

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 85-1

AMENDMENT TO EXECUTIVE ORDER NO. 84-19

WHEREAS, total rainfall as of the 22nd day of August, 1984 was recorded at 15.18 inches; and

WHEREAS, weather forecasts continue to indicate the presence of moderate showers and thundershowers; and

WHEREAS, inclement weather conditions have directly caused flooding problems in certain areas of the Community; and

WHEREAS, flooding poses an imminent threat to the health, safety and welfare of the residents of Fineli Beach Area, Agat; and

WHEREAS, the Guam Environmental Protection Agency has confirmed that the flooding problems exist as a result of storm water run-off from higher areas draining toward Fineli Area and flooding there for several days due to the lack of drainage outlets; and

WHEREAS, the Office of Civil Defense is of the opinion that continuous rain seriously poses a threat to the inhabitants of Fineli Area and that further flooding of homes will warrant evacuation of residents; and

WHEREAS, a drainage access has been constructed along Lot No. 170-1-NEW-2 in the village of Agat for the purpose of developing a culvert system in order to alleviate the imminent flooding problem; and

WHEREAS, flooding has occurred and is continuously occurring in various areas of the island including Agat and Merizo; and

WHEREAS, along Route 4 in Merizo and the Quinene Road, and other areas, there is an immediate need to construct culvert systems to provide access across a drainage channel to the residents and to eliminate the flooding problems in these areas; and

WHEREAS, Sections 6959.5 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 Section 6113 of the Government Code, as amended by Section 4 of P.L. 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 Sections 6959.5 and 6113 of the Government 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 Fineli Beach Area in Agat, Route 4 in Merizo and the Quinene Road residents and other areas, as a result of flood caused by the heavy rainfall and the lack of essential drainage facilities.

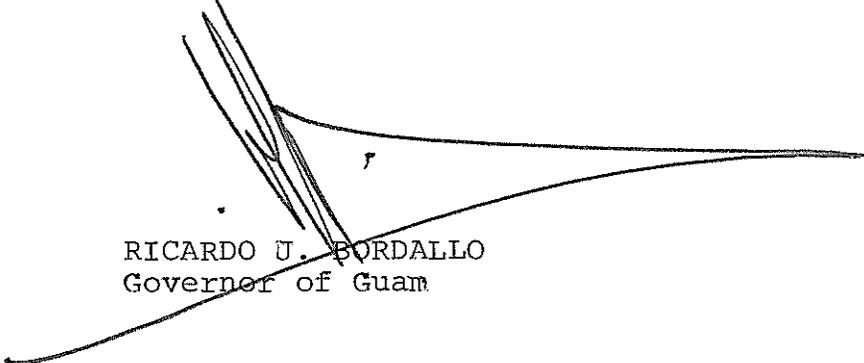
2. That the flood poses a serious and immediate threat to the health, safety and welfare of the residents of the Fineli Beach Area in Agat, residents along Route 4 in Merizo, and the residents of Quinene Road and other residents.

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 and approval 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 Director of Public Works 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 a culvert system affecting the Fineli Area, Route 4 and Quinene Road in Merizo and other areas, provided prior notice and approval has been given to the Governor.

5. That the Director of Public Works 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 and approval has been given to the Governor. The Director of Public Works 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 9th day of January, 1985.



RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:



EDWARD D. REYES
Lieutenant Governor of Guam