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October 28, 2013

**Serial: 1128**

Honorable Eileen Sobeck  
Acting Assistant Secretary  
Office of Insular Affairs  
Department of the Interior  
Washington D. C. 20240

Dear Acting Assistant Secretary:

Thank you for your letter of September 25, 2013, transmitting the FY 2013 IGIA Report for my review with subsequent revisions to the content thereto contained facilitating preparations for FY 2014 Senior Plenary Session of the Interagency Group on Insular Areas. Thank you for the opportunity for the insular areas to revisit issues of critical importance influencing efforts to advance the quality of life for our respective people. The development priorities for American Samoa remains pretty much the same except for minor adjustments. These priorities are discussed below.

#### I. Economic Development (Job Creation)

Economic development (job creation) remains the top priority of my administration. American Samoa continues to struggle with the backlash consequences of the September 29, 2009 Tsunami and the closure of Van Camp Samoa Packing tuna fish canning operation which instantly curtailed 2,200 direct jobs; the U.S. Department of Labor determined multiplier translates this to 3,000 more indirect job rescissions. It is estimated that the current unemployment rate is at 29%.

One of our aggressively pursued economic strategies aims to protect the competitive advantage of Star Kist Samoa and Tri-Marine (Samoa Tuna Processing). The forceful and rigorous investment schemes by China, expanding its fisheries infrastructure, to increase its world market share of canned tuna, directly threaten the business survival of our tuna fish operations. This economic strategy encompasses improving the operating fisheries environment by economizing our support infrastructure (sufficient docking space for fishing vessels, efficient and cost effective shipyard repair services, suppressing diesel fuel cost, reducing wharf age fees, and decreasing fishing vessels lapsed time in port).

We are taking aggressive steps to develop the Manu'a islands to support our agricultural, fisheries and tourism development efforts. To accomplish this economic development expansion vision, basic infrastructural systems must be improved. The most critical issue is establishing reliable and affordable air and surface transportation systems to service the Manu'a Islands. Consequently, the following initiatives are being diligently promoted.

1. New Vessel:

This need is reflected in our CIP funding priorities for fiscal years 2013 and 2014. The Request For Proposal (RFP) for the construction of the new envisioned 140 footer (LCU Configuration) with the capacity to transport passengers, containers, vehicles, diesel, mogas, and heavy equipment with speed faster than the existing MV Sili Vessel will be issued the first week of November. For the first time the vessel will be designed to meet local needs instead of attempting to fit local needs to an existing vessel which has been the practice of the past and has not met with much success. The new vessel is to provide guarantees that future surface transportation to the Manu'a Islands will not be disrupted which is the case when the MV Sili vessel needs to be repaired.

2. Dredging of Ta'u, Faleasao, and Ofu Harbors:

The requests for dredging permits have been transmitted to the US Army Corps of Engineers to facilitate dredging of the existing Manu'a harbors to minimize hazardous conditions contributing to episodic damages to the MV Sili due to shallow drafts of these harbors which are magnified at low tide. Dredging will also facilitate more efficient accommodation of the new vessel and prevent disruption of service to the Manu'a Islands.

3. Expansion of Fitiuta and Ofu Airstrips:

Manu'a Airlines is expected to commence services to Ofu and Olosega the first week of December using the government owned aircraft which is now under lease to the Inter Island Airways Part 135 services to the Manu'a Islands. The Ofu Airport is now under the FAA administrative auspices because it needs major upgrade. The runway needs to be extended by a minimum of 600 feet. The same need exists at the Fitiuta airstrip on Ta'u. To maximize the development of the tourism industry on the Manu'a Islands these two airports must be upgraded inclusive of the required extensions.

A. Federal Incentives:

While the American Samoa Government is robustly improving fisheries related infrastructure, federal incentives such as the eliminated IRC Section 936 and soon to expire 30A tax provision will undermine the effectiveness of local efforts. The competitive advantage of the fisheries operations is further severely battered by the Congressional decreed application of the Federal Minimum Wage on the Territory. Given the fact that China is heavily subsidizing components of its fisheries infrastructure, American Samoa's canneries is placed in a very precarious position thus compelling continued assistance from the Federal Government. The

Territory of American Samoa critically needs federal incentives similar to the noted incentives along with permanently suspending the application of the Federal Minimum Wage on the territory. It is crucial to bring to the attention of IGIA that American Samoa has suffered indirectly from international and national fisheries bilateral agreements according special treatment to U.S. Foreign Allies with respect to quotas on fisheries products imported into the United States. The interests of American Samoa are never addressed in these treaty negotiations but the net effect is undermining and compromising our canneries' competitive advantage.

