicant for violations obtained while driving a vehicle, such as driving under the influence of alcohol or drugs as defined in 9 CMC §7105 or reckless driving as defined in 9 CMC §7104. Where such violation has occurred, a CNMI government vehicle operator's license shall be denied. Such denial may be appealed to the Director by the appropriate government official to whom the employee reports. The appeal must be made within fifteen days of the denial date.

(c) The Director of Public Safety shall have the discretion to deny a government vehicle operator's permit if he or she finds the employee poses an unacceptable liability risk to the government. Such denial may be appealed to the Director by the appropriate government official to whom the employee reports. The appeal must be made within fifteen days of the denial date.

(d) Prior to issuing a CNMI government vehicle operator's permit to operate special emergency vehicles, the Department of

Public Safety shall conduct a special Emergency Vehicle Operator's Course (EVOC) for those employees who will be driving such emergency vehicles. The Department of Public Safety shall issue government vehicle operator's permits to operate emergency vehicles only to those employees who successfully completed and pass the EVOC.

(e) Employees and government officials shall have in their possession while operating a government vehicle, a valid CNMI driver's license as provided in Title 9, Division 2, Chapter 2 of the Commonwealth Code and a CNMI government vehicle operator's permit issued by the Department of Public Safety.

(f) An employee's and government official's CNMI government vehicle operator's permit shall expire on the earlier of the expiration date of such employee's private CNMI driver's license or the termination date of the employee's or government official's employment with the CNMI government.

(g) Official guests of the CNMI government shall have in their possession a driver's license valid under the CNMI Vehicle Code and written authorization from the CNMI government official for use of the vehicle which shall contain the identity of the guest, the official nature of the guest's visit, the date of issuance, date of expiration of authorization, and the purpose of use. The Director shall provide a copy of the written authorization to the Director of Public Safety.

(h) An employee's or government official's CNMI government vehicle operator's permit shall be revoked when such employee is convicted of violating 9 CMC §§7104 and 7105.

Section 9 Accidents: Every government employee shall exercise every precaution to prevent accidents. In case of an accident, the employee or government official concerned shall comply with the regulation set forth herein and the procedures prescribed by the Director.

(a) The operator of a government vehicle shall be responsible for notifying the following persons immediately, either in person or by telephone of any accident in which the vehicle may be involved:

(i) The Department of Public Safety; and

(ii) The employee's supervisor or appropriate government official. In the case of accidents involving government officials, the person to be contacted shall be the Chief.

(b) The vehicle operator shall, within twenty-four (24) hours, obtain and record information pertaining to the accident on the

Operator's Report of Motor Vehicle Accident Form. The form, upon completion, shall be submitted to the vehicle operator's supervisor or appropriate government official. A copy of the report shall be provided to the Chief.

(c) The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses and wherever possible, have witnesses complete the Statement of Witness Form and submit the completed form to the vehicle operator's supervisor or appropriate government official along with the Operator's Report of Motor Vehicle Accident Form.

(d) The vehicle operator shall make no statements as to responsibility for the accident except to his or her supervisor or to the Director.

(e) Whenever a vehicle operator is injured and cannot comply with the above requirements, the appropriate government official shall comply with the above requirements as soon as possible after the accident.

(f) Where any damage to the government vehicle occurs, the Director of Public Safety shall immediately inform the Director as to the status of the vehicle. Upon notification by the Director of Public Safety that the necessary investigation has been completed, the Chief shall immediately cause the vehicle to be taken to the CNMI government procurement and supply compound for safekeeping, surveying or other appropriate action.

(g) The Director of Public Safety shall provide the Chief a complete copy of the accident report including a synopsis of how the accident occurred and who, if anyone, is at fault.

(h) Every accident involving a CNMI government vehicle shall be investigated by the Chief. A report of the investigation shall include the Operator's Report of Motor Vehicle Accident Form, the Statement of Witness Form (if available), and the Department of Public Safety's accident report. The procedures for investigation of accidents of CNMI government vehicles shall be promulgated by the Director.

(i) The Chief shall obtain three vehicle estimates for the cost of repairs from three different autobody repair shops within fifteen working days after the accident and submit that information to the appropriate government official advising such government official to take the necessary action, as appropriate

(j) The failure of a vehicle operator to report an accident involving a CNMI government vehicle as outlined above or where the operator has a high accident frequency or cost, shall be sufficient justification for the Director to revoke such employee's CNMI government vehicle operator's permit.

Section 10 Liability: The employee or government official shall be personally liable for any damage or injury to persons or property as a result of negligence or violations of this regulation. The CNMI government shall not be liable for any loss, damage or injury caused by or resulting from any employee, government official, or any other person operating a government vehicle in violation of this regulation or through any act of negligence of such person.

Section 11 Enforcement: This regulation shall be enforced as follows:

(a) The Chief shall have authority to investigate violations of this regulation and determine the consequences and necessary action provided by this regulation in the interest of the government. This investigation is not a substitute nor should it interfere, prevent or inhibit the normal and required investigation process of the Department of Public Safety. All persons operating or in possession of government vehicles shall be required to provide information or documents requested by the Chief in the course of the investigation. Refusal to cooperate shall be deemed a violation of this regulation and subject to revocation of the government vehicle operator's permit. In addition, such refusal may subject the employee or government official to the requirement to pay for any costs related to the cause of action.

(b) Pursuant to a joint enforcement agreement between the Department of Finance and the Department of Public Safety:

(i) the Department of Public Safety shall report any alleged violation of this regulation. The observing Department of Public Safety Officer shall prepare a report of the alleged violation which includes the identity of the vehicle operator, vehicle license number or identification number, date, time, and place where the violation of this regulation allegedly occurred. These reports shall be submitted by Department of Public Safety to the Chief on a weekly basis;

(ii) the observing Department of Public Safety Officer may, on his or her discretion, stop any person driving a government vehicle if in the judgment of such officer, the operation of such vehicle may be in violation of this regulation. The Department of Public Safety Officer shall prepare a report of such incident which includes such information as described in (i) above and whether the written authorization for use of the vehicle was presented to the officer. Such reports shall be submitted by the Department of Public Safety to the Chief on a weekly

basis;

(iii) Where the Department of Public Safety Officer determines that the use of the government vehicle is unauthorized, the officer shall immediately restrain the vehicle or otherwise immobilize the vehicle from operation and inform the Chief of such action and the vehicle's location for subsequent appropriate action.

(iv) Any vehicle restrained or immobilized as a result of unauthorized or improper use may be towed away or confiscated by the Chief without prior notice. The determination of unauthorized use shall be pursuant to this regulation and procedures promulgated by the Director.

(d) The Director shall forward a report of allegations of violations of this regulation to the respective government official for immediate investigation, inquiry, or action. The results of the government official's inquiry shall be prepared in writing and submitted to the Director within fifteen days upon notification of such violation. The Director shall review these findings and if no further action is warranted, the findings will be filed by the Chief as a part of the history of that vehicle.

(e) Upon a determination by the Director that this regulation has been violated and/or the interest of the CNMI government is in peril, the Director shall have authority to revoke the employee's CNMI government vehicle permit, immediately confiscate the vehicle in question, bring disciplinary action against the offending official or employee, or refer the matter to the Attorney General or Department of Public Safety for further investigation.

Section 12 Penalty of Perjury: Any written statement required by this regulation shall be made by certification under Penalty of Perjury. Any person who states or subscribes any material which he or she does not believe to be true, is guilty of perjury and upon conviction may be subject to the penalty prescribed in 6 CMC §3306.

Section 13 Revocation of Government Vehicle Operator's Permit:
An employee's or government official's government vehicle operator's permit may be revoked by the Director for any of the following reasons:

(a) Failure to provide complete and accurate driving information history;

(b) Conviction of a violation of 9 CMC §§7104 and 7105;

- (c) Unauthorized use of a government vehicle;
- (d) Failure to keep a complete and/or accurate vehicle log;
- (e) Failure to report an accident and provide correct and/or accurate information on the required form to the appropriate persons;
- (f) Failure to cooperate with the investigation of an accident by the Department of Public Safety or Director;
- (g) Unauthorized or improper use or misuse of the government vehicle;
- (h) High frequency rate of accidents by an employee; and
- (i) Any violation of the government vehicle regulations.

Section 14 Procedures: The Director shall have the authority to prescribe all necessary procedures not inconsistent with this regulation for the full and complete implementation of this regulation.

Section 15 Implementation and Coordination:

- (a) Within 90 days from the effective date of this regulation, the Division of Procurement and Supply shall inventory and inspect all government vehicles and install the markings and other identification required under section 4(b) of this regulation.
- (b) Within 30 days from the effective date of this regulation, the Director of Public Safety shall submit a list of all government vehicles exempted from the vehicle marking and other identification requirements under section 4(b) of these regulation.
- (c) Within 60 days from the effective date of this regulation, the Division of Procurement and Supply shall process those vehicles excepted under the provisions of section 4(b).
- (d) Within 30 days from the effective date of this regulation, all government vehicles equipped with tinted or reflective glass or other materials prohibited under this regulation and where such vehicles are not exempted under section 4(c), shall be turned into the Division of Procurement and Supply for the removal of such material in conformance with this regulation. The operation of any vehicle not exempted and equipped with prohibited materials and operated after the above 30 day period, shall be grounds for confiscation and the Director may take

possession of such vehicle without prior notice.

(e) Within 30 days from the effective date of this regulation, the appropriate government official shall forward written authorizations for the Director's concurrence a list of all those employees authorized to operate government vehicles outside regular government working hours pursuant to section 5 of this regulation.

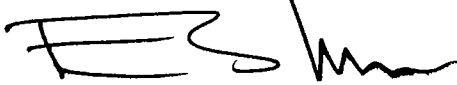
(f) Within 30 days from the effective date of this regulation, all government officials shall forward written authorizations for the Director's concurrence a list of all those designated employees authorized to drive the government vehicle to and from his or her home and place of work based on the guidelines pursuant to Section 5 of this regulation.

(g) Within 30 days from the effective date of this regulation, the all government official shall forward written authorizations for the Director's concurrence, a list of all those employees regularly assigned duties that include 24-hour emergency or on-call services pursuant to Section 5 of this regulation.

Section 16 Applicability: This regulation shall apply in full force and effect to the procurement, management control to the 1st Senatorial District of Rota, the 2nd Senatorial District of Tinian, and to the procurement and use of government vehicles in other CNMI government offices outside the Commonwealth. The effective date of the implementation of this regulation in these areas and locations shall be prescribed at a later date.

Section 17 Supersession: Upon the effective date of this regulation, all prior procedures, policies, or regulations governing the use of government vehicle are hereby superseded.

Section 18 Severability: If any provision of this regulation should be held invalid by a court of competent jurisdiction, the validity of the remaining provisions of this regulation shall not be affected thereby.

Issued by: 

ELOY S. INOS
DIRECTOR OF FINANCE

Apr. 15, 1993
Date

Concurred by: 

LORENZO I. DE LEON GUERRERO
GOVERNOR

4/15/93
Date

Filed and
Recorded by :

Remedio C. Maynas
SOLEDAD B. SASAMOTO
Registrar of Corporations

4/15/93
Date

PUBLIC NOTICE

Proposed Regulations Promulgated Pursuant to Article XXI of the Commonwealth Constitution and the Tinian Casino Gaming Control Act of 1989.

