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GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 84-8

WHEREAS, water constitutes a basic necessity of life; and

WHEREAS, the deprivation of water poses an imminent threat to the health, safety and welfare of citizens of the Southern Community; and

WHEREAS, there exists a breakdown in the system relative to the production and transmission of water in the southern region; and

WHEREAS, the breakdown of the water distribution system actually and proximately caused the depletion of the water storage tanker capacity; and

WHEREAS, all efforts have been directed to assist the citizens of the southern community to obtain this primary necessity of life; and

WHEREAS, §9659.5 of Title VII-A of the Government Code provides that the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurements when there exists a threat to the public health, welfare, or safety under emergency conditions; and

WHEREAS, the Governor is authorized, pursuant to §6113 of the Government Code, as amended by §4 of Public Law 15-75, to utilize any part or portion, not to exceed Two Hundred Fifty Thousand Dollars ($250,000) of outstanding appropriations within the General Fund for expenses caused by civil defense, public safety or health emergencies,

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by the Organic Act and §§9659.5 and 6113 of the Goverment Code of Guam, do hereby direct and order as follows:

1. That there exists an emergency affecting the health, safety and welfare of the citizens of the Southern Community as a result of deprivation of the most basic necessity of life.

2. That the unavailability of water for consumption poses a serious and immediate threat to the health, safety and welfare to the residents of the Southern region.

3. That the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of either officer, may engage in an emergency procurement for the purpose of solving the emergency crises, provided prior notice has been given to the Governor, and further provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances.

4. That the Chief Officer of the Public Utility Agency of Guam and the Administrator of the Guam Environmental Protection Agency are authorized, during this period of emergency, to use their best judgment and negotiate for the immediate development of and repair of the water system affecting the South, provided prior notice has been given to the Governor.

5. That the Chief Officer of the Public Utility Agency of Guam and the Administrator of the Guam Environmental Protection Agency are authorized to use whatever methods or techniques, and enter into such contract or contracts, with one or more licensed contractors as they deem necessary, provided prior notice has been given to the Governor. The Chief Officer of the Public Utility Agency of Guam and the Administrator of Guam Environmental Protection Agency shall negotiate for the fairest price for the Government of Guam, but shall not be bound to the lowest price if, in their opinion, it is necessary to have performance rendered and desire to use all available resources from all available contractors.

Signed and promulgated at Agana, Guam this 20th day of March, 1984.

RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:

EDWARD D. REYES
Lieutenant Governor of Guam