#### B. Cabotage Restrictions:

American Samoa's economic development focus on maximizing economic benefits inherent in its indigenous resources such as fisheries, agriculture, and tourism precipitates federal assistance in reconsidering its current policies reflected in its cabotage prohibitions and Essential Air Services eligibility requirements. American Samoa continues to be treated as one of the contiguous states of the union with equal economic development capacities. This perception and basis of comparison is grossly unfair and baseless. Its minute size, lack of natural harvestable economic resources, remoteness from the economic mainstream, very limited arable land to accommodate proper economies of scales industrial operations, absence of venture capital, and unskilled workforce qualify American Samoa for special federal assistance. It is my keen hope that IGIA will articulate this issue to all federal agencies so policy declarations are sensitive to these island idiosyncrasies.

#### C. Energy:

The current cost of electricity fluctuating within the range of \$0.40 to \$0.46 per kilowatt further exacerbates the erosion of American Samoa's economic competitiveness and its lure for foreign investment thus perpetuating American Samoa's dependence on the federal government. Energy sufficiency and affordability directly influences our economic development prospects. Hence, we are taking aggressive steps to explore alternative energies to ease the impact of fossil fuel generated energy. We have submitted both our Strategic Energy Plan and our Action Plan made possible by the great assistance and support from the Office of Insular Affairs of the Department of the Interior. Our American Samoa Renewable Energy Commission has received a grant to forge the drilling of geothermal wells to assess the pool of geothermal energy available to be harvested to power our islands. Other renewable energy strategies are being aggressively explored, including solar, wind, and natural gas. We are vigilantly following renewable energy strategies being explored and implemented by states and territories for possible adoption and replicated in American Samoa.

#### D. Air and Surface Transportation:

Energy severely impacts surface and air transportation to American Samoa because of our geographical remoteness and isolation from the economic and market centers of the world. Goods and services consumed in the territory are costlier caused by high cargo freight charges. Travel to and from American Samoa far exceeds the cost per mile of travel between Hawaii and the US mainland. Hence, our efforts to develop our tourism industry are thwarted by the high

cost of travel. I have documented the need for federal assistance through allowing American Samoa to be exempted from cabotage prohibitions.

## II. Education

Recently published student performance indicators by the American Samoa Department of Education and the American Samoa Community College affirmed our continual lament over the substandard quality of the territory's educational system. Specifically, for the last 30 years, close to 75% of American Samoa's students have consistently scored below the national average. Furthermore, 80% to 90% of the territory's high school graduates, who register to enter the American Samoa Community College, must take remedial courses before they can matriculate to college level courses.

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On October 22, 2013 to October 25, 2013, the Territorial Wide Educational Summit was held to solicit input from all the island stakeholders to determine the direction American Samoa's educational system should pursue to reverse the existing trend of poor educational performance by our children. One of the contributing factors raised was the inadequate compensation for our teachers along with inadequate physical infrastructure. The Office of Insular Affairs of the Department of the Interior unveiled its "School Facilities Assessment Report" which confirmed the inadequacy of our educational physical infrastructure. I ordered the delay in starting the school year because the American Samoa Department of Public Health closed down 12 public schools and cited the rest of the schools with unsanitary conditions in school kitchens, cafeteria, restrooms, and some of the classrooms.

In response to this crisis, I started the "Adopt A School" Program requiring all Executive Agencies to adopt a school. For 3 weeks American Samoa Government departments, line agencies, and authorities went out to their adopted schools to rectify conditions cited by the Department of Public Health. At the final tally of this emergency response, approximately \$1.5 million was spent to mitigate cited unsanitary conditions. This effort only addressed the tip of the huge maintenance problem. Consequently, I have created within the Department of Public Works a new Division of School Maintenance charged with the responsibility to maintain all the public school facilities to free the Department of Education to strictly focus its total attention on the business of educating the children of American Samoa.

