

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 39
NUMBER 07
JULY 28, 2017**

COMMONWEALTH REGISTER

VOLUME 39
NUMBER 07
July 28, 2017

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NOTICE of REPEAL

Notice of Repeal of Rule
Bureau of Environmental and Coastal Quality
Office of the Governor **039847**

ORDERS

Number: 2017-003
Subject: Temporary Suspension of Certain Regulations
Authority: P.L. 18-56 and 19-24, Regulations of the Commonwealth
Casino Commission, NMIAC Chapter 175-10.1
Commonwealth Casino Commission **039849**



**Commonwealth of the Northern Mariana Islands
COMMONWEALTH CASINO COMMISSION**

Juan M. Sablan, Chairman
Commonwealth Casino Commission
P.O. Box 500237
Saipan, MP 96950
Tel. 233-1857/8



**PUBLIC NOTICE OF ADOPTION OF EMERGENCY RULES AND
REGULATIONS FOR THE COMMONWEALTH CASINO COMMISSION**

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Commonwealth of the Northern Mariana Islands ("CNMI"), Commonwealth Casino Commission ("the Commission") has adopted as Emergency Regulations the attached Casino Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(b). The Commission has followed the procedures of 1 CMC § 9104(b) and (c) to adopt these Casino Regulations on an emergency basis valid for a period of 120 days.

AUTHORITY: The Commission has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Section 2314 of Public Law 18-56.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations amend:


1. "§ 175-10.1-635 Initial Gaming Facility.
2. "§ 175-10.1-801 Temporary Live Training Facility Authorized.
3. "§ 175-10.1-815 Cessation of Live Training Facility.

THE TERMS AND SUBSTANCE: The attached Rules and Regulations amend the regulations to conform to the recent amendments of the Casino License Agreement adopted by the Lottery Commission.

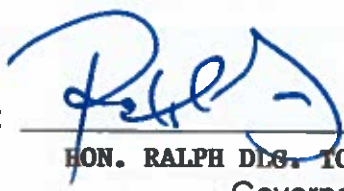
CCC Regulation 635(d) is amended to require completion of the initial gaming facility by no later than August 31, 2018.

CCC Regulation 801 and 815 are amended to allow the transfer of the live gaming facility to the casino portion of the unfinished initial gaming facility prior to the completion of the required number of five star quality hotel rooms, and to allow the live training facility to operate until not later than August 31, 2018.

The Commonwealth Casino Commission approved the attached Regulations on or about June 29, 2017.

Submitted by: 
JUAN M. SABLAN
Chairman of the Commission

July 30, 2017
Date

Concurred by: 
HON. RALPH DLG. TORRES
Governor

03 JUL 2017
Date

Filed and
Recorded by: 
ESTHER SN NESBITT
Commonwealth Register

07.11.2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 11 day of July, 2017.


Hon. EDWARD MANIBUSAN
Attorney General

"§ 175-10.1-635 Initial Gaming Facility.

[(a)-(c) unchanged]

...

(d) The initial gaming facility must be fully constructed and operations must begin ~~within twenty-four months of land acquisition by~~ but not later than August 12, 2017 31, 2018."

"§ 175-10.1-801 Temporary Live Training Facility Authorized.

(a) Prior to the opening of the initial gaming facility, the licensee may establish and operate a temporary live training facility on the first floor of the T Galleria, Garapan.

(b) Notwithstanding any other regulation to the contrary, upon issuance of all required CNMI Government permits and consent from the Casino Commission, the Licensee may transfer the operations of the temporary live training facility to the casino portion of the initial gaming facility project at any time prior to completion of the required 250 five star quality rooms of the hotel portion of the initial gaming facility."

"§ 175-10.1-815 Cessation of Live Training Facility.

(a) The casino licensee shall cease operations at the temporary live training facility prior to the opening of the initial gaming facility. In no event shall the licensee operate the temporary live training facility beyond April 30, 2017 August 31, 2018. The Commission may extend this date for good cause shown. If the casino licensee transfers operations of the live training facility to the initial gaming facility project pursuant to §175-10.1-801(b), operations at the live training facility need not cease prior to the opening of the initial gaming facility.

(b) Nothing herein relieves the casino licensee from its obligation to complete the initial gaming facility project and commence operations at the initial gaming facility by not later than August 31, 2018."



**MARIANAS
VISITORS AUTHORITY**

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Public Notice of Adoption of Amendments to the Procurement Regulations for the Marianas Visitors Authority

Notice of Adoption: The Marianas Visitors Authority (MVA) approved the adoption of the following amendments to its Procurement Regulations at its meeting of July 11, 2017.

Prior Publication: These regulations were proposed on October 27, 2016, and appeared in the March 28, 2017 Commonwealth Register [39 Com. Reg. 039326].

Modifications from Proposed Regulations, If Any: NMIAC § 90-20-035 is amended by the addition of the following new subsection (i) and the re-designation of subsequent subsections:

(i) Destination enhancement' means a project to maintain or beautify a tourist site, a major roadway, or a pedestrian mall.

NMIAC § 90-20-201 is amended to read as follows:

§ 90-20-201 Methods of Source Selection

All Bureau contracts shall be awarded by competitive sealed bidding, except as provided in:

- (a) § 90-20-210 (Small Purchases);
- (b) § 90-20-215 (Sole Source Procurement);
- (c) § 90-20-220 (Emergency Procurement);
- (d) § 90-20-225 (Competitive Sealed Proposals);
- (e) § 90-20-230 (Professional, Advisory, or Technical Services);
- (f) § 90-20-235 (Marketing Proposals); and
- (g) § 90-20-240 (Destination Enhancement Projects);

NMIAC Chapter 90-20, Part 200 is amended by the addition of the following new section:

§ 90-20-240 Destination Enhancement Projects

- (a) Any contract for destination enhancement of \$25,000 or less may be conducted pursuant to this section.

(b) The Chair of the MVA Board is the expenditure authority for destination enhancement purchases of \$15,000.01 or greater. The Chair of the MVA Board delegates the expenditure authority for destination enhancement purchases of \$15,000 or less to the Managing Director.

(c) MVA may make destination enhancement purchases of \$15,000.00 or less by any commercially reasonable method and shall exercise best efforts to ensure responsible expenditure of MVA funds. If the destination enhancement purchase is for \$5,000.00 or less, MVA may use a purchase order for the transaction. Procurement requirements shall not be artificially divided so as to constitute a destination enhancement purchase under this section.

(1) The Managing Director shall maintain a destination enhancement purchase log. For each destination enhancement purchase of \$15,000 or less, the log shall contain:

- (i) The date of the purchase;
- (ii) The name of the vendor;
- (iii) The goods or services purchased; and
- (iv) The purpose of the purchase.

(2) The Managing Director shall provide the destination enhancement purchase log to any board member upon request.

(3) For destination enhancement purchases of between \$5,000.01 and 15,000.00, at least one business shall be solicited to submit written, electronic, or oral quotations that are recorded and placed in the procurement file. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses solicited to submit quotations, the names of the businesses submitting quotations, and the date and amount of each quotation shall be recorded and maintained as a public record.

(d) Insofar as it is practical for destination enhancement purchases of between \$15,000.01 and \$25,000.00, no less than three businesses shall be solicited to submit written, electronic, or oral quotations that are recorded and placed in the procurement file. If fewer than three businesses submit quotations, the Managing Director shall certify, in writing, that there are fewer than three responsive vendors available. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses solicited to submit quotations, the names of the businesses submitting quotations, and the date and amount of each quotation shall be recorded and maintained as a public record.

Authority: These amendments are promulgated under the authority of 4 CMC § 2124(d), which authorizes MVA to adopt procurement and supply regulations consistent with those of the Commonwealth government, and 4 CMC § 2128, which grants MVA the authority to adopt rules and regulations.

Effective Date: These amendments will become effective ten days after publication of this Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b).

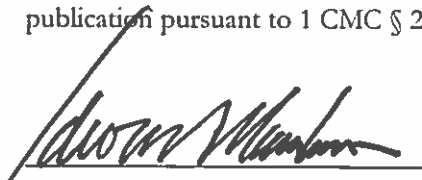
Comments and Agency Concise Statement: These proposed amendments would change the way the MVA receives bids for destination enhancement projects. MVA received no written or oral comments from the public regarding these amendments.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the _____ day of July, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:  Date: 07.11.2017
Marian Aldan-Pierce, MVA Chair

Filed and Recorded by:  Date: 07.12.2017
Esther SN. Nesbitt
Commonwealth Register

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved these regulations as to form and legal sufficiency. I approve their publication pursuant to 1 CMC § 2153(f).

 Date: 7/12/17
Edward Manibusan
Attorney General



**Commonwealth of the Northern Mariana Islands
COMMONWEALTH CASINO COMMISSION**

Juan M. Sablan, Chairman
Commonwealth Casino Commission
P.O. Box 500237
Saipan, MP 96950
Tel. 233-1857



**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF THE COMMONWEALTH CASINO COMMISSION**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS**

Volume 39, Number 01, pp 39169 through 39180, of January 30, 2017

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, ("CNMI"), Commonwealth Casino Commission ("the Commission"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commission announced that it intended to adopt them as permanent, and now does so. (Id.) A true copy is attached. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment, except as stated as follows:

none

PRIOR PUBLICATION: The prior publication was as stated above. The Commission adopted the regulations as final at its meeting of June 29, 2017.

MODIFICATIONS TO REGULATIONS, IF ANY:

§ 175-10.1-1305 Service Provider and Vendor License Requirements.

...

(b) The Commission may require licensure as a casino vendor of any other person or entity which provides, or is likely to provide, any gaming or nongaming services of any kind to the Casino Licensee or its affiliated companies in an amount greater than One Two Hundred Fifty Thousand Dollars (\$10250,000.00) per fiscal or calendar year.

...

(e) Casino Vendor Licenses pursuant to subsection (b) are not required for the following persons provided they engage solely in the following transactions:

- (1) landlords renting to the casino licensee or its affiliated companies;

- (2) Landowners selling real estate to the casino licensee or its affiliated companies;
- (3) Financial companies providing banking services to the casino licensee or its affiliated companies;
- (4) Airlines selling airfare to the casino licensee or its affiliated companies;
- (5) Insurance companies selling insurance policies to the casino licensee or its affiliated companies;
- (6) Hotels renting rooms to the casino licensee or its affiliated companies;
- (7) Agencies or political subdivisions of the Commonwealth government;
- (8) Regulated public utilities;
- (9) Attorneys providing legal services;
- (10) Accountants providing accountancy services;
- (11) Insurance companies underwriting risk or selling policies of insurance;
- (12) Shipping companies providing transportation of goods;
- (13) Telecommunication companies providing communication service;
- (14) Charitable donations to recognized Non-Profit Organizations;
- (15) Approved educational/training institutions.

§ 175-10.1-1390 Casino Vendor License.

(a) Any person or entity who is not a holder of a casino service provider license issued pursuant to § 175-10.1-1305 who transacts more than ~~One~~ Two Hundred Fifty Thousand Dollars (~~\$10250,000.00~~) per calendar or fiscal year with the Casino Licensee (including any and all of its affiliate companies) must obtain from the Commission a Casino Vendor License or a Provisional Casino Vendor License.

(b) The Casino Licensee (including any and all of its affiliate companies) shall not transact more than ~~One~~ Two Hundred Fifty Thousand Dollars (~~\$10250,000.00~~) per calendar or fiscal year with any person, entity, or affiliated group of persons or entities if said person, entity or affiliated group of persons or entities does not possess a valid Casino Vendor License or Provisional Casino Vendor License issued pursuant to these Regulations.

(c) Casino Vendor Licenses pursuant to subsection (a) are not required for the following persons provided they engage solely in the following transactions:

- (1) Landlords renting to the casino licensee or its affiliated companies;
- (2) Landowners selling real estate to the casino licensee or its affiliated companies;
- (3) Financial companies providing banking services to the casino licensee or its affiliated companies;
- (4) Airlines selling airfare to the casino licensee or its affiliated companies;
- (5) Insurance companies selling insurance policies to the casino licensee or its affiliated companies;
- (6) Hotels renting rooms to the casino licensee or its affiliated companies;
- (7) Agencies or political subdivisions of the Commonwealth government;
- (8) Regulated public utilities;
- (9) Attorneys providing legal services;
- (10) Accountants providing accountancy services;
- (11) Insurance companies underwriting risk or selling policies of insurance;

- (12) Shipping companies providing transportation of goods;
- (13) Telecommunication companies providing communication service;
- (14) Charitable donations to recognized Non-Profit Organizations;
- (15) Approved educational/training institutions.

§ 175-10.1-1830 Reports of Violations and of Felony Convictions.

(a) The Casino Gaming Licensee, each service provider licensee, each casino employee licensee and each key casino employee licensee shall immediately notify the Commission by telephone and within 24 hours notify the Commission in writing of: (1) any violation or suspected violation of any gaming law regarding which the licensee has notified the local police and (2) the discovery of any violation of the Act, Regulations, Minimum Internal Control Standards, or Internal Control Standards.

...

§ 175-10.1-2001 Approval of Chips and Tokens; Applications and Procedures.

...

(e) At the time of approval of a system of internal control, the Commission may require the manufacturer to provide, and thereafter maintain with the Commission ~~The Casino Gaming Licensee~~, a revolving fund in an amount determined by the Commission, which amount shall not exceed Ten Thousand Dollars (\$10,000.00). The Commission and its staff may use the revolving fund at any time without notice, for the purpose of implementing the provisions of this regulation.

AUTHORITY: The Commission has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Section 2314 of Public Law 18-56.

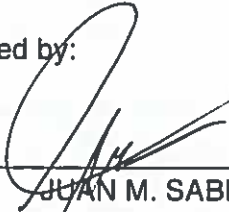
EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations which were received. No written comments were received. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

I **DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 19th day of July, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Submitted by:



JUAN M. SABLAN
Chairman of the Commission

July 19 2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 25th day of July, 2017.



Hon. EDWARD MANIBUSAN
Attorney General

Filed and
Recorded by:



ESTHER SN NESBITT
Commonwealth Register

07-25-2017
Date



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • E-mail: boe.admin@cnmipss.org



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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS**

60-30-400 Classification & Salary Schedule

Volume 39, Number 05, pp 039690-039694, of May 28, 2017

Regulations of the State Board of Education

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), **HEREBY ADOPTS AS PERMANENT** regulations the PSS Procurement Rules and Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Procurement Rules and Regulations as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed PSS Procurement Rules and Regulations, and that they are being adopted.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulation as final at its Special Board meeting of July 6, 2017.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

To include “based on 260-Day Contract” to the Public School System Teacher-Aide, Library-Aide Salary Schedule which was published in the Commonwealth Register Volume 39, Number 05, May 28, 2017 Page 039665.

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

From: "Jude D. Loste" <judeloste@gmail.com>
Date: June 27, 2017 at 8:02:55 AM GMT+10
To: boc.ada@cmmipss.org
Subject: Fwd: Comments on Proposed HTQ Salary Schedule

BOE Chairperson,

I believe the proposed compensation for HQTs is fair. However, I think there should be an addendum for two more levels for two educational attainments - one is for teachers who have two (or more) master's degrees, and the other is for teachers who attain an Ed. S. Teachers who may want to pursue a second master's degree gives them the opportunity to venture into another field of interest. For example, a teacher with a master's degree in education may one day decide that she wants to pursue a master's degree in special education. Having another compensation level where teachers know that there is an incentive to seek another master's degree benefits the system as a whole. The teacher seeking a second master's degree acquires the needed skills necessary to be successful in her field when she eventually gets hired as a special education teacher. Looking ahead several years later, the teacher can decide to pursue an Ed. S in special education which requires a minimum of 30 credit hours. Let's say that she decides to pursue an Ed. S and gains more specialized knowledge and skills in the field of special education which I believe justifies another level of compensation. Looking ahead several years after her completion of an Ed. S, she can either decide to pursue an Ed. D. or a Ph.D. depending on her career and personal goals.

Teachers need to have an opportunity to seek educational interests that they would like to pursue and not feel like they are stuck in a field without any advancement or the chance to grow academically. Many teachers do not seek a second master's degree not because they don't want to; I believe it's because of two reasons: 1. There is no incentive to do so and 2. The cost of a second master's degree is not in their budget. So, they're stuck in a field for many, many years without the chance to grow academically aside from the professional developments offered by the system. How many teachers pursue an Ed. D. or a Ph. D. after completing their masters? Not a lot because a doctorate requires a minimum of 60 credit hours, that's a three to four-year commitment or maybe, even more, depending on many factors. Having a compensation level for teachers who pursue an Ed. S makes sense. This Ed. S. compensation level presents an incentive and an opportunity for teachers to specialize in a field of their interest while gaining valuable knowledge and skills without having to commit to a long and arduous process of pursuing an Ed. D. or a Ph. D.

Further, I believe that teachers who have completed their undergraduate studies and/or pursue graduate studies related to the STEM field, special education and other high need support services such as psychologists, psychiatrists and the like should have a separate compensation plan comparable to if not close to administrators compensation plan. However, teachers in this high need positions need to teach in the field mentioned above.


Lastly, I believe administrators' minimum requirements for vice-principals should be a master's degree and for principals an Ed. S.

Thank you so much for your time.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 11th day of July, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Mary Lou S. Ada, J.D., Chairwoman
15th CNMI State Board of Education

July 11, 2017
Date

Filed and
Recorded by:




Esther SN. Nesbitt
Commonwealth Register

07.13.2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104 (a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations).

Dated this 12 day of July, 2017.



