




AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

**House Chamber
March 17, 1994**

I certify that House Bill No. 23-93 passed third reading on this date in the House of Representatives during its First Regular Session of the Twenty-third Legislature of American Samoa.


**Wally F. Utu
CHIEF CLERK, HOUSE OF REPRESENTATIVES**

**Senate Chamber
September 20, 1994**

I certify that House Bill No. 23-93 passed third reading on this date in the Senate during its Fourth Regular Session of the Twenty-third Legislature of American Samoa.


**Leo'o V. Ma'o
SECRETARY OF THE SENATE**

THE TWENTY-THIRD LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
one thousand nine hundred and ninety four

AN ACT GIVING PREFERENCE TO LOCAL CONTRACTORS FOR CONTRACTS
UNDER 1.5 MILLION DOLLARS; AMENDING SECTION 12.0210 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 12.0210 is amended to read:

"12.0210 Local preference.

(a) It is the purpose of this section to establish preferences to local bidders in
awarding procurement contracts, in order to promote local business development and
activity.

(b) In awarding contracts for the procurement of construction, bids from off-island
bidders may not be accepted where the contract value is estimated at \$50,000 1.5 million
dollars or less. In awarding all other contracts for the procurement of construction for
which qualifying bids are received from both local bidders and off-island bidders, the bids
must be evaluated so as to give preference to responsive, responsible, and reasonable local
bidders by application of the following schedule of local add-on percentages to all bids
submitted by the lowest responsive, responsible, and reasonable off-island bidder.

Table with 2 columns: Contract Value and Local Add-On Percentage. Rows include: More than \$50,000 up to \$100,000 (10%), 1.5 million dollars (5%), More than \$100,000 up to \$200,000 (0%), More than \$200,000 (0%).

(c) In awarding contracts for procurement of goods or services for which qualifying bids are received from both local bidders and off-island bidders, the bids must be evaluated so as to give preference to responsive, responsible, and reasonable local bidders by application of the following schedule of local add-on percentages to the bids submitted by the lowest responsive, responsible, and reasonable off-island bidder.

Contract Value	Local Add-On Percentage
\$- 0 - up to \$10,000	25%
More than \$10,000 up to \$50,000	12%
More than \$50,000 up to \$100,000	10%
More than \$100,000 up to \$200,000	5%
More than \$200,000	-0-

(d) If by the addition of the add-on percentage according to subsections (a) and (b) of this section the bid submitted by the lowest responsive, responsible, and reasonable local bidder is equal to or less than the bid of the lowest responsive, and reasonable off-island bidder, then the local bidder must be awarded the contract.

(e) Procurement requirements may not be artificially divided or combined so as to circumvent the provisions of this section.

(f) The Governor may suspend or reduce a local preference in this section, if he finds that this action is desirable or necessary in the public interest as a result of financial or economic conditions affecting directly or indirectly the government generally, for a period or periods not exceeding 18 months in total. The preferences suspended or reduced must be fully restored until permanent modifications are proposed to the Legislature. Suspension or reduction is adopted under the Administrative Procedure Act, 4.1001 et seq."


Letuli Toloa

PRESIDENT OF THE SENATE


Savali Talavou Ale

SPEAKER OF THE HOUSE

Hereby Disapproved thisday of, 19.....



 Governor of American Samoa.

NOFOAIGA LUASEFULU-TOLU FONO FAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Fa

**Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulutasi o Iulai
tasi le afe iva selau iva sefulufa**

O SE TULAFONO E AVATU AI LE AVANOA MUAMUA I FAI KONEKARATE MO GALUEGA A LE MALO LOTOIFALE KONEKARATE E I LALO O LE 1.5 MILIONA TALA; SUAIA AI LE MAGA 12.0210 TTAS.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 12.0210 ua suia e faitauina:

"12.0210 Avanoa muamua i lotoifale.

(a) O le fa'amoemoe o lenei maga e fa'atulaga ai le avanoa muamua o ofo mai le lotoifale i le tu'uina atu o galuega fa'a konekarate, ina ia fesoasoani e atia'e ma fa'agaoioi ai pisinisi lotoifale.

