

TITLE 4: ECONOMIC RESOURCES
DIVISION 2: TOURISM

§ 2206. Award of Concession.

(a) New Concession. Award of a new concession shall be by bid or via request for proposal as determined by the Commonwealth Ports Authority following the appropriate corresponding announcement of the scope of the concession. The factors the Commonwealth Ports Authority will employ to evaluate proposals for a concession of a determined scope shall be publicly announced prior to or concurrently with the solicitation of proposals for that concession. If the concession is to be awarded by bid, the invitation for bid shall accurately reflect the requirements of the Commonwealth Ports Authority by stating fully the requirements of a responsive bid corresponding to the concession's determined scope. If the concession is to be awarded via request for proposal, the factors the Commonwealth Ports Authority will employ to evaluate proposals for a concession of a determined scope shall be publicly announced prior to or concurrently with the solicitation of proposals for that concession. Each new concession granted via request for proposal shall be granted to that financially responsible person of good moral character and reputable experience who, in the sole opinion of the Commonwealth Ports Authority, makes the best proposal. Each new concession granted via bid shall be granted to that financially responsible person of good moral character and reputable experience who, in accordance with Commonwealth Ports Authority regulations, submits the highest responsive bid that fully meets the requirements of the invitation for bid. The Commonwealth Ports Authority may reject any or all such bids or proposals if, in its sole opinion, to do so would be in the best interests of the Commonwealth.

(b) Concession Renewal. Notwithstanding any other provision of law, if the Commonwealth Ports Authority determines that renewal of a concession by negotiation with the then-incumbent concessionaire is, in its sole judgment, in the best interest of the Commonwealth, it shall enter into negotiation with the then-incumbent concessionaire for renewal of the concession via a new concession agreement, so long as the then-incumbent concessionaire is in compliance with its current concession agreement. In making this determination, the Commonwealth Ports Authority may take into consideration any factors it may deem appropriate, but need not take evidence or make findings of fact. The term of the new concession agreement may be up to 20 years from the renewal of the concession. If the Commonwealth Ports Authority and the then-incumbent concessionaire cannot agree upon terms and conditions for renewal of the concession via a new concession agreement, the Commonwealth Ports Authority may award a new concession pursuant to procedures set forth in subsection (a).

(c) Existing Rights. A concession shall not become effective in any manner that would impair the rights granted to any person by the Commonwealth Ports Authority or the Commonwealth under any existing contract. Rights of the concessionaire in existence at the effective date of this statute shall exist until they conclude under the terms of its then-existing contract with the Commonwealth Ports Authority.

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Source: [PL 4-60](#), § 2 (§ 2206); repealed and reenacted by [PL 19-76](#) § 2 (Jan. 12, 2017), modified.

Commission Comment: [Historical comments removed.]

In codifying [PL 19-76](#), the Commission changed “[4 CMC § 2206\(a\)](#)” to “subsection (a)” in (b) pursuant to [1 CMC § 3806\(g\)](#).