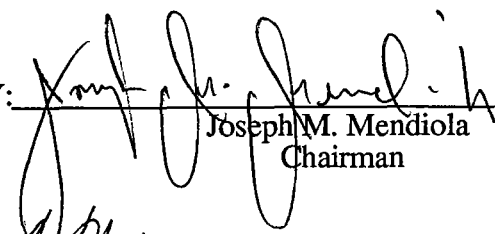
The Tinian Casino Gaming Control Commission (Commission) hereby gives public notice that pursuant to its duties and responsibilities under Article XXI of the Constitution, as amended, and the authority given the Commission by and through the Tinian Casino Gaming Control Act of 1989 promulgates these proposed amendments to TCGCC Procurement Regulations to be utilized by the Commission under the Tinian Casino Gaming Act of 1989.

The Commission hereby advises the general public that the Rules and Regulations are available at the Commission Office, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

These amendments to the rules and regulations shall be effective upon notice of their adoption as provided by the Commonwealth Administrative Procedure Act.

Dated this 30th day of March, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY: 
Joseph M. Mendiola
Chairman

Filed by: 
SOLEDAD B. SASAMOTO
Registrar of Corporations
4/13/93
Date

Received by: 
FRANCES MANIBUSAN
Governor's Office
4/13/93
Date

NOTICIA PUBLICKO

Ma-propopone na Areglo yan Regulasion ni ma-establesi sigun i Attikulo XXI gi Commonwealth Constituion yan i Tinian Casino Gaming Control Act of 1989.

I Tinian Casino Gaming Control Commission (Commission) hana' guaha noticia publicko sigun gi responsabilidad gi papa i attikulo XXI gi Constitution, ni ma-amenda, yan i autoridad ni nina'e i Commission gi papa i Tinian Casino Gaming Control Act of 1989, na ha-establesi este siha i ma-propopone na amendasion gi *Procurement Regulation* ni para hu ma usa gi papa i Tinian Casino Gaming Control Act of 1989 yan todo inekkungok siha ni manginagagao.

I Commission ha-abibisa i publiku henerat na i areglu yan Regulasion gaige gi Offisinan i Commission, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

Este siha na amendasion gi areglu yan regulasion para u efektibo gi noticia na ma-adabta sigun ni maprobiniyi gi Commonwealth Administrative Procedures Act.

Mafecha gi mina 30 na ha'ane gi Matsu, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY: Joseph M. Mendiola
Joseph M. Mendiola
Chairman

Filed by: SOLEDAD B. SASAMOTO 4/13/93
Registrar of Corporations Date

Recieved by: FRANCES MANIBUSAN 4/13/93
Governor's Office Date

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ARTICLE 1 - GENERAL PROVISIONS

Section 1-101 **Purposes**

- (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 standardize and centralize the procurement policies and practices of the TCGCC;
 - (b) to provide for increased public confidence in the procedures followed in TCGCC procurement;
 - (c) to insure the fair and equitable treatment of persons who deal with the procurement system of the TCGCC;
 - (d) to provide increased economy in TCGCC procurement activities and to maximize to the fullest extent practicable the purchasing value of TCGCC funds;
 - (e) to foster effective broad-based competition within the free enterprise system; and
 - (f) to provide safeguards for the maintenance of a procurement system of quality and integrity.

Section 1-102 **Authority**

The Executive Director is in control of and is responsible for procurement and supply in the TCGCC.

Section 1-103 **Supplementary General Principles**

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

Section 1-104 **Requirement of Good Faith**

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

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Section 1-105 Application of Regulations

These regulations apply to every expenditure of TCGCC funds for goods, services or construction irrespective of source.

Section 1-106 Severability

If any provision of these regulations or any application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, 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 these regulation are declared to be severable.

Section 1-107 Validity of Contract

No TCGCC contract shall be valid unless it complies with these regulations.

Section 1-108 Computation of Time

- (1) Except as otherwise specified, all "days" referred to in this regulation are deemed to be working days of the TCGCC.
- (2) 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.
- (3) The term "file" or "submit" except as otherwise provided refers to the date of transmission.

Section 1-109 Preference to Local Contractors

All other factors being judged equal, it shall be the policy of the TCGCC to first prefer companies or individuals located on Tinian and secondly elsewhere in the Commonwealth before considering non-CNMI vendors for procurement placement.

Section 1-110 Public Access to Procurement Information

Except as otherwise stated herein, procurement information shall be a matter of public record and available to the public as by appointment with the Chief from 10:00 A.m. to 4:00 p.m., Monday through Friday, unless otherwise authorized by the Commission.

Section 1-111 Remedy Against Employee

Any procurement action of an employee of the TCGCC in violation of these regulations is an action outside the scope of his or her employment. The TCGCC 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.

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Section 1-112 Definitions

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

- (1) *Chairman* means the Chairman of the TCGCC.
- *(2) *Chief* means the Chief of the Procurement and Supply Section.
- (3) *Commission* means the currently appointed Commissioners of the Tinian Casino Gaming Control Commission as a collective body.
- (4) *Commonwealth* or *CNMI* means the Commonwealth of the Northern Mariana Islands.
- *(5) *Confidential Information* means any information which is available to an employee only because of the status as an employee of TCGCC and is not a matter of public knowledge or generally available to the public on request.
- (6) *Conspicuously* means presentation in such special or distinctive form, print or manner that a reasonable person should have noticed it.
- (7) *Construction* means the process of building, altering, repairing, improving or demolishing of a structure or building or improvements commonly known as "capital improvements". It does not include the routine maintenance of existing structures, buildings, or real property.
- (8) *Contract* means all types of agreements, regardless of title terminology for the procurement of supplies, services or construction.
- (9) *Cost-Reimbursement Contract* means a contract under which a contractor is reimbursed for costs which are allowable and in accordance with the contract terms and these regulations, and a fee, if any.
- *(10) *Deputy Executive Director* means Deputy Executive Director of TCGCC.
- *(11) *Direct and indirect participation in a procurement* means involvement in the procurement decision, approval, disapproval, recommendation, preparation of any part of a procurement document, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or participation in any other advisory capacity.
- *(12) *Dispute* means an interpretative disagreement concerning the legal rights and obligations of contracting parties.
- (13) *Employee* means an individual receiving regular compensation from the TCGCC, including appointive officials and non-salaried individuals performing personal services for the TCGCC. This definition extends to the Commissioners and all staff members. Consultants and part-time workers shall be considered employees for purposes of these regulations.
- (14) *Executive Director* means the Executive Director of the TCGCC.

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- *(15) *Financial Interest* means:
 - (a) 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;
 - (b) holding a position in a business such as officer, director, trustee, partner, employee or the like;
 - (c) being a creditor of a company, its owner(s) or officer(s); or
 - (d) exerting influence on financial or management decision of a business.
- *(16) *Gift or 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 conveyed.
- (17) *Goods* means all property, including but not limited to equipment, material, supplies, and other tangible personal property of any kind or nature, printing, insurance, leases of real property, and sale or other disposal of real and personal property.
- *(18) *Immediate Family* means spouse, children, parents, brothers and sisters or any household resident.
- (19) *Invitation for Bids* means all documents, whether attached or incorporated by reference, utilized for soliciting bids.
- (20) *Legal Counsel* means the in-house TCGCC Legal Counsel.
- (21) *Person* includes any body corporate, association, firm, business or partnership as well as a natural person.
- (22) *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 or requirements, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration.
- (23) *Protest* means an objection lodged by a party outside of TCGCC with regard to the selection of a source for award of a contract or other procurement action.
- (24) *Public Auditor* means the office of the CNMI Public Auditor.
- (25) *Purchase Description* means the words used in a solicitation to describe the good services or construction to be purchased and includes specifications attached to, or made part of, the solicitation.
- *(26) *Responsible in reference to a bidder*, means a person who has submitted a bid of proposal which conforms in all material respects to the integrity and reliability which should assure good faith performance.

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- (27) *Responsive in reference to a bidder*, means a person who has submitted a bid or proposal which conforms in all material respects to the invitation for bids or RFP.
- (28) *RFP* means Request for Proposal which is an invitation to bid on certain large on complex needs for construction, goods or services.
- (29) *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 task completion, reports, plans or incidental documents.
- (30) *TCGCC* means the Tinian Casino Gaming Control Commission as an organization.

ARTICLE 2 - PROCUREMENT ORGANIZATION

*Section 2-101 Creation of Procurement and Supply Section

There is created a Procurement and Supply Section to assist the Executive Director in the execution of these regulations.

*Section 2-102 Chief of Procurement and Supply

The Deputy Executive Director is designated as the Chief of Procurement and Supply. With the approval of the Commission, the Executive Director may appoint another responsible employee as the Chief of Procurement and Supply to administer day-to-day procurement activities. The Chief may receive clerical assistance in the performance of his duties from employees provided, however, that no employee of the Accounting Section, *Receiving and Warehousing Personnel* shall be directly involved in initiating procurement actions.

*Section 2-103 Duties of the Chief

- (1) Oversee that these regulations are observed in all TCGCC procurement;
- (2) provide advance planning for the centralized purchase of TCGCC supplies;
- (3) procure or supervise the procurement of all supplies, goods and services needed by the TCGCC;
- (4) conduct bidding, procurement, negotiation or administration of TCGCC contracts upon request of the Executive Director;
- (5) establish and administer repair and maintenance programs for TCGCC equipment;
- (6) sell, trade or otherwise dispose of surplus or unserviceable supplies or equipment belonging to TCGCC;
- (7) exercise general supervision and control over all inventories of TCGCC supplies;
- (8) exercise general oversight and control on the use of physical assets and other capital equipment to prevent waste or abuse or other unauthorized use;

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- (9) establish and administer programs for the inspection, testing and acceptance of supplies; and

Section 2-104 Centralized Procurement

All purchases shall be centralized in the Procurement and Supply Section under the administration of the Chief.

Section 2-105 Bulk Procurement of Supplies

Subject to normal competitive bid requirements, the Chief may, with the approval of the Executive Director, purchase certain consumable supplies in large quantities or solicit annual contracts to provide consumable supplies where deemed efficient. No separate contract or purchase order for these supplies will be approved except under emergency conditions in accordance with Section 3-110.

ARTICLE 3 - SOURCE SELECTION AND CONTRACT FORMATION

ARTICLE 3 Part A - Source Selection

Section 3-101 Methods of Source Selection

All TCGCC procurement shall be awarded by competitive sealed bidding, except as provided in:

- (1) Section 3-102 Competitive Sealed Bidding;
- (2) Section 3-103 Competitive Sealed Proposals
- (3) Section 3-104 Professional Services Procurement;
- (4) Section 3-105 Construction Procurement;
- (5) Section 3-106 Cancellation of Invitation for Bids and Request for Proposals;
- (6) Section 3-107 Subverting the Competitive Bid Process;
- (7) Section 3-108 Small Purchases;
- * (8) Section 3-109 Sole Source Procurement;
- (9) Section 3-110 Emergency Procurement; and
- (10) Section 3-111 Expedited Purchasing.