Edward E. Manibusan
Attorney General

PUBLIC SCHOOL SYSTEM
Teacher Aide, Library Aide Salary Schedule
Based on 260-Day Contract

Approved by State Board of Education on February 23, 2017 (Board Action No. 2017-15-002)

PAY LEVEL	STEP	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
I	HOURLY	10.91	11.456	12.028	12.63	13.261	13.924	14.621	15.352	16.119	16.925	17.771	18.66
	BIWEEKLY	872.80	916.44	962.26	1,010.38	1,060.89	1,113.94	1,169.64	1,228.12	1,289.52	1,354.00	1,421.70	1,492.78
	ANNUAL	22,692.80	23,827.44	25,018.81	26,269.75	27,583.24	28,962.40	30,410.52	31,931.05	33,527.60	35,203.98	36,964.18	38,812.39
II	HOURLY	12.028	12.63	13.261	13.924	14.621	15.352	16.119	16.925	17.771	18.66	19.593	20.572
	BIWEEKLY	962.26	1,010.38	1,060.89	1,113.94	1,169.64	1,228.12	1,289.52	1,354.00	1,421.70	1,492.78	1,567.42	1,645.79
	ANNUAL	25,018.81	26,269.75	27,583.24	28,962.40	30,410.52	31,931.05	33,527.60	35,203.98	36,964.18	38,812.39	40,753.01	42,790.66
III	HOURLY	13.261	13.924	14.621	15.352	16.119	16.925	17.771	18.66	19.593	20.572	21.601	22.681
	BIWEEKLY	1,060.89	1,113.94	1,169.64	1,228.12	1,289.52	1,354.00	1,421.70	1,492.78	1,567.42	1,645.79	1,728.08	1,814.49
	ANNUAL	27,583.24	28,962.40	30,410.52	31,931.05	33,527.60	35,203.98	36,964.18	38,812.39	40,753.01	42,790.66	44,930.19	47,176.70

PUBLIC SCHOOL SYSTEM
Teacher Aide

Based on 190-Day Contract

Approved by State Board of Education on February 23, 2017 (Board Action No. 2017-15-002)

PAY LEVEL	STEP	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
I	HOURLY	10.91	11.456	12.028	12.63	13.261	13.924	14.621	15.352	16.119	16.925	17.771	18.66
	Adjusted	7.975	8.372	8.79	9.23	9.691	10.175	10.685	11.219	11.779	12.368	12.987	13.636
	BIWEEKLY	638.00	669.74	703.18	738.37	775.26	814.02	854.77	897.50	942.34	989.46	1,038.92	1,090.89
ANNUAL	16,588.00	17,413.12	18,282.56	19,197.60	20,156.72	21,164.48	22,223.92	23,335.04	24,500.88	25,726.00	27,011.92	28,363.20	
II	HOURLY	12.028	12.63	13.261	13.924	14.621	15.352	16.119	16.925	17.771	18.66	19.593	20.572
	Adjusted	8.79	9.23	9.691	10.175	10.685	11.219	11.779	12.368	12.987	13.636	14.318	15.033
	BIWEEKLY	703.18	738.37	775.26	814.02	854.77	897.50	942.34	989.46	1,038.92	1,090.89	1,145.44	1,202.67
ANNUAL	18,282.56	19,197.60	20,156.72	21,164.48	22,223.92	23,335.04	24,500.88	25,726.00	27,011.92	28,363.20	29,781.36	31,269.44	
III	HOURLY	13.261	13.924	14.621	15.352	16.119	16.925	17.771	18.66	19.593	20.572	21.601	22.681
	Adjusted	9.691	10.175	10.685	11.219	11.779	12.368	12.987	13.636	14.318	15.033	15.785	16.575
	BIWEEKLY	775.26	814.02	854.77	897.50	942.34	989.46	1,038.92	1,090.89	1,145.44	1,202.67	1,262.83	1,325.97
ANNUAL	20,156.72	21,164.48	22,223.92	23,335.04	24,500.88	25,726.00	27,011.92	28,363.20	29,781.36	31,269.44	32,833.52	34,475.12	



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • E-mail: boe.admin@cnmips.org



MaryLou S. Ada, J.D.
chairwoman

Janice A. Tenorio
Vice-chairwoman

Herman M. Atalig
Secretary/treasurer

Members

Herman T. Guerrero
Florine M. Hofschneider

Teacher representative
Paul Miura

Non public school rep.
Galvin S. Deleon Guerrero

Student representative
Mariah Manuel Cruz

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS**

60-40-210 Small Purchases

Volume 39, Number 05, pp 039666-039670, of May 28, 2017

Regulations of the State Board of Education

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Procurement Rules and Regulations as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed PSS Procurement Rules and Regulations, and that they are being adopted.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulation as final at its Special Board meeting of July 6, 2017.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:
None

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the _____ day of July, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



MaryLou S. Ada, J.D., Chairwoman
15th CNMI State Board of Education



Date

Filed and
Recorded by:



Esther SN. Nesbitt
Commonwealth Register



Date



STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237-3027 • E-mail: boe.admin@cnmips.org



MaryLou S. Ada, J.D.
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PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS**

60-40-251 Change Orders

Volume 39, Number 05, pp 039671-039675, of May 28, 2017

Regulations of the State Board of Education

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to PSS Procurement Rules and Regulations as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed PSS Procurement Rules and Regulations, and that they are being adopted.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulation as final at its Special Board meeting of July 6, 2017.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:
None

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.


EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (10) days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a) (2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 11th day of July, 2017, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



MaryLou S. Ada, J.D., Chairwoman
15th CNMI State Board of Education

July 11, 2017
Date

Filed and
Recorded by:



Esther SN. Nesbitt
Commonwealth Register

07.12.2017
Date



**Commonwealth of the Northern Mariana Islands
COMMONWEALTH CASINO COMMISSION**

Juan M. Sablan, Chairman
Commonwealth Casino Commission
P.O. Box 500237
Saipan, MP 96950
Tel. 670-233-1857/58



**PUBLIC NOTICE OF ADOPTION OF PROPOSED RULES AND
REGULATIONS FOR THE COMMONWEALTH CASINO COMMISSION**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Commonwealth Casino Commission (“the Commission”) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Commission has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Section 2314 of Public Law 18-56 and Public Law 19-24.

THE SUBJECTS AND ISSUES INVOLVED: Amendments are proposed to the following rules and regulations:

1. § 175-10.1-920(b)
2. § 175-10.1-1105
3. § 175-10.1-1130
4. § 175-10.1-1315
5. § 175-10.1-1501
6. § 175-10.1-1510
7. § 175-10.1-1515
8. § 175-10.1-1525
9. § 175-10.1-1855
10. § 175-10.1-2605

THE TERMS AND SUBSTANCE: The attached proposed amendments to the Rules and Regulations do the following:

1. § 175-10.1-920(b): inserts language to clarify that licenses, certificates, findings, registrations, and permits are not automatically renewed.

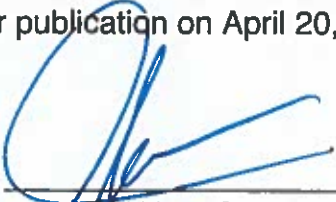
2. § 175-10.1-1105 inserts language making section applicable to registrants; adds section allowing for exercise of rights; adds section allowing Commission to draw inferences from assertion of rights.
3. § 175-10.1-1130: Inserts language allowing funds deposited into banks in the United States of America; requires deposits to be made within five days.
4. § 175-10.1-1315: inserts language making section applicable to provisional licenses.
5. § 175-10.1-1501: Inserts language making section applicable to registrants or holders of a finding of qualification or suitability.
6. § 175-10.1-1510: Inserts language-making section applicable to temporary licensees, registrants or holders of a finding of qualification or suitability.
7. § 175-10.1-1515: Inserts language-making section applicable to temporary licensees, registrants or holders of a finding of qualification or suitability.
8. § 175-10.1-1525: inserts language making section (a) applicable to registrants or holders of a finding of qualification or suitability; inserts language making section (b) applicable to provisional casino vendor licenses, provisional casino service provider licenses, and provisional junket operator licenses.
9. § 175-10.1-1855: inserts language making section (a) and (b) applicable to junket operators and provisional junket operators: inserts language making section (c) applicable to junket operators and provisional junket operators: inserts language making section (a) and (b) applicable to junket operators and provisional junket operators (and their agents).
10. § 175-10.1-2605: adds section listing requirements (concerning inspection, monitoring, and entry) which are included in every provisional junket operator and junket operator license; adds section adding disqualification criteria to junket operator and provisional junket operator licenses.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient

places in the civic center and in local government offices in each senatorial district; the notice shall be both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).


TO PROVIDE COMMENTS: Send or deliver your comments to Commonwealth Casino Commission, *Attn: Amended Casino Commission Rules and Regulations*, at the above address, fax or email address, with the subject line "New Casino Commission Rules and Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your comments, views or arguments. (1 CMC § 9104(a)(2))

The Commonwealth Casino Commission approved the attached Amended Regulations for publication on April 20, 2017.

Submitted by: 

JUAN M. SABLAN
Chairman of the Commission

June 30, 2017
Date


Filed and Recorded by: 

ESTHER SN NESBITT
Commonwealth Register

07.07.2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 3rd day of July ~~JUNE~~ 2017.



HON. EDWARD MANIBUSAN
Attorney General



**Commonwealth Téel Falúw kka Efáng Ilól Marianas
COMMONWEALTH CASINO COMMISSION**

Juan M. Sablan, Chairman
Commonwealth Casino Commission
P.O. Box 500237
Seipél, MP 96950
Tel. 670-233-1857/58



**ARONGORONGOL TOULAP REEL REBWE ADÓPTÁÁLIL POMMWOL ALLÉGH ME
MWÓGHUTUGHUTÚL NGÁLI COMMONWEALTH CASINO COMMISSION**

MÁNGMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME

MWÓGHUTUGHUT: Commonwealth Téel Falúw kka Efáng Ilól Marianas, Commonwealth Casino Commission ("the Commission") re mángemágil rebwe adóptáálil bwe ebwe lléghló mwóghutughut ikka e appasch bwe Pommwol Mwóghutughut, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). E bwe bwungló Mwóghutughut kkal llól seigh ráál mwiril aal akkatéewow adóptáá me arongorong yeel llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Eyoor bwángil Commission bwe rebwe adóptááli allégh me mwóghutughut kkal ebwe sóbweeytá reel aal angaang me mwóghutughutúl sáangi Tálil 2314 reel Alléghúl Toulap 18-56 me Alléghúl Toulap 19-24.

KKAPASAL ME AWEEWEL: Liiwel kkal nge ebwe pommw ngáli allégh me mwóghutughut ikka e amwirimwirtiwi:

1. § 175-10.1-920(b)
2. § 175-10.1-1105
3. § 175-10.1-1130
4. § 175-10.1-1315
5. § 175-10.1-1501
6. § 175-10.1-1510
7. § 175-10.1-1515
8. § 175-10.1-1525
9. § 175-10.1-1855
10. § 175-10.1-2605

KKAPASAL ME WEEWEL: Pommwol liiwel ikka e appasch bwe allégh me mwóghut ebwe fféerú milikka e amwirimwirtiwi:

1. § 175-10.1-920(b): aschuulong kkapas bwe ebwe ffat bwe license, certificate, milikka re schuungi (findings), registrations, me permit ikka rebwe renew-li nge ese ffat ileeta rebwe fféerú sefááliy.

2. § 175-10.1-1105 aschuulong kkapas bwe ebwe mmwel reel táilil bwe ebwe ghatch yááyál me mwóghutughutúl; sóbweeytá táilil bwe ebwe mweiti ngáliir reel aar weel.
3. § 175-10.1-1130: Aschuulong kkapas bwe ebwe mweiti ngáli selaapi llól bwóngkkol United States of America; re tipáli bwe ebwe toolong selaapi llól limoow ráál.
4. § 175-10.1-1315: aschuulong kkapas ebwe fféerú táilil bwe ebwe yoor mwotal ngáli provisional licenses
5. § 175-10.1-1501: Aschuulong kkapas ebwe fféerú táilil bwe ebwe yoor mwotal ngáli registrants ngare iyo iye e akkamwuschú mille re schuungi reel qualification ngare suitability.
6. § 175-10.1-1510: Aschuulong kkapas ebwe fféerú táilil bwe ebwe yoor mwotal ngáli temporary licensees, registrants ngare iyo iye e akkamwasch reel mille re schuungi reel qualification ngare suitability.
7. § 175-10.1-1515: Aschuulong kkapas ebwe fféerú táilil bwe ebwe yoor mwotal ngáli temporary licensees, registrants ngare iyo iye e akkamwasch reel mille re schuungi reel qualification ngare suitability.
8. § 175-10.1-1525: aschuulong kkapas ebwe fféerú táilil (a) ebwe yoor mwotal ngáli registrants ngare iyo iye e amwuschú mille re schuungi reel qualification ngare suitability; aschuulong kkapas ebwe fféerú (b) yoor mwotal ngáli provisional casino vendor licenses, provisional casino service provider licenses, me provisional junket operator licenses.
9. § 175-10.1-1855: aschuulong kkapas ebwe fféerú táilil (a) me (b) ebwe yoor mwotal ngáli junket operators me provisional junket operators; aschuulong kkapas ebwe fféerú táilil (c) ebwe yoor mwotal ngáli junket operators me provisional junket operators; aschuulong kkapas ebwe fféerú ngáli táilil (a) me (b) ebwe yoor mwotal ngáli junket operators me provisional junket operators (me layúr agents).
10. § 175-10.1-2605: sóbweeytá bwe ebwe lo táilil reel requirement listing (ebwal toolong inspection, monitoring, me entry) iye e bwal toolong llól alongal reel milikka aa lo nge ese ffat bwe junket operator me junket operator license; sóbweeytá táilil bwe ebwe toolong mille disqualification criteria ngáli junket operator me provisional junket operator license.

AFAL REEL AMWEELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Pommwol Mwóghutughut kkal llól Commonwealth Register llól táilil pommwol me ffél mwóghutughut ikka r adóptáali (1 CMC § 9102(a)(1) me ebwe appaschetá llól civic center me bwal bwulasiyol gobetnamento reel senatorial

district; ebwe toowow arongorong yeel fengál reel kkasal English me mwaliyáásch. (1 CMC § 9104(a)(1)).

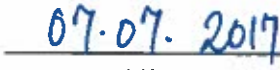
ISIISILONGOL KKAPAS: Afanga ngáre bwughiló yóómw fóós reel Commonwealth Casino Commission, Attn: Aa Liiwel Alléghúl me Mwóghutughutúl Casino Commission, ebwe lo wóól subject line bwe “New Casino Commission Rules and Regulations”. Fóós ebwe toolong llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw fóós, views ngare angiingi. (1 CMC § 9104(a)(2)).

Commonwealth Casino Commission re atiwligh reel Mwóghutughut ikka e appasch reel ebwe akkatééwow e appasch wóól Abrid 20, 2017.

Isáliyalong: 
Juan M. Sablan
Chairman reel Commission


Ráál

Ammwelil: 
ESTHER SN. NESBITT
Commonwealth Register


Ráál

Sáangi 1 CMC § 2153(e) (sáangi aal lléghló me ffil reel fféerúl sáangi AG) me 1 CMC § 9104(a)(3) (mwir sáangi aal lléghló merel AG) Reel pommwol liiwel kka e appasch igha ra takkal amwuri fischiiy bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapa CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

E aghikkilatiw wóól 3rd  ráálil JULY 2017.


HON. EDWARD MANIBUSAN
Soulemelemil Allégh Lapalapa



Commonwealth gi Sangkattan na Islas Mariânas
COMMONWEALTH CASINO COMMISSION
Siñot Juan M. Sablan, Chairman
Commonwealth Casino Commission
P.O. Box 500237
Saipan MP 96950
Tel. 670-233-1857/58



**NITISIAN PUBLIKU POT I ADÁPTASION POT I MANMAPROPONI NA AREKLAMENTU
YAN REGULASION PARA I COMMONWEALTH CASINO COMMISSION**

I AKSION NI MA INTENSIONA PARA U'MA ADÁPTA ESTI SIHA I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi sangkattan na islas Mariânas siha, I Commonwealth Casino Commission (“I Kumision”) ma intensiona para u'ma adápta kumu petmanienti na regulasion siha i mañechettun i manmaproponi na Regulasion siha, sigun para i procedures nu i Áktun Administrative Procedure, I CMC § 9104 (a). I Regulasion siha siempre mu ifektibu dies(10) dihas dispues i adáptasion yan publikasion giya i Rehistran Commonwealth. (I CMC § 9105 (b))

ATURIDÁT: I Kumision guaha aturidátña para hu adápta i areklamentu yan regulasion siha ni atbânsia nu i obligasion yan responsabilidát siha sigun para i seksiona 2314 nu i Public Law 18-56 yan Public Law 19-24.

I SUHETU NI MASUMÁRIA YAN ASUNTU NI MANTINEKKA: I manmaproponi na Amendasion siha para i tinatitiyi na areklamentu yan regulasion siha:

1. § 175-10.1-920 (b)
2. § 175-10.1-1105
3. § 175-10.1-1130
4. § 175-10.1-1315
5. § 175-10.1-1501
6. § 175-10.1-1510
7. § 175-10.1-1515
8. § 175-10.1-1525
9. § 175-10.1-1855
10. § 175-10.1-2605

I TEMA YAN SUSTÁNSIA I PALÁBRA SIHA: I mañechettun i manmaproponi na amendasion siha para i Areklamentu yan Regulasion siha i tinatitiyi man macho'gue:

1. **§ 175-10.1-920 (b):** ma introdusi hálum i lingguáhi para hu klarifika na i lisensia, certificates, sinedda, rehistrasion yan permits siha ti manma rinueba gotpe'.
2. **§ 175-10.1-1105:** ma introdusi i seksiona I fumatitinas i lingguáhi ni aplikáo para i man manaplilika siha, mana'yiyi siha seksiona i sume'sedi para u'ma praktika i direchun niha siha; mana'yiyi seksiona siha ayu i sume'sedi i kumision para hu fatinas disision siha ginen i nina'hálum i direchu siha.

3. § 175-10.1-1130: ma introdusi i lingguâhi i sume'sedi i salâpi siha para hu fan ma deposit hâlum gi bângku siha giya United States of America; i deposit siha nisisita na hu fan macho'gue gi hâlum singku (5) dihas.
4. § 175-10.1-1315: ma introdusi i lingguâhi seksiona i fumatitinas siha i man setbisiu para i Provisional licenses.
5. § 175-10.1-1501: ma introdusi i lingguâhi i fumatitinas i setbisiu para i man manaplilika pat i dreñu siha nu i sinedda pot kuâlifikasion pat ayu i man kuâlifikâo.
6. § 175-10.1-1510: ma introdusi i lingguâhi seksiona i fumatitinas siha i man setbisiu para i tempurâriu na licenses, i man manaplilika siha pat dreñu siha nu i sinedda pot kuâlifikasion pat ayu i man kuâlifikâo.
7. § 175-10.1-1515: ma introdusi i lingguâhi seksiona i fumatitinas siha i man setbisiu para i tempurâriu na licenses, i man manaplilika siha pat dreñu siha nu i sinedda pot kuâlifikasion pat ayu i man kuâlifikâo.
8. § 175-10.1-1525: ma introdusi i seksiona i fumatitinas i lingguâhi (a) setbisiu para i man manaplilika pat dreñu siha nu i sinedda pot kuâlifikasion pat kuâlifikâo; ma introdusi i seksiona i fumatitinas i lingguâhi (b) setbisiu para provisional casino vendor licenses, setbisiu provisional casino provider licenses, yan provisional junket operator licenses.
9. § 175-10.1-1855: ma introdusi i seksiona i fumatitinas i lingguâhi (a) yan (b) setbisiu para junket operators yan provisional junket operators; ma introdusi i seksiona i fumatitinas i lingguâhi (c) setbisiu para junket operators yan provisional junket operators; ma introdusi i seksiona i fumatitinas i lingguâhi (a) yan (b) setbisiu para junket operators yan provisional junket operators (yan i ahentin niha).
10. § 175-10.1-2605: manayiyi siha seksiona lista siha ni ginagaogao (pot i inspeksion, inatan, yan nina'hâlum) ayu i man hâhâlum gi kada provisional junket operator yan junket operator license; manayiyi siha seksiona i dinaña critetria diskuâlifikâo para i junket operator yan provisional junket operator licenses.


DIREKSION PARA U MAPOLU YAN MAPUPBLIKA: Esti siha i manmaproponi na regulasion debi na u'ma pupblika gi hâlum Rehistran Commonwealth gi hâlum i seksiona ni manmaproponi yan nuebu na ma adâpta na regulasion siha (1 CMC § 9102 (a) (1)) yan u'ma pega gi hâlum i Civic Center yan i ufisinan gubietno gi kada distritun senatorial parehu yan di lingguâhin natibu. (1 CMC § 9104 (a) (1)).

PARA U MAPRIBENIYI UPIÑON SIHA: Na hâlum pat na hânao i upiñon siha para Commonwealth Casino Commission, Attensiona: Amendasion Areklamentu yan Regulasion siha i Casino Commission, guatu gi sanhilo' na address, fax pat email address, yan i râyan suhetu "Nuebu na Casino Commission Areklamentu yan Regulasion siha". I upiñon ma ekspekta gi hâlum trenta (30) dihas ni tinatitiyi gi fetcha gi publikasion nu esti na nutisia. Pot fabot na hâlum i infotmasion, upiñon âgumentu siha. (1 CMC § 9104 (a) (2)).

I Commonwealth Casino Commission ha aprueba i mañechettun na Amendasion Regulasion siha para publikasion gi Abril 20, 2017.

Nina hálum as: 
JUAN M. BABLAN
Chairman nu i Kumision

June 30, 2017
Fetcha

Pine'lu yan ninota as: 
ESTHER SN. NESBITT
Rehistran Commonwealth

07-07-2017
Fetcha

Sigun i 1 CMC § 2153 (e) (Inapruedan regulasion siha ni Abugádu Hinerát na para u macho'gue kumu fotmát) yan 1 CMC § 9104 (a) (3) (hinentan inapruedan Abugádu Hinerát) i manmaproponi na regulasion siha i mañechettun guini ni man ma attan yan aprueba kumu fotma yan sufisienti ligát ginen i CNMI Abugádu Hinerát yan debi na u mapublika, 1 CMC § 2153 (f) (publikasion areklamentu yan regulasion siha).

Ma fetcha gi 3rd diha gi July 2017.


HON. EDWARD MANIBUSAN
Abugádu Hinerát

1. § 175-10.1-920(b) Casino Employee Licensee Standards.

