



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

EXECUTIVE ORDER NO. 2012-05
DIRECTIVE NO. 4

DATE: May 26, 2012
TO: All Department & Activity Heads
FROM: Governor
SUBJECT: Emergency Licensure of David Vanderpool and Certificate of Authorization for Vanderpool Pipeline Engineers, Inc.

WHEREAS, Executive Order No. 2012-03 declares a State of Emergency regarding the Commonwealth Utilities Corporation's imminent failure and the need to provide immediate reliable power, water, and wastewater services. It reserves the right to issue any and all future directives so as to mitigate or prevent the adverse effects of the emergency; and

WHEREAS, CUC is in need of specialized, experienced engineering services for an emergency pipeline project. According to CUC's regulations, it may only consider bids from CNMI-licensed engineers and engineering firms with Certificates of Authorization ("COA"); and

WHEREAS, the Board of Professional Licensing ("BPL") currently does not have enough active members to meet the quorum requirements for licensure decisions and waivers of regulatory provisions. Because of this, off-island bidders are unable to obtain licenses and COAs; and

WHEREAS, CUC has gone through a fair and open procurement process for RFP 12-006 Rev. 1. The Stipulated Orders in federal district court case *United States v CUC et al.*, No. 08-0051, require CUC to cure certain infrastructure issues, including the CUC Pipeline, in a timely manner. The U.S. Environmental Protection Agency ("EPA"), a party to the case whose

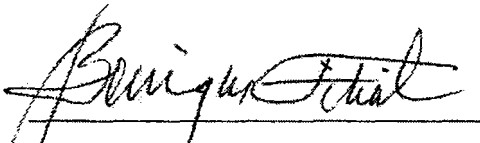
approval is necessary before CUC engages a contractor for Stipulated Order projects, has approved Vanderpool Pipeline Engineers, Inc. ("Vanderpool Inc.") as the highest ranked bidder. Vanderpool Inc. previously submitted to BPL an application for licensure and a request for waiver of the California Seismic Exam; and

WHEREAS, BPL's lack of a quorum means it is currently impossible for David Vanderpool to receive an engineering license or Vanderpool Inc. to obtain a COA through normal application procedures. Additionally, a quorum would be required to waive BPL's regulatory requirement that the applicant have passed the California Seismic Exam, a requirement that is required by few other states. To the best of my knowledge, this is the only regulatory requirement that would bar David Vanderpool from eligibility for a CNMI engineering license.

NOW THEREFORE, I BENIGNO R. FITIAL, GOVERNOR, DO HEREBY DIRECT AS FOLLOWS:

That the requirement of the California Seismic Exam be waived for applicant David Vanderpool and that he be issued a temporary CNMI engineering license for the term of one (1) year after paying the necessary fee of \$250.00 USD to the Board of Professional Licensing.

Additionally, Vanderpool Pipeline Engineers, Inc. shall be issued a Certificate of Authorization after paying the necessary fee of \$200.00. Any application fee not already paid to the Board of Professional Licensing shall be waived.



Benigno R. Fitral