Section 3-102 Competitive Sealed Bidding

- (1) When competitive sealed bidding is required, an Invitation For Bids shall be issued which shall include at a 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 among bidders and to establish criteria by which bids can be evaluated;

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- (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) 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 on three separate dates shall be deemed to be adequate notice.
- (3) A bidding time of at least twenty (20) calendar days shall be provided, unless the Chief determines a shorter period is reasonable and necessary.
- (4) All bids shall be submitted to the Chief at the Procurement and Supply Section. Bids shall be received prior to the time set for opening and shall be maintained sealed in a locked receptacle at the office. Bids submitted from vendors outside the Commonwealth must be postmarked by the date set in the Invitation for Bids and must be received within seven (7) working days of that date. Bidders outside the Commonwealth must notify the Chief in writing of their intent to bid in order to receive this additional seven (7) days for the receipt of the actual bid documents. This notice of intent to bid may be by any mode of written communication including telex, facsimile or other electronic transmission.
- (5) If a bid is prematurely 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 Chief. No information contained in the bid shall be disclosed prior to the bid opening. The Chief shall cause the opened bid to be placed into the sealed receptacle.
- (6) The bid opening shall be conducted by the Chief on the date specified in the Invitation for Bids. All bids received prior to the advertised bid closing shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. 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. The Chief shall prepare a written summary of the bid opening.
- (7) 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.
- (8) 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;
 - (b) imposition of conditions or restrictions in the bid which modify requirements of the invitation or limit the bidder's liability to the TCGCC. For example, bids shall be rejected in which the bidder:
 - (i) protects against future changes in conditions, such as increased costs;

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- (ii) 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 TCGCC.
 - (c) unreasonableness as to price; or
 - (d) a bid from a nonresponsible bidder.
- (9) Correction or withdrawal of inadvertently erroneous bids, before or after award, or cancellation of awards based on bid mistakes must be accomplished by the Chief in writing. Whenever a bid mistake is suspected, the TCGCC shall request confirmation on the bid prior to award. In such an instance, if the bidder alleges an error, the TCGCC shall only permit correction of the bid or withdrawal of the bid in accordance with subparagraph (a) or (b).
 - (a) Correction of bids shall only be permitted when:
 - (i) an obvious clerical mistake is clearly evident from examining the bid document. Examples of such mistake 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 judgement.
 - (b) 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 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.
- (10) 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.

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- (a) Notice of award to the successful bidder shall be considered informal notification only and shall not constitute a contract or intent to enter into a contract by TCGCC. An award shall only become effective upon execution of a contract as prescribed herein. No acceptance of an offer shall occur nor shall any rights or obligations be incurred until a TCGCC contract is written and has been approved by all the officials required.

- *(b) In the event that 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%), the Chairman may authorize the Chief to modify the bid requirements in the hope of bringing the bid price within the amount of available funds. The Chief will then inform all responsive and responsible bidders whose original bid was within five percent (5%) of the available funds of the bid requirement modification and request submission of an adjusted bid price. The notification shall be documented in writing and modified bids received attached to the original bidding documents. *If all bids exceed five percent (5%) of available funds, there shall be notice by the Chief to all bidders that there will be a rebidding.*

Section 3-103 Competitive Sealed Proposals

When the Chief determines in writing that the use of competitive sealed bidding is either not practical or not advantageous to the TCGCC and receives the approval of the Executive Director, a contract may be entered into by competitive sealed proposals. In such event, the following procedures shall apply:

- (1) Proposals shall be solicited through a Request For Proposals (RFP).
- (2) Except as otherwise stated in this section, all pertinent provisions of Section 3-102 shall apply to an RFP initiated procurement.
- (3) The request for proposals shall state the relative importance of price and other evaluation factors.
- (4) Proposals shall be opened so as to avoid disclosure of contents to competing offerers during the process of negotiation. A register of proposals received shall be prepared and opened for public inspection after contract award.
- (5) As provided in the RFP, discussions may be conducted with responsible offerers who submit proposals determined to have a reasonable chance of being selected for award for the purpose of clarification and to insure full understanding of, and responsiveness to, solicitation requirements. Offerers 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 final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerers.
- (6) Award shall be made to the responsible offerer whose proposal is determined to be the most advantageous to TCGCC taking into consideration price and other

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evaluation factors set forth in the RFP. No other factors or criteria shall be used in the evaluation. The Executive Director shall make a written recommendation to the Commission as to the best qualified offerer based on the evaluation factors set forth in the RFP, and negotiated compensation amount. The Commission shall vote to accept or reject the recommendation of the Executive Director.

- (7) The contract file shall document the basis on which the award was made.

Section 3-104 Professional Services Procurement

*The services of accountants, lawyers, architects, engineers or other professional practitioners shall be procured as provided in this section except when authorized as a small purchase, emergency procurement, expedited procurement or sole-source procurement.

- (1) It is the policy of TCGCC 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. Waiver of this public announcement may be approved by the Chairman when an emergency short-term need is determined to exist and a qualified professional is found to be immediately available at a fair and reasonable price.
- (2) Adequate notice of the need for professional services shall be given by the Chief through an RFP. The RFP shall describe the services required, list the type of information and data required of each offerer and state the relative importance of particular qualifications.
- (3) The Chief or Executive Director may conduct discussions with any offerer who has submitted a proposal to determine such offerers qualifications for further consideration and for the purpose of negotiation of a compensation amount determined to be fair and reasonable. Discussions shall not disclose any information derived from proposals submitted by other offerers.
- (4) The Executive Director shall make a written recommendation to the Commission as to the best qualified offerer based on the evaluation factors set forth in the RFP, and negotiated compensation amount. The Commission shall vote to accept or reject the recommendation of the Executive Director.
- (5) If compensation cannot be agreed upon with the best qualified offerer then negotiations will be formally terminated with the selected offerer. If proposals were submitted by one or more other offerers determined to be qualified, negotiations may be conducted with such other offerer or offerers in the order of their respective qualification ranking and the contract may be awarded to the highest ranked offerer with whom the amount of compensation is determined to be fair and reasonable.

Section 3-105 Construction Procurement

- (1) All procurement of construction services shall be by competitive sealed bid in accordance with Section 3-102 and this section. In addition to the requirements of Section 3-102 (1), the invitation for bids shall contain the following information for bidders:
 - (a) general information regarding the project;

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- (b) information on the preparation of bids, bid security requirements and forms and certifications that must be submitted with the bid;
 - (c) special contract clauses depending on the nature and dollar amount of the work to be performed; and
 - (d) technical specifications of the work to be performed.
- (2) Bid security shall be required for all competitive sealed bidding of construction contracts where the price is estimated by the Chief to exceed \$25,000 or when the Chief determines it is in the interest of the TCGCC.
- (a) Bid security shall be in the form of a bid bond, certified check, cashiers check or other form acceptable to the TCGCC which shall be submitted with the sealed bid.
 - * (b) Bid security shall be an amount equal to fifteen percent (15%) of the amount of the bid or other amount as specified in the Invitation for Bids.
 - (c) Failure to furnish bid security, when required by the invitation, shall result in rejection of the bid as nonresponsive.
- (3) When a construction contract is awarded in excess of \$25,000, the following bonds or security shall be delivered to the TCGCC and shall become binding on the parties upon execution of the contract.
- (a) A performance bond satisfactory to the TCGCC, executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to the TCGCC, in an amount equal to one hundred percent (100%) of the price specified in the contract; and
 - (b) A payment bond satisfactory to the TCGCC executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to the TCGCC, for the protection of all persons supplying labor and materials 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.
- (4) Every person who has furnished labor or material to the contractor or its subcontractors for work in respect of which a payment bond has been furnished under this section, and who has not been paid in full therefor before the expiration of a period of ninety (90) days after the date on which the last of the labor was performed or material was furnished by such person for which such claim is made, shall have the right to sue on the payment bond.
- (a) Claimants under this section shall be entitled to sue for the balance unpaid at the time of institution of such suit and to prosecute said action for the sum or sums justly due such person.

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- (b) Any person having a direct contractual relationship with a subcontractor of the contractor, but no contractual relationship express or implied with the contractor furnishing the payment bond under this section, 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 performed the last of the labor or furnished the last of the material upon which such claim is made. Such notice shall state with substantial accuracy the amount claimed, the name of the party to whom the material was furnished or for whom the labor was performed and dates of such furnishment or performance. Such notice shall be personally served or served 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.
- (c) Every suit instituted upon a payment bond shall be brought in a court of competent jurisdiction for the Commonwealth. 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 furnished by the person bringing suit. The obligee named in the bond need not be joined as a party in any such suit.
- (6) Every contract modification, change order or price adjustment under a construction contract shall be subject to prior written certification by the Chief as to the effect of the contractual modification, change order or price adjustment on the total contract budget. In the event that the certification discloses a resulting increase in the total contract budget, such contract modification, change order or adjustment in contract price shall be fully subject to the provisions of Subsection 3-107 (2) and processed in accordance with Section 3-303. In the event of a legitimate and proper contract modification, change order or price adjustment for which sufficient funds are unavailable, the Executive Director may authorize the Chief to renegotiate the scope of the contract, if feasible, so that the total contract price does not exceed available funds.

Section 3-106 Cancellation of Invitation for Bids and Request for Proposals

*An invitation for bids or request for proposals may be canceled *at any time during the review process* and any or all bids or proposals may be rejected, when such action is determined in writing by the Chief and approved by the Executive Director to be in the best interest of the TCGCC because of:

- (1) Inadequate or ambiguous specifications contained in the solicitation;
- (2) specifications which have been revised;
- (3) goods or services being procured which are no longer required;
- (4) inadequate consideration given to all factors of cost to the TCGCC in the solicitation;
- (5) bids or proposals received indicate that the needs of the TCGCC can be satisfied by a less expensive good or service;

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- (6) all offers with acceptable bids or proposals received are at unreasonable prices;
- (7) bids were collusive; or
- (8) cancellation is otherwise determined to be in the best interest of the TCGCC.

Section 3-107 Subverting the Competitive Bid Process

- (1) It shall be a violation of these regulations to split a contract into subcontracts or multiple contracts for the purpose of avoiding competitive bidding.
- (2) Any contract which was awarded on the basis of the lowest responsive, responsible bidder and which subsequently requires a substantial change order or modification resulting in a materially increased cost shall be closely scrutinized by the Executive Director for propriety and referred to the Public Auditor unless the justification is readily apparent. An improper modification or change order would be, for example, one which should have been reasonably foreseeable at the time of the formation of the contract. Requests for modification or change orders judged to be improper shall constitute a violation of these regulations.

Section 3-108 Small Purchases

Any procurement not exceeding the amounts established herein may be made in accordance with these small purchase procedures. However, artificially dividing procurement requirements so as to constitute a small purchase shall be a violation of these regulations.

- (1) Bidding is not required for procurement under \$5,000.
- (2) After sending specifications to these vendors, the Chief must obtain price quotations from at least three (3) vendors if available and base the selection on competitive price and quality. All price quotations obtained must be written and retained in the procurement files supporting the purchase.
- (3) Purchase orders may be utilized for purchases in subparagraphs (1) and (2).
- * (4) This section shall not apply to lease or purchase of vehicles. Any lease or purchase of vehicles shall be procured pursuant to Section 3-102 or other applicable provisions of these regulations.

Section 3-109 Sole Source Procurement

- (1) A written justification for sole source procurement shall be prepared by the person requesting the procurement and shall contain the unique capabilities required and why they are required and the considerations given to alternative sources.
- (2) A contract may be awarded for goods, services or construction without competition when the Chief determines and the Executive Director approves in writing that there is only one source for the required goods, services or construction.
- (3) The Chief shall negotiate with the sole source contractor to obtain the best price possible under the circumstances.

