



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799

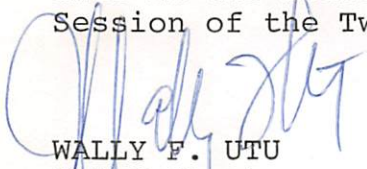
In reply refer to:

LEGISLATURE OF AMERICAN SAMOA

C E R T I F I C A T I O N


House Chamber
September 22, 1988

I certify that House Bill No. 285 passed third reading on this date in the House of Representatives during its Fourth Regular Session of the Twentieth Legislature of American Samoa.


WALLY F. UTU
Chief Clerk
House of Representatives

Senate Chamber
October 18, 1988

I certify that House Bill No. 285 passed third reading on this date in the Senate during its Fourth Special Session of the Twentieth Legislature of American Samoa.


MRS. FIALUPE AUMOEUALOGO
Asst. Secretary of the Senate

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THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Special Session

Begun and held at Fagatogo, Tutuila, American Samoa
 on Wednesday, the twelfth day of October
 one thousand nine hundred and eighty eight

AN ACT RAISING THE MINIMUM CONTRACT VALUE FOR WHICH OFF-ISLAND
 CONSTRUCTION CONTRACTORS MAY BID FROM \$50,000 TO \$450,000;
 AMENDING SECTION 12.0210 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 12.0210 is amended to read:

"12.0210 Local preference.

(a) It is the purpose of this section to establish preference to local bidders in awarding procurement contracts, in order to promote local business development and activity.

(b) In awarding contracts for the procurement of construction, bids from off-island bidders may not be accepted where the contract value is estimated at ~~\$50,000~~ \$450,000 or less. In awarding all other contracts for the procurement of construction for which qualifying bids are received from both local bidders and off-island bidders, the bids must be evaluated so as to give preference to responsive, responsible, and reasonable local bidders by application of the following schedule of local add-on percentages to all bids submitted by the lowest responsive, responsible, and reasonable off-island bidder.

Contract Value	Local Add-On Percentage
More than \$50,000 <u>\$450,000</u> up to \$100,000 <u>\$1,000,000</u>	10%
More than \$100,000 <u>\$1,000,000</u> up to \$200,000 <u>\$2,000,000</u>	5%
More than \$200,000 <u>\$2,000,000</u>	-0-

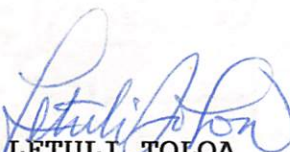
(c) In awarding contracts for procurement of goods or services for which qualifying bids are received from both local bidders and off-island bidders, the bids must be evaluated so as to give preference to responsive, responsible, and reasonable local bidders by application of the following schedule of local add-on percentages to the bids submitted by the lowest responsive, responsible, and reasonable off-island bidder.


Contract Value	Local Add-On Percentage
\$-0- up to \$10,000	25%
More than \$10,000 up to \$50,000	12%
More than \$50,000 up to \$100,000	10%
More than \$100,000 up to \$200,000	5%
More than \$200,00	-0-

(d) If by the addition of the add-on percentage according to subsections (a) and (b) of this section the bid submitted by the lowest responsive, responsible, and reasonable local bidder is equal to or less than the bid of the lowest responsive, and reasonable off-island bidder, then the local bidder must be awarded the contract.


(e) Procurement requirements may not be artificially divided or combined so as to circumvent the provisions of this section.

(f) The Governor may suspend or reduce a local preference in this section, if he finds that this action is desirable or necessary in the public interest as a result of financial or economic conditions affecting directly or indirectly the government generally, for a period or periods not exceeding 18 months in total. The preferences suspended or reduced must be fully restored until permanent modifications are proposed to the Legislature. Suspension or reduction is adopted under the Administrative Procedure Act, 4.1001 et seq."


LETULI TOLOA
 President of the Senate


TUANA'ITAU F. TUIĀ
 Speaker of the House

Hereby Vetoed this 17th day of November, 1988



 Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Faapitoa Lona Fa

Nofolia ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Lulu, aso sefululua o Oketopa
tasi le afe iva selau valusefulu valu

O SE TULAFONO E SI'ITIA AI LE TOTOGI MAUALALO O GALUEGA
FA'AKONEKARATE E MAFAI AI E TAGATA FAI KONEKARATE I GA-
LUEGA ATIA'E MAI FAFO O LE MOTU ONA TAUOFO MAI LE \$50,000
I LE \$450,000; SUIA MAGA 12.0210 TFAS.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 12.0210 ua suia e faitauina:

"12.0210 Ulua'i avanoa lotoifale.