(remainder of this section remains unchanged)

- (b) **Disqualification Criteria.** The Commission shall deny any license, certificate, finding, registration, permit or renewal thereof (if such renewal is permitted by the Commission or Executive Director), including but not limited to a casino key employee license or casino employee license to any applicant who is disqualified on the basis of any of the following:

2. § 175-10.1-1105 Duty to Disclose and Cooperate.

(a) It shall be the affirmative responsibility and continuing duty of each applicant, licensee, and person required to be qualified or registered to provide all information, documentation, and assurances pertaining to qualifications required or requested by the Commission and to cooperate with the Commission in the performance of its duties. Any refusal by any such person to comply with a formal request for information, evidence, or testimony shall be a basis for denial, revocation, or disqualifications.

(b) Nothing herein prohibits an applicant, licensee, or person required to be qualified or registered from exercising rights granted under the Constitutions of the United States of America or the CNMI.

(c) The Commission may draw any inference from the exercise of the rights described above and use such inference as a reason for the denial or revocation of a license or registration or denial or revocation of a finding of suitability or qualification.

3. § 175-10.1-1130 Consent to Examination of Accounts and Records:

(a) and (b) unchanged

(c) The Casino Gaming Licensee must maintain an account in a bank in the CNMI or in the United States of America into which are deposited its revenues from all gaming activities. Said deposits must be made within five (5) days of receipt of said revenues by the casino licensee. Said deposits must be made into the domestic or United States bank account within five (5) days of receipt of said revenues by the licensee's parent company or any affiliate thereof, if the Commission or Executive Director by Order allow receipt of funds by the parent company or an affiliate.

4. § 175-10.1-1315 Disqualification Criteria.

A casino service provider license, a provisional casino service provider license, a provisional casino vendor license, or a casino vendor license, must be denied to any applicant for a casino service provider or casino vendor license, be they provisional or otherwise, who has failed to prove by clear and convincing evidence that he or any of the persons who must be qualified under 175-10.1-905(a) possesses the qualifications and requirements set forth in sections 175-10.1-920 and 175-10.1-925 and any other section of these Regulations.

5. § 175-10.1-1501 Commencement of Complaint.

Any proceeding against an applicant, temporary licensee, provisional licensee, ~~or licensee, registrant or holder of a finding of qualification or suitability~~ must be initiated and indicated by a written complaint; the complaint must include a statement set forth in an ordinary and concise language the charges and acts or omissions supporting such charges.

6. § 175-10.1-1510 Notice of Defense.

(a) Within fifteen days after service of the complaint, the applicant, licensee, temporary licensee, provisional licensee, holder of a finding of suitability or qualification, or registrant may file with the Commission a notice of defense, in which he may:

- (1) Request a hearing;
- (2) Admit or deny the allegations in whole or in part;
- (3) Present new matters or explanations by way of defense; or
- (4) State any legal objection to the complaint.

(b) Within the time specified, the applicant, ~~or licensee,~~ temporary licensee, provisional licensee, holder of a finding of suitability or qualification, or registrant may file one or more notices of defense upon any or all of the above grounds.

(c) The failure to specifically deny any fact, issue, or part of the complaint serves as an admission thereto.

7. § 175-10.1-1515 Right to Hearing; Waiver.

The applicant, ~~or licensee,~~ temporary licensee, provisional licensee, holder of a finding of suitability or qualification, or registrant is entitled to an evidentiary hearing on the complaint if it files and serves the required notice of defense within the time allowed herein; such notice of defense is deemed a specific admission of all parts of the complaint which are not expressly denied. Failure to file and serve a notice of defense within such time constitutes a waiver of the right of the hearing, but the Commission, in its discretion may nevertheless order a hearing. All affirmative defenses must be specifically stated, and unless objection is taken, as provided therein, all objections to the form of complaint are deemed waived.

8. § 175-10.1-1525 Revocation of License or Registration; Hearing.

(a) The Commission will not revoke or suspend any license, registration, or finding of qualification or suitability unless it has first afforded the licensee, registrant or holder opportunity for a hearing.

(b) Notwithstanding subsection (a) above, the Executive Director may suspend a temporary casino employee license, provisional casino vendor license, provisional casino service provider license, provisional junket operator license, or temporary key employee license pursuant to § 175-10.1-1915 without a hearing but notice must be provided to the employee, ~~or key employee,~~ or provisional licensee and the casino licensee of such suspension and the applicant shall be given an opportunity to cure the deficiency promptly.

9. § 175-10.1-1855 Collection of Gaming Credit.

- (a) Only bonded, duly licensed collection agencies, or a licensee's employees, junket representatives, or attorneys, may collect, on the casino gaming licensee's, provisional junket operator, or junket operator's behalf and for any consideration, gaming credit extended by the licensee, provisional junket operator or junket operator.
- (b) Notwithstanding the provisions of subsection (a), the casino gaming licensee, provisional junket operator, or junket operator shall not permit any person who has been found unsuitable, or who has been denied a gaming license of any kind, or who has had a gaming license of any kind revoked, to collect, on the licensee's, provisional junket operator's, or junket operator's behalf and for any consideration, gaming credit extended by the casino gaming licensee, provisional junket operator, or junket operator.
- (c) Each licensee and operator (provisional or otherwise) shall maintain for the Commission's inspection records that describe credit collection arrangements and that include any written contracts entered into with the persons described in subsection (a).
- (d) The casino gaming licensee and its agents, provisional junket operators and their agents, and junket operators and their agents shall be required to collect, at a minimum, the greater of one million dollars or 10% of the gaming credit within ninety days of the settled gaming credit from each respective patron. If the casino gaming licensee fails to collect this required minimum, the casino gaming licensee must provide within thirty days after this ninety day minimum amount collection period the following:
- (1) A schedule listing the patron(s) who failed to pay this minimum amount and balances due to the casino gaming licensee, and
 - (2) Copies of the documentations substantiating good faith efforts made in collection attempts.

10. § 175-10.1-2605 Licensure and Registration Required.

[(a)-(e) unchanged]

(f) Mandatory License Requirements: As a condition of every junket operator license, or provisional junket operator license, the Commission or its authorized representatives may inspect and monitor, at any time and with or without notice, any part of the junket operator, its operations, equipment, records, and related activities and any similar area or activity of the licensed junket operator, within or without the Commonwealth, and that a law enforcement officer may enter any such area as requested by the Commission. The Executive Director may authorize representatives of the Commission.

(g) Disqualification Criteria. A junket operator license or a provisional junket operator license, must be denied to any applicant for a junket operator or provisional junket operator license who has failed to prove by clear and convincing evidence that he or any of the persons who must be qualified under 175-10.1-905(a) possesses the qualifications and requirements set forth in sections 175-10.1-920 and 175-10.1-925 and any other section of these Regulations as if they were applicants for any other type of license.



Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

Website: <http://opacnmi.com>

1236 Yap Drive, Capitol Hill, Saipan, MP 96950

Mailing Address:
P.O. Box 501399
Saipan, MP 96950

E-mail Address:
mail@opacnmi.com

Phone: (670) 322-6481
Fax: (670) 322-7812

PUBLIC NOTICE OF PROPOSED ADOPTION OF PROCUREMENT REGULATIONS FOR THE OFFICE OF THE PUBLIC AUDITOR

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Public Auditor (OPA) intends to repeal and replace the existing procurement regulations in its entirety which were proposed in the Commonwealth Register Volume 38, Number 5, 037923 (May 28, 2016) and adopted by notice published in the Commonwealth Register Volume 38, Number 8, 038404 (August 28, 2016) with the following proposed regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations will become effective ten (10) days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The proposed Procurement Regulations are promulgated under the authority of 1 CMC § 2303(d) which provides the Public Auditor authority to promulgate procurement regulations and administer the procurement function of OPA.

TERMS AND SUBSTANCE: The proposed Procurement Regulations are set forth to provide the regulations and procedures required for the procurement of goods and services by OPA.

THE SUBJECTS AND ISSUES INVOLVED: The proposed Procurement Regulations sets forth the procedural guidelines for OPA procurement of goods and services.


DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

COMMENTS: Interested parties may submit written comments on the proposed adoption of the OPA Procurement Regulations to Michael Pai, Public Auditor, Office the Public Auditor, at P.O. Box 501399 CK. Saipan, MP 96950, or by facsimile to (670)322-7812, or to email address, mail@opacnmi.com. Comments, data, views, or arguments are due within 30 days from the date of publication of this notice (1 CMC § 9104(a)(2)).


These proposed regulations were approved by the Public Auditor on July 17, 2017.

Submitted by: Michael Pai
Michael Pai, CPA
Public Auditor

7/17/17
Date

Received by: 
Shirley Camacho-Ogumoro
Special Assistant for Administration

07/18/17
Date

Filed and
Recorded by: 
Esther SN. Nesbitt
Commonwealth Register

07.25.2017
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f)(publication of rules and regulations).

Dated the 19 day of July 2017.


Edward Manibusan
Attorney General

Office of the Public Auditor

Commonwealth Téel Falúw kka Efang llól Marianas

Website: <http://opacnmi.com>

1236 Yap Drive, Asúngúl, Seipél, MP 96950

ARONGORONGOL TOULAP REEL POMMWOL ADÓPTAA REEL MWÓGHUTUGHUTÚL PROCUREMENT NGÁLI BWULASIYOL PUBLIC AUDITOR

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLIL POMMWOL

MWÓGHUTUGHUT KKAL: Commonwealth Téel Falúw kka Efang llól Marianas, Bwulasiyol Public Auditor (OPA) re mángemángil rebwe bwughi sefaaliy me siiweli millimwu e lo bwe mwóghutughutúl procurement me alongal óutol iye e pommw llól Commonwealth Register Volume 38, Numuro 5, 037923 (Móozo 28, 2016) me igha re adóptááli sáangi arongowowul me llól Commonwealth Register Volume 38, Numuro 8, 038404 (Agosto 28, 2016) reel pommwol mwóghutughut ikka e amwirimwiritiw, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC §9104(a). Ebwe bwunguló mwóghut kkal llól seigh (10) ráal mwiril aal adóptááli me akkatééwowul me llól Commonwealth Register. (1CMC § 9105(b)).

BWÁNGIL: Pommwol Mwóghutughutúl Procurement aa arongowow faal bwángil 1 CMC § 2303 (d) iye e ayoorai ngáli Public Auditor bwe ebwe arongowow reel mwóghutughutúl me administer-li reel mwóghutughutúl procurement-il OPA.

KKAPASAL ME AWEEWEL: Pommwol mwóghutughutúl Procurement kka ebwe fféer bwe mwóghutughutúl me procedure iye e require-li ngáli bweibwooghul peiráágh me alillis sáangi OPA.

KKAPASAL ME ÓUTOL: Pommwol mwóghutughutúl Procurement kka ebwele tééló mmwal bwe mwóghutughut ngáli OPA reel bweibwooghul peiráágh me alillis.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akktééwow Pommwol Mwóghutughut kkal llól Commonwealth Register llól táлил pommwol me fféel mwóghutughut igha re adóptááli I1 CMC § 9102(a)(1)) me ebwe appaschetá llól civic center me llól bwulasiyol gobetnamento llól senatorial disctrict, fengál reel kkasal English me mwáliyaasch(1 CMC §9104(a)(1).

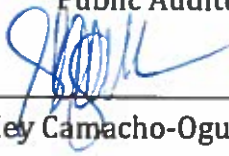
KKAPAS: Schóó kka re mwuschel rebwe isiisilong iisch reel pommwol adóptaal Mwóghutughutúl Procurement ngáli Michael Pai, Public Auditor, Bwulasiyol Public Auditor, me P. O. Box 501399 CK. Seipél, MP 96950, ngare facsimile ngáli (670)322-7812, ngare

email ló mail@opacnmi.com. Kkapas, data, views, ngare angiingi ebwe toolong llól eliigh (30) ráál mwiril akkatééwowul arongorong yeel (1 CMC § 9104(a)(2)).


Pommwol mwóghutughut kkal nge aa átirow merel Public Auditor wóól July
17, 2017.

Isáliyalong: 
Michael Pai, CPA
Public Auditor

7/17/17
Ráál

Bwughiyal: 
Shirley Camacho-Ogumoro
Special Assistant ngáli Administration


07/18/17
Ráál

Ammwelil: 
Esther SN. Nesbitt
Commonwealth Register

07.25.2017
Ráál

Sáangi 1 CMC § 2153(e) (sáangi aal lléghló me ffil reel fféerúl sáangi AG) me 1 CMC § 9104(a)(3) (mwiir sáangi aal lléghló sáangi AG) reel pommwol mwóghutughut kka e appasch igha ra takkal amwuri fischiiy bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwowul (1 CMC § 2153(f)(akkatééwowul allégh me meóghutughut).

Ghikkilátiw 19th ráálil July 2017.


Edward Manibusan
Soulemelemil Allégh Lapalap

**NUTISIAN PUBLIKU NI MANMAPROPONI PARA
U MA'ADÁPTA I REGULASION PROCUREMENT
SIHA PARA I UFISINAN I PUBLIC AUDITOR**

MA INTENSIONA NA AKSION PARA U MA ADÁPTA ESTE I MAN MAPROPONI NA REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariánas, I Ofisinan i Public Auditor (OPA), ma'intensiona para u madiroga yan matulaika i manggaigi na regulasion i procurement siha i todú i manggaigi ni maproponi hálum i Rehistran Commonwealth Baluma 38, Numiru 5, 037923 (Máyu 28, 2016) yan ma'adápta ginin nutisia ni ma'publika gi hálum Rehistran Commonwealt Baluma 38, Numiru 8, 038404 (Agustu 28, 2016) yan i tinattitiyi na regulasion procurement ni maproponi, sigun para i manera gi Ákton Administrative Procedure I CMC § 9104(a). I Regulasion siha para u ifektibu dies (10) dihas despues di adáptasion yan publikasion gi hálum i Rehistran Commonwealth. (I CMC § 9105(b)).

ÁTURIDÁT: I manmaproponi na Regulasion Procurement manmacho'gui gi pápa' i aturidát i I CMC §2303 (d) ni mapribeniya aturidát i Public Auditor para u macho'gui i regulasion procurement siha yan madirihi i fonksion procurement nu i OPA.

I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA: I manmaproponi na Regulasion i Procurement mapega mo'na para u pribeni i manisisita na regulasion yan procedures gi kosas yan setbisiun i procurement siha gi OPA.

SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA: I manmaproponi na Regulasion Procurement siha mapega mo'na i procedural guidelines para i procurement OPA gi kosas yan setbisiu siha.

DIREKSION PARA U MA PO'LU YAN PARA PUBLIKASION: Esti i manmaproponi na Regulasion siha debi na u mapublika gi hálum i Rehistran Commonwealth gi seksiona ni manmaproponi yan ñuebu na ma'adápta na regulasion siha I CMC § 9102(a)(1), yan u mapega gi kumbinienti na lugát siha gi halum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu Englis yan prinsipát na lingguáhin natibu. (I CMC § 9104(a)(1)).

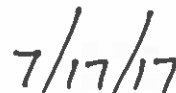
PARA U MAPRIBENIYI UPIÑON SIHA: I manintirisao na petsona siha siña manna'hálum upiñon siha ni manmaproponi na adáptasion nu i Regulasion Procurement OPA guatu gi as Michael Pai, Public Auditor, gi P.O. Box 501399 CK. Saipan, MP 96950, pat hágan tilifon (670)322-7812, pat email address, mail@opacnmi.com. Upiñon, data, views, pat agumentu siha debi di u manna'hálum trenta (30) dihas ginin i fetcha ni mapublika i nutisia (I CMC §9104 (a)(2)).

Esti i manmaproponi na regulasion siha manma'aprueba ginin i Public Auditor gi July 17, 2017.

Nina'hálum as:



Michael Pai, CPA
Public Auditor



Fetcha

Rinisibi as:


Shirley Camacho-Ogumoro
Ispisiât Na Ayudânti Para I Atministrasion

07/18/17

Fetcha

Pine'lu yan
Ninota as:


Esther Sn. Nesbitt
Rehistran Commonwealth

07-25-2017

Fetcha

Sigun i 1 CMC § 2153(e) (I Abugâdu Hinerât ma'apueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inapueban Abugâdu Hinerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'apueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Hinerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupplikasion areklamentu yan regulasion siha).

Mafetcha guini gi diha 19, gi July 2017


Edward Manibusan
Abugâdu Henerât

Office of the Public Auditor Procurement Regulations

Chapter 130-30

Part 001 - General Provisions

Subpart A - General

§ 130-30-001 Purposes

- (a) Interpretation. The regulations in Chapter 130-30 shall be construed and applied to promote their underlying purposes and policies.
- (b) Purposes and Policies. The underlying purposes and policies of the regulations in Chapter 130-30 are:
- (1) To simplify, clarify, and modernize the procurement policies and practices of the Office of the Public Auditor (OPA);
 - (2) To provide for increased public confidence in the procedures followed in public procurement;
 - (3) To insure the fair and equitable treatment of persons who deal with the procurement system of OPA;
 - (4) To provide increased economy in OPA procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds;
 - (5) To foster effective broad-based competition within the free enterprise system; and
 - (6) To provide safeguards for the maintenance of a procurement system of quality and integrity.

§ 130-30-005 Authority

The regulations in Chapter 130-30 are promulgated under the authority of 1 CMC § 2303(d) which provides the Public Auditor authority to promulgate procurement regulations and administer the procurement function of OPA.

§ 130-30-010 Applicability of Supplementary General Principles of Law

Unless displaced by the particular provisions of Chapter 130-30, the principles of law and equity including, but not limited to, the Uniform Commercial Code of the Commonwealth and common law of fraud, conflicts of interest, waste, false pretenses, and public purpose shall supplement the regulations in Chapter 130-30.

§ 130-30-015 Requirement of Good Faith

The regulations in Chapter 130-30 require all parties, including OPA employees, contractors, and suppliers, involved in the negotiation, bidding, performance, or administration of OPA contracts to act in good faith.

§ 130-30-020 Application of Regulations

The regulations in Chapter 130-30 apply to all OPA expenditures of public funds irrespective of source, including federal assistance monies. Nothing in Chapter 130-30 shall be construed to prevent OPA from complying with the terms and conditions of any grant, cooperative agreement or memoranda. The regulations in Chapter 130-30 do not apply to employment contracts.

§ 130-30-025 Severability

If any provision of the regulations in Chapter 130-30 or any application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or application of the regulations in Chapter 130-30 which can be given effect without the invalid provision or application, and to this end, the provisions of Chapter 130-30 are declared to be severable.

§ 130-30-030 Validity of Contract

No OPA contract with the exception of employment contracts shall be valid unless it complies with the regulations in Chapter 130-30.

§ 130-30-035 Remedy Against Employee

Any procurement action of an employee of OPA in violation of the regulations in Chapter 130-30 is an action outside the scope of his or her employment. OPA will seek to have any liability asserted against it by a contractor which directly results from these improper acts to be determined judicially to be the individual liability of the employee who committed the wrongful act.

Subpart B - Definitions

§ 130-30-040 Definitions

As used in the regulations in Chapter 130-30, unless the context otherwise requires, the following meanings apply:

- (a) "Attorney General" means the Attorney General of the Commonwealth of the Northern Mariana Islands.
- (b) "Construction" means the process of building, altering, repairing, improving, or demolishing of a public structure or building or public improvements commonly known as "capital improvements." It does not include the routine maintenance of existing structures, buildings, or public real property.
- (c) "Contract" means all types of agreements, regardless of what they may be called for the procurement of supplies, services, or construction, including purchase orders.