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Section 3-110 Emergency Procurement

- (1) Notwithstanding any other provision of these regulations, the TCGCC may make emergency procurement when there exists an immediate threat to the health, safety or welfare of its employees or to the Commission's ability to discharge its legal obligations. An emergency procurement must be as competitive as practicable under the circumstances.
- (2) A written justification of the basis for the emergency and for the selection of the particular contractor must be made by the Chief, approved by the Executive Director and reported to the Chairman.

Section 3-111 Expedited Purchasing in Special Circumstances

- (1) When special circumstances require the expedited procurement of goods or services, the Chief may request that the Executive Director approve expedited procurement without the solicitation of bids or proposals. Such request will be submitted in writing describing the special circumstances which, in the opinion of the Chief, justify the expedited procurement.
- (2) Factors to be considered in the request from the Chief and by the Executive Director in approving or disapproving this request shall be:
 - (a) The urgency of the TCGCC need for the good or service;
 - (b) The comparative costs of procuring the goods or service from a sole source or through the competitive process;
 - (c) The availability of the goods or service in Tinian or the Commonwealth and the timeliness in acquiring it; and
 - (d) Any other factors establishing that the expedited procurement is in the best interest of the TCGCC.
- (3) Upon the Executive Director's written determination that the factors in (2) above justify an expedited purchase, the Chief shall process the necessary document(s) and proceed in procuring the required goods or service in the most efficient manner.
- (4) The Chief shall ensure that the expedited procurement is accomplished as competitively as possible under the circumstances.
- (5) The total amount of goods or service that may be approved under this section shall not exceed \$25,000 in any single fiscal year.

ARTICLE 3 Part B - Qualification of Contractors

Section 3-201 Responsible Bidders and Offerers

- (1) Awards shall be made only to responsible contractors. To be determined responsible, a prospective contractor must:

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- (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 laws and rules.
- (2) Prior to award, the Chief shall obtain information from the bidder or offerer as necessary to make a determination of responsibility based on the factors in paragraph 1 above. The unreasonable failure of a bidder or offerer to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for determination of nonresponsibility with respect to that bidder or offerer.
 - (3) Information furnished by a bidder or offerer pursuant to paragraph 2 shall be accessible within the TCGCC only on a need-to-know basis and may not be disclosed to outside parties without prior consent by the bidder or offerer.
 - (4) 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 Chief stating the basis for the determination and this shall be placed in the contract file.

Section 3-202 Prequalification of Contractors

Prospective suppliers of goods or services may be prequalified for particular types of construction, goods and services when determined necessary by the Chief. Opportunity for qualification before solicitation shall be afforded to all suppliers. Solicitation mailing lists of potential contractors shall include prequalified vendors and others believed to be clearly qualified. In all sealed competitive bidding, bidders who have not been prequalified must establish their qualifications in the bid documents.

ARTICLE 3 Part C - Contracts

Section 3-301 Execution of Contracts

*The Chairman or the Acting Chairman, are the only individuals authorized to enter into contracts on behalf of TCGCC.

Section 3-302 Types of Contracts

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- (1) Use of a cost-plus-a-percentage-of-cost or percentage-of-construction-cost methods of contracting are prohibited.
- (2) TCGCC 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 Chief 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 cost reimbursement contract is likely to be less costly to the TCGCC than any other type due to the nature of the work to be performed under the contract.

Section 3-303 Contract Review, Processing and Oversight

- (1) All contracts must first be prepared by the Chief who shall certify that he has complied with Procurement Regulations, that the proposed contract is for a public purpose and it does not constitute a waste or abuse of TCGCC funds. All contract documents must be complete including attachments and exhibits, if they are incorporated into the contract by reference. Two original copies of the contract document shall be submitted to the Executive Director.
- (2) The Executive Director will review the contract for propriety and conformance with these regulations, such review to occur in a prompt and timely manner. If the Executive Director finds any aspect of the contract to be deficient or defective in any respect, he shall return the contract for appropriate resolution. Otherwise, the Executive Director will approve the contract as to compliance with Procurement Regulations. Upon his own initiative or upon the request of the Public Auditor, the Executive Director may refer any contract to the Public Auditor for a recommendation before he approves or disapproves of the contract.
- (3) The contract shall next be approved by the certifying authority within the Accounting Section as defined in the TCGCC Internal Fiscal Management Procedures who shall certify the availability of funds.
- (4) The contract shall next be submitted to the Legal Counsel who shall certify the contract as to form and legal capacity.
- (5) Next, the contract shall be presented at a meeting of the Commission for final approval or disapproval by vote. An affirmative decision by the Commission shall serve as the authorization for the Chairman to enter into the contractual agreement on behalf of the Commission.
- (6) After all proper approvals have been obtained, the Chief shall forward two original copies of the contract to the contractor for his approval and signature.

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- (7) After signature by the contractor, the Executive Director shall review the contract documents for completeness. If he is satisfied, he shall submit the two original copies of the contract signed by the contractor to the Chairman for his execution.
- (8) After execution by the Chairman, the Chief shall inform all parties in writing that the contract is in force and that contract implementation according to the terms contained therein may proceed. Concurrently, the Chief will forward original copies of the contract to the contractor and Legal Counsel. A photocopy of the contract shall be provided to the Executive Director and a second photocopy shall be retained by the Chief in the procurement contract file.
- (9) A contract may be referred back to the Chief by the Executive Director or the Legal Counsel for further review based on additional evidence that it may not comply with these regulations. If the Executive Director or Legal Counsel withdraws approval or refuses to approve a contract, the basis for this action shall be stated in writing.
- (10) It is the responsibility of the Executive Director to ensure that the contractor does not sign the contract or incur any expenses related to implementation of contract terms until all necessary TCGCC signatures have been obtained. The primary responsibility for supervision and inspection of a contractor's project in progress also rests with the Executive Director.

ARTICLE 3 Part D - Inspection and Audit

Section 3-401 Report of Anticompetitive or Deceptive Practices

*When for any reason, *any one involved directly or indirectly in the process* suspects the following practices are occurring among bidders, offerers, contractors, subcontractors or TCGCC employees a notice of the relevant facts shall be transmitted by the person suspecting such activity directly to the Commission without delay:

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

Section 3-402 Retention of Procurement Records

- (1) All records relating to procurement or proposed procurement shall be retained by the Chief in good order for a period of not less than five years.
- (2) Procurement records maintained by the Chief shall include a current listing of all contracts made under sole-source procurement, emergency procurement or expedited procurement since the adoption of TCGCC procurement regulations or for the previous five years, whichever is less. The records shall contain:
 - (a) each contractors name;
 - (b) the amount and type of each contract; and

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- (c) a listing of the supplies, services or construction procured under each contract.

ARTICLE 4 - BID PROTESTS AND CONTRACT DISPUTES

Section 4-101 Protests to the Executive Director

- (1) Any actual or prospective bidder, offerer, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Executive Director. The protest shall be filed in writing within ten (10) days after such aggrieved person knows or should have known of the facts giving rise thereto. The Executive Director shall consider all timely protests or objections to the award of a contract, whether submitted before or after award.
- (2) When a proper protest against the making of an award is received, the award will be withheld pending disposition of the protest. Other persons, including bidders, involved in or affected by the protest shall be given notice by the Chief of the protest and its alleged basis. These persons shall also be advised that they may submit their views and relevant information to the Executive Director within a specified period of time, normally within one (1) week. Those bidders whose bids might become eligible for award shall be requested by the Chief, before expiration of the time for acceptance of their bid, to extend the time for acceptance to avoid the need for readvertisement. In the event of failure to obtain such extensions of bids, consideration shall be given to proceeding with an award under subsection (3) below.
- (3) When a written protest is received, award shall not be made until the matter is resolved, unless the Executive Director determines that:
 - (a) the materials and services to be contracted for are urgently required;
 - (b) delivery or performance will be unduly delayed by failure to make award promptly; or
 - (c) a prompt award will otherwise be advantageous to the TCGCC

If award is made under this subsection, the Executive Director shall document the file to explain the need for an immediate award. The Chief shall give written notice to the protester and others concerned of the decision to proceed with the award.

- (4) The Executive Director shall decide the protest within twenty (20) 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 and so advise all parties.

Section 4-102 Protests After Award

*When a protest is filed after the contract has been awarded, the contractor shall be furnished the notice of protest and its alleged basis. Additionally, the provisions of Section 4-101 subsections (1) and (4) apply. When it appears likely that an award may be invalidated and a delay in receiving the supplies or services is not prejudicial to the interests of TCGCC, the

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Chief should seek a mutual agreement with the contractor to suspend performance on a no-cost basis.

Section 4-103 Appeal of Executive Director's Decision to the Procurement Review Committee

- * (1) A written appeal to the *Procurement Review Committee* of a decision by the Executive Director may be made provided that the party taking the appeal has first submitted a written protest as prescribed in Section 4-101 or 4-102, and the Executive Director has denied the protest or has failed to act on the protest within the time provided for in subsection 4-101 (4) above.
- * (2) No particular form of pleading is required for filing an appeal to the *Procurement Review Committee*. The appeal shall, however:
 - (a) include the name and address of the appellant;
 - (b) identify the contracting agency and the number of the solicitation or contract;
 - (c) contain a concise, logically arranged, and direct statement of the grounds for appeal; and
 - * (d) specifically request a ruling by the *Procurement Review Committee*.
- (3) Any appeal of a decision of the Executive Director must be received by the *Procurement Review Committee* not later than ten (10) days after the appellant receives such decision, or, in the event that the Executive Director has not decided the protest, within ten (10) days from the date that he should have decided the protest pursuant to subsection 4-101 (4) above. Subsequent processing of the appeal shall be accomplished in accordance with established rules, regulations or procedures of the Office of the *Procurement Review Committee*. The Chief and the Executive Director shall cooperate fully with the *Procurement Review Committee* in the disposition of the appeal.
- (4) When a protest has been appealed to the *Procurement Review Committee* and the TCGCC is requested to submit a report, the Chief shall prepare the requested report which shall include copies of the following:
 - (a) the protest;
 - (b) 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;
 - (c) the protest decision of the Executive Director;
 - (d) the solicitation, including the specifications or portions relevant to the protest;
 - (e) an abstract of competing offers or relevant portions;
 - (f) any other documents that are relevant to the protest; and

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- (g) the Chief'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, the Chief's report will include the determination of the Executive Director prescribed in subsection (3) above.

Section 4-104 Protest Remedies

- * (1) If, prior to award, the Chief or the *Procurement Review Committee* determines that a solicitation or proposed award of a contract is in violation of law or regulation, then the solicitation or proposed award shall be cancelled or revised to comply with law or regulation.
- * (2) If, after an award, the Chief or the *Procurement Review Committee* determines that a solicitation or award of a contract is in violation of law or regulation, then:
 - (a) if the person awarded the contract has not acted fraudulently or in bad faith:
 - (i) the contract may be rectified and affirmed, provided it is determined that doing so is in the best interest of the TCGCC; or
 - (ii) the contract may be terminated and the person awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract, plus a reasonable profit, prior to termination; but
 - (b) if the person awarded the contract has acted fraudulently or in bad faith:
 - (i) the contract may be declared null and void; or
 - (ii) the contract may be ratified and affirmed if such action is in the best interest of the TCGCC, without prejudice to rights to such damages as may be appropriate.

