

A BILL FOR AN ACT

To further amend title 55 of the Code of the Federated States of Micronesia, as amended, by amending section 419 relating to the implementation of the Infrastructure Development Plan to include reference to the FSM Infrastructure Development Corporation; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 419 of Title 55 of the Code of the
2 Federated States of Micronesia, as enacted by Public Law No. 10-
3 49, and amended by Public Law 14-48, is hereby amended to read as
4 follows:

5 "Section 419. Implementation of Infrastructure
6 Development Plan.

7 (1) Notwithstanding any provision of law to the
8 contrary, the National Government Infrastructure
9 Development Corporation shall have jurisdiction, in
10 coordination with the respective state, over activities
11 relating to any public contract that is or may be
12 awarded for a civil works project to implement any part
13 of the Infrastructure Development Plan and that is
14 supported by funds provided through Section 211 of the
15 Amended Compact of Free Association, as that Plan may be
16 amended from time to time, including but not limited to
17 all contract management activities, all bidding and pre-
18 bidding procedures for such public contracts, and all

1 activities performed by any citizen or noncitizen
2 contractor or subcontractor pursuant to any such public
3 contract. Except for this section, the provisions of
4 chapter 4 shall not apply to public contracts referred
5 to in this subsection.

6 (2) Notwithstanding section 205 of Title 32 of the
7 Code of the Federated States of Micronesia, no Foreign
8 Investment Permit shall be required to conduct any
9 activity referred to in subsection (1).

10 (3) The [~~President~~] FSM Infrastructure Development
11 Corporation shall be responsible for establishing
12 procurement procedures specifically for use with all
13 public contracts referred to in subsection (1), which
14 shall

15 (a) meet or exceed prevailing international
16 standards for free and open competitive bidding,
17 transparency, and fairness to all parties,

18 (b) effectively and efficiently facilitate the
19 execution and implementation of public contract referred
20 to in subsection (1),

21 (c) protect resident workers, and

22 (d) protect the public interest.

23 Such procurement procedures shall take effect upon
24 adoption by the [~~President~~] FSM Infrastructure
25 Development Corporation in accordance with title 17 of

1 the Code of the Federated States of Micronesia.

2 (4) Any citizen taxpayer in the Federated States of
3 Micronesia may seek to enjoin a public contract referred
4 to in subsection (1) to the same extent and in the same
5 manner as such remedy is available to bona fide
6 unsuccessful bidders on the contract under the
7 procurement procedures established and approved by the
8 [~~President~~] FSM Infrastructure Corporation pursuant to
9 subsection (3).

10 (5) The courts of the Federated States of Micronesia
11 shall recognize and give full force and effect to the
12 dispute resolution methods established by the
13 [~~President~~] FSM Infrastructure Development Corporation
14 pursuant to subsection (3).

15 Section 2. This act shall become law upon approval by the
16 President of the Federated States of Micronesia or upon its
17 becoming law without such approval.

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19 Date: 2/19/08

Introduced by: /s/ Roosevelt D. Kansou
Roosevelt D. Kansou

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