



HOUSE OF REPRESENTATIVES  
FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
TENTH SPECIAL SESSION, 2007

PUBLIC LAW NO. 15-118  
H. B. NO. 15-325, HD3

AN ACT

To amend Public Law 15-95 to exempt federally funded capital improvements and procurement of goods and services from the Local Bidder Preference Law of the Commonwealth; and for other purposes.

BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE:

1           **Section 1. Findings and Purpose.** The Legislature finds that the Commonwealth  
2 from time to time receives critical U.S. federal grants and assistance for capital  
3 improvements and procurement of goods and services. The use or disposition of these funds  
4 are governed by and large by applicable U.S. laws and regulations that may conflict with the  
5 Commonwealth's local bidder preference laws and regulations. The purpose of this act are to  
6 include United States permanent residents and citizens of any state or territory of the United  
7 States in the local bidder preference law, and to exempt capital improvements and  
8 procurement of goods and services funded in whole or in part with federal funds from the  
9 local bidder preference laws and regulations of the Commonwealth upon certification by a  
10 federal agency that such preference law conflicts with federal regulations.

11           **Section 2. Amendment.** 1 CMC § 7404, as amended by Section 2 of Public Law  
12 15-95, is further amended to add a new subsection (i) to read as follows:

13                   “(c) In contracting for capital improvements, public works, or procurement of  
14 goods or services involving a contract amount of \$500,000 or less, a Commonwealth  
15 agency shall award a bidder or proposer who is a United States citizen or permanent  
16 resident and who, for three years prior to submitting a bid or proposal, continuously  
17 possessed a valid Commonwealth business license and whose business headquarters

1 is located in the Commonwealth, or any state or territory of the United States. In the  
2 event that no such business qualified under this section submits a bid or proposal, a  
3 Commonwealth agency may award a bidder or proposer who is otherwise qualified  
4 under the particular solicitation but is not a United States citizen or permanent  
5 resident.”

6 **Section 3. Amendment.** 1 CMC §7404, as amended by Section 2 of Public Law  
7 15-95, is further amended to add a new subsection (i) to read as follows:

8 “(i) No provision of this section shall apply to capital improvements or  
9 procurement of goods or services funded, in whole or in part, by grants or funds from  
10 an agency of the government of the United States upon certification by the agency  
11 that this section conflicts with such agency’s regulations.”

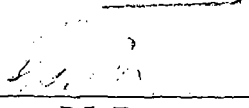
12 **Section 4. Severability.** If any provision of this Act or the application of any such  
13 provision to any person or circumstance should be held invalid by a court of competent  
14 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
15 circumstances other than those to which it is held invalid shall not be affected thereby.


16 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be  
17 construed as affecting any existing right acquired under contract or acquired under statutes  
18 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
19 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
20 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
21 any liability, civil or criminal, which shall already be in existence on the date this Act  
22 becomes effective.

1           Section 6. Effective Date. This Act shall take effect upon its approval by the  
2 Governor or becoming law without such approval.

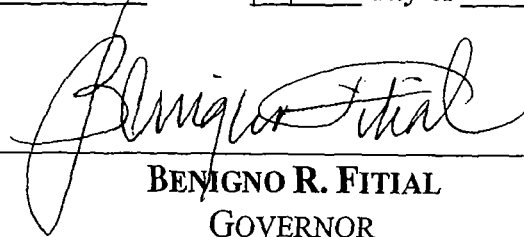
CERTIFIED BY:

ATTESTED TO BY:

  
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**OSCAR M. BABAUTA**  
SPEAKER OF THE HOUSE

  
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**EVELYN C. FLEMING**  
HOUSE CLERK

APPROVED on this 14<sup>th</sup> day of December, 2007

  
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**BENIGNO R. FITIAL**  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS