



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

**EXECUTIVE ORDER NO. 2009- 09**

**RELATIVE TO THE PROCESSING OF INVOICES FOR FEDERAL-AID  
HIGHWAY PROJECTS AT THE DEPARTMENT OF PUBLIC WORKS**

**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**, the relocation of thousands of U.S. Armed Forces and personnel and their dependents requires the development and expansion of Guam's existing roads, highways, and infrastructure; and

**WHEREAS**, through the Department of Public Works, the people of Guam are the beneficiaries of certain Federal programs and funds for the construction and improvement of Guam's roads and highways; and

**WHEREAS**, Federal funds appropriated to the executive branch of the government of Guam for Federal highway projects are ultimately the responsibility of the Governor of Guam as the chief executive officer of the executive branch; and

**WHEREAS**, it is important to maximize Federal assistance and funds by ensuring that any public works documents related to federally-assisted Guam highway projects are processed in a prompt and timely fashion.

**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 that:

- (1) **Authorization for Payment of DPW, DOA, and BBMR Overtime.** In the event that it is necessary for the personnel of the Department of Public Works ("DPW"), or for the personnel of the Department of Administration ("DOA") or for the Budget Management Analyst ("BMA") series personnel of the Bureau of Budget and Management Resources ("BBMR") to work in excess of forty (40) hours a week in order to complete the processing of any documents related to a DPW Federal-aid highway project (including, but not limited to, contracts, change orders, establishment of accounts, modification of accounts, invoices, etcetera.), then the Directors of DPW, DOA, and BBMR may respectively authorize that overtime work be performed by their employees; and
  - a. **Authorization of Overtime for Exempt Employees.** Additional compensation may be paid to exempt employees for overtime hours worked in excess of a normal work week. The overtime shall be paid at the rate specified below for any work necessary to fulfill the objectives of this Executive Order; and
  - b. **Rate of Overtime Compensation.** Payment of any overtime work shall be compensated at a rate of one and one-half (1½) times the regular wage rate of the affected employee and shall be made in accordance with the Personnel Rules governing employees of the Executive Branch; and



- c. **Overtime Subject to FHWA Approval.** At all times, payment for any overtime work performed pursuant to this Executive Order shall be subject to the availability of appropriate funding and/or the approval of the Federal Highway Administration ("FHWA").
- (2) **Time for Processing of Federal-aid Highway Invoices.**
- a. Upon submission by contractor, vendor or consultant to DPW of an original invoice for payment in good and proper form, DPW shall within ten (10) business days review, process, certify, and transmit the invoice to DOA, or else otherwise notify the contractor, vendor or consultant of any defect or impropriety in such invoice that would prevent the running of the 10-day time period.
- b. Upon receipt from DPW of a properly processed and certified invoice, DOA shall within ten (10) business days review, process, certify, approve for payment, and make payment on the invoice, or else otherwise notify DPW of any defect or impropriety in such invoice that would prevent the running of the 10-day payment period.
- (3) **Priority for DPW Federal-aid Highway Projects and Contracts.** To the extent that DOA or BBMR can give priority to a DPW Federal-aid highway project without prejudicing other government of Guam agencies or matters, then such priority shall be given.
- (4) **Prompt Payment Act.**
- a. All provisions of the Prompt Payment Act (5 G.C.A. §§ 22502~22507) not inconsistent with this Executive Order shall continue to apply and be enforced.
- b. However, if interest is owed to a Contractor or Vendor pursuant to the Prompt Payment Act, said interest shall automatically be paid without the need for a payment request by the Contractor or Vendor.
- c. Any interest owed to the Contractor or Vendor shall not be reimbursed by the United States Government or the Federal Highway Administration, but shall be borne by the Government of Guam.

SIGNED AND PROMULGATED at Hagåtña, Guam this 28 day of May, 2009.

FELIX P. CAMACHO

*I Maga' lahen Guahan*

Governor of Guam

COUNTERSIGNED:

MICHAEL W. CRUZ, M.D.

*I Segundu Maga' lahen Guahan*

Lieutenant Governor of Guam