- (d) “Cost-reimbursement contract” means a contract under which a contractor is reimbursed for costs which are allowable and in accordance with the contract terms and the regulations in Chapter 130-30, and a fee, if any.
- (e) “Designated Hearing Officer” means a CNMI-licensed attorney contracted by OPA to preside over appeals to decisions made by the Procurement Officer.
- (f) “Definite-quantity contract” means a contract which provides for delivery of a definite quantity of specific supplies or services for a fixed period. This type of contract may be used when it can be determined in advance that a definite quantity of supplies or services will be required during the contract period.
- (g) “Dispute” means a disagreement concerning the legal rights and obligations of contracting parties, which, if not settled by mutual agreement, must be referred to a neutral third party for resolution.
- (h) “Employee” means an individual receiving a salary from OPA.
- (i) “Firm-fixed-price contract” means a contract which provides for a price that is not subject to any subsequent adjustment as a result of the contractor’s cost experience in performing the contract. This type of contract places upon the contractor maximum risk and full responsibility for all costs and resulting profit or loss.
- (j) “Goods” means all property, including but not limited to equipment, materials, supplies, and other tangible personal property of any kind or nature, printing, insurance, and leases of real and personal property.
- (k) “Invitation for bids” means all documents, whether attached or incorporated by reference, utilized for soliciting bids.
- (l) “Official with expenditure authority” means the Public Auditor or designee who may expend, obligate, encumber, or otherwise commit public funds under the Planning and Budgeting Act or under any annual appropriation act.
- (m) “Person” means an individual, sole proprietorship, partnership, joint venture, corporation, other unincorporated association or a private legal entity.
- (n) “Procurement” means buying, purchasing, renting, leasing, or acquiring construction, goods, or services. It also includes all functions that pertain to the obtaining of construction, goods, or services, including description of requirements, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration.
- (o) “Public Auditor” means the Public Auditor of the Commonwealth Office of the Public Auditor.

(p) "Purchase description" means the words used in a solicitation to describe the goods, services, or construction to be purchased and include specifications attached to, or made part of, the solicitation.

(q) "Requirements contract" means a contract which provides for filling all actual purchase requirements of designated OPA activities for supplies or services during a specified contract period, with deliveries or performance to be scheduled with the contractor.

(r) "Responsible" in reference to a vendor, bidder, offeror, or contractor, means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

(s) "Responsive" in reference to a vendor, bidder, offeror, or contractor, means a person who has submitted a bid or proposal which conforms in all material respects to the invitation for bids or request for proposals.

(t) "Secretary" means the Secretary of Finance.

(u) "Services" means the furnishing of time, labor, or effort by a person other than an employee, and not involving the delivery of a specific end product other than reports, plans, and incidental documents.

Subpart C - Public Access

§ 130-30-045 Public Access to Procurement Information

Procurement information shall be a matter of public record and shall be available for public inspection. Procurement information may be kept confidential when necessary to insure proper bidding procedures or to comply with the requirements of 1 CMC § 7849. This decision shall be made only by the Public Auditor.

Part 100 - Procurement Organization

§ 130-30-105 Procurement Officer of the Office of the Public Auditor

The Public Auditor shall designate an employee of OPA to serve as the Procurement Officer to administer and supervise the day-to-day procurement activities and functions of the office.

§ 130-30-110 Duties and Responsibilities of the Procurement Officer

The duties and responsibilities of the Procurement Officer include, but are not limited to, the following:

(a) Ensure that the regulations in Chapter 130-30 are observed in all OPA procurement activities;

- (b) Procure or supervise the procurement of all supplies, goods, and services needed by OPA;
- (c) Conduct bidding, procurement, negotiation, or administration of OPA contracts upon request of the Public Auditor;
- (d) Sell, trade, or otherwise dispose of surplus property belonging to and no longer needed by OPA;
- (e) Exercise general supervision and control over all inventories of supplies belonging to OPA;
- (f) Exercise general oversight and control on the use of physical assets and other capital equipment to prevent waste or abuse or other unauthorized use;
- (g) Establish and maintain programs for the inspection, testing, and acceptance of supplies;
- (h) Hear all protests and disputes; and
- (i) Oversee the administration of OPA contracts.

§ 130-30-115 Contract Review, Processing and Oversight

- (a) All contracts must first be prepared by the Procurement Officer who shall certify that he has complied with the Procurement Regulations, codified in Chapter 130-30, and that the proposed contract is for a public purpose, and does not constitute a waste or abuse of public funds. All contract documents must be complete including attachments and exhibits, if they are incorporated into the contract by reference. The contract documents prepared by the Procurement Officer shall be submitted to the Public Auditor for review.
- (b) The contract shall next be forwarded for approval by the Secretary of Finance or his designee who shall certify the availability of funds.
- (c) The third review is that of the OPA Legal Counsel or his designee who shall certify the contract as to form and legal capacity.
- (d) The contract shall then be approved by the Public Auditor.
- (e) After the Public Auditor's approval, the Procurement Officer shall forward the contract to the contractor for his approval and signature.
- (f) After the signature of the contractor, the Procurement Officer shall provide copies of said contract to the:
 - (1) Public Auditor
 - (2) Secretary of Finance
 - (3) Contractor.

(g) No contract is effective against OPA until all of the parties whose signatures are required on the contract form have signed the contract. A contract shall contain a right to audit records clause.

§ 130-30-120 Acceptance of Gratuities by the Procurement Officer and OPA employees

In addition to the restrictions found in § 130-30-625, the Procurement Officer and the employees of OPA shall not accept from any person any gift of value given to them with the intent to influence their business judgment.

Part 200 - Source Selection and Contract Formation

Subpart A - Source Selection

§ 130-30-201 Requirements for Competition

OPA shall provide for full and open competition through use of the competitive procedure that is best suited to the circumstances of the contract action unless otherwise authorized under Chapter 130-30. The competitive procedures available for use in fulfilling the requirement for full and open competition are as follows:

- (a) Competitive sealed bidding (§ 130-30-205)
- (b) Competitive sealed proposals (§ 130-30-210)
- (c) Architect-engineer services (§ 130-30-305); and
- (d) Competitive selection procedures for professional services (§ 130-30-310).

§ 130-30-205 Competitive Sealed Bidding

- (a) All OPA procurement shall be awarded by competitive sealed bidding under this section, except as provided in:
 - (1) § 130-30-210 (Competitive Sealed Proposals);
 - (2) § 130-30-220 (Small Purchases);
 - (3) § 130-30-225 (Sole Source Procurement);
 - (4) § 130-30-230 (Expedited Purchasing in Special Circumstances);
 - (5) § 130-30-305 (Architect-Engineer Services); and
 - (6) § 130-30-310 (Competitive Selection Procedures for Professional Services)
- (b) Invitation for Bids.
 - (1) An invitation for bids shall be issued and shall include at the minimum:
 - (i) An invitation for bids number;
 - (ii) Date of issuance;

- (iii) Name, address, and location of the Office of the Public Auditor;
 - (iv) Specific location where bids must be submitted;
 - (v) Date, hour, and place of bid opening;
 - (vi) A purchase description in sufficient detail to permit full and open competition and allow bidders to properly respond;
 - (vii) Quantity to be furnished;
 - (viii) Time, place, and method of delivery or performance requirements;
 - (ix) Essential contractual terms and conditions; and
 - (x) Any bonding requirements.
- (2) Purchase descriptions of construction, goods, or services shall detail to the greatest extent practicable the specific requirements the contractor is expected to perform or deliver. At a minimum, a purchase description shall adequately set forth the essential physical and functional characteristics of the construction, goods, or services necessary to fulfill OPA's minimum requirements.

(c) **Application for Brand Name Descriptions.** An acquisition that uses a brand name description or other purchase description to specify a particular brand name, product, or feature of a product peculiar to one manufacturer is not normally allowed regardless of the number of sources solicited. It shall be allowed only when justified and approved in accordance with the procedures on justifying sole-source procurement. Specifically, the justification shall indicate that the use of such descriptions in the acquisition is essential to OPA's requirements, thereby precluding consideration of a product manufactured by another company. "Brand-name or equal" descriptions and other purchase descriptions that permit prospective contractors to offer products other than those specifically referenced by brand name, provide for full and open competition and do not require justifications and approvals to support their use.

(d) **Bid Solicitation Accuracy.** The bid solicitation shall accurately reflect OPA's requirement. It shall adequately state what is to be done or what is to be delivered to OPA in order to allow bidders to properly respond and evaluations to be made on a uniform basis. Exact quantities shall be stated in the statement of deliverables, unless use of a requirements contract is justified under § 130-30-260.

(e) **Publication.** The Procurement Officer shall publicize all invitation for bids in order to increase competition and broaden industry participation. The bidding time (i.e., the time between issuance of the solicitation to the public and opening of bids) shall be prescribed as follows:

(1) **Minimum Bidding Time.** A bidding period of at least 30 calendar days shall be provided unless the Procurement Officer determines that a shorter time is reasonable and necessary. Such shorter bidding period must afford potential bidders a reasonable opportunity to respond considering the circumstances of the individual acquisition, such as the complexity, and urgency. The bidding period, however, shall never be less than fourteen calendar days.

(2) **Extended Bidding Period.** Because of limited bidding time in certain cases, potential sources may be precluded from bidding and others may be forced to include contingencies that, with additional time, could be eliminated. To avoid unduly restricting competition or paying higher-than-necessary prices, the Procurement Officer may increase the 30-day bidding period by not more than 60 additional calendar days, considering such factors as:

- (i) Degree of urgency;

- (ii) Complexity of requirements;
- (iii) Anticipated extent of subcontracting;
- (iv) Geographic distribution of bidders; and
- (v) Normal transmittal time for invitations and bids.

(f) **Public Notice.** The Procurement Officer shall advertise the invitation for bids in a newspaper of general circulation in the Commonwealth at least once in each week from the time the solicitation is issued, including the week when the bidding period expires. Direct solicitations for bids are allowable provided public notice is fulfilled.

(g) **Bid Receipt.**

(1) All bids shall be submitted to OPA. Bids documents shall be received prior to the time set for opening and shall be maintained sealed in a secure manner. Bids submitted from vendors outside the Commonwealth must be postmarked or with other proof of submission by the date set in the invitation for bids and must be received within seven working days of that date. Bidders outside the Commonwealth must notify the Public Auditor in writing of their intent to bid in order to receive this additional seven days for the receipt of the actual bid documents. This notice of intent to bid may be by any mode of written communication including telex, facsimile or other electronic transmission.

(2) If a bid is opened by mistake, it shall be resealed and the person who opened the bid shall write his signature and print his title on the envelope and deliver it to the Procurement Officer. No information contained in the bid shall be disclosed prior to the bid opening. The Procurement Officer shall cause the opened bid to be placed into the sealed receptacle.

(h) **Bid Opening.** The bid opening shall be conducted by the Procurement Officer. Bids received prior to the bid closing date shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The Procurement Officer shall be present at the bid opening. The bids shall be publicly opened. The amount of each bid, together with the name of each bidder shall be recorded. The record and each bid shall be open to public inspection. The Procurement Officer shall prepare a written summary of the bid opening.

(i) **Bid Acceptance and Bid Evaluation.** Bids shall be unconditionally accepted without alteration or correction, except as authorized in Chapter 130-30. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria as is necessary to reasonably permit a determination as to the acceptability of the bid for the particular purpose intended.

(j) **Responsiveness of Bids.** To be considered for award, a bid must comply in all material respects with the invitation for bids. Bids must be filled out, executed, and submitted in accordance with the bid instructions. A bid may be considered only if

- (1) The bidder accepts all material terms and conditions of the invitation, and
- (2) Any future award based upon the bid would result in a binding contract with terms and conditions that do not vary from the requirements of the invitation. Electronic or facsimile bids shall not be considered unless permitted by the invitation.

(k) **Bid Rejection.** A bid may be rejected for any of the following reasons:

- (1) Failure to conform to essential requirements of the invitation for bids such as specifications or time of delivery;
- (2) Imposition of conditions or restrictions in the bid which modify requirements of the invitation or limit the bidder's liability to OPA. For example, bids shall be rejected in which the bidder:
 - (i) Protects against future changes in conditions, such as increased costs;
 - (ii) Fails to state a price and indicates that price shall be the price in effect at the time of delivery;
 - (iii) States a price but qualifies it as subject to price in effect at time of delivery; or
 - (iv) Limits the rights of OPA.
- (3) Unreasonableness as to price;
- (4) A bid from a non-responsible bidder as defined in § 130-30-240.
- (5) A bid from a non-responsive bidder as defined in § 130-30-205(j).

(l) **Correction or Withdrawal of Bids; Cancellation of Awards.** Correction or withdrawal of inadvertently erroneous bids, before or after award, or cancellation of awards based on bid mistakes must be approved by the Public Auditor in writing. After the bid opening, no changes in bid price or other provisions of bids prejudicial to the interest of OPA or fair competition shall be allowed. Whenever a bid mistake is suspected, OPA shall request confirmation of the bid prior to award. In such an instance, if the bidder alleges an error, OPA shall only permit correction of the bid or withdrawal of the bid in accordance with subsection (l)(1) or (l)(2).

(1) **Correction of bids.** Correction of bids shall only be permitted when:

(i) An obvious clerical mistake is clearly evident from examining the bid document. Examples of such mistakes are errors in addition or the obvious misplacement of a decimal point; or

(ii) The otherwise low bidder alleges a mistake and the intended bid is evident from the bid document or is otherwise supported by clear and convincing evidence as to the bid intended and the corrected bid remains the low bid. A low bidder shall not be permitted to correct a bid mistake resulting from an error in judgment.

(2) **Withdrawal of bids.** Withdrawal of a bid shall only be permitted where the otherwise low bidder alleges a mistake and there is clear and convincing evidence as to the existence of a mistake.

(3) **Cancellation of awards.** Cancellation of awards or contracts shall only be permitted when:

(i) Evidence as to the existence of the mistake is not discovered until after the award;

(ii) There exists no clear and convincing evidence to support the bid intended; and

(iii) Performance of the contract at the award price would be unconscionable.

(m) **Award.**

(1) The contract must be awarded with reasonable promptness by written notice to the lowest responsive bid by a responsible bidder whose bid fully meets the requirements of the invitation for bids and the regulations in Chapter 130-30. Unsuccessful bidders shall also be promptly notified.

(2) Notice of an award shall only be made by the presentation of a contract with all of the required signatures to the bidder. No other notice of an award shall be made. No acceptance of an offer shall occur nor shall any contract be formed until an OPA contract is written and has

been approved by all the officials required by law and regulation. OPA contracts shall contain a clause which states that the signature of the private contractor shall be the last in time to be affixed to a contract and that no contract can be formed prior to the approval of all required government officials.

(3) In the event all bids exceed available funds, and time or economic considerations preclude re-solicitation of work of a reduced scope, the Procurement Officer may be authorized by the Public Auditor to negotiate an adjustment of the bid price including changes in bid requirements, with the lowest responsive and responsible bidder in order to bring the bid price within the amount of available funds. The negotiation shall be documented in writing and attached to the bidding documents.

§ 130-30-210 Competitive Sealed Proposals

(a) Conditions for use. When the Public Auditor determines in writing that the use of a competitive sealed bidding is either not practical or not advantageous to OPA, a contract may be entered into by competitive sealed proposals. Such determination shall be placed in the contract file.

(b) Request for proposals. Proposals shall be solicited through a request for proposals.

(c) Public notice. Adequate public notice of the request for proposals shall be given in the same manner as provided for in competitive sealed bids.

(d) Receipt of proposals. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and opened for public inspection after contract award except where public inspection would violate confidentiality mandates or jeopardize an ongoing investigation or audit.

(e) Evaluation factors. The request for proposals shall state the relative importance of price and other evaluation factors. Price or cost to OPA shall be included as an evaluation factor in every solicitation of proposals. The Procurement Officer must ensure that the following requirements are complied with in any evaluation of proposals.

(1) All evaluation factors stated in the solicitation shall be considered in determining proposals in the competitive range (i.e., those allowed to participate further in the selection process), and any subsequent evaluations (including evaluation of best and final offers from the competitive range offerors).

(2) Competitive range. The Public Auditor shall determine which proposals are in the competitive range, based on the recommendations of the evaluator or evaluation team, for the purpose of conducting written or oral discussions, and shall include all proposals that have a reasonable chance of being selected for award. When there is doubt as to whether a proposal is in the competitive range, the proposal shall be included. Proposals determined to have no reasonable chance of being selected for contract award shall no longer be considered for selection. A proposal is not reasonably susceptible of being selected for award and can be excluded from the competitive range if it is clear that:

(i) Its contents are so unacceptable that a revision of the proposal in the negotiation stage would be equivalent to accepting a new proposal; or

(ii) In comparison with other proposals, such proposal clearly has no chance of being selected for award.

(3) Technical evaluation. If any technical evaluation is necessary beyond ensuring that the proposal meets the minimum requirements in the solicitation, the evaluator or evaluation team shall document the technical evaluation which shall include:

(i) The basis for the evaluation;

(ii) An assessment of each offeror's ability to accomplish the technical requirements;

(iii) A summary, matrix, or quantitative ranking of each technical proposal in relation to the best rating possible; and

(iv) A summary of findings. The supporting documentation prepared for the selection decision shall show the proposals' comparative strengths, weaknesses, and risks in terms of the evaluation factors.

(4) When technical criteria (generally, criteria other than price) are involved, the Procurement Officer shall ensure that appropriate qualified personnel are assigned to conduct a technical evaluation of the proposals. In forming an evaluation team, the Procurement Officer shall ensure that:

(i) The evaluators, including any other personnel responsible for the selection of competitive range offerors or final selection of an offeror, are formally designated to exercise such responsibility by the Public Auditor; and

(ii) Before conducting any evaluation, the Public Auditor shall approve an evaluation plan which as a minimum shall include:

(A) A statement of the evaluation factors and any significant sub-factors and their relative importance;

(B) A description of the evaluation process, methodology, and techniques to be used; and

(C) Documentation requirements.

(f) Notification to offerors excluded in the competitive range. The Procurement Officer shall promptly notify offerors when they are excluded from the competitive range or otherwise excluded from further consideration. The notice shall state the basis for the exclusion.

(g) Discussion with responsible offerors and revisions to proposals. As provided in the request for proposals, discussions may be conducted with responsible and responsive offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification and to insure full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(h) Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be most advantageous to OPA taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation and the contract file shall contain the basis on which the award is made. Within three working days after the date of contract award, the Procurement Officer shall provide written

notification to each unsuccessful offeror (unless pre-award notice was given under § 130-30-210(f)). The notice shall include, as applicable:

- (1) The number of offerors solicited;
- (2) The number of proposals received;
- (3) The name and address of each offeror receiving an award;
- (4) The items, quantities, and unit prices of each award (if the number of items or other factors makes listing unit prices impracticable, only the total contract price need be furnished); and
- (5) In general terms, the reason the offeror's proposal was not accepted, unless the price information in item (h)(4) of this subsection readily reveals the reason. In no event shall an offeror's cost breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information be disclosed to any other offeror.

§ 130-30-215 Circumstances Permitting Other than Full and Open Competition

- (a) The following procurement methods permit contracting without using full and open competition.
 - (1) Small purchases (§ 130-30-220);
 - (2) Sole source procurement (§ 130-30-225); and
 - (3) Expedited purchasing in special circumstances (§ 130-30-230).

§ 130-30-220 Small Purchases

- (a) Any procurement not exceeding the amounts established herein may be made in accordance with small purchase procedures. However, procurement requirements shall not be artificially divided so as to constitute a small purchase.
- (b) Bidding is not required for procurement under \$2,500.
- (c) Bidding is not required but is encouraged for procurement valued at \$2,500 and under \$10,000. The Public Auditor will obtain price quotations from at least three vendors and base the selection on competitive price and quality for procurement valued at \$2,500 and under \$10,000. Any price quotations obtained must be written, documented, and submitted to the Procurement Officer for approval.
- (d) Purchase orders may be utilized for small purchases subsections (b) and (c).
- (e) Any lease or purchase of vehicles shall be procured pursuant to § 130-30-315. Any lease or purchase of machinery and equipment in excess of \$2,500 shall be procured pursuant to § 130-30-205 or other applicable provisions of the regulations in Chapter 130-30.

§ 130-30-225 Sole Source Procurement

- (a) A contract may be awarded for a supply, service, or construction without competition when

- (1) The Procurement Officer determines in writing that there is only one source for the required supply, service, or construction; or
 - (2) Solely for the purpose of obtaining expert witnesses for litigation; or
 - (3) For legal services
- (b) For any sole source procurement pursuant to subsections (a)(2), or (a)(3), the Public Auditor shall state in writing the reasons the services are required.