While we acknowledge that money is not the magic panacea to American Samoa's educational challenges, the need to invest additional funds to improve the Territory's Educational System is obvious and inescapable. This need prompted the allocation of an additional \$5 million dollars to the Department of Education's budget for fiscal year 2014. While this is a start, additional resources are necessary to construct more classrooms to support one of our mitigation strategies to reduce the teacher-student ratio to 1:20 to provide more teacher attention time in the classroom for each student. We do appreciate very much the financial support from the Department of the Interior through its grant-in-aid program and capital improvement projects funds. Given the myriad of territorial demands of these scarce federal aids, more financial resources need to be identified to meet the critical educational needs to bolster the

quality of our educational system with consequential manifestation in improved achievement by our students in national standardized tests.

### III. Healthcare

American Samoa's healthcare system is in a crisis situation and in need of external intervention. While limited financial resources are at the root of the current challenges, unstable governance and management controversies exacerbate the existing volatile environment. These issues are being worked out, however; major systemic constraints require bold actions. For example, our Medicaid Program is being assessed whether the existing configuration best serves the needs of our people. Moreover, analogous to many states and territories, American Samoa is struggling to find out how it can capitalize on the dictates of the Affordable Care Act relative to accessing affordable insurance policies by approximately 95% of the territory's resident population. These federal measures provide avenues for additional funding that is drastically needed to improve the quality of the territory's healthcare system.

Basic healthcare system components such as state of the art diagnostic equipment and US Board Certified physicians and technicians remain in critical demand. The quality of physicians accessible by American Samoa is dictated by salary offerings and given the world competition for US Board Certified Physicians; American Samoa is barred because it lacks the financial wherewithal to properly compensate physicians and technicians.

Through financial assistance from the Department of the Interior the quality of facilities are slowly being improved. However, the sufficiency of the current carrying capacity of the existing healthcare facility is being raised thus engendering discussion on whether it would be prudent to start exploring the merits of constructing a new facility since the existing facility is over 40 years old. Thus, instead of investing funds to do patch work it might be beneficial, from the long term perspective, to construct a new hospital. While this discussion is being waged, the Board of the American Samoa Medical Center Authority is proceeding with the upgrading of existing facilities.

The American Samoa Government acknowledges that the LBJ Tropical Medical Center needs additional funds to mitigate substandard conditions and to re-establish the off-island medical referral program. It has long been recognized that the LBJ Tropical Medical Center's medical treatment capacity is limited to routine procedures. This recognition necessitates the availability of treatment options outside of American Samoa for medical procedures not available, on island. This was the purpose of the Off-Island Medical Referral Program to Hawaii and the West Coast. For the last 3 to 4 years, lack of funding has effectively preempted this avenue forcing critical patients to secure their own treatment off-island. This is unacceptable given 87% of American Samoa's population live below the poverty level pursuant to Medicaid disclosure.

American Samoa is the only US entity in the South Pacific requiring 5 hours of flight to the next US run medical facility. While New Zealand and Australia are closer with medical treatment facilities and treatment of comparable quality to US Standard, we are US Nationals

and immigration requirements are stringent and we don't have family networks there to accommodate patients sent there for treatment. In essence, the LBJ Tropical Medical Center is the only healthcare facility that can provide treatment for our people for routine treatment. However, critical emergencies such as heart attacks, strokes, or other organ failures cannot be handled by the LBJ Tropical Center which compels the need to send the patient off-island for immediate attention.

Hawaiian Airlines only provides two flights a week; with flight dates frequently changing depending on other priorities of the airline. The standard flight days are Mondays and Thursdays. Critical cases as in the recent case of our Congressman which needed medical evacuation could not be accommodated by the current Hawaiian Airlines flight schedule. Consequently, we urgently sought VA Assistance through its Medevac Services based in Hawaii. This critical request could not be implemented immediately and yet every minute is crucial to the life of the patient. Over 24 hours lapsed before the plane was dispatched to medevac our Congressman. This incident brought home the fact that our LBJ Tropical Medical Center must aggressively engage in improving its services.

