

# Notice

Pursuant to A.S.C.A. § 4.1010 and the authority vested in the Office of Procurement by A.S.C.A. §§ 12.0208(b) and 12.0214, the Office of Procurement hereby promulgates Rule # 2022-0002 as an emergency rule in order to increase the threshold for small purchases.

The Chief Procurement Officer finds that an imminent peril to the public health, safety, or welfare requires adoption of this rule on fewer than 20 days public notice because the Director of Health has confirmed community spread of COVID-19 and it is necessary to streamline the procurement process to obtain necessary resources.

Pursuant to A.S.C.A. 4.1010, this rule will be in effect for 120 days unless it is amended.

## Emergency Rule # 2022-0002

The Office of Procurement amends A.S.A.C. §10.0214 as follows:

**“10.0214 Duties of the Attorney General.**

- (a) The Attorney General, or such officer as the Attorney General may designate, shall serve as legal counsel and provide legal services to the chief procurement officer.
- (b) The Attorney General shall approve all government contracts for construction, leases of real property, other goods and services exceeding \$10,000\$25,000, as to legal sufficiency prior to execution, regardless of the authority for execution and administration.”


The Office of Procurement amends A.S.A.C. §10.0231(c) as follows:

**“(c) Simplified Purchases**

- (1) Small Purchases. Any procurement not exceeding \$10,000 with a dollar value of \$10,000.01 to \$25,000 including purchases made using imprest funds shall be competed by soliciting three (3) quotes which may be done by the requesting department, the Office of Procurement, or joint effort between the two made using simplified small purchase procedures promulgated by the chief procurement officer.
- (2) Micropurchases. One quote only is required for any procurement for \$10,000 or less, but and Departments shall rotate vendors.

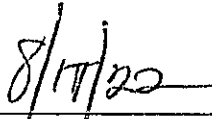
- (3) Procurement requirements shall not be artificially divided so as to constitute a simplified small purchase under this subsection and circumvent other source selection rules required under this section.”

Approved,



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Ti'alemasunu Mikaele Etuale  
Chief Procurement Officer  
Office of Procurement



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Date

**Lemanu P. S. Mauga**  
Governor  
American Samoa

**Talauega E. V. Ale**  
Lieutenant Governor  
American Samoa



**Dr. Ti'alemasunu Mikaele Etuale**  
Chief Procurement Officer

**Sapia'i Ma'o Ena**  
Deputy Chief Procurement Officer

**Office of Procurement  
American Samoa Government**

Pago Pago, AS 96799

August 17, 2022

Mr. Leo'o Va'a Ma'o  
Secretary of the Senate  
Legislature of American Samoa  
Pago Pago, AS 96799

**Re: Adoption of Office of Procurement Rules Pursuant to A.S.C.A. §§ 4.1010, 12.0208(b) and 12.0214 Administrative Rule # 2022-0002 (Emergency Rule)**

Dear Mr. Ma'o:

Enclosed is a copy of the Office of Procurement's emergency rule changes made pursuant to A.S.C.A. §§ 4.1010, 12.0208(b) and 12.0214. These rules are intended to increase the threshold for small purchases. This rule is being promulgated as an emergency rule, and it will only be in effect for 120 days.

Should you have any questions about these new standards, please contact me.

Sincerely,

  
Dr. Ti'alemasunu Mikaele Etuale  
Chief Procurement Officer

cc: Honorable Talauega E. V. Ale, Secretary of American Samoa