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File

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EXECUTIVE ORDER NO. 07 -1992

**DELINEATION OF AUTHORITY FOR PROCUREMENT OF GOODS,
SERVICES, ARCHITECT-ENGINEER AND/OR CONSTRUCTION
SERVICES RELATED TO HURRICANE RECOVERY**

In the aftermath of the major disasters caused by Hurricane Ofa on February 4, 1990, and Hurricane Val beginning on December 6, 1991, the American Samoa Government sustained considerable and widespread damage and destruction to its buildings, utilities and infrastructure. Currently, the damages are estimated to total \$40,000,000.00.

Federal assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et. seq. (the "Stafford Act"), will provide substantial funds to help repair and construct anew the damages to ASG properties, through the Public Assistance Program and other disaster relief and assistance programs. A significant portion of these funds are provided pursuant to the approval of the Federal Emergency Management Agency (FEMA) and the terms and conditions of the FEMA-Territory Agreement executed on December 30, 1991, as amended.

The Stafford Act, and the regulations promulgated pursuant thereto, require that the Territory of American Samoa comply with specific audit, reporting and procurement procedures and requirements in order to be eligible for disaster relief funds. The Governor's Authorized Representative is the primary official responsible for the Territory's compliance with these procedures and requirements, 44 C.F.R. § 206.41(d), and who is empowered to execute on behalf of the Territory all necessary documents for disaster assistance, including approval of subgrants and certification of claims for Public Assistance, see FEMA-Territory Agreement, Exhibit A.

Because of the critical need to maintain proper accounting and documentation of the Territory's compliance with FEMA regulations, and to promote the expeditious, orderly, co-ordinated and fiscally responsible recovery and reconstruction of damaged ASG properties, I hereby designate the Governor's Authorized Representative (GAR) as the primary procurement officer for the

procurement of all services, goods, architect-engineer services and construction contracts that are substantially funded by the FEMA disaster relief programs, by the insurance proceeds from the government's property damage insurance policies, and by other federally funded disaster assistance programs. In this capacity, the GAR shall have the authority to procure, execute and administer contracts, leases and other documents for the procurement of goods, services, architect-engineer services, construction management services and construction contracts to be paid for by funds from the above described disaster relief and assistance programs, or insurance proceeds.

The GAR, in the exercise of this procurement authority, when appropriate and at his discretion, may consult with the Chief Procurement Officer, the Director of Health, the Director of Public Works, the Executive Director of the American Samoa Power Authority, the Director of Agriculture, the Chairman of the Insurance Task Force, or other officials delegated procurement authority, to co-ordinate and arrange for the procurement of such goods, services and construction.

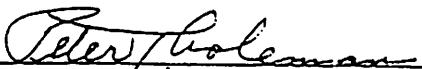
In the procurement of architect-engineer services, construction management services or construction contracts, the GAR will consult and co-ordinate with the Director of Public Works. The procurement of architect-engineer services and/or construction management services shall be acquired so as to supplement the staff of the Department of Public Works in the preparation and planning of the disaster recovery projects. Further, the GAR shall consider the integration of architect-engineer services and/or construction management services with the Department of Public Works so as to maximize potential training opportunities for local staff, functional support of appropriate technical disciplines, fiscal management controls, and effectuate daily operational services.

The Governor's Authorized Representative shall have final review, discretion and approval authority of the terms and conditions of all procurement actions and contracts applicable hereto. Review and approval by the Capital Improvement Project and Procurement Review Committee shall not be required. The GAR shall implement procurement procedures to ensure compliance with FEMA regulations and agreements, other applicable Federal regulations, and Territorial procurement laws and regulations consistent herewith.

This Executive Order shall be retroactive to December 6, 1991, and will remain in effect until the recovery and reconstruction programs are deemed completed by the appropriate Federal agencies and the American Samoa Government:

This Executive Order is made pursuant to the authority vested in me by the Constitution and laws of the Territory of American Samoa, specifically, Article IV of the Revised Constitution of American Samoa, and Sections 4.0111 and 12.0109 of the American Samoa Code Annotated.

Executed this 7th day of April 1992.


PETER TALÍ COLEMAN
GOVERNOR

cc: Distribution List.

4/27/92
Fa'avae i lelei ma