#### IV. Infrastructure Development

Specific economic infrastructural components have been addressed earlier but other supporting infrastructural systems must be simultaneously addressed. These infrastructural elements are briefly discussed in this section.

##### A. Harbors, Airports, and Wharfs:

The remoteness of American Samoa and isolation from the economic mainstream forces the territory to import 96% of all consumable goods. Moreover, American Samoa's primary economic engine is its fisheries industry which exclusively depends on fish either off-loaded in the territory or raw fish imports from other areas to sustain canned tuna fish processing operations in American Samoa. The territory prefers that the fishing vessels directly off-load their catches in our port because of the ancillary economic benefits emanating from vessel purchases not only for provisions but also for fuel. These activities improve American Samoa's competitive advantage while directly generating commerce in the territory with tertiary benefits inherent in job creation and expanded tax base for the American Samoa Government.

To accomplish this economic goal, more docking space is needed to be available to fishing vessels to provide safety as well as minimizing the downtime in port which impacts operating costs of vessels. I have reached out to the US Army Corps of Engineers to conduct a study of the harbor and to identify suitable sites for the construction of new wharfs to accommodate the needs of the purse seiners as well as the long liners. Funding sources will need to be identified to finance the construction of these new wharfs.

##### B. Marine Railway:

With the increased numbers of fishing vessels frequenting our port, the economic potential for greater utilization of our shipyard is magnified. The American Samoa Government is revitalizing the slipway by the recent completion of the replacement of the chain which pulls the platform as well as the platform. It is the plan to improve the quality of workmanship, reduce the amount of downtime of the vessel on the repair platform, and offering competitive rates in comparison of similar facilities in Fiji and New Zealand which are the competitors for American Samoa's Slipway. The existence of the ship repair facility provides an additional attraction to fishing vessels to off-load their catches directly in American Samoa. In our Fiscal Year 2015 CIP Requests, \$2.5 million is allocated to rehabilitate the 1,000 tons companion slipway lying parallel to the existing rail. These are strategic investments dedicated to improving the competitive advantage for our tuna fish processing facilities. The aggressive investments by China to construct new fishing vessels to fish in the Pacific threaten the survival of our canneries and necessitate investments in these supporting infrastructural elements.

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#### C. Public Highway:

American Samoa's entire main thoroughfare is grossly dilapidated and the major source of public criticism. Since assuming the leadership reigns of our government I have taken bold steps to begin the process of repairing the most used sections of the roads to avoid potential legal problems for the government claiming and attributing personal property damages on the failure of government to supply basic quality roads for general use by the public. Much of the work that has been done is deemed temporary fixes awaiting total rehabilitation when funding is available from the Federal Highway Administration. Since annual funding allocation is limited, the American Samoa Government must explore other avenues to generate needed funds to expeditiously rehabilitate all territorial roads. We will explore funding assistance from the Department of the Interior to supplement FHA funding grants.

#### D. Drainage:

Requests have been sent to the US Army Corps of Engineers to conduct a study aimed to resolve the significant flooding problem in the Tafuna-Plains area. This challenge is evident immediately after each heavy downpour. It is the plan that the drainage challenge will be addressed when the roads are rehabilitated. There is concern that this effort will not resolve the flooding problem that is worsening within the Tafuna Plains area which is the main site of our water aquifers. Funding will be needed to implement the recommendations of the flood study.

#### E. Public Utilities:

The American Samoa Power Authority is aggressively advancing the implementation of the recommendations of our Renewable Energy Plan with specific focus on the solar option. Our economic development competitiveness is directly influenced by the reliability, sufficiency, affordability of our basic utilizes such as electricity, water, waste water, and solid waste. The United States Environmental Protecting Agency continues to be the main source of funding dedicated to the improvement of territory's water and waste water systems. The American Samoa Power Authority this year connected all of the villages to the government water system.

This is certainly a monumental feat. While the water sufficiency issue remains to be overcome, the greater challenge confronting ASPA is to improve the quality of drinking water to meet established water quality standards. Funds are needed to address this crucial issue.

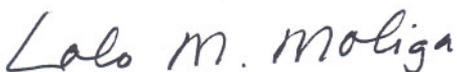
While very little attention is dedicated to discussing the social issues and the inherent challenges, it is the general contention that if the economic development health of the territory is improved, the social deficiencies will also be minimized.

