

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Via Hand Delivery
and E-mail to: speaker@guamlegislature.org

June 6, 2023

HONORABLE THERESE M. TERLAJE, Speaker
I Mina'trentai Siette Na Lihelaturan Guāhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: EXECUTIVE ORDER NO. 2023-05

Hafa Adai Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2023-05: RELATIVE TO EMERGENCY PROCUREMENT
AUTHORIZATION DURING THE STATE OF EMERGENCY IN RESPONSE TO
TYPHOON MAWAR**

Thank you.

Sensgremente,

A handwritten signature in blue ink, appearing to read "Leslie A. Travis".

LESLIE A. TRAVIS
Legal Counsel

Enclosure: Executive Order No. 2023-05

cc via email: *Maga'hāgan Guāhan*
Sigundo Maga'lāhen Guāhan
Hon. Robert J. Torres, Jr., Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGATNA, GUAM 96932
U.S.A.

EXECUTIVE ORDER NO. 2023-05

**RELATIVE TO EMERGENCY PROCUREMENT
AUTHORIZATION DURING THE STATE OF EMERGENCY IN
RESPONSE TO TYPHOON MAWAR**

WHEREAS, on May 21, 2023, I issued Executive Order No. 2023-02 in anticipation of the approach of Tropical Storm Mawar and on May 22, 2023, at my request, President Joseph R. Biden issued Emergency Declaration FEMA-3594-EM; and

WHEREAS, on May 22, 2023, Tropical Storm Mawar was upgraded to a typhoon. On May 23, 2023, Typhoon Mawar was upgraded to a Category 4 typhoon, and in response to this intensification, I issued Executive Order No. 2023-03, ordering the evacuation of residents in low lying, coastal and flood prone areas; and

WHEREAS, on May 24, 2023, Typhoon Mawar made landfall on Guam, with sustained winds of 140 mph and gusts up to 170 mph. Typhoon Mawar maintained its intensity as it passed through the Rota Channel between Guam and Rota, with destructive typhoon force winds continuing through May 25, 2023. On May 25, 2023, at my request, President Biden issued Major Disaster Declaration FEMA-4715-DR; and

WHEREAS, Typhoon Mawar represents the closest impact of any typhoon of this magnitude on our island in over twenty (20) years, and caused substantial damage to our island; and

WHEREAS, aggressive recovery efforts are currently under way. The Guam Power Authority (“GPA”) has worked tirelessly to restore power to our island, which in turn will support other critical recovery efforts. Presently, nearly all our substations have been restored, as well as a majority of our feeder stations. Power has been restored to communities surrounding substations and high priority services such as hospitals and clinics, and these efforts will enable GPA to restore power to our neighborhoods more broadly; and

WHEREAS, the loss of consistent access to island power has unfortunately slowed recovery of our water and wastewater systems, causing water pumping stations to shut down, and the island-wide water distribution system to fail. This resulted in an island-wide loss of water service, which is in the process of being restored; and

WHEREAS, on June 3, 2023, I issued Executive Order No. 2023-04, declaring a state of emergency due to the public water supply shortage as a result of Typhoon Mawar, to activate 9 GCA § 55.60, preventing the excessive use of water for purposes such as water-blasting and car-washing, to allow reservoir levels to build and provide service to members of our community who do not currently have water; and

WHEREAS, Typhoon Mawar also resulted in substantial storm debris, including extensive green waste, which consists of organic vegetative matter such as leaves, fallen trees, limbs, stumps, branches, and yard waste; and



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WHEREAS, the accumulation of green waste creates a breeding ground for invasive species and vermin, posing a significant environmental hazard; and

WHEREAS, decaying vegetative waste also threatens the health, safety, and welfare of our community by preventing the safe passage of residents from their homes, as well as the passage of utility vehicles attempting to restore water and power services to our villages; and

WHEREAS, on May 31, 2023, I signed Bill No. 127-37 into Public Law 37-17, which authorizes the use of up to Fifty Million Dollars (\$50,000,000) from the General Fund for emergency response expenses; and

WHEREAS, while the state of emergency declared in E.O. No. 2023-02 remains in effect, and emergency procurements authorized therein continue to be authorized, and while emergency procurements not expressly provided in E.O. No. 2023-02 may be processed pursuant to 5 GCA § 5215, in the interest of expediting broader categories of emergency procurements, it is prudent to authorize emergency procurement and emergency expense categories to respond to the state of emergency declared in E.O. No. 2023-02 that align with the categories identified by the Legislature in P.L. No. 37-17.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, I Maga'hågan Guåhan, Governor of Guam, and by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do order as follows:

1. **State of Emergency continues.** The state of emergency declared in Executive Order No. 2023-02 in response to the approach of Tropical Storm Mawar (now Typhoon Mawar) remains in effect.
2. **Emergency Procurement and Emergency Expenses.** In addition to the categories of procurements authorized in E.O. No. 2023-02, pursuant to Section 5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and Section 22402 of Title 5, Guam Code Annotated, I hereby authorize emergency procurement for emergency response expenses in response to Typhoon Mawar, including but not limited to procurements related to safety and security; food, water, and sheltering; health and medical; energy; communications; transportation; and hazardous materials, in excess of initial expenditure amounts identified in E.O. No. 2023-02. Procurements in furtherance of emergency efforts of the Guam Power Authority and Guam Waterworks Authority to restore utilities to our community, and procurements in furtherance of typhoon debris removal, are expressly authorized herein. All other provisions of Executive Order No. 2023-02 remain in place.
 - (a) Emergency procurement of goods and services relative to this Executive Order shall comply with the further requirements provided in 5 GCA Section 5215.




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(b) As provided in Section 5215, the effective period for emergency procurements made pursuant to this order shall be for a ninety (90) day period immediately following the date of the Determination of Need for Emergency Procurement. Procurements made under the prior authorization provided in E.O. No. 2023-02, authorized therein for an effective period of thirty (30) days, may be extended for an additional period of sixty (60) days following the date of the Determination of Need for Emergency Procurement. Any further extensions shall comply with the requirements of Section 5215(e).

3. **Authorization for Overtime.** The authorization in E.O. No. 2023-02 for payment of overtime, for exempt and non-exempt Government of Guam employees, to work in excess of forty (40) hours a week in order to mitigate and respond to the effects of Typhoon Mawar throughout Guam remains in effect, for amounts in excess of initial expenditure amounts identified in E.O. No. 2023-02.
4. **Documentation of Expenses.** All departments and agencies are reminded to keep appropriate documentation on all emergency expenses incurred pursuant to this Executive Order for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam, and in anticipation of federal disaster assistance approval by the President of the United States to be administered by the Federal Emergency Management Agency.

SIGNED AND PROMULGATED at Hagåtña, Guam, this **6th** day of **June, 2023**.


LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:


JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

