



PETER TALI COLEMAN
Governor

AMERICAN SAMOA GOVERNMENT
OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96799

TUFELE LI'A
Lt. Governor

EXECUTIVE ORDER NO. 9-1984

AMERICAN SAMOA PROCUREMENT ACT
OF 1983: PROCUREMENT ORGANIZATION,
EXECUTION AND ADMINISTRATION OF
PROCUREMENT CONTRACTS, AND REPEAL OF
PREVIOUS EXECUTIVE ORDERS AND GENERAL
MEMORANDA

WHEREAS, the American Samoa Procurement Act of 1983, 12.0201 ASCA et seq., became effective on November 22, 1983; and

WHEREAS, 12.0205 ASCA creates the Office of Procurement, headed by the Chief Procurement Officer; and

WHEREAS, 12.0209 ASCA transfers all rights, powers, duties, and authority relating to the procurement of construction, goods and services, and the management, control, warehousing, sale and disposal of construction, goods and services, for the Government, to the Chief Procurement Officer as the central procurement official of the Government, except as otherwise provided by law or executive order; and

WHEREAS, 12.0204 and 12.0214 ASCA require the Chief Procurement Officer to adopt implementing rules which apply to all Government procurement; and

WHEREAS, the American Samoa Power Authority is created and given procurement authority under 15.0101 ASCA et seq.; and

WHEREAS, the Marine Railway Authority is created and given procurement authority under Executive Order No. 3-1978; and

WHEREAS, the Department of Agriculture is given the functions, including as of June 1, 1984 procurement authority, for pesticide regulation under the American Samoa Pesticides Act of 1979, 24.1201 ASCA et seq., and the farm subsidy program under 24.2101 ASCA et seq.



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NOW, THEREFORE, by the authority vested in me as the Governor of American Samoa by the Revised Constitution and laws of American Samoa, it is hereby ordered as follows:

1. Definition.

For purposes of this Executive Order, the word "procurement" means the procurement of construction, goods and services and the management, control and warehousing of goods and services.

2. Office of Procurement.

(a) The Office of Procurement headed by the Chief Procurement Officer is placed organizationally within the Department of Administrative Services. The office combines the former Material Management and Property Management Divisions of the Department, as well as the operational procurement functions and personnel from the Attorney General's Office. The new office shall consist of the following branches: Procurement, Property and Supply, and Policy and Review.

(b) The Chief Procurement Officer establishes and administers policies for all procurement by the Government, consistent with applicable laws, rules, executive orders and general memoranda.

(c) Except as provided in Sections 3, 4, 5 and 6 of this Executive Order, the Chief Procurement Officer administers operations including the execution of purchase orders and other procurement contracts for all procurement by the Government, in accordance with applicable laws, rules, executive orders and general memoranda.

3. American Samoa Power Authority.

(a) Pursuant to 15.0101 ASCA et seq. the American Samoa Power Authority, headed by the Executive Director of the Authority, administers operations for all procurement by the Authority.

(b) The Executive Director executes all purchase orders and other procurement contracts for procurement by the Authority.



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4. Marine Railway Authority.

(a) Pursuant to Executive Order No. 3-1978, the Marine Railway Authority, headed by the Director of the Authority, administers operations for all procurement by the Authority.

(b) The Director executes all purchase orders and other procurement contracts for procurement by the Authority.

5. Department of Agriculture.

(a) Pursuant to the American Samoa Pesticide Act of 1979, 24.1201 ASCA et seq., and 24.2101 ASCA et seq., governing the farm subsidy program, both as amended effective June 1, 1984, the Department of Agriculture, headed by the Director of Agriculture, administers operations for all procurement of fungicides, herbicides, insecticides, weedicides, other chemicals, animal feeds and fertilizers by the Government.

(b) The Director executes all purchase orders for procurement by the Department.

6. Delegations of authority.

(a) The Chief Procurement Officer is directed to delegate authority as indicated for procurement to the following Government officials:

(1) Director of Health. Execution and administration of purchase orders, and administration of other operations, for procurement of drugs, medicines and medical supplies.

(2) Director of Public Works. Execution and administration of architect-engineer and construction contracts.

(b) The foregoing Government officials exercise their delegated authority in accordance with applicable laws, rules, executive orders and general memoranda.

7. Capital Improvement Project (CIP) and Procurement Review Committee.

The CIP and Procurement Review Committee approves any procurement of goods in excess of \$25,000 and construction of



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capital improvement projects, prior to the execution of the purchase order or other procurement contract therefor, as required by General Memoranda Nos. 64-1978, 6-1979 and 24-1980.

8. Attorney General.

The Attorney General approves all procurement contracts as to legal sufficiency prior to the execution thereof.

9. Director Program Planning and Budget Development.

The Director of Program Planning and Budget Development certifies the availability of funding for all procurement contracts prior to the execution thereof.

10. Repeal of previous Executive Orders and General Memoranda.

This Executive Order supersedes and replaces Executive Orders Nos. 3-1984 and 4-1984 and General Memoranda Nos. 41-1982 and 44-1982 in their entirety. Said Executive Orders and General Memoranda are repealed.

11. Effective date.

This Executive Order is effective immediately.

Dated: May 9, 1984

Peter Tali Coleman

PETER TALI COLEMAN
Governor of American Samoa