The American Samoa Government for the first time in its fiscal year 2014 budget contributed local funds to supplement federal funds to ensure that the needs of seniors are adequately addressed. The local funding contribution will supplement the food vouchers distributed to the senior citizens to help meet the needs of their families. Moreover, part-time employment is provided for those seniors without any social security or retirement income.

I want to take this opportunity to express my appreciation for the existence of IGIA to give substance and recognition to the voice of Territories as they attempt to articulate clearly the social, economic, and political challenges for which the assistance of the federal government is sorely needed. We are also mindful that the federal government is constrained by federal debt pressures. We are aware of the fierce debate in Congress trying to come to some level of consensus on the appropriate pathway to positively address the national debt while not stifling needed economic development stimulation. With these federal uncertainties the need for IGIA becomes more acute.

Thank you for the opportunity to present, for the IGIA's consideration, American Samoa's needs and I look forward to further elaborating on each of the issues in the next IGIA meeting in January or February of next year. In the interim, please don't hesitate to contact me if further clarification is needed on any of the issues as you prepare your report for IGIA consideration. Fa'afetai tele.

Sincerely,



Lolo M. Moliga  
Governor of American Samoa

Cc: Honorable Sally Jewell, Secretary, Department of the Interior  
Honorable Nikolao Pula, Director, Office of Insular Affairs  
Honorable Lemanu P. Mauga, Lieutenant Governor  
Lydia Faleafine-Nomura, DOI American Samoa Field Representative  
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# BOND WAIVER REQUEST

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## **I. BACKGROUND**

American Samoa's local construction industry consists of 54 construction companies, all but 2 of which are small businesses. The construction industry relies very heavily on government contracts as their main business since the majority of the business in this industry is derived from government contracts.

### *Bonding*

Bonding or surety is insurance utilized by project owners in construction projects to safeguard against defaults on construction contracts. Funding for American Samoa Government (ASG) construction contracts for the most part is from various federal government agencies for American Samoa's infrastructural needs and improvements. These federal agencies include but are not limited to the Department of the Interior (DOI) under its Capital Improvement Projects (CIP) Program, US Economic Development Administration (EDA), Federal Emergency Management Agency (FEMA), the US Department of Transportation's Federal Highways Division (FHD), US Department of Housing and Urban Development (HUD), and the Federal Aviation Administration (FAA).

Generally, all federal agencies require surety bonds from companies that are on the US Treasury's Circular 570 listing of Approved Sureties. Because 96% of local construction companies are small businesses, however, our local construction companies except two have difficulty obtaining surety bonds. The lack of a bonding/insurance company that issues such bonds in American Samoa compounds this problem let alone being listed on Circular 570. So the two companies without difficulty to obtain bonding have to purchase their coverage from outside of American Samoa, which is usually from the United States.

### *Alternative to Bonding*

Recognizing the difficulty our small construction businesses face when it comes to projects requiring bonding, ASG around 1997 secured with DOI the 20% Retention Program that is still widely utilized today. This retention program calls for the withholding of 20% of all payments to contractors as security in lieu of bonding and can only be released upon full completion and satisfactory performance of a contract. The 20% Retention Program has allowed American Samoa's small construction companies to participate in government construction projects, resulting in the creation of job opportunities that directly benefit the local population. Over the years, FEMA has recognized this program and joined DOI in allowing for this retention program's utilization.

## **II. LOCAL CHALLENGES**

### *Lack of Competition*

As stated previously, there are only two local companies – Fletcher Construction and McConnell Dowell – that have the wherewithal and no problem obtaining 100% surety. Fletcher exclusively concentrates on the construction of building structures and rarely ever bids on road construction. McConnell, on the other hand, specializes in road construction work and has never attempted to bid on building construction jobs. This distinction between the two hardly allows these companies to compete against each other in the bidding process. The rest of local construction companies don't even bother to bid on projects that require bonding as seen in Table 1 below. Even for the two

projects – Fagatogo Economic Development Project and the Leone Midkiff Elementary School Building - that resemble some form of competitive bidding, ASG is forced to award the contract to the firm that can provide bonding, which are Fletcher and McConnell Dowell.