§ 130-30-230 Expedited Purchasing in Special Circumstances

- (a) When special circumstances require the expedited procurement of goods or services, the Procurement Officer may request in writing that the Public Auditor approve expedited procurement without the solicitation of bids for proposals.
- (b) The factors to be considered by the Procurement Officer shall be:
- (1) The urgency of the OPA's need for the good or services;
 - (2) The availability of the goods or service in the Commonwealth and the timeliness in acquiring it; and
 - (3) Any other factors establishing the expedited procurement is in the best interest of OPA.
- (c) The expedited procurement shall be as competitive as possible under the circumstances.
- (d) The total amount of goods or service that may be approved under this section shall not exceed \$25,000.

Subpart B - Cancellation of Invitation for Bids and Request for Proposals

§ 130-30-235 Cancellation

An invitation for bids or request for proposals may be canceled, and any and all bids or proposals may be rejected, when such action is determined in writing by the Public Auditor to be in the best interest of OPA based on:

- (a) Inadequate or ambiguous specifications contained in the solicitation;
- (b) Specifications which have been revised;
- (c) Goods or services being procured which are no longer required;
- (d) Inadequate consideration given to all factors of cost to OPA in the solicitation;
- (e) Bids or proposals received indicate that the needs of OPA can be satisfied by a less expensive good or service;
- (f) All offers with acceptable bids or proposals received are at unreasonable prices;

- (g) Bids were collusive; or
- (h) Cancellation is determined to be in the best interest of OPA.

Subpart C - Qualifications and Duties

§ 130-30-240 Responsibility of Bidders and Offerors

- (a) Awards shall be made only to responsible contractors. To be determined responsible, a prospective contractor must:
 - (1) Have adequate financial resources to perform the contract, or the ability to obtain them;
 - (2) Be able to comply with the required delivery or performance schedule;
 - (3) Have a satisfactory performance record;
 - (4) Have a satisfactory record of integrity and business ethics;
 - (5) Have the necessary organization, experience, and skills, (or the ability to obtain them), required to successfully perform the contract;
 - (6) Have the necessary production, construction, and technical equipment facilities, or the ability to obtain them; and
 - (7) Be otherwise qualified and eligible to receive an award under applicable laws and rules.
- (b) Obtaining information. Prior to award, the Procurement Officer shall obtain information from the bidder or offeror necessary to make a determination of responsibility using the factors in subsection (a) above. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for determination of non-responsibility with respect to that bidder or offeror.
- (c) Right of non-disclosure. Information furnished by a bidder or offeror pursuant to subsection (b) may not be disclosed outside of OPA, or any other government official involved without prior consent by the bidder or offeror.
- (d) Non-responsibility determination. When a bid or proposal on which a contract award would otherwise be made is rejected because the prospective contractor is found to be non-responsible, a written determination shall be signed by the Procurement Officer stating the basis for the determination and this shall be placed in the contract file.

§ 130-30-245 Pre-qualification of Contractors

Prospective suppliers of goods or services may be pre-qualified for particular types of construction, goods and services when determined necessary by the Procurement Officer. Opportunity for qualification before solicitation shall be afforded to all suppliers. Solicitation mailing lists of potential contractors shall include, but shall not be limited to, pre-qualified suppliers. In no event will bidders be allowed to qualify after the bid opening.

Subpart D - Types of Contracts

§ 130-30-250 Permissible Types of Contracts

OPA contracts shall utilize a firm fixed price unless the use of a cost reimbursement contract is justified under § 130-30-255. OPA contracts shall also use definite-quantity contracts unless a requirements contract is justified under § 130-30-260. Use of cost-plus-a-percentage-of-cost and percentage of construction cost methods of contracting are prohibited.

§ 130-30-255 Cost-reimbursement Contracts

(a) Policy. Cost-reimbursement contracts must contain a ceiling which the contractor shall not exceed without the approval of the Procurement Officer.

(b) Application. A cost-reimbursement contract may be used when the Procurement Officer attaches to the contract a written determination that:

(1) Uncertainties in the work to be performed make the cost of performance too difficult to estimate with the degree of accuracy required for a firm fixed price contract;

(2) Use of a cost reimbursement contract is likely to be less costly to OPA than any other type due to the nature of the work to be performed under the contract.

(c) Limitations.

(1) A cost-reimbursement contract may only be used when the Public Auditor and Procurement Officer determine that the contractor's accounting system is adequate for determining costs applicable to the contract, and OPA surveillance in the form of a construction management contract will be obtained to ensure the use of efficient methods and effective cost controls in the performance of the contract.

(2) The use of cost-reimbursement contracts is prohibited for the acquisition of commercially available items.

(d) Cost-plus-fixed-fee contracts.

(1) Description. A cost-plus-fixed-fee contract is a cost-reimbursement contract that provides for payment to the contractor of a negotiated fee that is fixed at the inception of the contract. The fixed fee does not vary with actual cost, but may be adjusted as a result of changes in the work to be performed under the contract, authorized pursuant to § 130-30-410(a).

(2) Application.

(i) A cost-plus-fixed-fee contract is suitable for use when the conditions of § 130-30-255(b) are present and the contract is for the performance of research or preliminary exploration or study, and the level of effort required is unknown.

(ii) A cost-plus-fixed-fee contract normally must not be used in development of major systems once preliminary exploration, studies, and risk reduction have indicated a high degree of probability that the development is achievable and OPA has established reasonably firm performance objectives and schedules.

(3) Limitations. No cost-plus-fixed-fee contract shall be awarded unless the Procurement Officer complies with all limitations in § 70-30.3-255(c).

§ 130-30-260 Requirements Contracts

(a) For the information of offerors and contractors, the Public Auditor shall state a realistic estimated total quantity in the solicitation and resulting contract. This estimate is not a representation to an offeror or contractor that the estimated quantity will be required or ordered, or that conditions affecting requirements will be stable or normal. The Public Auditor may obtain the estimate from records of previous requirements and consumption, or by other means, and shall base the estimate on the most current information available.

(b) The contract shall state, if feasible, the maximum limit of the contractor's obligation to deliver and OPA's obligation to order. The contract may also specify maximum or minimum quantities that OPA may order under each individual order and the maximum that it may order during a specified period of time. The contract shall specify that failure of OPA to order such estimated minimum or maximum quantities will not entitle the contractor to any equitable adjustment in unit price.

(c) Application. A requirements contract may be appropriate for acquiring supplies or services when OPA anticipates recurring requirements but cannot predetermine the precise quantities of supplies or services that designated OPA activities will need during a definite period.

Subpart E - Inspection and Audit

§ 130-30-265 Right to Inspect Place of Business

OPA, may at reasonable times, inspect the place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by OPA.

§ 130-30-270 Right to Audit Records

As required by § 404 of Public Law No. 3-91 (1 CMC § 7845), the contractor and subcontractor or grantee and subgrantee at all levels shall provide OPA with access to and the right to examine and copy any records, data, or papers relevant to a government contract or grant for a period of three years after the final payment under the contract or grant. A clause to this effect shall appear in all OPA contracts and obligations.

Subpart F - Reports and Records

§ 130-30-275 Report of Anti-competitive or Deceptive Practices

(a) When for any reason any person suspects the following practices are occurring among bidders, offerors, contractors, or subcontractors, a notice of the relevant facts shall be transmitted by the Procurement Officer to the Attorney General without delay:

- (1) Unfair methods of competition;
- (2) Deceptive acts; or
- (3) Unfair business practices.

(b) These acts are more fully defined at 4 CMC § 5101 through § 5206.

§ 130-30-280 Retention of Procurement Records

(a) OPA shall maintain a record listing all contracts for a minimum of five (5) years after completion of construction, or full delivery of the goods or services under the contract. The records shall contain:

- (1) Each contractor's name;
- (2) The amount and type of each contract; and
- (3) A listing of the supplies, services, or construction procured under each contract.

(b) All procurement records, except those designated herein as not subject to disclosure, shall be available to public inspection.

Part 300 - Procurement of Construction and Architect-Engineer Services, Professional Services, Vehicles and Special Conditions for Computer Software and Hardware

§ 130-30-301 Construction Procurement

(a) Invitation for Bids.

(1) Deposit. The Procurement Officer shall determine the amount of deposit required for potential bidders to obtain the invitation for bids.

(2) Contents. The invitation for bids shall be prepared in accordance with § 130-30-205(b). In addition, the following items shall be included in the invitation for bids:

- (i) Notice to Bidders. General information regarding the project;
- (ii) Instructions to Bidders. Information on the preparation of bids, bid security requirements and forms and certifications that must be submitted with the bid;
- (iii) General Conditions. Standard contract clauses governing the performance of work;
- (iv) Special Conditions. Special contract clauses depending on the nature and dollar amount of the work to be performed; and
- (v) Technical Specifications. Specifications governing the technical aspects of the work to be performed.

(b) Bid Security.

(1) Requirement. Bid security shall be required for all competitive sealed bidding construction contracts where the price is estimated by the Procurement Officer to exceed \$25,000.00 or when the Procurement Officer determines it is in the interest of OPA. Bid security shall be on a bid bond, in cash, by certified check, cashiers' check or other form acceptable to OPA. A surety company shall hold the certificate of authority from the U.S. Secretary of the Treasury as an acceptable surety or other surety acceptable to the Attorney General.

(2) Amount. Bid security shall be an amount equal to at least fifteen percent of the amount of the bid or other amount as specified in the invitation for bids depending upon the source of funding.

(3) Rejection of Bid. Failure to furnish bid security, when required by the invitation, shall result in rejection of the bid as non-responsive.

(c) **Contract Performance and Payment Bonds.**

(1) When a construction contract is awarded in excess of \$25,000.00, the following bonds or security shall be delivered to OPA and shall become binding on the parties upon the execution of the contract:

(i) A performance bond satisfactory to OPA pursuant to subsection (c)(2) below, executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to the OPA, in an amount equal to one hundred percent of the price specified in the contract; and

(ii) A payment bond satisfactory to OPA pursuant to subsection (c)(2) below, executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to OPA, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred percent of the price specified in the contract.

(2) **Acceptability of payment and performance bonds.** The Procurement Officer shall ensure that the bonding company's pledged assets are sufficient to cover the bond obligation. Prior to the execution of the contract, the Procurement Officer shall require the selected contractor to submit:

(i) A current license from the bonding company showing that it has authority to issue bonds, and

(ii) A certification from the bonding company that the unencumbered value of its assets (exclusive of all outstanding commitments on other bond obligations) exceed the penal amount of each bond.

(3) A contractor submitting an unacceptable payment or performance bond may be permitted a reasonable time, as determined by the Procurement Officer, to substitute an acceptable bond prior to executing a contract. When evaluating payment and performance bonds, the Procurement Officer shall confirm the acceptability of the bonding company from other government agencies, such as the Insurance Office under the Department of Commerce.

(d) **Suits on Payment Bonds; Right to Institute.** Every person who has furnished labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this section, and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by such person or material was furnished or supplied by such person for which such claim is made, shall have the right to sue on the payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action for the sum or sums justly due such person; provided, however, that any person having a direct contractual relationship with a subcontractor of the contractor, but no contractual relationship express or implied with the contractor furnishing said payment bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within ninety days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material upon which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be personally served or served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts its business.

(e) Suits on Payment Bonds; Where and When Brought. Every suit instituted upon a payment bond shall be brought in a court of competent jurisdiction for the Commonwealth; but no such suit shall be commenced after the expiration of one year after the day on which the last of the labor was performed or material was supplied by the person bringing suit. The obligee named in the bond need not be joined as a party in any such suit.

(f) Fiscal Responsibility. Every contract modification, change order, or contract price adjustment under a construction contract shall be subject to prior written certification by the Secretary of Finance as to the effect of the contract modification, change order or adjustment in contract price on the total project budget or the total contract budget. In the event that the certification discloses a resulting increase in the total project budget and/or the total contract budget, such contract modification, change order or adjustment in contract price shall not be made unless sufficient funds are available therefore, or the scope of the project or contract is adjusted so as to permit the degree of completion that is feasible within the total project budget and/or total contract budget as it existed prior to the price under consideration; provided, however, that with respect to the validity, as to the contractor, of any executed contract modification, change order or adjustment in contract price which the contractor has reasonably relied upon, it shall be presumed that there has been compliance with the provisions of this subsection.

§ 130-30-305 Architect-Engineer Services

(a) Procurement Method. Architect-engineer services shall be procured as provided in this section except when authorized as a small purchase, or expedited procurement.

(b) Policy. It is the policy to publicly announce all requirements for architect-engineer services and negotiate contracts on the basis of demonstrated competence and qualifications at a fair and reasonable price.

(c) Negotiation. The Procurement Officer shall negotiate a contract with the highest qualified architect-engineer firm at a price determined to be fair and reasonable to OPA. In determining what constitutes a fair and reasonable price to OPA, the Procurement Officer shall consider factors such as the prices proposed by other firms responding to the solicitation. If a fair and reasonable price cannot be negotiated with the highest ranking qualified firm, then the Procurement Officer may select additional firms in order of competence and qualifications and continue negotiations until a fair and reasonable price is agreed upon.

§ 130-30-310 Competitive Selection Procedures for Professional Services

(a) Procurement method. The services of accountants, physicians, or lawyers shall be procured as provided in this section except when authorized as a small purchase, expedited procurement or sole-source procurement.

(b) Policy. It is the policy to publicly announce all requirements for professional services and negotiate contracts on the basis of demonstrated competence and qualifications at a fair and reasonable price. Persons engaged in providing professional services may submit statements of

qualifications and expressions of interests providing such types of services. Persons may amend these statements at any time by filing a new statement.

(c) Public announcement and form of request for proposals. Adequate notice of the need for such services shall be given by the Public Auditor through a request for proposals. The request for proposals shall describe the services required, list the type of information and data required of each offeror, and state the relative importance of particular qualifications.

(d) Discussions. The Public Auditor or Procurement Officer may conduct discussions with any offeror who has submitted a proposal to determine such offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.

(e) Award. Award shall be made to the offeror determined in writing by the Procurement Officer to be the best qualified based on the evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified offeror then negotiations will be formally terminated with the selected offeror. If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in the order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked as best qualified if the amount of compensation is determined to be fair and reasonable.

§ 130-30-315 Lease or Purchase of Vehicles

(a) Policy. Any lease or purchase of OPA vehicles shall be governed by this section. It applies to both the initial acquisition of vehicles and the renewal or extension of vehicle leases. The lease or purchase of vehicles shall be procured using an invitation for bids, unless it qualifies for other procurement methods. All vehicles leased or purchased shall be procured in the name of OPA, and shall conform to CNMI and federal laws, including the CNMI Government Vehicle Act (1 CMC § 7406), and associated rules and regulations.

(b) Whether to Lease or Purchase. Agencies shall consider whether to lease or purchase vehicles based on a case-by-case evaluation of comparative costs and other factors.

(c) Purchase method. The purchase method is appropriate if the vehicles will be used beyond the point in time when cumulative leasing costs exceed the purchase costs.

(d) Lease Method. The lease method is appropriate if it is to OPA's advantage under the circumstances. The lease method may also serve as an interim measure when the circumstances require immediate use of vehicles to meet program or system goals; but do not currently support acquisition by purchase.

(e) Lease with Option to Purchase. If a lease is justified, a lease with option to purchase is preferable. Generally, a long term lease shall be avoided, but may be appropriate if an option to purchase or other favorable terms are included. If a lease with option to purchase is used, the

contract shall state the purchase price or provide a formula which shows how the purchase price will be established at the time of purchase.

§ 130-30-320 Computer Software and Hardware

(a) Notwithstanding any other provision of these regulations, commercial computer software, including documentation, and hardware may be procured pursuant to this part.

(b) Commercial computer software, including commercial computer software documentation, may be acquired under a license customarily provided to the public.

(c) In acquiring commercial software, OPA shall not generally require offerors and contractors to:

(1) Furnish technical information related to commercial computer software or commercial computer software documentation that is not customarily provided to the public;

(2) Transfer intellectual property rights or otherwise relinquish to, or otherwise provide, OPA the rights to use, modify, reproduce, release, perform, display, or disclose commercial computer software or commercial computer software documentation, except as mutually agreed to by the parties.

(d) Competitive bidding, or competitive procurement shall not be required for commercial software upon a showing that:

(1) The software is advertised for sale to the public at prices which are readily determinable from public sources, including but not limited to, sources on the internet;

(2) Proof of contemporaneous pricing which is actually available to CNMI purchasers is supplied in the contract package; and

(3) The other prices shown are within 10% of the pricing selected, or, the selected vendor will provide support for the software of a value which compensates for the difference in price.

(e) Competitive bidding, or competitive procurement shall not be required with respect to software for the following:

(1) Software purchased is an updated version of software previously purchased;

(2) An extension of the license for previously-purchased software;

(3) An extension of maintenance services for previously-purchased software; or

(f) The purchase of computer hardware, software, and/or related services, which is/are purchased pursuant to a US General Services Administration (GSA) blanket contract which had been negotiated by the federal government, shall be presumptively concluded to be in compliance with the competitive procurement requirements of these Regulations. This presumption shall apply not only to commercially available products, but also to products which are designed, manufactured and/or assembled according to GSA specifications.

Part 400 - Contract Terms and Administration of Contracts

§ 130-30-401 Contract Clauses

(a) **Price.** In executing contracts, OPA shall set the maximum amount that can be charged under the contract and disallow open-ended contracts, i.e. contracts which do not specify the maximum contract price. Whatever contract type is selected, OPA shall limit contracts to a fixed price or a ceiling price, and the contractor shall not exceed the price set unless a change order is approved (*See* § 130-30-410, change order).

(b) **Payment Terms.** Payments shall be made only upon submission of evidence of work performed and adherence to contract terms and specifications. Generally, a one-time payment shall be made after the official with expenditure authority has certified completion of work or delivery of goods or services. Other types of payments are as follows:

(1) **Advance Payments.** Advance payments shall be authorized only in certain circumstances as provided in (b)(1)(i), in (b)(1)(ii), or in (b)(1)(iii) below.

(i) The contractor fails to qualify as a responsible contractor due solely to the absence of financial capability, and it is justified under § 130-30-225 that the contractor is the only available source, subject to the following conditions:

(A) General requirements - the contractor pledges adequate security, and the Public Auditor determines, based on written findings, that the advance payment is in the public interest.

(B) The standards for advance payment determination are:

(I) The advance payments will not exceed the contractor's interim cash needs based on an analysis of the cash flow required for contract performance, consideration of the reimbursement or other payment cycle, and employment of the contractor's own working capital;

(II) The advance payments are necessary to supplement other funds or credit available for the contract;

(III) The recipient is otherwise qualified as a responsible contractor in all areas other than financial capability; and

(IV) Paying the contractor in advance will result in specific advantages to OPA.

(C) Advance payments shall be limited to not more than 25 percent of the contract price or an amount equivalent to a 60 day working capital requirement, whichever is lower.

(ii) The Public Auditor demonstrates in writing that the common business practice of a particular industry requires buyers to pay on an advance payment basis. Such advance payment shall be limited to not more than 50 percent of the contract price. Pertinent documents supporting such business practice shall be attached to the written justification.

(2) **Progress Payments.** Contracts may provide for progress payments to contractors for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the contract amount shall be withheld pending final completion of the contract and an evaluation of the contractor's performance. However, if the contract consists of the performance of separate and distinct tasks, then any funds so withheld with regard to a particular task may be paid upon completion of that task and an evaluation of the contractor's performance. No progress payments on a contract shall be made unless it has first been established that the covered work or service has been delivered in accordance with the contract. Payments shall be allowed on stored materials only upon arrival of materials in the CNMI, not prior to shipment, and only after inspection by the Public Auditor.

(c) The contract shall accurately reflect actual OPA requirements, stating adequately what is to be done or to be delivered to OPA. For instance, definite quantities shall be stated in the

statement of deliverables, unless use of a requirements contract was justified under § 130-30-260. Contracts with general requirements shall be disallowed.