*Section 4-105 Duties of the Procurement Review Committee

To evaluate procurement practices, complaint and appeal for recommendation to the Commission.

*Section 4-106 Contract Disputes

- (1) Any dispute between the TCGCC and a contractor relating to interpretation of the performance or compensation terms of a contract, which is the subject of these regulations, must be filed in writing with the Chief within ten (10) calendar days after the facts surrounding the dispute become known.
- (2) The Chief will attempt to resolve the dispute by mutual agreement with the contractor. If the dispute cannot be settled, either party may request a decision on

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the dispute from the Legal Counsel. The Legal Counsel shall review the facts pertinent to the dispute, consult with the Executive Director as necessary and prepare a written decision which shall include:

- (a) description of the dispute;
- (b) statement of the factual areas of disagreement or agreement;
- (c) reference to pertinent contract terms including apparent intent of the parties;
- (d) statement of interpretation of the factual areas of disagreement and a conclusion of the dispute with any supporting rationale.

At his discretion, the Legal Counsel may require a hearing or that information be submitted on the record at a meeting of the Commission.

- (3) **Duty to Continue Performance.** A contractor with a pending dispute must continue to perform according to all terms of the contract. Failure to do so shall be deemed a breach of the contract unless a waiver of this provision is granted by the Executive Director.

ARTICLE 5 - ETHICAL STANDARDS IN PROCUREMENT

*Section 5-101 Policy

Employment at TCGCC constitutes a public trust with regard to the employee. In TCGCC contracting, employees shall discharge their duties impartially so as to:

- (1) insure fair competitive access to TCGCC procurement by all reasonable, responsive contractors; and
- (2) conduct themselves in a manner so as to foster public confidence in the integrity of the TCGCC procurement process.

*Section 5-102 General Standards

- (1) Any attempt to realize personal gain through public employment by conduct inconsistent with these regulations is a breach of a public trust. In order to fulfill this ethical standard, employees must meet the requirements of this Article.
- (2) Any effort by a past, present or prospective contractor to influence any TCGCC employee to breach the standards of ethical conduct set forth in these regulations is a breach of ethical standard and a violation of these regulations.

*Section 5-103 Employee Disclosure Requirements

- (1) Any TCGCC employee who has a financial interest in or obtains any benefit from any TCGCC contractor shall report such financial interest or benefit in writing to the Chief.

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- (2) Any employee who knows or should have known of such financial interest or benefit and fails to report as required is in breach of these ethical standards.

*Section 5-104 Employee Conflict of Interest

- (1) It is a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows or should have known that:
 - (a) the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement; or
 - (b) 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 financial interest is involved in the procurement.
- (2) Upon discovery of an actual or potential conflict of interest with regard to a TCGCC procurement, the affected employee shall file with the Chief a written statement of disqualification and shall withdraw from any further participation in the transaction. The employee may, at the same time, apply to the Legal Counsel for an advisory opinion as to what further participation, if any, the employee may have in the transaction or similar future transactions.

*Section 5-105 Gifts, Gratuities and Offers of Employment

- (1) It shall be a breach of ethical standards and a violation of these regulations for any TCGCC employee to accept from any person any item of value given to them with the intent to influence their business judgment.
- (2) It shall be a breach of ethical standards and a violation of these regulations for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gift, gratuity or offer of employment in connection with any direct or indirect participation in a procurement.
- (3) It shall be a breach of ethical standards and a violation of these regulations 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 inducement for influencing the award of a sub contract or order.

*Section 5-106 Contingent Fees and Kickbacks

- (1) It shall be a breach of ethical standards and a violation of these regulations for any person to be retained, or to retain any person, to solicit or secure TCGCC contracts under an agreement or understanding for payment of a commission, percentage, brokerage or contingent fee, except for normal compensation of bona fide employees or bona fide established commercial agencies engaged in the trade or business of securing contracts for third parties.

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- (2) Every person, before being awarded a TCGCC contract, shall represent in writing that such person has not and will not compensate anyone in violation of this section. Failure to do so constitutes a breach of ethical standards.

*Section 5-107 Contract Clauses

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

*Section 5-108 Restrictions on Employment of Present and Former Employees

- (1) 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 the employee of any person contracting with TCGCC.
- (2) Where the TCGCC is a party or has a direct or substantial interest, it shall be a breach of ethical standards for any former employee to knowingly act as a principal or agent for any party other than the TCGCC 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;

pertaining to any matter in which the employee participated directly or indirectly in the procurement process while an employee.

- (3) Where the TCGCC is a party or has a direct or substantial interest, it shall be a breach of ethical standards for any business in which an employee or former employee has a financial interest to knowingly act as a principal or agent for any party other than the TCGCC 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;

pertaining to any matter in which the employee participates or participated directly or indirectly in the procurement process.

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*Section 5-109 Use of Confidential Information

It shall be a breach of ethical standards and a violation of these regulations 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 5-110 Collusion by Bidders

Collusion or secret agreements between bidders for the purpose of securing an advantage in the awarding of contracts is prohibited and constitutes a breach of ethical standards and a violation of these regulations.

- * (1) The Chief shall declare a contract void and order all payments to the contractor suspended if he finds sufficient evidence that collusion or secret agreement was involved in obtaining the contract. The case will then be referred to the *Procurement Review Committee* for action as prescribed herein.
- * (2) Where sufficient evidence of collusion or secret agreement is apparent prior to the contract being awarded, the Chief shall reject the collusive bids as not being submitted by responsible bidders. The case will then be referred to the *Procurement Review Committee* for action as prescribed herein.

*Section 5-111 Legal, Civil and Administrative Remedies

The Legal Counsel or Executive Director shall report any known or highly suspected departure from these regulations which also constitutes, or would constitute if proven, a violation of United States, CNMI or Municipal law or ordinance to law enforcement officials, the Attorney General of the Commonwealth or other appropriate authority. In addition to existing remedies provided by law, any person who violates any of the provisions of these regulations may be subject to one or more of the following:

- (1) Any TCGCC employee who violates the provisions of these rules and regulations is subject to adverse action as may be appropriate under the particular circumstances. Possible adverse action includes but is not limited to reprimand, suspension without pay, termination of employment, civil injunction, civil suit for damages or return of TCGCC funds, or criminal prosecution.
- (2) A contractor or bidder who violates a provision of these rules and regulations shall be subject to a written warning, official reprimand, termination of the contract or suspension or debarment from future TCGCC contracting as a contractor or subcontractor in addition to other penalties prescribed by law.
- (3) All proceedings under this section must be in accordance with applicable due process requirements.

*Section 5-212 Authority to Debar or Suspend

- (1) After reasonable notice of an alleged violation to a party against whom debarment or suspension is proposed and a reasonable opportunity for response, including an appearance at a meeting of the Commission if requested, the Executive Director, after consultation with the Chairman and the Legal Counsel, shall have the authority to debar or suspend a person for cause from consideration for award of future

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TCGCC contracts. Debarment shall be for a period of one (1) to three (3) years. A suspension shall be imposed for a period of three (3) months to one (1) year.

- (2) Actions for which debarment or suspension are authorized include the following:
- (a) conviction for commission of a criminal offense 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 for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the Consumer Protection Act (4 CMC 5101 et. seq.), unfair business practices as prescribed by 4 CMC 5202, or any other offenses indicating a lack of business integrity or business honesty which could directly affect perceived integrity as a TCGCC contractor;
 - (c) conviction under Commonwealth or Federal statutes of any crime involving the submission of collusive or fraudulent bids or proposals;
 - (d) violation of contract provisions, as set forth below, which is regarded by the Executive Director to be serious enough to justify suspension or 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 public or private 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 suspension or debarment;
 - (e) violation of any of the ethical standards set forth in Article 5; and
 - (f) any other cause that the Executive Director determines to be so serious and compelling as to affect responsibility as a TCGCC contractor, including debarment by another governmental entity.
- * (3) The Executive Director shall issue a written *recommendation* to debar *for approval by the Commission*. The decision shall state the reasons for the action taken and the length of time which such debarment or suspension will be in effect.
- * (4) A copy of the decision shall be mailed or otherwise furnished immediately to the debarred or suspended person. Upon opinion of the Legal Counsel that notification of other agencies is legally permissible, a copy of the decision shall be provided to other governmental contracting authorities within the CNMI, the Territory of Guam or other jurisdictions judged appropriate by the *Commission*.

TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands

Commissioners:

Joseph M. Mendola
Chairman

Jose P. Cruz
Vice Chairman

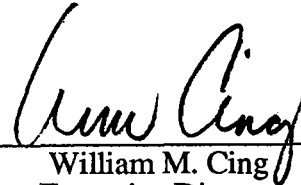
Raynaldo M. Cing
Lino V. Lizama
Freddy U. Hofschneider

William M. Cing
Executive Director

CERTIFICATION

I, William M. Cing, Executive Director of the Tinian Casino Gaming Control Commission of San Jose, Tinian, which is promulgating the proposed amendments to Procurement Regulations herein set forth, by signature below hereby certify that such Rules are a true, complete and correct copy of the Procurement Regulation formally adopted by the Tinian Casino Gaming Control Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 30th day of March, 1993, at Tinian, Commonwealth of the Northern Mariana Islands.



William M. Cing
Executive Director



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

Tel: (670) 322-9482/9570
 Fax: (670) 322-3547

PUBLIC NOTICE

PROPOSED FEES SCHEDULE AMENDMENT ON THE RULES AND REGULATION GOVERNING THE COLLECTION OF FEES FOR BUILDING SAFETY CODE P.L. 6-45

The Department of Public Works hereby gives public notice that it intends to adopt the proposed fees schedule amendment on its rules and regulation governing the collection of fees under the Building Safety Code. This fees schedules amendment promulgated are authorized pursuant to 2 CMC Sub-Section 7132 (a) (1) and Public Law 6-45, as amended.

DPW hereby advice the general public that the proposed fees schedule amendment are available at the Building Safety Code Office, Lower Base, Saipan, MP. Interested persons may obtain copies of the proposed fees schedule amendment for review and comment in writing, addressed to the Building Safety Official, Department of Public Works, Lower Base, Saipan, MP 96950. Copies may be obtained between the hours of 8:00 a.m. - 4:00 p.m., Monday through Friday.

All comments shall be in writing and submitted within thirty (30) days of the date of this notice for consideration and review. The proposed fees schedules amendment shall become effective ten (10) days after adoption and final publication.

Dated this 8th day of April, 1993.

DEPARTMENT OF PUBLIC WORKS

By: *ELH Salas-Balajadia*
 ELIZABETH H. SALAS BALAJADIA
 Director

for *Donna Cruz*
 DONNA CRUZ
 Received by Governor's Office

4/12/93 8:30 am
 Date & Time

for *Remedio B. Sasamoto*
 SOLEDAD B. SASAMOTO
 Registrar of Corporations

4-12-93 8:40 am
 Date & Time



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works

Saipan, Mariana Islands 96950

Tel: (670) 322-9482/9570
Fax: (670) 322-3547

NUTISIAN PUPBLIKU

I MANMAPROPOPONI NA TINILAIKA GI MATASA APAS SIHA GI AREKLAMENTO
YAN REGULASION NI GUMUBIETIETNA I KOLEKSION APAS SIHA PARA I
BUILDING SAFETY CODE NA PROGRAMA
(LAI PUPBLIKU NUMIRU 6-45)

I Depattamento i Public Works ginen este ha nana'i i pupbliku nutisia na esta hana'guaha yan establesi priniponi siha tinilaika gi matasa yan i koleksion apas gi papa i programan i Building Safety Code. Este i ma establesin na tinilaikan gi matasa yan i koleksion apas siha inaturirisa nu i Lai Pupbliku Numiru 6-45.