**TABLE 1: BONDED PROJECTS**

Fiscal Year	Project Name	Engineer's Estimate	Bidders	Bid Prices	Winning Bidder	Potential Cost Savings
2003	Fagatogo Economic Development Project	\$364,883.74	McConnell Dowell	495,416.84	McConnell Dowell	\$22,716.84
			GMA Inc.	472,700.00		
			Samoa Maritime	549,759.23		
2004	Pago Pago ARFF Facility Construction		NO COMPETITION	8,944,700.00	Fletcher Construction	???
2006	Renovations and Additions to the Lee Auditorium (Lee Auditorium Rehabilitation Project)	1,557,900.00	1 BIDDER [project's second phase (worth \$1 million) was sole-sourced to Fletcher due to the lack of competition]	1,919,305.00	Fletcher Construction	???
2008	Pago Pago Harbor Commercial Complex (Marketplace)		1 BIDDER	3,520,243.48	Fletcher Construction	???
	Route 001 Corridor Road & Drainage Reconstruction Project Phase II Fagatogo to Pago Pago		NO COMPETITION (sole-sourced to McConnell Dowell due to the lack of competition)	8,275,000.00	McConnell Dowell	???
2009	Security Enhancement II - Immigration AvSec (Departure Area) Upgrade at the Pago Pago International Airport	1,608,321.00	1 BIDDER	1,540,988.00	Fletcher Construction	???
2010	Design/Build Services for Security Perimeter Fence at Pago Pago International Airport		1 BIDDER	4,963,680.91	McConnell Dowell	???
2011	Renovations and Additions to the Convention Center		1 BIDDER	1,249,328.00	Fletcher Construction	???
2014	Leone Midkiff Elementary School Building	1,150,000.00	Fletcher Construction	1,799,512.00	Fletcher Construction	505,914.10
			APECS	870,780.00		
			Pacific Grading	1,293,597.90		

### *Potential Cost-Savings*

As seen in Table 1, there could have been cost savings had the bid been awarded to the lowest, most responsive bidder assuming that everything else remains constant<sup>1</sup>. Under the Fagatogo Economic Development Project, for instance, the bid could have been awarded, GMA, Inc., but it was awarded instead to McConnell Dowell because GMA, Inc. could not acquire a surety bond. This cost ASG and the federal government an extra \$22,700 since the project was funded by DOI and HUD<sup>2</sup>; \$20,000 to ASG is no small amount. The same scenario happened with the Leone Midkiff Elementary School Building Project where the first two bidders could not secure bonding. As it stands now, the project is going to be awarded to Fletcher, the only bidder that could secure surety, thereby potentially costing \$500,000 more to ASG and the federal government; this project is fully funded by HUD's CDBG Program. Appendix 1 provides a complete list of completed bonded projects from 2002 to 2014.

### *Leakages from the Local Economy*

Both Fletcher and McConnell are foreign-based companies with corporate headquarters in New Zealand and Australia respectively. While both companies provide substantial job opportunities for the local population, virtually all of its management positions are occupied by officials from their headquarters. This is not to state that Fletcher and McConnell do not contribute to society because they do continue to provide significant contributions to the local community.

Nevertheless, it is no secret that at least a portion of profits – whether substantial or otherwise - generated from federally funded contracts are repatriated to headquarters much like any other normal foreign-based firm. Salaries of management staff are also a cause for leakages.

### *Lack of a Local Company that Offers Surety*

As noted previously, there is no local company in American Samoa that offers bonding or surety. This lack thereof makes it difficult for companies that offer these types of products and services to understand the nature of the local construction industry, which makes it even more difficult to give favorable consideration to local construction companies seeking surety.

## **III. 20% RETENTION PROGRAM**

### *Current Status & Use*

The 20% Retention Program has been widely accepted and utilized in projects funded by DOI's CIP Program and FEMA-funded projects. This program has allowed for healthy competition among several bidders during the bidding process. Appendix 2 provides a list of all construction projects that were administered under this program from 2006 to 2014, and it illustrates the participation of several bidders in the bidding process. FEMA-funded projects were emergency in nature and therefore did not necessarily undergo a competitive bidding process.