§ 130-30-405 Contract Administration

(a) The primary responsibility for ensuring compliance in contracting rests with the Public Auditor. The Public Auditor must ensure that the Procurement Officer complies with requirements for advertising the availability of contracts, soliciting bids from potential contractors, evaluating the bidding contractors, drafting the contracts to conform with applicable requirements, obtaining the appropriate approvals, approving payment for services, and evaluating the contractors upon completion of the contracts.

(b) The oversight responsibility for OPA's administration and enforcement of its contracts rests primarily with the Procurement Officer. He or she shall be responsible the day to day procurement activities, for developing standard contract administration procedures to be used by OPA and for maintaining a central depository of contractor evaluations.

(c) Contract Monitoring.

(1) Contract monitoring shall be accomplished through "production surveillance and reporting." Production surveillance is a function which the Procurement Officer uses to determine contractor progress and to identify any factors that may delay performance. It shall involve OPA review and analysis of

(i) Contractor performance plans, schedules, controls, and industrial processes, and

(ii) The contractor's actual performance under them.

(2) When information on contract performance status is needed, the Procurement Officer shall require contractors to submit production progress reports.

(3) A post evaluation of each contractor shall be performed by the Procurement Officer before final payment and close-out of the contract is done.

(4) Final payment shall not be made unless the contractor has submitted a tax clearance verifying the filing of all required Commonwealth employment, excise, gross revenue, and income tax returns and payment of all amounts owing on such returns.

§ 130-30-410 Change Order

(a) Execution of a change order shall only be allowed if an increase, decrease, or change in the scope of work is required which was not reasonably foreseeable at the time of the formation of the contract. However, no change order resulting in an increase in contract cost or time shall be allowed when it is a direct result of the contractor's inexperience, inefficiency, or incompetence.

(b) Before adding significant new work to existing contracts, OPA shall thoroughly assess whether or not it would be more prudent to seek competition. Change orders on construction and A&E contracts which exceed 25 percent of the cumulative contract price shall automatically be procured through competitive procedures pursuant to § 130-30-201, except when the procurement of the additional work is authorized without using full and open competition under § 130-30-215.

(c) Contractors shall not be allowed to continue working beyond the expiration term of an original contract in the absence of an approved new contract or change order. Change orders shall be processed using the procedures for processing new contracts in § 130-30-115.

(d) Extension of Services. Award of contracts for recurring and continuing service requirements are often delayed due to circumstances beyond the control of contracting offices. In order to avoid negotiation of short extensions to existing contracts, the Procurement Officer may include an option clause in solicitations and contracts which will enable OPA to require continued performance of any services within the limits and at the rates specified in the contract. The option provision may be exercised more than once, but the total extension of performance thereunder shall not exceed 6 months.

Part 500 - Protests and Disputes

Subpart A - Bid Protests and Appeals

§ 130-30-501 Protests to the Procurement Officer

(a) General

(1) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Procurement Officer. The protest shall be received by the Procurement Officer in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto. The writing shall fully state the factual and legal grounds for the protest. The Procurement Officer shall consider all protests or objections to the award of a contract, whether submitted before or after award;

(2) Other persons, including bidders involved in or affected by the protest shall be given notice of the protest and its basis. These persons shall also be advised that they may submit their views and relevant information to the Procurement Officer within ten days of receipt of the notice;

(3) The Procurement Officer shall decide the protest within twenty calendar days after all interested parties have submitted their views unless he certifies that the complexity of the matter requires a longer time, in which event he shall specify the appropriate longer time;

(4) When a protest, before or after award, has been appealed to the Public Auditor, as provided in these procedures, the Procurement Officer shall compile a report. The Procurement Officer should include with his report a copy of;

(i) The protest;

(ii) The bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award, or whose bid is being protested;

(iii) The solicitation, including the specifications on portions relevant to the protest;

(iv) The abstract of offers or relevant portions;

(v) Any other documents that are relevant to the protest; and

(vi) The Procurement Officer's signed statement setting forth findings, actions, and recommendations and any additional evidence or information deemed necessary in determining the validity of the protest. The statement shall be fully responsive to the allegation of the protest.

If the award was made after receipt of the protest, the Procurement Officer's report will include the determination prescribed in subsection (b)(3) below.

(5) Since timely action on protests is essential, they should be handled on a priority basis. Upon receipt of notice that an appeal from the Procurement Officer's decision has been taken to the Public Auditor, the Procurement Officer shall immediately begin compiling the information necessary for a report as provided in subsection (a)(4) above.

(b) Protest Before Award

(1) When a proper protest against the making of an award is received, the award will be withheld pending disposition of the protest. The bidders whose bids might become eligible for award shall be informed of the protest. In addition, the Procurement Officer shall request those bidders, before expiration of the time for acceptance of their bids, to extend the time for acceptance to avoid the need for re-advertisement. In the event of failure to obtain such extensions of bids, consideration shall be given to proceeding with an award under subsection (b)(2) below.

(2) When the Procurement Officer receives a protest, a contract may not be awarded pending the resolution of the protest and appeal to the Public Auditor, if any, (including the time period for filing an appeal), unless it is determined in writing that urgent and compelling circumstances which significantly affect the interest of OPA will not permit awaiting the resolution of the protest or appeal, if any.

(3) The Procurement Officer is authorized to act upon the determination in subsection (b)(2) above after receiving the approval of the Public Auditor. The approval is obtained by submitting the determination of the urgent and compelling situation to OPA Legal Counsel, for review, and absent objection from OPA Legal Counsel within five days of such submittal, the Procurement Officer's determination becomes final. The Procurement Officer also shall give written notice to the protester and others concerned of the decision to proceed with the award.

(c) Protests After Award

Although persons involved in or affected by the filing of a protest after award may be limited, in addition to the Procurement Officer, at least the contractor shall be furnished the notice of protest and its basis in accordance with subsection (a)(2) above. When it appears likely that an award may be invalidated and a delay in receiving the supplies or services is not prejudicial to OPA's interest, the Procurement Officer should consider seeking a mutual agreement with the contractor to suspend performance on a no-cost basis.

(d) Computation of Time

(1) Except as otherwise specified, all "days" referred to in this part are deemed to be working days of the Commonwealth government. The term "file" or "submit" except as otherwise provided refers to the date of transmission.

(2) In computing any period of time prescribed or allowed by these procedures, the day of the act or event from which the designated period of time begins to run shall not be included.

§ 130-30-505 Appeals of Procurement Officer's Decisions to a Designated Hearing Officer

(a) Within 10 days of receipt of the appeal, the Public Auditor shall contract a Designated Hearing Officer to preside over the appeal. The Designated Hearing Officer must be a CNMI-licensed attorney in good standing. The Public Auditor shall notify all interested parties upon selection of a Designated Hearing Officer. Such notice shall instruct all interested parties that further communication regarding the appeal must be directed to the Designated Hearing Officer.

(b) Jurisdiction; Exhaustion of Remedies. A written appeal to the Public Auditor from a decision by the Procurement Officer may be taken provided that the party taking the appeal has first submitted a written protest to the Procurement Officer as provided in § 130-30-501 of these procedures, and the Procurement Officer has denied the protest or has failed to act on the protest within the time provided for in § 130-30-501(a)(3) above.

(c) Form of Appeal. No particular form of pleading is required for filing an appeal to the Public Auditor. The appeal shall, however:

- (1) Include the name and address of the appellant;
- (2) Identify the number of the solicitation or contract;
- (3) Contain a concise, logically arranged, and direct statement of the grounds for appeal; and
- (4) Specifically request a ruling by the Public Auditor.

(d) Time for Filing Appeal. An appeal from the Procurement Officer's decision must be received by the Public Auditor not later than ten days after the appellant receives the decision of the Procurement Officer, or, in the event that the Procurement Officer has not decided the protest within ten days from the date that he should have decided the protest pursuant to § 130-30-501(a)(3) above. Any appeal received after these time limits shall not be considered by the Public Auditor or Designated Hearing Officer.

(e) Notice of Appeal, Submission of the Procurement Officer's Report and Time for Filing of Comments on Report.

(1) The Public Auditor shall notify the Procurement Officer in writing within one day of the receipt of an appeal, requesting the Procurement Officer to give notice of the appeal to the contractor if award has been made or, if no award has been made, to all bidders or proposers who appear to have a substantial and reasonable prospect of receiving an award if the appeal is denied. The Procurement Officer shall be requested to furnish in accordance with § 130-30-501(a)(2) of these procedures copies of the protest and appeal documents to such parties with instructions to communicate further directly with the Public Auditor or his Designated Hearing Officer as directed.

(2) Material submitted by an appellant will not be withheld from any Commonwealth or federal agency which may be involved in the appeal except to the extent that the withholding of information is permitted or required by law or regulation. If the appellant considers that the protest contains material which should be withheld, a statement advising of this fact must be affixed to the front page of the appeal document and the allegedly proprietary information must be so identified wherever it appears.

(3) The Public Auditor or his Designated Hearing Officer shall request the Procurement Officer to submit a complete report on the appeal to the Designated Hearing Officer as expeditiously as possible (generally within 10 working days) in accordance with § 130-30-

501(a)(4) of these procedures and to furnish a copy of the report to the appellant and other interested parties.

(4) Comments on the Procurement Officer's report shall be filed with the Designated Hearing Officer within ten days after the Designated Hearing Officer's receipt of the report, with a copy to the Public Auditor and to other interested parties. Any rebuttal an appellant or interested party may make shall be filed with the Designated Hearing Officer within five days after receipt of the comments to which rebuttal is directed, with a copy to the Public Auditor, the appellant, and interested parties, as the case may be.

(5) The failure of an appellant or any interested party to comply with the time limits stated in this section may result in resolution of the appeal without consideration of the comments untimely filed.

(f) **Furnishing of Information on Protests.** The Designated Hearing Officer shall, upon request, make available to any interested party information bearing on the substance of the appeal which has been submitted by interested parties or agencies except to the extent that withholding of information is permitted or required by law or regulation. Any comments thereon shall be submitted within a maximum of ten days.

(g) **Time for Submission of Additional Information.** Any additional information requested by the Designated Hearing Officer from the appellant or interested parties shall be submitted no later than five days after the receipt of such request.

(h) **Conference.**

(1) A conference on the merits of the appeal with the Designated Hearing Officer may be held at the request of the appellant, any other interested party, or the Procurement Officer. Request for a conference should be made prior to the expiration of the time period allowed for filing comments on the agency report. Except in unusual circumstances, requests for a conference received after such time will not be honored. The Designated Hearing Officer will determine whether a conference is necessary for resolution of the appeal.

(2) Conferences normally will be held prior to expiration of the period allowed for filing comments on the agency report. All interested parties shall be invited to attend the conference. Ordinarily, only one conference will be held on an appeal.

(3) Any written comments to be submitted, if deemed appropriate by the Designated Hearing Officer, as a result of the conference, must be received by the Designated Hearing Officer within five days of the date on which the conference was held.

(4) **Time for Decision - Notice of Decision:** The Designated Hearing Officer shall, if possible, issue a decision on the appeal within 25 days after all information necessary for the resolution of the appeal has been received. A copy of the decision shall immediately be mailed or otherwise transmitted to the appellant, other participating parties, and the Procurement Officer.

(i) **Request for Reconsideration.**

(1) Reconsideration of a decision of the Designated Hearing Officer may be requested by the appellant, any interested party who submitted comments during consideration of the protest, the Procurement Officer, or the Public Auditor. The request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered.

(2) Request for reconsideration of a decision of the Designated Hearing Officer shall be filed not later than ten days after the basis for reconsideration is known or should have been known, whichever is earlier. The term "filed" as used in this section means receipt by the Designated Hearing Officer.

(3) A request for reconsideration shall be subject to these bid protest procedures consistent with the need for prompt resolution of the matter.

§ 130-30-510 Remedies

(a) Remedies Prior to Award. If prior to award the Procurement Officer or the Designated Hearing Officer determines that a solicitation or proposed award of a contract is in violation of law or regulation, then the Procurement Officer or the Designated Hearing Officer shall have the solicitation or proposed award:

- (1) Canceled; or
- (2) Revised to comply with law or regulation.

(b) Remedies After an Award. If after an award the Procurement Officer or the Designated Hearing Officer determines that a solicitation or award of a contract is in violation of law or regulation, then the Procurement Officer or the Designated Hearing Officer may:

- (1) If the person awarded the contract has not acted fraudulently or in bad faith:
 - (i) Ratify or affirm the contract provided it is determined that doing so is in the best interest of OPA; or
 - (ii) Terminate the contract and the person awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract, plus a reasonable profit, prior to termination;
- (2) If the person awarded the contract has acted fraudulently or in bad faith:
 - (i) Declare the contract null and void; or
 - (ii) Ratify or affirm the contract if such action is in the best interests of OPA, without prejudice to OPA's rights to such damages as may be appropriate.

§ 130-30-515 Effective Date

All protests as to the manner of bidding, the failure to properly award a bid, the failure of OPA to contract with a business after bidding, or the cancellation of bids which may or may not be subject of lawsuit but have not reached final judgment as of the effective date of the regulations in Chapter 130-30 shall be heard in accordance with this subpart upon the request of the actual or prospective bidder, vendor, or contractor who is aggrieved.

Subpart B - Disputes

§ 130-30-520 Disputes

(a) Any dispute between OPA and a contractor relating to the performance, interpretation of or compensation due under a contract, which is the subject of the regulations in Chapter 130-30,

must be filed in writing with the Procurement Officer and the Public Auditor within ten calendar days after knowledge of the facts surrounding the dispute.

(b)(1) The Procurement Officer will attempt to resolve the dispute by mutual agreement. If the dispute cannot be settled either party may request a decision on the dispute from the Public Auditor. The Public Auditor shall review the facts pertinent to the dispute, secure necessary legal assistance and prepare a decision that shall include:

- (i) Description of the dispute;
- (ii) Reference to pertinent contract terms;
- (iii) Statement of the factual areas of disagreement or agreement; and
- (iv) Statement of the decision as to the factual areas of disagreement and conclusion of the dispute with any supporting rationale.

(2) The Public Auditor may require a hearing or that information be submitted on the record, in his discretion.

(c) **Duty to Continue Performance.** A contractor that has a dispute pending before the Public Auditor or the Procurement Officer must continue to perform according to the terms of the contract and failure to so continue shall be deemed to be a material breach of the contract unless he obtains a waiver of this provision by the official with the expenditure authority.

Part 600 - [Reserved]

Part 700 - Ethics in Public Contracting

Subpart A - Definitions

§ 130-30-701 Definitions of Terms

(a) “Confidential information” means any information which is available to an employee only because of the employee’s status as an employee of OPA and is not a matter of public knowledge or available to the public on request.

(b) “Conspicuously” means written in such special or distinctive form, print, or manner that a reasonable person against whom it is to operate ought to have noticed it.

(c) “Direct or indirect participation” means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity.

(d) “Financial interest” means:

(1) Ownership of any interest or involvement in any relationship from which or as a result of which, a person within the past year has received or is presently or in the future entitled to receive compensation; or

(2) Holding a position in a business such as an officer, director, trustee, partner, employee or the like or holding any position of management.

(e) “Gratuity” means a payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

(f) “Immediate family” means spouse, children, parents, brothers, and sisters.

Subpart B - Standards of Conduct

§ 130-30-705 Policy

Public employment is a public trust. In OPA contracting, public employees shall discharge their duties impartially so as to:

- (a) Ensure fair competitive access to OPA procurement by reasonable contractors; and
- (b) Conduct themselves in a manner as to foster public confidence in the integrity of the OPA procurement process.

§ 130-30-710 General Standards

- (a) Employees. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee’s duties is a breach of a public trust. In order to fulfill this ethical standard, employees must meet the requirements of the regulations in Chapter 130-30.
- (b) Contractors. Any effort to influence any public employee to breach the standards of ethical conduct set forth in Chapter 130-30 is also a breach of ethical standards.

§ 130-30-715 Employee Disclosure Requirements

- (a) Disclosure of benefit received from contract. Any employee who has, or obtains any benefit from any OPA contract with a business in which the employee has a financial interest shall report such benefit to the Public Auditor.
- (b) Failure to disclose benefit received. Any employee who knows or should have known of such benefit and fails to report such benefit is in breach of these ethical standards.

§ 130-30-720 Employee Conflict of Interest

- (a) Conflict of interest. It is a breach of ethical standards for any employee to participate Directly or indirectly in a procurement when the employee knows that:
 - (1) The employee or any member of the employee’s immediate family has a financial interest pertaining to the procurement; or

(2) Any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(b) Discovery of actual or potential conflict of interest, disqualification and waiver. Upon discovery of an actual or potential conflict of interest, an employee shall promptly file with the Procurement Officer a written statement of disqualification and shall withdraw from further participation in the transaction involved.

§ 130-30-725 Gratuities and Kickbacks

(a) Gratuities. It shall be a breach of ethical standards for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefor.

(b) Kickbacks. It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith as an inducement for the award of a subcontractor or order.

§ 130- 30-730 Prohibition Against Contingent Fees

(a) Contingent fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure OPA contracts upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

(b) Representation of contractor. Every person, before being awarded an OPA contract, shall represent, in writing that such person has not retained anyone in violation of this section. Failure to do so constitutes a breach of ethical standards.

§ 130-30-735 Contract Clauses

The prohibitions against gratuities, kickbacks and against contingent fees shall be conspicuously set forth in every contract and solicitation therefor.

§ 130-30-740 Restrictions on Employment of Present and Former Employees

(a) Present employees. It shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee of any person contracting with OPA.

(b) Restrictions on former employees in matters connected with their former duties. Permanent disqualification of former employee personally involved in a particular matter. It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than OPA, in connection with any:

- (1) Judicial or other proceeding, application, request for a ruling or other determination;
- (2) Contract;
- (3) Claim; or
- (4) Charge or controversy, in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee, where OPA is a party or has a direct or substantial interest.

(c) Disqualification of business when an employee has a financial interest. It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than OPA, in connection with any:

- (1) Judicial or other proceeding, application, request for a ruling or other determination;
- (2) Contract;
- (3) Claim; or
- (4) Charge or controversy, in which the employee either participates personally and substantially through decision, approval, disapproval recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where OPA is a party or has a direct and substantial interest.

§ 130-30-745 Use of Confidential Information

It shall be a breach of ethical standards for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

§ 130-30-750 Collusion by Bidders

Collusion or secret agreements between bidders for the purpose of securing an advantage to the bidders against OPA in the awarding of contracts are prohibited. The Public Auditor may declare the contract void if he finds sufficient evidence after a contract has been let that contract was obtained by a bidder or bidders by reason of collusive or secret agreement among the bidders to the disadvantage of OPA.

§ 130-30-755 Civil and Administrative Remedies

In addition to existing remedies provided by law, any person who violates any of the provisions of the regulations in Chapter 130-30 may be subject to one or more of the following:

(a) OPA employees.

(1) An employee who violates the provisions of the rules and regulations in Chapter 130-30 is subject to adverse action as may be appropriate in his or her particular circumstances.

(2) This action includes but is not limited to reprimand, suspension without pay, termination of employment, civil injunction, civil suit for damages or return of government money, or criminal prosecution.

(b) Contractors. A contractor who violates a provision of the rules and regulations in Chapter 130-30 shall be subject to a written warning of reprimand, the termination of the contract, or suspension from being a contractor or subcontractor under an OPA contract in addition to other penalties prescribed by law.

(c) All proceedings under this section must be in accordance with due process requirements.

§ 130-30-760 Authority to Debar or Suspend

(a) Authority. After reasonable notice to the person involved and reasonable opportunity for the person to be heard under the Administrative Procedure Act [1 CMC §§ 9101, *et seq.*], the Public Auditor, after consultation with the Attorney General, shall have authority to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three years. The Public Auditor, after consultation with the Attorney General, shall have authority to suspend a person from consideration for award of contracts if there is probable cause for debarment. The suspension shall not be for a period exceeding three months.