I Depattamento i Public Works ginen este ha atbibisa i pupbliku hinerat na guaha siha kopian i mapropoponi na tinilaikan gi matasa yan i koleksion apas siha na areklamento yan regulasion gi ofisinan, Building Safety Code, Lower Base, Saipan, MP. Todu man interesante siha na petsona sina manmanunule kopian este i mapropoponi na tinilaika gi matasa yan i koleksion apas siha gi areklamento yan regulasion para u maribisa yan ma komento yan rekomendasion gi tinege guato gi ofisinan i Building Safety Official, Depattamento i Public Works, Lower Base, Saipan, MP 96950. I kopia siha sina manmachuchule gi durante i oran ofisinan desde alas 8:00 gi egga'an asta i oran alas 4:00 despues de talo'ani, Lunes asta Bietnes.

Todo komento yan rekomendasion siha debi di u fanmatuge ya ufan masatmiti gi halom trenta (30) dias despues de i fechan este na nutisia ni para u ma konsidera yan uma rebisa. I manmapropoponi na tinilaikan gi matasa yan koleksion apas siha na areklamento yan regulasion para umana efektibu dies (10) dias despues de ma'adapta ya mapublikia put uttimu.

Mafecha gi este i mina' 8th na dia gi April 1993.

DEPARTMENT OF PUBLIC WORKS

By: ELIZABETH H. SALAS-BALAJADIA
Director

4/12/93 8:30 am
Date & Time

4-12-93 8:40 am
Date & Time

Donna Cruz
DONNA CRUZ
Reviewd by Governor's Office

Soledad B. Sasamoto
SOLEDAD B. SASAMOTO
Registrar of Corporations



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

Tel: (670) 322-9482/9570
 Fax: (670) 322-3547

ARONGORONGOL TOWLAP

**EFFERUL ALLEGH REEL MWAGHUTUGHUTU AMMWELLIL COLLECTION FEES
 REL BUILDING SAFETY CODE (P.L. 6-45)**

Depatamentool Public Works e mwuschal arongaar towlap, reel igha a ffeer allegh kka ebwe ammwela reel mwoghutughutul collection fees faal Building Safety Code. Allegh kkaal nge eyorr sangi bwangil 2 CM Sub-Section 7132 (a) (1) me Public Law 6-45.

Depatamentool Public Works ekke arongaar towlap bwe allegul mwoghutughutul proposed fees schedule amendment, nge eyoor llol Bwulasiyool Building Safety Code, Lower Base, Saipan, MP. Aramas ye e tapili, nge raa ischiitiw meta mangemangiir me tiper nge raa afanga ngali Bwulasiyool Building Safety Code, Depatamentol Public Works, Lower Base, Saipan, MP 96950 otol ye 8:00 (am) lessor mwet nagali otol ye 4:00 (pm) leepal, Luunis mwet ngali Bennis.

Alongal mangemeng me tiip, nge rebwe isch nge aa atotoolong llol eliigh (30) raal sangi igha e toowow arongorong yeel bwe rebwe ammwuri fischiiity. Allegh kkaal nge ebwe allegeghelo llol siegh (10) raal sangi igha re adaptaalii me atotoowow.

Raalil ye 8th maram ye April, 1993.

DEPARTMENT OF PUBLIC WORKS

EHSalas - Balajadia

Sangi:

ELIZABETH H. SALAS-BALAJADIA

Director

for *for* Franubisa
DONNA CRUZ
 Received by Governor's Office

4/12/93 8:30 am
 Date & Time

for *Remedio C. Sagasa*
SOLEDAD B. SASAMOTO
 Registrar of Corporations

4-12-93 8:40 am
 Date & Time

NOTICE TO THE PUBLIC

In accordance with P.L. 6-45, as amended, and Public Law 8-8, Title 2 CMC, Division 7, Article 3, Chapter 1 of CNMI Commonwealth Code, I, Elizabeth H. Salas-Balajadia, Director of the Department of Public Works, Government of the Commonwealth of the Northern Mariana Islands do hereby give **NOTICE TO THE PUBLIC** that the following Special Fees Schedule for the Building Permit process are to be implemented effective immediately.

A. Special Fees For Other Permits Shall Be As Follows:

1. Demolition and Removal:

- a. The fees for demolition and removal permits shall be \$150.00 for commercial permit and \$75.00 for residential permit.

2. Grading Plan Review Fees:

- 50 cubic yards or less..... No fee
- 51 to 100 cubic yards..... \$15.00
- 101 to 1,000 cubic yards..... \$22.50
- 1,001 to 10,000 cubic yards..... \$30.00
- 10,001 to 100,000 cubic yards - \$30.00 for the first 10,000 cubic yards, plus \$15.00 for each additional 10,000 yards plus or fraction thereof.
- 100,001 to 200,000 cubic yards - \$165.00 for the first 100,000 cubic yards, plus \$9.00 for each additional 10,000 cubic yards or fraction thereof.
- 200,001 cubic yards or more - \$255.00 for the first 200,000 cubic yards, plus \$4.50 for each additional 10,000 cubic yards or fraction thereof.

3. Other Addition Plan Review Fees:

The fee for additional plan review by changes, additions or revisions to approved plans shall be the greater of the following:

\$30.00 per hour (minimum charge - one half hour); or the total hourly cost to the DPW and/or the CNMI Government, including overhead, equipment, hourly wages and fringe benefits of the employees involved.

4. Grading Permit Fees:

-50 cubic yards or less.....\$15.00

-51 to 100 cubic yards.....\$22.50

-101 to 1,000 cubic yards - \$22.50 for the first - 100 cubic yards plus \$10.50 for each additional 100 cubic yards or fraction thereof.

-1,001 to 10,000 cubic yards - \$117.00 for the first 1,000 cubic yards, plus \$9.00 for each additional 1,000 cubic yards or fraction thereof.

-10,001 to 100,000 cubic yards - \$198.00 for the first 10,000 cubic yards, plus \$40.50 for each additional 10,000 cubic yards or fraction thereof.

-100,001 cubic yards or more - \$562.50 for the first 100,000 cubic yards, plus \$22.50 for each additional 10,000 cubic yards or fraction thereof.

5. Other Inspection and Fees:

a. Inspections outside of normal business hours.....\$30.00 per hour (minimum charge - two-hours).

b. Reinspection fees assessed under provisions of Section 305(g) of the Uniform Building Code.....\$30.00 per hour.

c. Inspections for which no fee is specifically indicated.....\$30.00 per hour.

The fee for a grading permit authorizing additional work to that under a valid permit shall be the greater of the following:

The difference between the fee paid for the original permit and the fee shown for the entire project; or

The total hourly cost to the DPW and/or the CNMI Government, including overhead, equipment, hourly wages and fringe benefits of the employees involved.

6. Signs:

a. The fees for sign permits to erect, alter, install and removal thereof shall be \$100.00.

7. Relocation and Moving:

a. The fees for permits to relocate and move any building shall be \$150.00.

8. Renewal of Permits:

a. The Building Safety Official may authorize the renewal of a permit provided that such suspension or abandonment have not exceeded one (1) year and the fee therefore shall be 75% of the amount required for a new permit for such work, provided no changes has been made or will be made in the original plans and specifications for such work.

9. Fee Refunds:

a. The Building Safety Official may authorize the refunding of not more than 60% of the building permit issued in accordance with all applicable laws.

- b. The Building Safety Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than ninety (90) days after the date of fee payment.

10. Other Special Fees:

The Department shall be entitled to charge the following special fees:


- a. Building Permits (Placards and Applications) -
\$20.00 a copy per set.
- b. Certificate of Occupancy - \$15.00 original placard.
- c. The Building Safety Code; amendments to the Building Safety Code;
Rules and Regulations - \$13.00 a copy per set.
- d. Change of Contractor - \$20.00.
- e. Schedule of Inspection Request - \$10.00.
- f. Photostat Copy of a Plan, 18"x24" - \$2.50/sht.
- g. Photostat Copy of a Plan, 24"x36" - \$4.00/sht.
- h. Revised Plan - \$50.00 per each revision.
- i. Reinspection Fees: - \$45.00/hour.

-When the job is rejected for failure to comply with the approved plans or the work is not ready for such inspection.

-When the building permit placard is not properly posted on the job site.

-When the approved plans are not readily available to the inspector.

Prepared by:


FRANCISCO O. GUERRERO
Building Safety Official

Approved by:


ELIZABETH H. SALAS-BALAJADIA
Director of Public Works

NOTE: These Special Fees are in addition to the Building Permit and Plan Review Fees.



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
Saipan, Mariana Islands 96950

Tel: (670) 322-9482/9570
Fax: (670) 322-3547

CERTIFICATION

I, Elizabeth H. Salas-Balajadia, the Director of the Department of Public Works who is publishing this proposal amendment to 2 CMC Subsection 7132 (a) (1) of the Building Safety Code Rules and Regulations, by signature below hereby certify that the proposed amendment to 2 CMC Subsection 7132 (a) (1) is a true, complete, and correct copy of the amended regulation proposed by the Department of Public Works for the Building Safety Code. I further request and direct that this Certification and the proposed amendment 2 CMC Subsection 7132 (a) (1) to the Building Safety Code Rules and Regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 8th day of April, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

EH Salas-Balajadia
ELIZABETH H. SALAS-BALAJADIA
Department of Public Works



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

PUBLIC NOTICE OF AMENDMENTS TO COMMONWEALTH PORTS AUTHORITY PROCUREMENT RULES AND REGULATIONS

The Commonwealth Ports Authority, pursuant to the authority of 2 CMC § 2122 (j), and in accordance with the provisions of 1 CMC 9104(a), hereby gives notice to the public of its adoption of Amendments to Commonwealth Ports Authority Procurement Rules and Regulations for the Commonwealth Ports Authority. The revised procurement rules and regulations are published herewith.

All interested persons are requested to submit data, views, or arguments, in writing, concerning the Amendments to Commonwealth Ports Authority Procurement Rules and Regulations. Written comments must be submitted to the Executive Director, Commonwealth Ports Authority, not later than the close of business thirty (30) calendar days following the date of publication of this Notice.

DATED this 8th day of April, 1993.

Received by: Amambouan
4/12/93
2:00pm

R. Tu dela
ROMANT T. TUDELA
Executive Director
Commonwealth Ports
Authority

Filed by: Reneo C. Maynas
Registrar of Corporations

4/13/93



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

NOTICIAN PUPBLIKU PUT I AMENDASIONS I COMMONWEALTH PORTS AUTHORITY PROKURAMENTU AREKLAMENTU YAN REGULASIONS

I Commonwealth Ports Authority, sigun i aturidad 2 CMC § 2122 (j), yan probension 1 CMC 9104(a), ginen este ha noticia i pupbliku ni intension na para u Amendasions I Commonwealth Port Authority Prokuramentu Areklamentu yan Regulasions para i Commonwealth Ports Authority. I ma-renueba na prokuramentu areklamentu yan regulasions siha ma pupblika huyong.