(e) I le tu'uina atu o galuega fa'a konekarate, o le a lē taliaina ni ofo mai fafo pe afai o le tau o le konekarate ua fuafuaina e ~~\$50,000~~ 1.5 miliona tala pe i lalo ifo. I le tu'uina atu o isi galuega fa'a konekarate uma ua maua ai ofo agava'a mai kamupani lotoifale ma fafo, ua ofo, e tataua ona iloiloia ia ofo i se faiga e avatu muamua ai le avanoa i kamupani lotoifale ua ofo mai, e fa'atuatuaina, ma e talafeagai ofo ma le fa'atulagaga o pasene fa'aopoopo fa'a lotoifale e pei ona fa'aalia i lalo i ofo uma ua tu'uina mai e aupito maualalo, fa'atuatuaina, ma talafeagai mai kamupani e ofo mai fafo:

Tau o le Konekarati	Fa'aopoopo Pasene Fa'a-Lotoifale
E sili atu i le \$50,000 e o'e i le <u>\$100,000</u> <u>1.5 miliona tala</u>	10%
E sili atu i le \$100,000 e o'e i le \$200,000	5%
E sili atu i le \$200,000	0%

(i) I le tu'uina atu o konekarate mo le fa'atauga o oloa po'o galuega ua maua ai ofo agava'a mai kamupani tauofo lotoifale ma kamupani tauofo mai fafo, e tatau ona iloiloia ia ofo ina ia avatu le avanoa muamua i kamupani tauofo lotoifale ua ofo mai, e fa'atuatuaina, ma e talafeagai ofo ma le fa'atulagaga ua ta'ua i lalo o pasene fa'aopoopo fa'a lotoifale i ofo ua tu'uina mai e se kamupani tauofo mai fafo e aupito maualalo, fa'atuatuaina, ma talafeagai lana ofo.

Tau o le Konekarate	Fa'aopoopo Pasene Fa'a-Lotoifale
\$-0- e o'o i le \$10,000	25%
E sili atu i le \$10,000 e o'o i le \$50,000	12%
E sili atu i le \$50,000 e o'o i le \$100,000	10%
E sili atu i le \$100,000 e o'o i le \$200,000	5%
E sili atu i le \$200,000	-0-

(o) Afai o le fa'aopoopoga o le pasene fa'aopoopo e tusa ma le soamaga (a) ma le (e) o lenei maga i le ofo ua fa'aulu mai e se kamupani tauofo lotoifale e maualalo, fa'atuatuaina ma talafeagai e tutusa pe e i lalo ifo o le ofo a se kamupani tauofo mai fafo e maualalo, e fa'atuatuaina, ma talafeagai, e tatau ona tu'uina atu le konekarate i le kamupani tauofo lotoifale.

(u) E le mafai ona vaevaeina pe tu'ufa'atasia fa'atauga ua mana'omia fa'atonuina ina ia 'alo ese ai mai aiaiga o lenei maga.

(f) E mafai e le Kovana ona fa'aopea pe fa'aitiitia le avanoa muamua mo kamupani lotoifale o lenei maga, pe afai e silafia e ia o lena faiga ua tatau mo le manuia lautele pe a fuafua i ni tulaga tau tupe po'o le tamaoaiga e ono afaina tonu ai pe fa'atafatafa le malo i tulaga fa'alau'itele, mo se periota po'o ni periota atoa e lē silia le 18 masina. O avanoa muamua ua fa'aopea po ua fa'aitiitia e ao ona toe fa'atulagaina atoatoa vagana ua iai ni suiga tumau ua fa'aofi i le Fono Faitulafono. O se fa'aopeaga po'o se fa'aitiitiga ia faia e tusa ma Tulafono o Tualumaga o Pulega, 4.1001 et seq."


Letuli Toloa

PERESETENE, MAOTA MAUALUGA


Savali Talavou Ale

FOFOGA FETALAI, MAOTA O SUI

Hereby ~~Dis~~approved thisday of, 19.....


Governor of American Samoa.