(b) Causes for debarment or suspension. The causes for debarment or suspension include the following:

(1) Conviction for commission of a criminal offense is an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(2) Conviction under Commonwealth or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the Consumer Protection Act (4 CMC §§ 5101, *et seq.*), violation of any unfair business practices as prescribed by 4 CMC § 5202, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects its responsibility as a government contractor;

(3) Conviction under Commonwealth or federal antitrust statutes arising out of the submission of bids or proposals such as in chapter 2 of division 5 of title 4 of the Commonwealth Code;

(4) Violation of contract provisions, as set forth below, of a character which is regarded by the Public Auditor to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications within the time limits provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory

performance caused by acts beyond the control of the contractor shall not be considered a basis for debarment;

(5) Any other cause that the Public Auditor determines to be so serious and compelling as to affect responsibility as an OPA, including debarment by another governmental entity; or

(6) For violation of any of the ethical standards set forth in part 600.

(c) Decision. The Public Auditor shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken.

(d) Notice of decision. A copy of the decision shall be mailed or otherwise furnished immediately to the debarred or suspended person. A copy of the decision shall also be provided to other Commonwealth procurement offices.



Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands
1 Lower Navy Hill Road Navy Hill, Saipan, MP 96950



PUBLIC NOTICE OF NEW FEES FOR THE COMMONWEALTH HEALTHCARE CORPORATION'S DENTAL CLINIC AND HEALTH AND VITAL STATISTICS OFFICE

INTENDED ACTION TO ADOPT THESE PROPOSED REVISIONS TO THE RULES AND REGULATIONS: The Commonwealth Healthcare Corporation (CHCC) intends to adopt as permanent the new fees for the Dental Clinic and Health and Vital Statistics Office pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Revision will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: CHCC is authorized to adopt rules and regulations as may be necessary for the implementation of this chapter. 3 CMC Section 2824(l).

THE TERMS AND SUBSTANCE OF THE REVISION: New fees for Dental Clinic and the Health and Vital Statistics Office.

THE SUBJECTS AND ISSUES INVOLVED: New fees for Dental Clinic and the Health and Vital Statistics Office.

DIRECTIONS FOR FILING AND PUBLICATION: These Notice of Proposed Fees shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)) Copies are available upon request from Janet Guerrero at 236-8202. CHCC, at its option, may choose to furnish documents electronically rather than hard or paper copies.

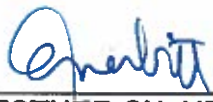
TO PROVIDE COMMENTS: Send or deliver your comments to Esther Muna, Attn: New Dental Clinic and HVSO Fees, at the above address, fax or email address, with the subject line "New Dental Clinic and HVSO Fees." Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 234-8950 FAX: (670) 233-8756

These proposed regulations were approved by the CEO on 22 of May, 2017.

Submitted by: 
ESTHER L. MUNA, CEO
Date 5/22/17

Received by: 
SHIRLEY CAMACHO-OGUMURO
Governor's Special Assistant for Administration
Date 7/18/17

Filed and
Recorded by: 
ESTHER SN. NESBITT
Commonwealth Register
Date 07.25.2017

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 19 day of July, 2017.


EDWARDE MANIBUSAN
Attorney General

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 234-8950 FAX: (670) 233-8756

Commonwealth Healthcare Corporation
Commonwealth Gi Sangkattan Na Islas Mariánas Siha
1 Lower Navy Hill Road, Saipan, MP 96950

**NUTISIAN PUBLIKU NU I MANÑUEBU NA ÁPAS SIHA PARA I
COMMONWEALTH HEALTHCARE CORPORATION'S DENTAL CLINIC YAN
HINEMLU' YAN UFISINAN VITAL STATISTICS SIHA**

I AKSION NI MA'INTENSIONA NI PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA TINILAIKA SIHA PARA I AREKLAMENTU YAN REGULASION SIHA: I Commonwealth Healthcare Center (CHCC) ha intensiona para u ma'adápta kumu petmanienti i ñuebu na ápas siha para i Dental Clinic yan Hinemlu' yan i Ufisinan Vital Statistic siha sigun gi manera siha gi Áktun Atministrasion Procedure, 1 CMC § 9104(a). I Tinilaika mu ifektibu gi hálum dies (10) dihas dispues di adaptación yan publikasion gi hálum i Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDÁT: I CHCC ma'aturisa ni para u ma'adápta i areklamentu yan regulasion siha kumu manprisisu para i implimentasion nu esti na pátti. 3 CMC Seksion 2824(l).

I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA NU I TINILAIKA: I Ñuebu na Ápas para Dental Clinic yan i Hinemlu' yan Ufisinan Vital Statistic siha.

I SUHETU YAN MANERA SIHA NI MANTINEKKA: I ñuebu na ápas Siha para i Dental Clinic yan i Hinemlu' yan Ufisinan Vital Statistic siha.

DIREKSION SIHA PARA U MAPO'LU YAN PUBLIKASION: Esti na Nutisia pot i Manmaproponi na Ápas siha debi na u mapublika gi hálum i Rehistran Commonwealth gi hálom i seksiona gi maproponi yan nuebu na ma'adápta na regulasion siha (1 CMC § 9102(a)(1) ya u mapega gi hálum i mangkumbinienti na lugát gi hálum i Civic Center yan i hálum ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan i dos na linguáhi Chamorro yan Refaluwasch. (1 CMC § 9104(a)(1) Managuaha kopia siha yanggin manrikuesta hao ginen as Janet Guerrero gi 236-8202. I CHCC, gi inayek-ña, siña ha ayik para u pribeni dokumentu siha electronically adimás ki ma'imprenta pat kopian páppit.

PARA U MAPRIBENIYI OPIÑON SIHA: Na'hánão pat Intrega i opiñon-mu siha guatu gi as Esther Muna; Attn: Ñuebu na Ápas Dental Clinic yan HVSO, gi sanhilo' na address, fax pat email address, yan i subject line "Ñuebu na Ápas Dental Clinic yan HVSO." Todu upiñon siha debi na u fanhálum trenta (30) dihas

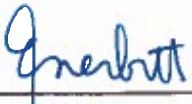
P.O. Box 500409 CK, Saipan, MP 96950
Tilifon: (670) 234-8950 Fax: (670) 233-8756

ginen i fetchan publikasion esti na nutisia. Put fabot na'hálum iyo-mu data, upiñon, yan kuntestasion siha. (1 CMC § 9104(a) (2))


Esti siha i manmaproponi na regulasion ma'aprueba ginen i CEO gi diha 22 gi Mâyü, 2017.


Nina'hálom as:  05/22/2017
ESTHER MUNA, CEO
Commonwealth Healthcare Corp. Fetcha

Rinisibi as:  7/18/17
SHIRLEY P. CAMACHO-OGUMORO
Espisiât Na Ayudânti Para I Atministrasion Fetcha

Pine'lu Yan
Ninota as:  07.25.2017
ESTHER SN. NESBITT
Rehistran Commonwealth Fetcha

Sigun i 1 CMC § 2153(e) (I Abugâdu Henerât ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na regulasion siha ni mafetchettun guini ni manmaribisa yan ma'aprueba kumu para fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika sigun gi , 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 19  gi Mâyü, 2017.


EDWARD E. MANIBUSAN
Abugâdu Henerât

Fetcha

P.O. Box 500409 CK, Saipan, MP 96950
Tilifon: (670) 234-8950 Fax: (670) 233-8756

DENTAL BUREAU FEES

DESCRIPTION	ADA CODE	CHARGE
DIAGNOSTIC		
Exam, Periodic	0120	\$ 20.00
Emergency Exam	0140	\$ 30.00
Oral Exam	0150	\$ 50.00
Re-Evaluation(limited)	0170	\$ 10.00
PREVENTIVE		
Intraoral-Complete Series (full mouth)	0210	\$ 90.00
Intraoral-Periapical First Film	0220	\$ 20.00
Intraoral-Periapical Ea. Addtl Film	0230	\$ 15.00
Bitewings-Two Films	0272	\$ 30.00
Bitewings-Four Films	0274	\$ 45.00
Panoramic Films	0330	\$ 80.00
Oral Prophylaxis, Permanent Teeth	1110	\$ 60.00
Oral Prophylaxis, Calculus & Stains (Permanent)	1110	\$ 80.00
Child Prophylaxis, Primary Teeth	1120	\$ 45.00
Child Prophylaxis with Fluoride	1201	\$ 60.00
Sealant Permanent Molar, per tooth	1351	\$ 40.00
Sealant Repair, per tooth	1353	\$ 20.00
Fluoride Varnish	1206	\$ 35.00
Fluoride Topical (not fluoride varnish)	1208	\$ 35.00
Diamide Silver Fluoride (per tooth)	1354	\$ 35.00
Space Maintainer, Unilateral	1510	\$ 325.00
Space Maintainer, Bilateral	1515	\$ 425.00
Oral Health Instructions	1330	\$ 20.00
RESTORATIONS		
Amalgam, 1 Surface Deciduous	2140	\$ 70.00
Amalgam, 2 Surface Deciduous	2150	\$ 85.00
Amalgam, 3 Surface Deciduous	2160	\$ 105.00
Amalgam, 4 or more Surface Deciduous	2161	\$ 125.00
Amalgam, 1 Surface, Permanent	2140	\$ 80.00
Amalgam, 2 Surface, Permanent	2150	\$ 100.00
Amalgam, 3 Surface, Permanent	2160	\$ 120.00
Amalgam, 4 or more Surface, Permanent	2161	\$ 145.00
Composite, 1 Surface, anterior/posterior	2330/2391	\$ 100.00
Composite, 2 Surface, anterior/posterior	2331/2392	\$ 120.00
Composite, 3 Surface, anterior/posterior	2332/2393	\$ 150.00
Composite, 4 Surface, anterior/posterior	2335/2394	\$ 190.00
Crown-Stainless, primary tooth (per tooth)	2930	\$ 265.00
Crown-Stainless, permanent tooth (per tooth)	2931	\$ 280.00
Prefabricator Resin Crown	2932	\$ 250.00
Temporary Restoration (per tooth)	2940	\$ 50.00
Temporary Restoration, w/ pulp cap	3110	\$ 70.00
ENDODONTICS		
Pulpotomy	3220	\$ 125.00
Root Canal Therapy Anterior	3310	\$ 450.00
Root Canal Therapy Bicuspid	3320	\$ 600.00
Root Canal Therapy Molar	3330	\$ 700.00
PERIODONTICS		
Root Planning & Curettage w/ perio per quadrant	4341	\$ 75.00
Scaling, Gingival Inflammation - Generalized	4910	\$ 60.00
Scaling, Per Quadrant	4342	\$ 45.00

Gingivectomy (Quadrants)	4210	\$ 75.00
Gingivectomy (per tooth)	4211	\$ 20.00
PROSTHETIC		
Denture - Complete Upper	5110	\$ 800.00
Denture - Complete Lower	5120	\$ 800.00
Denture - Immediate Upper	5130	\$ 800.00
Denture - Immediate Lower	5140	\$ 800.00
Denture Partial (one tooth)	5211	\$ 200.00
Maxillary Partial Denture (addtl per tooth)	5211	\$ 50.00
Mandibular Partial Denture (addtl per tooth)	5212	\$ 50.00
Adjust Full Denture, Upper	5410	\$ 50.00
Adjust Full Denture, Lower	5411	\$ 50.00
Adjust Partial Denture, Upper	5421	\$ 50.00
Adjust Partial Denture, Lower	5422	\$ 50.00
Denture Repair Simple - Acrylic	5610	\$ 150.00
Denture Repair w/ Impression	5620	\$ 200.00
Denture Reline - Full Upper	5730	\$ 200.00
Denture Reline - Full Lower	5731	\$ 200.00
Denture Reline Partial - Upper	5740	\$ 250.00
Denture Reline Partial - Lower	5741	\$ 250.00
Clasp Wire (per clasp)	5660	\$ 20.00
Recement Bridge	6930	\$ 50.00
Recement Crown	2920	\$ 50.00
ORAL SURGERY		
Extraction, Deciduous (per tooth)	7140	\$ 75.00
Extraction, Simple Permanent (per tooth)	7140	\$ 85.00
Surgical Extraction, Erupted Tooth (per tooth)	7210	\$ 150.00
Surgical Extraction, Soft Tissue Impaction (per tooth)	7220	\$ 175.00
Surgical Extraction, Bony Impaction (per tooth)	7230	\$ 265.00
Surgical Extraction Impaction Sect. (per tooth)	7240	\$ 275.00
Removal Residual Roots, unexposed	7250	\$ 120.00
Removal Residual Roots, exposed	7250	\$ 85.00
Removal of Exostosis (upper or lower)	7471	\$ 100.00
Incision and Drainage of Abscess	7510	\$ 50.00
Unspecified Oral Surgery Procedure	7999	\$ 50.00
Biopsy (Hard Tissue)	7285	\$ 300.00
Biopsy (Soft Tissue)	7286	\$ 300.00
MISCELLANEOUS SERVICES		
Application of Desensitizing Medication	9910	\$ 25.00
Palliative Treatment of Dental Pain	9110	\$ 25.00
Unspecified Adjunctive Procedure	9999	\$ 25.00
Refuse Tx	9991	

Regulation 24. Fees

(Authorization: Section 24 of the Vital Statistics Act)

- (a) No certification shall be issued until the fee for such certification is received unless specific approval has been obtained from the Chief Executive Officer or otherwise provided for by statute or regulation.**
- (b) Fee for services:**
 - (1) For issuing a certified copy of birth certificate \$20.00**
 - (2) For issuing a certified copy of death certificate..... \$15.00**
 - (3) For mailing an Off-island request via US Postal Service..... \$ 5.00**
 - (4) The replacement of a birth certificate subsequent to adoption, legitimation, paternity determination or acknowledgment, [change to acquired sex] or court order, \$ 10.00**
 - (5) For submitting an application to amend a vital \$ 10.00**
 - (6) Additional charges for expedited certification services that require special attention \$ 300.00**
 - (7) Additional charges for expedited correction and amendment services \$ 10.00**
 - (8) For issuance of a certification letter when no vital record is found..... \$ 10.00**
 - (9) For issuance of a certification letter of authenticity of vital record \$ 10.00**
 - (10) For issuance of a Quarantine Permit \$ 10.00**
 - (11) For issuance of a Removal of Human Remains Permit \$ 10.00**
 - (12) For issuance of a Burial Transit Permit \$10.00**
- (c) A fee may be charged for special services not specified above. The fee shall be the actual cost for providing the service as determined by the State Registrar.**
- (d) Fees collected under this section will be deposited in the Health & Vital Statistics Office General Fund.**



MARIANAS
VISITORS AUTHORITY

P.O. BOX 500861 CK
SAIPAN, MP 96950
TEL: (670) 664-3200/1
FAX: (670) 664-3237
E-mail: mva@mymarianas.com
www.mymarianas.com



Public Notice of Proposed Tour Guide Certification Rules and Regulations for the Marianas Visitors Authority


Notice of Intended Action: The Marianas Visitors Authority (MVA) approved the publication of the following rules and regulations for its Tour Guide Certification Program at its meeting of July 11, 2017. It intends to adopt these regulations as permanent, pursuant to the Administrative Procedure Act, 1 CMC § 9104(a). If adopted, these amendments will become effective ten days after publication of a Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b).

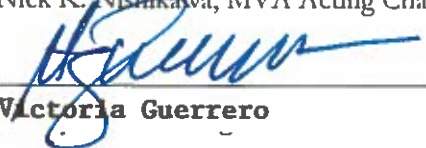
Authority: These regulations are promulgated under 4 CMC § 2103(o), which authorizes MVA to regulate the tour industry through the issuance of certifications to tour operators and tourist land/sea transport operators, and 4 CMC § 2112(3), which grants MVA the authority to promulgate such rules and regulations and establish reasonable fees as are necessary to carry out its statutory mandates.


Terms and Substance: These proposed rules and regulations are necessary for MVA to regulate tour guides and tour operators.

Directions for Filing and Publication: These proposed rules and regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)), and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104 (a)(1)).

Comments: Interested parties may submit written comments on the proposed regulations to Marian Aldan-Pierce, MVA Board Chair, via U.S. mail to PO Box 500861, Saipan MP 96950, or via email to mva@mymarianas.com. Comments, data, views, or arguments are due within 30 days from the date of publication of this notice. 1 CMC § 9104(a) (2).

Submitted by:  Date: 7/20/2017
Nick K. Nishikawa, MVA Acting Chair

Received by:  Date: 7/24/17
Victoria Guerrero
Acting - Special Assistant for Administration

Filed and Recorded by:  Date: 07-25-2017
Esther SN. Nesbitt
Commonwealth Register

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved these regulations as to form and legal sufficiency.

 Date: 7/25/17
Edward Manibusan
Attorney General



MARIANAS
VISITORS AUTHORITY

P.O. BOX 500861 CK
SAIPAN, MP 96950
TEL: (670) 664-3200/1
FAX: (670) 664-3237
E-mail: mva@mymarianas.com
www.mymarianas.com



**NUTISIAN PUPBLIKU NI MANMAPROPONI NA
AREKLAMENTU YAN REGULASION SIHA PARA I
SETTIFIKASION I TOUR GUIDE PARA I MARIANAS VISITORS
AUTHORITY**

NUTISIA PUT I AKSION NI MA'INTENTSIONA: I Marianas Visitors Authority (MVA) ma'apueba i publikasion nu i tinattitiyi na areklamentu yan regulasion siha para iyon-ñiha Settifikasion na Prugrãman Tour Guide gi huntan-ñiha gi Hului 11, 2017. Ma'intensiona para u ma'adãpta esti siha na regulasion kumu petmanienti, sigun para i Åkton Atministrasion Procedure, 1 CMC §9104(a). Kumu ma'adãpta, esti amendasion siha siempri mu ifektibu gi hãlum dies (10) dihas despues di publikasion i Nutisia nu i Adãptasion gi hãlum i Rehistran Commonwealth. 1CMC § 9105(b).

ÅTURIDÅT: Esti na regulasion siha macho'gui gi papa' i aturidãt nu i 4 CMC § 2103(o), ni ma'aturisa i MVA para u regulate i tour industry para i issuance nu i settifikasion siha para i tour operators yan tourist land/sea transport operators, yan i 4 CMC §2112(3), ni manã'i i MVA aturidãt para u cho'gui i areklamentu yan regulasion siha ya u ma'establesi rasonãbli na fees ni nisisãriu para u makãtga huyong iyo-ñiha statutory mandates.

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: Esti i manmaproponi na areklamentu yan regulasion siha nisisãriu para i MVA ni para u regulate i tour guides yan tour operators.

DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: Esti i manmaproponi na areklamentu yan regulasion siha debi na u mapupblika gi hãlum i Rehistran Commonwealth gi hãlum i seksiona ni maproponi yan ñuebu ma'adãpta na regulasion siha 1 CMC § 9102(a)(1), yan u mapega gi hãlum mankumbinienti na lugãt siha giya i civic center yan gi hãlum ufsinan gubietnumentu siha gi kada distritun senatorial parehu yan i lingguãhin natibu (1 CMC § 9104(a)(1)).

UPIÑON SIHA: I manintirisão na petsona siha siña manna'hãlum tinigi' upiñon ni manmaproponi na regulasion siha para as Marian Aldan-Pierce, Kabesiyun MVA, via U.S. mail para PO Box 500861, Saipan, MP 96950, pat via email para mva@mymarianas.com. I upiñon, data, views, pat agumentu siha debi na u fanhãlum gi hãlum trenta (30) dihas ginen i fetcha ni mapupblika esti i nutisia. 1 CMC § 9104 (a)(2).

Nina'hãlum as:

Nick K. Nishikawa
Acting Kabesiyun MVA

Fetcha

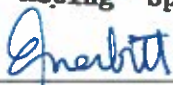
Rinisibi yan
pine'lu as:


Victoria Guerrero

7-24-17

Fetcha

Pine'lu yan
Ninota as:


Esther SN. Nesbitt

07-25-2017

Fetcha

Rehistran Commonwealth

Hu settifika, sigun i 1 CMC § 2153(e) yan 1 CMC § 9104(a)(3), na hu ribisa yan aprueba esti na regulasion siha komu para fotma yan ligât na sufisienti.