Todu interesao na petsona u mana'halom infotmasion, opinion pat atgumentu, ni matugi, put i Amendasions I Commonwealth Ports Authority Prokuramentu Areklamentu yan Regulasions. I manma'tuge' na notas u fanma'submiti halom gi Direktot Eksekatibu, Commonwealth Ports Authority, gi halom trenta (30) despues di ma pupblika huyong guine na noticia.

Ma'fecha' guine na dia 8 Abrít, 1993.

Received by: J. Mamboua
4/13/93
2:10 pm

R. Tudela
ROMAN T. TUDELA
Executive Director
Commonwealth Ports
Authority

Filed by: Romelio G. Magran
fa: Registrar of Corporations

4/13/93
Date



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

ARONGORONGOL TOW LAP REEL LLIWEL MEREEL COMMONWEALTH PORTS AUTHORITY REEL ALLÉGH ME ALLÉGHÉLÉGHUL BWEIBWOGH

Ofisil Commonwealth Ports Authority, sáangi allégh ye 2 CMC § 2122 (j) me bwal ailéewal 1 CMC 9104 (a), ekke arongaar towlap igha ebwe adóptéili lliwel kkewe llól Commonwealth Ports Authority reel Allégh me Alléghéléghúl Bweibwogh mereel Commonwealth Ports Authority. Lliwelil allégh me alléghéléghúl Bweibwogh nge ikka aa toowow.

Alonger aramas kka re tipáli nge rekke tingór ngáilir bwe rebwe atootolong meta mángemángiir me tipeer reel lliwel kkaal ngáli Commonwealth Ports Authority Allégh me Alléghéléghúl Bweibwogh. Alongal tiptio me mángemáng kkal nge rebwe afanga ngáli Executive Director, Commonwealth Ports Authority, llól eliigh (30) rál sáangi igha e toowow arongorong yeel.

E fféer llól ráálil ye 8 Abrid, 1993.

ROMAN T. TUDELA
Mwághasal
Commonwealth Ports
Authority

Received by: Francis
4/13/93
2:00 pm

Filed by: Reneo A. Reyes
for: Registrar of Corporations

4/13/93
Date

AMENDMENTS TO
COMMONWEALTH PORTS AUTHORITY
PROCUREMENT RULES AND REGULATIONS

Amendment No. 1

Section 2.3(1) of the Commonwealth Ports Authority Procurement Rules and Regulations is deleted in its entirety and replaced with the following:

"2.3 Contract Oversight

- (1) The Executive Director shall first 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 an Authority purpose, and does not constitute a waste or abuse of Authority funds. Upon approval by the Executive Director and certified by the Attorney, the Contracting Officer shall execute the contract."

Amendment No. 2

Part 3.1(5) of the Commonwealth Ports Authority (CPA) Procurement Rules and Regulations is repealed in its entirety.

AMENDMENTS TO
COMMONWEALTH PORTS AUTHORITY
PROCUREMENT RULES AND REGULATIONS
Page 2

Amendment No. 3

Part 3.7 of the CPA Rules and Regulations is repealed in its entirety.



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

CERTIFICATION OF AMENDMENTS TO COMMONWEALTH PORTS AUTHORITY PROCUREMENT RULES AND REGULATIONS

I, ROMAN T. TUDELA, Executive Director of the Commonwealth Ports Authority, which is promulgating amendments to Rules and Regulations regarding its procurement of goods, services, and supplies, by signature below, hereby certifies that the Amendments to Commonwealth Ports Authority Procurement Rules and Regulations regarding airports are a true, complete and correct copy of the Amendments to Commonwealth Ports Authority Procurement Rules and Regulations adopted by the Board of Directors of the Commonwealth Ports Authority.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 8th day of April, 1993, at Saipan, Commonwealth of the Northern Mariana Islands.

Received by: J. Anabon
4/13/93
2:00 pm

R. Tudela
ROMAN T. TUDELA
Executive Director
Commonwealth Ports
Authority

Filed by: Remedio C. Mafra
for Registrar of Corporations

4/13/93
Date



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. Box 1247 • Saipan MP 96950
Tel: (670) 234-7228 • Fax: (670) 234-9624

Tomas B. Aldan
Administrator

Edward H. Manglona
Deputy Administrator

PUBLIC NOTICE OF FINAL ADOPTION ON THE AMENDMENTS TO THE FUND'S ADMINISTRATIVE RULES AND REGULATIONS

The Board of Trustees of the Northern Mariana Islands Retirement Fund hereby notifies the general public that it has adopted the amendments to the Fund's Administrative Rules and Regulations as published in the Commonwealth Register, Volume 14, Number 12 on December 15, 1992.

Dated this 26 day of March, 1993.

A handwritten signature in cursive script, appearing to read "T. Aldan".

Teresita B. Aldan
Chairperson

A handwritten signature in cursive script, appearing to read "Tomas B. Aldan".

Tomas B. Aldan
Administrator



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. Box 1247 • Saipan MP 96950
Tel: (670) 234-7228 • Fax: (670) 234-9624

Tomas B. Aldan
Administrator

Edward H. Manglona
Deputy Administrator

NOTICIA I MA ADOPTA NA AMENDASION I REGULATION YAN AREKLAMENTO

I Board of Trustees, Northern Mariana Islands Retirement Fund, man nanae noticia para i publico na ma adopta I tinilaika gi regulasion I Retirement Fund anai I ma publika gi Commonwealth Register, Volume 14, No. 12, gi December 15, 1992.

Mafecha gi dia 26 de Marcho, 1993.

Handwritten signature of Teresita B. Aldan.

Teresita B. Aldan
Chairperson

Handwritten signature of Tomas B. Aldan.

Tomas B. Aldan
Administrator

NORTHERN MARIANA ISLANDS RETIREMENT FUND
AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS

The Board of Trustees for the Northern Mariana Islands Retirement Fund promulgates these amendments to the rules and regulations pursuant to Public Law 6-17, as amended, 1 CMC Section 8316(f) of the Northern Mariana Islands Retirement Fund Act of 1988, and the Administrative Procedures Act, 1 CMC 9101, et. seq.

PART I. GENERAL PROVISIONS

1.1 Authority. Under and by virtue of the provisions of 1 CMC Section 8315(f), the Board of Trustees for the Northern Mariana Islands Retirement Fund hereby promulgates these amendments to the rules and regulations.

PART 2. PURPOSE

2.1 To amend Part 2 - Definitions of the rules and regulations to add a new Subsection (k) to define the phrase "Complete Separation From Service" as used under 1 CMC Section 8356, and to amend Subsection (h) - "Regular Interest" of the rules and regulations.

PART 3. AMENDMENT

3.1 To amend Part 2(h) and add a new Part 2 (k) of the Definitions to read as follows:

(h) "Regular Interest" as used in 1 CMC 8313(n) shall mean the following:

(i) For purposes of refunding contributions, the regular interest rate is 3.5%, compounded annually, and credited for each complete year.

(ii) For purposes of payment of prior service or repayment of refunded contributions, the regular interest rate to be applied at the time of election shall be shall be higher of:

(1) the average investment rate of return of the past five most current fiscal years from date of application; or,

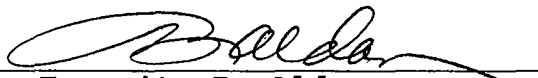
2) the actuarial rate in existence at the time of election

(k) "Complete Separation From Service" means separation from government service by any employee of the Commonwealth Government, including its agencies and instrumentalities, whose employment is terminated and is not reemployed by the same division or agency of the Commonwealth Government or its agencies and instrumentalities within 90 calendar days from the date of first employment termination.

(i) Any employee who has obtained refund of contributions and becomes an employee of the same division or agency of the Commonwealth Government or any of its agencies or instrumentalities within 90 calendar days shall return to the Fund any refunded contributions received 30 days of reemployment.

(ii) If the contributions have not been refunded, the employee returns to government service, the affected employee retains the same membership class in the Fund.

DULY ADOPTED BY THE BOARD OF TRUSTEES AS FINAL AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS ON FEBRUARY 18, 1993.



Teresita B. Aldan
Chairperson
Board of Trustees, NMIRF



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. Box 1247 • Saipan MP 96950
Tel: (670) 234-7228 • Fax: (670) 234-9624

Tomas B. Aldan
Administrator

Edward H. Manglona
Deputy Administrator

CERTIFICATION OF RULES
AND REGULATIONS REGARDING THE FUND

I, Teresita B. Aldan, Chairperson, Northern Mariana Islands Retirement Fund, Board of Trustees, which is promulgating the Rules and Regulations regarding Northern Mariana Islands Retirement Fund by signature below hereby certify such Rules and Regulations Regarding the Northern Mariana Islands Retirement Fund are a true, complete and correct copy of the Rules and Regulations formally adopted by the Board of Trustees of the Northern Mariana Islands Retirement Fund.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 26 day of March, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

[Handwritten signature of Teresita B. Aldan]

Teresita B. Aldan
Chairperson
Board of Trustees, NMIRF

Filed by:

Received by:

[Handwritten signature of Soledad B. Sasamoto]

Soledad B. Sasamoto
Registrar of Corporations

[Handwritten signature for Donna Cruz]

Donna Cruz
Governor's Office



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247
SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624



NOTICE OF THE ADOPTION OF THE AMENDMENTS TO THE WCC RULES AND REGULATIONS

The Board of Trustees of the Northern Mariana Islands Retirement Fund/Workers Compensation Commission hereby notifies the general public that it has adopted the amendments to the WCC Rules and Regulations as published in Commonwealth Register, Volume 14, No. 09 on September 15, 1992.

NMI Retirement Fund/
Workers Compensation Commission
P.O. Box 1247
Saipan, MP 96950

Dated this 04th day of March 1993.

Teresita B. Aldan
Chairperson
Board of Trustees,
NMIRF/WCC

Tomas B. Aldan
Administrator
NMI Retirement Fund,
NMIRF/WCC



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624



NOTICIA I MA ADOPTA I AMENDAS'ON I REGULASION YAN AREKLAMENTO

I Board of Trustee, NMI Retirement Fund/Workers Compensation Commission man nanae noticia para I publico na ma adopta I tinilaika gi regulasion I WCC Rules and Regulation anai I ma publika gi Commonwealth Register, Volume 14, No. 09, gi Septiembre 15, 1992

NMI Retirement Fund/
Workers Compensation Commission
P.O. Box 1247
Saipan, MP 96950

Ma fecha guine gi 04 na ha'ane, matso, 1993.

Teresita B. Aldan
Chairperson
Board of Trustees,
NMIRF/WCC

Tomas B. Aidan
Administrator
NMI Retirement Fund,
NMIRF/WCC



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624



NOTICE OF THE ADOPTION OF THE AMENDMENTS TO THE WCC RULES AND REGULATIONS

The Board of Trustees of the Northern Mariana Islands Retirement Fund/Workers Compensation Commission hereby notifies the general public that it has adopted the amendments to the WCC Rules and Regulations as published in Commonwealth Register, Volume 14, No. 03 on March 15, 1992.

NMI Retirement Fund/
Workers Compensation Commission
P.O. Box 1247
Saipan, MP 96950

Dated this 04th day of March 1993.

