

**EMERGENCY REGULATION GOVERNING THE  
PROCUREMENT AND CONSTRUCTION CONTRACTS OF THE NATIONAL GOVERNMENT  
REQUIRING ENVIRONMENTAL COMPLIANCE**

This Emergency Regulation is proposed and to be posted according to Section 418 of Title 55 of the Code of the Federated States of Micronesia (Annotated), which gives power to adopt regulations to implement Chapter 4 of Title 55 of the FSM Code.

This Emergency Regulation takes effect immediately upon signatures by the President.

A proposed permanent regulation may be proposed of the same or similar text as herein. Extra copies hereof can be obtained from the Secretary of Department of Transportation, Communication and Infrastructure (TC&I) with address below. Any person interested in commenting may do so by written submission to:

Secretary Carlson D. Apis  
Department of TC&I  
Palikir, Pohnpei FSM

Approved:

Date: July 8, 2021



H.E. David W. Panuelo  
President  
Federated States of Micronesia

Date: July 8, 2021



Carlson D. Apis  
Secretary  
FSM TC&I

Approved as to legal sufficiency:

Date: July 8, 2021



José R. Gallen, Sr.  
Secretary  
FSM Department of Justice

**EMERGENCY REGULATION AND PROPOSED PERMANENT REGULATION**  
**GOVERNING THE**  
**PROCUREMENT AND CONSTRUCTION CONTRACTS OF THE NATIONAL GOVERNMENT**  
**REQUIRING ENVIRONMENTAL COMPLIANCE**

I. Authority

- (a) The President of the Federated States of Micronesia is issuing this Regulation in accordance with Section 418 of Title 55 of the FSM Code (Annotated).
- (b) Once promulgated according to Administrative Procedures Act under Title 17 of the FSM Code (Annotated), this Regulation shall have the force and effect of law and become permanent. This regulation takes effect immediately upon signature by the President.

II. Policy considerations. This regulation is issued in order to align harmonize national contracts with supporting the effective conservation and preservation of the natural environmental around the nation, and to ensure that government contracts do not cause or contribute to environmental harm or degradation.

III. Compliance with Environmental Law and Regulation

- (a) Contractors of the FSM National Government shall comply with national and state laws that protect the environment. For the purpose of any construction or procurement contracts, Environmental Protection Agency (EPA) permits and license are always required whenever the nature of the activities under the contracts does involve earthmoving activities or similar activities that necessitate EPA permits and clearance.
- (b) Notice to proceed shall not be issued in the absence of EPA permit or clearance.
- (c) All bid documents, invitation to bid, and solicitation of interest shall state this requirement.
- (d) Any contractor with a prior record of EPA violation or breach of rules and regulation protecting the environment shall be disqualified from joining a bidding. This shall be treated as part of the pre-qualification process to pre-qualify interested bidders before they are allowed to submit their bids.