



OFFICE OF THE GOVERNOR
HAGATÑA, GUAM 96910
U.S.A.

EXECUTIVE ORDER NO. 2009- 05

**RELATIVE TO DECLARING A STATE OF EMERGENCY FOR THE
ADMINISTRATION OF THE GUAM REGIONAL TRANSIT
AUTHORITY PENDING CONFIRMATION OF A QUORUM OF THE
BOARD OF DIRECTORS**

WHEREAS, the Organic Act of Guam provides that *I Maga'Låhen Guåhan*, Governor of Guam, is tasked with responsibility of overseeing the health and safety of the people of Guam, and is further charged with overseeing the roads and public transportation needs of Guam's citizens; and

WHEREAS, since the abolishment in 2002 of the former Guam Mass Transit Authority by Public Law 26-76, the administration of public transportation has been handled by the Transportation Division of the Department of Administration ("DOA"); and

WHEREAS, on March 13, 2009, Public Law 30-05 was signed into law, thereby reestablishing the former Guam Mass Transit Authority as the Guam Regional Transportation Authority ("GRTA"); and

WHEREAS, Public Law 30-05:IV(c) provides that immediately upon the confirmation of a GRTA Board of Directors, the assets connected to the administration of mass transit, including any agreements and contracts, shall be transferred from the DOA Transportation Division to GRTA; and

WHEREAS, Public Law 30-05:IV(b) provides that immediately upon the confirmation of quorum of the GRTA Board of Directors, the Board shall thereupon be responsible for the operations and management control presently being handled by the DOA Transportation Division, "including the approval of all contracts and procurement" in support of the mission of the GRTA; and

WHEREAS, Public Law 30-05:IV(b) provides that the DOA Transportation Division and the Department of Public Works shall assist the GRTA board in its transition, "with no authority to obligate GRTA to contracts or commitments prior to the confirmation of the GRTA Board."; and

WHEREAS, Public Law 30-05 created a gap of time between the date of its enactment (and the beginning of the transition from DOA to GRTA) and the confirmation of a quorum of the GRTA Board where there is no entity or agency responsible for the approval of contracts and procurement related to the operations and management of the Guam's public mass transportation system; and

WHEREAS, this dire problem calls for immediate intervention to ensure that the public mass transportation system continues to operate and function pending the confirmation of a quorum of the GRTA Board and the transfer to the Board of the operations and management control currently being handled by the DOA Transportation Division; and


WHEREAS, this dire problem creates a threat to the public health, welfare, and safety of those individuals who rely on public transportation to bring them to their doctors, work, medical treatments, and other important meetings they may have.



NOW, THEREFORE, I, FELIX P. CAMACHO, *I Maga'Låhen Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

- (1) **Declaration of a State of Emergency.** A state of emergency is hereby declared for the Department of Administration Transportation Division and the Guam Regional Transportation Authority in order to continue the administration and management of Guam's public mass transportation system pending the confirmation of the quorum of the GRTA Board of directors;
- (2) **Authorization for Emergency Procurement.** Pursuant to 5 G.C.A. Section 5215, authorizing emergency procurement upon executive order, this Executive Order shall authorize emergency procurement for goods and services relative to the administration and management of Guam's public mass transportation system, including the procurement of necessary goods, supplies, and services by the DOA Transportation Division;
- (3) **Documentation of Expenses.** The Department of Administration Transportation Division are hereby instructed to keep appropriate documentation of all emergency expenses for inspection by the Executive and Legislative Branches, and the Public Auditor of Guam; and
- (4) **Purpose of Emergency Procurement.** Emergency Procurement may be used for the procurement of any goods and services responding to the emergency and continuing for thirty (30) days after the date this Executive Order is approved. This emergency procurement is not being used solely for the purpose of avoidance of the provisions of the Guam Procurement Law.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 20 day of March, 2009.



FELIX P. CAMACHO
I Maga'Låhen Guåhan
Governor of Guam

COUNTERSIGNED:



MICHAEL W. CRUZ, M.D.
I Segundu Maga'Låhen Guåhan
Lieutenant Governor of Guam