Teresita B. Aldan
Chairperson
Board of Trustees,
NMIRF/WCC

Tomas B. Aldan
Administrator
NMI Retirement Fund,
NMIRF/WCC



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

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NOTICIA I MA ADOPTA I AMENDAS'ON I REGULASION YAN AREKLAMENTO

I Board of Trustee, NMI Retirement Fund/Workers Compensation Commission man nanae noticia para I publico na ma adopta I tinilaika gi regulasion I WCC Rules and Regulation anai I ma publika gi Commonwealth Register, Volume 14, No. 03, gi Matso 15, 1992

NMI Retirement Fund/
Workers Compensation Commission
P.O. Box 1247
Saipan, MP 96950

Ma fecha guine gi 04 na ha'ane, matso, 1993.

Teresita B. Aldan
Chairperson
Board of Trustees,
NMIRF/WCC

Tomas B. Aldan
Administrator
NMI Retirement Fund,
NMIRF/WCC



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

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CERTIFICATION OF RULES AND REGULATIONS REGARDING THE CNMI WORKERS' COMPENSATION COMMISSION

I, Teresita B. Aldan, Chairperson, Workers' Compensation Commission, which is promulgating the Rules and Regulations regarding CNMI Workers' Compensation Commission by signature below, hereby certify such Rules and Regulations regarding the Northern Mariana Islands Retirement Fund are a true, complete and correct copy of the Rules and Regulations formally adopted by the Board of Trustees of the Northern Mariana Islands Retirement Fund.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 26th day of March, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.

Teresita B. Aldan
Chairperson
CNMI Workers' Compensation Commission

Filed by:

Received by:

Soledad B. Sasamoto
Registrar of Corporations

Donna Cruz
Governor's Office



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY
Saipan, Mariana Islands 96950**



Gregorio M. Camacho
Director

Jerry P. Crisostomo
Deputy Director, Administration

Francisco M. Camacho
Deputy Director, Operations

Thomas P. Rabago
Chief of Administration

Vicente T. Seman
Chief of Corrections

Jesus M. Castro
Chief of Fire

Antonio A. Reyes
Chief of Police

Matias A. Chargualat
Chief of Motor Vehicle

NOTICE OF ADOPTION

ADOPTION OF PROPOSED REGULATIONS, WITH REVISIONS, FOR THE LICENSING AND SAFE OPERATION OF SHOOTING GALLERIES, PURSUANT TO PUBLIC LAW NO. 8-5

The Director of the Department of Public safety hereby gives notice to the public of its adoption of regulations for the licensing and safe operation of shooting galleries, in consultation with the Attorney General, pursuant to Public Law No. 8-5, 1 CMC Section 2507 and 1 CMC Section 9104(a). These regulations were originally published in the February 15, 1993 Commonwealth Register, Volume 15, No. 2, pages 10446 - 10471, and they are hereby adopted, with the revisions set forth below.

Facsimile - (670) 234-8531
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Administrative Division
(670) 234-6823/8536

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234-7254/8534

Fire Division
234-6222/9222/3437

Patrol Division/Public Relations
234-7271/8536

Investigation Section
234-7208

Juvenile Unit
234-9136

Motor Vehicle Bureau
234-6921/9137

Highway Safety Office
234-6021/6055

Traffic Section
234-7212/7153

Boating Safety Office
322-4037

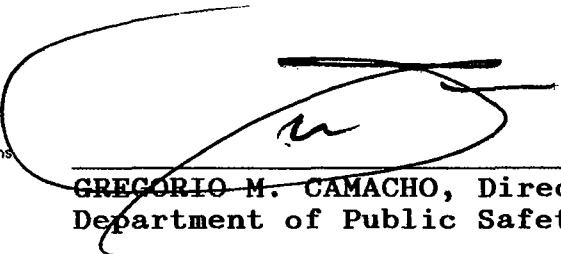
CST Office
234-5298

Police Academy/Training
234-5639/8536

Police Substation
234-5618

EMERGENCY - 911

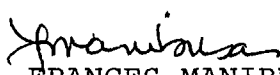
Dated this 31 day of March, 1993.



**GREGORIO M. CAMACHO, Director
Department of Public Safety**

SOLEDAD B. SASAMOTO
Filed By Registrar of Corporations

4/13/93
Date



FRANCES MANIBUSAN
Received by Governor's Office

4/13/93
Date



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY

Saipan, Mariana Islands 96950



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Jesus M. Castro
Chief of Fire

Antonio A. Reyes
Chief of Police

Matias A. Chargualaf
Chief of Motor Vehicle

NUTISIA PUT MANADAPTAN REGULASION

MA'ADAPTAN I MAPROPONI NA REGULASION YAN RIBISION PUT LESENSIA YAN SAFU NA OPERASION PARA I SHOOTING GALLERIES SIGUN I GINAGA' GAO LAI PUPBLIKU NO. 8-5

I DIREKTOT DIPATAMENTON PULUSIA, GINEN ESTE HA INFOFOTMA I PUPBLIKU NA ESTA HA ADAPTA I REGULASION PUT LISENSIA YAN SAFU NA OPERASION PARA I SHOOTING GALLERIES GINEN I INAKONSUTTAN ATTORNEY GENERAL, SIGUN I FUETSA YAN I GINAGAGAO NI LAI PUPBLIKU NO. 8-5, 1 CMC SEKSIONA 2507 YAN 1 CMC SEKSIONA 9104 (A). ESTE SIHA NA REGULASION ORIGINATMENTE MAPUPBLIKA HUYONG GI FEBRERU 15, 1993 GI HALOM I COMMONWEALTH REGISTER, VOLUME 15, NO. 2 PAHINA 10446 ESTA 10471 YA MA' ADAPTA YAN I RIBISION NI AANNOK GI SAMPAPA.

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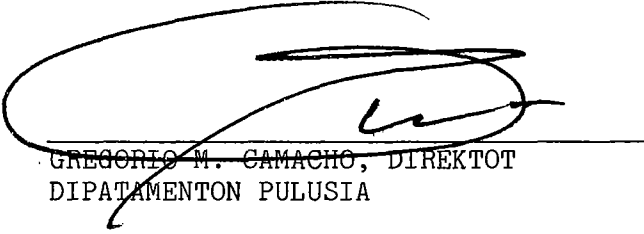
CST Office
234-5298

Police Academy/Training
234-5639/8536

Kororville Substation
8

EMERGENCY -- 911

MA FECHA GUINE NA DIA 36 MATSO, 1993.


GREGORIO M. CAMACHO, DIREKTOT
DIPATAMENTON PULUSIA

Filed by: SOLEDAD B. SASAMOTO
Registrar of Corporation

4/13/93
Date

Recieved by: FRANCES MANIBUSAN
Governor's Office

4/13/93
Date



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY
Saipan, Mariana Islands 96950



Gregorio M. Camacho
Director

ARONGORONGOL ADOPTION

Jerry P. Crisostomo
Deputy Director, Administration

Francisco M. Camacho
Deputy Director, Operations

ADAPTAAL ALLEGH, ME LLIWEL KKA LLOL OWTOL, REEL LISENSIYA
ME LEMELEMIL SHOOTING GALLERIES SANGI BWANGIL ME AILEEWAL
ALLEGHUL TOWLAP YE NO. 8-5

Thomas P. Rabago
Chief of Administration

Vicente T. Seman
Chief of Corrections

Jesus M. Castro
Chief of Fire

SAMWOOLUL DIPAMENTOOL PULISIYA EKKE ARONGAAR TOWLAP ISHA AA

Antonio A. Reyes
Chief of Police

ADAPTAI ALLEGH REEL LISENSIYA ME LEMELEMIL SHOOTING GALLERIES,

Matias A. Chargualat
Chief of Motor Vehicle

SANGI FILEEYAL ATTORNEY GENERAL, REEL BWANGIL ME AILEEWAL ALLEGHUL
TOWLAP YE NO. 8-5, 1 CMC TALIL 2507 ME 1 CMC TALIL 9104(A). ALLEGH
KKAAL NGE AA TAKAAL TOOWOW WOOL FEBREERO 15, 1993 MELLOL
COMMONWEALTH REGISTER, VOLUME 15, NO. 2, SCHEEL KKA 10446-10471,
NGE RAA ADAPTAALIL FENGAL ME LLIWEL KKA LLOL OWTOL IKKA FAAL.

E FFEER LLOL RAALIL YE 31 MOTSO, 1993.

Facsimile - (670) 234-8531
Cable - c/o GOV. NMI Saipan

Administrative Division
(670) 234-6823/8536

GREGORIO M. CAMACHO, DIREKTOODUL
DIPATAMENTOOL PULISIYA

Central Station
234-6333/7271/6431

Corrections Division
234-7254/8534

Fire Division
234-6222/9222/3437

Filed by: SOLEDAD B. SASAMOTO
Registrar Corporations

4/13/93
Date

Patrol Division/Public Relations
234-7271/8536

Investigation Section
234-7208

Juvenile Unit
234-9136

Motor Vehicle Bureau
234-6921/9137

Recieved By: FRANCES MANIBUSAN
Governor's Office

4/13/93
Date

Highway Safety Office
234-6021/6055

Traffic Section
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Substation
234-5618

EMERGENCY - 911

PUBLIC NOTICE

The Department of Public Safety hereby adopts the following revisions to the Proposed Regulation regarding Licensing and Operation of Shooting Galleries as originally published in the Commonwealth Register, Volume 15 No. 02, dated February 15, 1993.

Section 2-103(2)(b) is revised to delete the word "negligent" and shall read as follows:

(b) Signed an agreement as required under Section 6-102 of this regulation to defend all suits and indemnify the government for losses due to the operation of the shooting gallery.

Section 3-113 is deleted in its entirety and shall read as follows:

Section 3-113. (Reserved)

Section 6-102 is revised to delete the words "negligence in" and shall read as follows:

Section 6-102. Defense of Suits and Indemnity.

The licensee shall sign an agreement to defend all suits against the Government at his own expense and shall indemnify the Government for all losses sustained as a result of conducting its shooting gallery business.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC SAFETY
Saipan, Mariana Islands 96950**



**CERTIFICATION OF ADOPTION OF REGULATIONS
FOR THE LICENSING AND SAFE OPERATION
OF SHOOTING GALLERIES**

Gregorio M. Camacho
Director

Jerry P. Crisostomo
Deputy Director, Administration

Francisco M. Camacho
Deputy Director, Operations

Thomas P. Rabago
Chief of Administration

Vicente T. Seman
Chief of Corrections

Jesús M. Castro
Chief of Fire

Antonio A. Reyes
Chief of Police

Matias A. Chargualat
Chief of Motor Vehicle

I, Gregorio M. Camacho, the Director of the Department of Public Safety, who is promulgating these regulations, as originally published in the February 15, 1993 Commonwealth Register, by my signature below hereby certify that those regulations, with the revisions set forth below, are a true, correct and complete copy of the regulations formally adopted by the Department of Public Safety, in consultation with the Attorney General.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 31 day of March, 1993 in Saipan, Commonwealth of the Northern Mariana Islands.

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Substation
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EMERGENCY - 911




**GREGORIO M. CAMACHO, Director
Department of Public Safety**



DONNA CRUZ

Received by Governor's Office




SOLEDAD B. SASAMOTO

Filed by the Registrar of Corporations

04/02/93
Dated

4/2/93
Date