EDWARD MANIBUSAN
Abugâdu Henerât

7/25/17

Fetcha



MARIANAS
VISITORS AUTHORITY

P.O. BOX 500861 CK
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www.mymarianas.com

**ARONGORONGOL TOULAP REEL POMMWOL ALÚGHÚLÚGHÚL ALLÉGH
ME MWÓGHUTUGHUTÚL TOUR GUIDE NGÁLI MARIANAS VISITORS
AUTHORITY**



Arongorongol reel Mángemángil Mwóghut: Marianas Visitors Authority (MVA) re átirow reel arongorong kka e tabweey ngáli allégh me mwóghutughutúl ngáli Progróomal Alúghúlúghúl Tour Guide igha rebwe yéelágh wóol Ullyo 11, 2017. Re mángemángil rebwe adóptáali mwóghutughut kkal bwe ebwe lléghló, sáangi Administration Procedure Act, 1 CMC § 9104(a). Ngáre re adóptáali, ebwe bwunguló liiwel kkal llól seigh ráál mwiril aal akkatééwow Arongorongol Adóptaa yeel me llól Commonwealth Register. 1 CMC § 9105(b).

Bwángil: Liiwel kkal e arongowow faal 4 CMC § 2103(o), iye e ayoora bwángil MVA bwe rebwe lemeli mwóghutughutúl tour industry reel isiiswowul certifications ngáli tour operators me transport operators-il falúw/sáát, me 4 CMC § 2112(3), iye e ngaleey bwángiir MVA bwe rebwe arongowow reel allégh me mwóghutughutúl me aghiliwel reel fees ikka e nesarario reel rebwe isiiswow bwáng ikka e weel.

Kkapsal me Aweewel: Pommwol allégh me mwóghutughut kkal e nesarario ngáli MVA bwe rebwe lemeli tour guide me tour operators.

Afal reel Ammwelil me Akkatééwowul: Pommwol liiwel kkal nge ebwe akkatééwow arongowowul reel Commonwealth Register llól tálil pommwol me ffél mwóghutughutúl allégh kka ra adóptáali bwe atiiwligh (1 CMC § 9102(a)(1)) me ebwe apaschetá llól civic center me bwal bwulasiyol gobetnamento llól senatorial district, fengál reel English me mwaliyaasch (1 CMC § 9104(a)(1)).

Atoolongol Mángemáng: Schóó kka re tipáli rebwe atoolongo iischil mángemáng reel pommwol mwóghutughutúl allégh kkal rebwe bwughiló reel Marian Aldan-Pierce, MVA Board Chair, via U.S. mail ngáli P. O. box 500861, Saipan, MP 96950, me ngáre mva@mymarianas.com. Iischil mángemáng, data, views,, me ngáre angiiingimw ebwe isiislong llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel. 1 CMC § 9104(a) (2).

Isáliyalong: _____

Ráál: _____

7/20/2017

Nick K. Nishikawa, MVA Acting Chair

Bwughiyal: 

Victoria Guerrero

Ráál: 7.24.17

Acting- Special Assistant for Administration

Ammwelil: 

Esther SN. Nesbitt

Ráál: 07.25.2017

Commonwealth Register

I alúghúlúgh, sáangi 1 CMC § 2153€ me 1 CMC § 9104(a)(3), bwe l ya takkal amwuri fischiiy me átirowa mwóghutughut kkal bwe ebwe lleghló me legal sufficiency.



Edward Manibusan

Soulemelemil Allégh Lapalap

Ráál: 7/25/17

Chapter 90-50: Tour Guide Certification Rules and Regulations

Part 001 – General Provisions

§ 90-50-001 Authority

These regulations are promulgated under 4 CMC § 2103(o), which authorizes MVA to regulate the tour industry through the issuance of certifications to tour operators and tourist land/sea transport operators, and 4 CMC § 2112(3), which grants MVA the authority to promulgate such rules and regulations and establish reasonable fees as are necessary to carry out its statutory mandates.

§ 90-50-005 Purpose

Pursuant to 4 CMC §§ 2171-2173, the Marianas Visitors Authority is adopting rules, codes of conduct, and regulations establishing a due process procedure within the MVA for tour guide accreditation and enforcement of standards of conduct and professionalism of tour guides and tour operator businesses.

§ 90-50-010 Scope

These procedures shall govern actions taken by MVA or by agents or other entities acting on behalf of MVA (collectively referred to as “MVA” unless the context requires otherwise) in certifying, accrediting, and enforcing standards of conduct as established by MVA for tour guides and tour businesses.

§ 90-50-015 Definitions

For the purpose of this section, and unless required by context, the following terms shall have the following definitions:

- (a) “Accredited” means any individual that has satisfied all MVA requirements to engage in business as a guide and has been issued a tour guide badge by MVA.

- (b) “Day” means a calendar day.

- (c) "Independent" means any individual, or entity having an independent contractor relationship with a tour operator or a Tourist Land/Sea Transport Operator.
- (d) "MVA" means the Marianas Visitors Authority.
- (e) "On Duty" means an accredited tour guide that is in the process of guiding an individual or group of tourists or visitors or performing duties as directed by the tour operator.
- (f) "Person" means a natural person or a business association.
- (g) "Tour" means any recreational activity targeted at non-residents of the Northern Mariana Islands in which multiple locations are visited, and which concern:
 - (1) The history and culture of the Northern Mariana Islands;
 - (2) The scenic and historic landmarks and attractions of the Northern Mariana Islands; or
 - (3) The natural environment of the Northern Mariana Islands.
- (h) "Tour Guide" means any person who is employed or retained to guide or conduct tours for tourists, both foreign and domestic, for a fee, commission, or any other form of lawful remuneration.
- (i) "Tour Guide Badge" means a badge provided by MVA to an accredited tour guide for purposes of identification and certification.
- (j) "Tourist Land/Sea Transport Operator" means a person who is regularly engaged in providing, for a fee or lawful consideration, tourist transport services to scenic and historic landmarks and attractions of the Northern Mariana Islands as hereinafter defined, either on charter or regular run.

- (k) "Tour Operator" means a person who is regularly engaged in the business of extending to individuals or groups, such services pertaining to arrangements and bookings for transportation and/or accommodation, handling and conduct of inbound tours whether or not for a fee, commission, or any form of compensation.

- (l) "Tourist" means any visitor or group visiting Northern Mariana Islands for pleasure or business.

Part 100 – Tour Guide Certification

§ 90-50-101 Certification Required

All persons engaging in business as a tour guide must obtain a certificate of accreditation issued by the MVA in order to conduct tours.

§ 90-50-105 Application

Application for a certificate of accreditation shall be made on a form to be prescribed by the MVA. The applicant shall provide the following:

- (a) Proof that the applicant has successfully completed MVA approved training courses and passes MVA approved examinations on:
 - (1) The history and culture of the Northern Mariana Islands;
 - (2) The scenic and historic landmarks and attractions of the Northern Mariana Islands; and
 - (3) Protection and conservation of the natural environment;

- (b) A police clearance from the Department of Public Safety.
- (c) A traffic clearance.
- (d) The fee described in § 90-50-501.

§ 90-50-110 Application Review

- (a) Upon receipt of the application, MVA shall review the application within 15 working days. MVA may grant the application, deny the application, or request additional information.
- (b) MVA shall notify the applicant in writing of its decision.
- (c) Any application that is not accepted or put aside pending additional information within 30 days shall be considered rejected.

§ 90-50-115 Duration of Certification

- (a) A tour guide certification shall be valid from the date of issuance for three years unless previously revoked or suspended.
- (b) Tour guides may apply for renewal of their certification within 60 days of the date the certification is scheduled to expire. The renewal application shall be made on a form to be prescribed by the MVA and shall be substantially similar to the application described in § 90-50-105.

§ 90-50-120 Badge

- (a) MVA shall issue a certification badge to all certified tour guides. This badge shall be in a form prescribed by the MVA and shall be valid for one year from the date of issuance.
- (b) Tour guides shall display their badges at all times when conducting tours.
- (c) Tour guides shall surrender their badges to MVA upon expiration or cancellation of their certification.

§ 90-50-125 Provisional Certification

- (a) Any certified tour operator or certified tourist land/sea transport operator may request provisional certification for its personnel.
- (b) A certified tour operator or certified tourist land/sea transport operator that applies for a provisional certification shall provide the following:
 - (1) The event or activity for which the certified tour operator or certified tourist land/sea transport operator requires provisionally certified tour guides;

- (2) A written explanation why the certified tour operator or certified tourist land/sea transport operator is not able to meet the demand for tour guides with currently certified personnel;
 - (3) A list of the individuals for whom the certified tour operator or certified tourist land/sea transport operator seeks provisional certification; and
 - (4) The fee described in § 90-50-501.
- (c) MVA may grant or deny applications for provisional certification at its sole discretion.
 - (d) Provisional certifications shall be valid for seven calendar days from the date of approval. No individual shall receive more than three provisional certifications within one calendar year.
 - (e) MVA reserves the right to waive the provisional certification requirement for conducting any MVA related business.

Part 200 – Tour Operator and Tourist Land/Sea Transport Operator Certification

§ 90-50-201 Certification Required

All persons engaging in business as a tour operator or a tourist land/sea transport operator must obtain a certificate of accreditation issued by the MVA in order to conduct tours.

§ 90-50-205 Application

Application for a certificate of accreditation shall be made on a form to be prescribed by the MVA. The applicant shall provide the following:

- (a) Proof that the applicant is a member in good standing with the MVA;
- (b) Proof that the applicant maintains an office within the CNMI;
- (c) A certification that the applicant does not employ any tour guides that are not certified pursuant to these regulations;
- (d) Proof that the applicant maintains a bank account in the CNMI under the business's name;

- (e) The applicant's business license;
- (f) The name of an employee or a retained independent contractor who is fluent in the English language; and
- (g) The fee described in § 90-50-501.

§ 90-50-210 Application Review

- (a) Upon receipt of the application, MVA shall review the application within 15 working days. MVA may grant the application, deny the application, or request additional information.
- (b) MVA shall notify the applicant in writing of its decision.
- (c) Any application that is not accepted or put aside pending additional information within 30 days shall be considered rejected.

§ 90-50-215 Duration of Certification

- (a) A tour operator or a tourist land/sea transport operator certification shall be valid from the date of issuance for three years unless previously revoked or suspended.
- (b) Tour operators and tourist land/sea transport operators may apply for renewal of their certification within 60 days of the date the certification is scheduled to expire. The renewal application shall be made on a form to be prescribed by the MVA and shall be substantially similar to the application described in § 90-50-205.

§ 90-50-220 Quarterly Listing of Employees and Contractors

All certified tour operators and certified tourist land/sea transport operators shall submit to MVA a listing of all tour guides they employ or employed or with whom they have or had an independent contractor relationship during every calendar quarter. This listing shall be submitted quarterly: 15th of January, April, July, and October.

Part 300 – Code of Conduct

§ 90-50-301 Applicability

The Code of Conduct applies to all tour guides, provisionally certified tour guides, tour operators, and tourist land/sea transport operators.

§ 90-50-305 Prohibited Actions

- (a) No person shall make any false or misleading statements in the course of applying for or renewing a tour guide certification, a provisional tour guide certification, a tour operator certification, or a tourist land/sea transport operator certification.
- (b) No person shall promote, facilitate, or conduct any activities that are in violation of federal, Commonwealth, or local law including the Anti-litter law.
- (c) No provisionally certified tour guide shall solicit or receive any compensation in the course of their employment or independent contractor relationship unless they are authorized to do so by a tour operator or a tourist land/sea transport operator.
- (d) No person shall be under the influence of any intoxicant, narcotic, or hallucinogenic while conducting a tour.
- (e) All guides or operators will actively engage in informing and preventing their patrons from littering, and adhere to all environmental laws on our islands and shall be held accountable for their patrons' actions while under their tour guidance.
- (e) No person shall make any false or misleading statements in the course of advertising tours.

Part 400 – Penalties

§ 90-50-401 Sanctions

- (a) The MVA may initiate administrative proceedings to sanction any person who violates any provision of this chapter. Administrative proceedings shall be conducted pursuant to the Administrative Procedure Act, 1 CMC §§ 9101-9115.
- (b) Sanctions may include revocation of a certification, refusal to issue or renew a certification, monetary sanctions, or equitable sanctions.

§ 90-50-405 **Authorized Agents**

(a) All notices of violations to be issued by the MVA under these Rules be issued by any person duly authorized by the MVA. A duly authorized person shall enforce all the Rules and issue any notices of violations to interested Persons.

(b) Every notice required by these Rules:

1. Shall be in writing and shall be dispatched to the Person by any reasonable manner including, but not limited to, U. S. Mail, fax, or personal delivery.
2. The MVA shall be deemed to have made a reasonable attempt to notify the Person if the MVA uses the most recent address information provided by the Person as required under these Rules.
3. Any notice shall be in compliance with the Commonwealth's Administrative Procedure Act and shall inform the Person:
 - a. That the MVA intends to refer the Person's Certification status to appropriate government agencies for potential action(s) as provided by law.
 - b. The Person shall have fifteen (15) working days after the date of the notice to file with the MVA a notice of defense or to request a hearing. Failure to provide the request within fifteen (15) working days will deem the request waived.
 - c. Any such notice of defense or request for hearing must be in writing;
 - d. The MVA will consider any evidence presented by the Person before it makes a decision; and

- (c) If the MVA does not receive a notice of defense or a request for hearing within fifteen (15) working days of the date of the notice, the MVA shall make a decision on the matter as soon as practicable.

Part 500 – Fee Schedule

§ 90-50-501 Fees

Action	Fee
Tour Guide Certification Application	\$50
Tour Guide Renewal Application	\$50
Tour Guide Badge Renewal	\$20
Badge Replacement for lost/stolen	\$100
Tour Operator or Tourist Land/Sea Transport Operator Certification Application	\$100
Tour Operator or Tourist Land/Sea Transport Operator Renewal Application	\$100
Provisional Certification Application	\$10



Ralph DLG. Torres
 Governor
Victor B. Hocog
 Lt. Governor

Frank M. Rabauliman
 Administrator
Ray S. Masga
 Director, DEQ
Frances A. Castro
 Director, DCRM

NOTICE OF REPEAL OF RULE

REPEAL OF RULE: REPEAL OF “Interpretive Rule on Pesticide Storage Fees for Detained, Denied, and Impounded Shipments under the Pesticide Management Regulations”

ACTION TO REPEAL RULE: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Bureau of Environmental and Coastal Quality (BECQ) Division of Environmental Quality (DEQ) hereby repeals this Interpretive Rule on Pesticide Storage Fees for Detained, Denied, and Impounded Shipments under the Pesticide Management Regulations” pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9102, 9015 and applicable regulations.

AUTHORITY: The Administrator of BECQ is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Commonwealth Environmental Protection Act, 2 CMC § 3122.


PURPOSE AND OBJECTIVE OF RULE: The Division of Environmental Quality (DEQ) requires that pesticide shipments that are detained or denied entry and impounded shall pay a storage fee. BECQ repeals this rule to eliminate conflict between the “Interpretive Rule on Pesticide Storage Certification Fees” in the Commonwealth Register, 37 Com. Reg. 36789 (July 30, 2015) and the storage fees adopted in the Commonwealth Register, 39 Com. Reg. 39324 (Mar. 28, 2017).


DIRECTIONS FOR FILING AND PUBLICATION: This Rule shall be published in the Commonwealth Register in the section on newly adopted Rules (1 CMC § 9102(a)(2)).

The Administrator will take appropriate measures to make this Rule is known to the persons who may be affected by them.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b) and applicable regulations, this adopted Rule is effective 10 days after compliance with 1 CMC §§ 9102, 9105 and publication in the Commonwealth Register.

I, Frank M. Rabauliman, Administrator of the Bureau of Environmental and Coastal Quality, hereby repeal the attached Rule.

Submitted by:  6/1/17
FRANK M. RABULIMAN Date
Administrator
CNMI Bureau of Environmental & Coastal Quality

Received by:  7/25/17
VICTORIA GUERRERO Date
ACTING SPECIAL ASSISTANT
FOR ADMINISTRATION

Filed and Recorded by:  07-25-2017
ESTHER SN. NESBITT Date
Commonwealth Register

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9102(c) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, pursuant to 1 CMC § 2153(f).

 7/25/17
Edward MANIBUSAN Date
Attorney General



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Juan M. Sablan, Chairman
Joseph C. Reyes, Vice Chairman
Justin S. Mangloria, Secretary
Alvaro A. Santos, Treasurer
Martin DLG San Nicolas, Public Affairs

COMMISSION ORDER NO: 2017-003

Temporary Suspension of Certain Regulations

For good cause determined at the June 29, 2017 public meeting of the Commonwealth Casino Commission, which was duly publicly noticed, and based on the authority granted by the laws of the Commonwealth (including but not limited to Public Laws 18-56 and 19-24) and the Regulations of the Commonwealth Casino Commission, NMIAC Chapter 175-10.1, the Commonwealth Casino Commission hereby finds and **ORDERS AS FOLLOWS:**

1. Part 800 of the Regulations of the Commonwealth Casino Commission authorizes the live training facility wherein the casino licensee may conduct live gaming activities.
2. Part 600 of the Regulations of the Commonwealth Casino Commission authorizes the initial gaming facility wherein the casino licensee may conduct live gaming activities.
3. Regulation §175-10.1-815 is entitled "Cessation of Live Training Facility" and states: "The casino licensee shall cease operations at the temporary live training facility prior to the opening of the initial gaming facility. In no event shall the licensee operate the temporary live training facility beyond April 30, 2017. The Commission may extend this date for good cause shown." The cessation date was extended by Amendment #3 to the Casino License Agreement and the Commission has, for good cause, allowed gaming to continue beyond said date. See Commission Order 2017-002.
4. The Commission's authority to promulgate and enforce Parts 600 and 800 stems, at least in part, from section 2314(b)(2) of Title Four of the Commonwealth Code, which states that the Commission's regulations shall ensure "compliance with the legal, statutory and contractual obligations of owners, operators, and employees of casinos and other persons licensed."
5. The terms and requirements of Parts 600 and 800 were determined, in part, by those who negotiated, entered into, and subsequently amended the Casino License Agreement. The Commission was neither party to the negotiations nor signatory to the Agreement or its subsequent amendments.

6. The Commission's staff has been informed, and consequently has informed the Commission in a public meeting that the licensee and government agencies which comprise the Lottery Commission are negotiating or have negotiated amendments to the Casino License Agreement, and said negotiations have led or will lead to the adoption of Amendment 4 by the Lottery Commission such that good cause exists for the Commission to suspend portions of the Regulations to allow Amendment 4 to be implemented.

7. Accordingly, the Commission by this Order, pursuant to the authority vested in the Commission by Commonwealth Law and Regulation §175-10.1-025, the suspension of applicable portions of the CCC regulations generally, and more specifically §175-10.1-635(a) and (b), as well as §175-10.1-801 and §175-10.1-815, only so far as to allow gaming to commence at the live training facility in the casino portion of the uncompleted initial gaming facility project prior to the completion of the required 250 five-star quality rooms.

8. IT IS HEREBY ORDERED that the applicable portions of the CCC regulations generally, and more specifically §175-10.1-635(a) and (b), as well as §175-10.1-801 and §175-10.1-815, are TEMPORARILY SUSPENDED only so far as to allow gaming to commence at the live training facility in the casino portion of the uncompleted initial gaming facility project prior to the completion of the required 250 five-star quality rooms. This suspension does not affect the licensee's obligation to secure the Chairman's and Executive Director's consent prior to the commencement of gaming activities at the live training facility in the casino portion of the uncompleted initial gaming facility project.

9. This suspension shall be in effect until such time as amendments to the Regulations generally, and §175-10.1-801 specifically, are finally adopted to allow gaming at the live training facility at the casino portion of the uncompleted initial gaming facility project prior to the completion of the required five star quality rooms.

10. This Order is to take effect immediately and shall remain in effect until it is repealed or replaced by subsequent Order of the Commission.

SO ORDERED this 29th day of June, 2017.

Signature: _____



JUAN M. SABLAN
CHAIRMAN