



**OFFICE OF THE GOVERNOR
HAGÅTÑA, GUAM 96910
U.S.A.**

EXECUTIVE ORDER NO. 2015-14

**RELATIVE TO DECLARING A STATE OF EMERGENCY
AUTHORIZING THE LEASE AND PROCUREMENT OF
TOP LIFTERS FOR THE PORT AUTHORITY OF GUAM**

WHEREAS, the Jose D. Leon Guerrero Commercial Port of Guam is the only commercial seaport in Guam, and the largest U.S. deepwater port in Micronesia; and

WHEREAS, as the primary seaport in the region, the Port Authority handles more than 1.9 million tons of cargo a year, and over 90% of Guam and Micronesia's goods and supplies pass through its doorways; and

WHEREAS, the Port Authority is the life link between Micronesia and the rest of the world, and its impact on the sustenance of human life, as well as the economic health of the region, cannot be overstated; and

WHEREAS, by necessity, the Port Authority uses a type of equipment called a "top lifter" to move containerized cargo. One of these is called a "top lifter." A top lifter functions like a forklift, but has the capability to lift, stack, load and move 20- and 40-foot cargo containers through the container yard, as well as on and off the delivery trucks; and

WHEREAS, top lifters are critical to a seaport's operations. Without functioning top lifters, it is impossible to safely and efficiently load and unload containerized cargo; and

WHEREAS, the Port Authority has four top lifters, but only two are in operation. Earlier this month, the Port Authority was down to only one fully functioning top lifter; and



WHEREAS, the lack of an adequate number of functioning top lifters has reached a critical point such that there exists a continuing state of emergency which threatens the public health, welfare, and safety of Guam and Micronesia due to the inability of the Port Authority to quickly move and unload containerized cargo containing food, perishable items, health and medical supplies, and other goods necessary to maintain and sustain the quality of life.

NOW, THEREFORE, I, EDDIE BAZA CALVO, I Maga'låhen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act and laws of Guam, do hereby order and direct as follows:

1. **Declaration of State of Emergency.** A continuing state of emergency is hereby declared for the island of Guam as a result of the lack of an adequate number of fully functioning top lifters at the Port Authority of Guam.
2. **Emergency Procurement and Emergency Expenses.** Pursuant to Section 5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and for purposes of this Executive Order, emergency procurement is hereby authorized and may be resorted to for the Port Authority of Guam, to be exercised by the Chief Procurement Officer or her designee, for all related costs and expenses related to the immediate lease and/or purchase of one or more top lifters as needed by the Port Authority.
3. **Further authorization for emergency procurement unnecessary.** The authorization for the certification, approval, and expenditure of necessary funds pursuant to Section 5215 of Title 5, Guam Code Annotated shall be this Executive Order and any identified funds already appropriated, as well as any funds appropriated after the date of this Executive Order for the same purpose.



4. **Documentation of Expenses.** The Port Authority of Guam and General Services Agency are hereby instructed to keep appropriate documentation on all emergency expenses authorized by this Executive Order for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam, and in anticipation of review and approval by any federal agency if required.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 21st day of December, 2015.



A blue ink signature of Eddie Baza Calvo, written in a stylized, cursive script.

EDDIE BAZA CALVO

I Maga'Låhen Guåhan
Governor of Guam