(a) O le mafua'aga o lenei maga e fa'avae ai se
ulua'i avanoa i konekarate tauva lotoifale e tu'uina atu
iai le avanoa e maua konekarate, ina ia fesoasoani i le
tamaoaiga o pisinisi lotoifale ma galuega.

(e) I le tu'uina atu o konekarate mo le fa'amaonia
o galuega atia'e, o tauofoga mai konekarate i fafo o le
motu e le mafai ona taliaina i le tau o se konekarate ua
fuafuaina i le ~~\$50,000~~ \$450,000 pe itiiti ifo. I le
tu'uina atu o isi konekarate mo le fa'amaoniga o galuega
atia'e o ia tauofoga agava'a ua maua mai tagata tauofo
lotoifale ma tagata tauofo mai fafo o le motu, o tauofoga
e ao ina fuafuaina ina ia ave le avanoa muamua i konekarate
lotoifale ua fa'atau mai, fa'amaoni ma lelei, i le usita'i
i le fa'atulagaga ua fa'aalia i lalo o pasene lotoifale
fa'aopopo i tauofoga uma e tu'uina mai e konekarate mai
fafo o le motu e pito i maualalo ofo, fa'amaoni ma lelei.

Tau o le Konekarate

Pasene fa'aopopo i ai
lotoifale

Sili atu i le \$50,000	\$ 450,000	
e o'o i le \$100,000	<u>\$1,000,000</u>	10%
Sili atu i le \$100,000	\$1,000,000	
e o'o i le \$200,000	<u>\$2,000,000</u>	5%
Sili atu i le \$200,000	<u>\$2,000,000</u>	-0-

(i) I le tu'uina atu o Konekarate mo le fa'amaoniga
o oloa po'o galuega ua maua ai tauofoga agava'a mai kone-
karate tauofo lotoifale ma konekarate tauofo mai fafo o le
motu, o tauofoga e tataua ona fuafuaina ina ia tu'u atu le
avanoa i konekarate lotoifale ua fa'atau mai, fa'amaoni
ma lelei i le usita'i i le fa'atulagaga ua fa'aalia i lalo


o pasene fa'aopoopo iai lotoifale i tauofoga tu'uina mai e konekarate mai fafo o le motu e pito i maualalo le ofo, fa'amaonia ma lelei.

Tau o le Konekarate	Pasene Lotoifale e fa'aopoopo iai
\$ -0- e o'o i le \$10,000	25%
Sili atu i le \$10,000 e o'o i le \$50,000	12%
Sili atu i le \$50,000 e o'o i le \$100,000	10%
Sili atu i le \$100,000 e o'o i le \$200,000	5%
Sili atu i le \$200,000	-0-

(o) Afai i le fa'aopoopo o le pasene fa'aopoopo iai e tusa ma soamaga (a) ma le (e) o lenei maga o le ofo ua tu'uina mai e le konekarate ofo maualalo, fa'amaoni ma lelei lotoifale e tutusa ma itiiti ifo mai le ofo maualalo, fa'amaoni, ma lelei o se konekarate mai fafo o le motu, ona tataua lea ona tu'uina atu le konekarate i le konekarate lotoifale.

(u) Fa'amaoniga mana'omia e le mafai ona vaevaeina i tagata po'o le tu'ufa'atasia ina ia ausia ai aiaiga o lenei maga.

(f) E mafai e le Kovana ona fa'agafua po'o le fa'aitiitia le mua'i avanoa lotoifale i lenei maga, pe a silafia o lea gaoioiga e mana'omia pe talafeagai i le manuia lautele o se mafua'aga tulaga tau tupe po'o le tamaoiga e a'afia tonu pe le patino le malo lautele, mo se taimi po'o taimi e le silia i le 18 masina le aofa'iga. O mua'i avanoa muamua ua fa'agafuaina po'o ua fa'aitiitia e tataua ona toe fa'afo'i atoatoa vagana ua fa'aofi ni suiga tumau i le Fonofaitulafono. Fa'agafuaga po'o fa'aitiitiga ua talia i lalo o le Tulafono Pulea o Galuega, 4.1001 e pei ona fa'alia."



LETULI TOLOA

Peresetene, Maota Maualuga


TUANA'ITAU F. TUIA

Fofoga Fetalai, Maota o Sui

Hereby Vetoed this 17th day of November, 1988


Governor of American Samoa