A BILL FOR AN ACT

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

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

1 Section 1. Section 419 of Title 55 of the Code of the
2 Federated States of Micronesia, as enacted by Public Law No. 10-
3 49, and amended by Public Law 14-48, is hereby amended to read as
4 follows:
5  "Section 419. Implementation of Infrastructure
6 Development Plan.
7 (1) Notwithstanding any provision of law to the
8 contrary, the National Government Infrastructure Development Corporation shall have jurisdiction, in
9 coordination with the respective state, over activities
10 relating to any public contract that is or may be
11 awarded for a civil works project to implement any part
12 of the Infrastructure Development Plan and that is
13 supported by funds provided through Section 211 of the
14 Amended Compact of Free Association, as that Plan may be
15 amended from time to time, including but not limited to
16 all contract management activities, all bidding and pre-
17 bidding procedures for such public contracts, and all

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

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

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

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

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

(c) protect resident workers, and

(d) protect the public interest.

Such procurement procedures shall take effect upon adoption by the [President] FSM Infrastructure Development Corporation in accordance with title 17 of
the Code of the Federated States of Micronesia.

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

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

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

Date: 2/19/08

Introduced by: /s/ Roosevelt D. Kansou

Roosevelt D. Kansou