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<sup>1</sup> Other factors considered during the bidding process include a firm's professional background, past performance, financial background, technical expertise, etc.

<sup>2</sup> HUD's Community Development Block Grant Program (CDBG), which requires 100% surety bonds, co-funded the Fagatogo Economic Development Project. Even though DOI co-funded the project, bonding was still required due to CDBG bonding requirements.

### *Program's Failures & Successes*

From 2006 to 2014, a total of 28 construction projects<sup>3</sup> worth more than \$25 million have been administered under the retention program. Out of the 26 projects that have been completed to date, only 2 projects defaulted. This represents a 92.3% success rate with only a 7.7% failure rate. Projects that defaulted were funded by DOI's CIP Program, and fortunately for ASG, DOI agreed to fund the extra costs of completing these 2 projects. To ASG, the retention program has been highly successful. ASG probably wouldn't have been able to undertake this many projects because bonding would surely have made costs of projects extremely expensive due to the lack of competition.

### *Federal Reluctance to Adopt the 20% Retention Program Across-the-Board*

While DOI and FEMA continue to utilize the 20% Retention Program, other federal agencies such as the US Department of Transportation's Federal Highways Division (FHWA)<sup>4</sup>, HUD's CDBG Program, EDA, and others continue to insist on requiring 100% bonding.

## **IV. CONCLUSION & RECOMMENDATIONS**

ASG in no way discounts the significance of bonding for construction projects; it totally agrees with the rationale behind this safety net to manage risks associated with construction projects. Nevertheless, ASG is equally concerned with the impact of the lack of competitive bidding with bonded projects and what it does to the local construction industry. Of paramount importance is construction contracts' expensive nature without competition. In this day and age of sequestration, it is imperative that ASG effectively and efficiently manage its financial resources. Allowing the noncompetitive nature of bonded projects to continue will undoubtedly absorb more financial resources, thus limiting ASG's ability to undertake more projects to improve its infrastructural needs. This lack of competition will continue the trend of leakages from American Samoa's economy for years to come.

Based on this information, ASG respectfully requests that all federal agencies adopt the 20% Retention Program that was created by DOI and ASG up to a certain extent. The more expensive a project gets, the more risk involved. So ASG proposes that all projects that cost \$3 million or less be allowed to utilize the 20% Retention Program in lieu of bonding. ASG further proposes that in the unlikely event of a default that the funding agency follow DOI's lead by absorbing extra costs to complete a project. All projects costing more than \$3 million should still require 100% bonding.

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<sup>3</sup> Refer to Appendix 2

<sup>4</sup> Some FHWA Projects have been allowed to utilize the 20% Retention Program

# APPENDICES

### Appendix 1: All Bonded Projects from 2002 to 2014

**TABLE 1A: BONDED CONSTRUCTION PROJECTS 2002-2014**

Fiscal Year	Project Name	Engineer's Estimate	Bidders	Bid Prices	Winning Bidder	Potential Cost Savings
2002	Tafuna Family Health Center	\$1,244,619.00	John's General Construction	\$1,022,407.00	John's General Construction	N/A
			APECS	1,157,627.00		
			E & W Construction	1,047,400.00		
			GMA	1,233,705.00		
			Harbour Construction	1,161,590.00		
			Hudson Contracting, Inc.	1,080,000.00		
			International Construction	1,231,570.00		
			Paramount Builders	931,000.00		
			RM Construction	1,022,900.00		
			Samu's United General Cont.	916,185.00		
United Constructors	1,035,500.00					
2003	Fagatogo Economic Development Project	364,883.74	McConnell Dowell	495,416.84	McConnell Dowell	22,716.84
			GMA Inc.	472,700.00		
			Samoa Maritime	549,759.23		
2004	Utulei Beach Park Redevelopment Phase I	96,048.78	RM Construction	114,502.00	RM Construction	N/A
			APECS	138,777.00		
			International Construction	118,800.00		
			Samoa Maritime	109,947.11		
	Pago Pago ARFF Facility Construction		NO COMPETITION	8,944,700.00	Fletcher Construction	???
2005	OBGYN WARD Renovation	1,465,000.00	APECS	1,357,970.00	APECS	
			Paramount Builders	1,343,215.00		
			FTK Corp	1,370,000.00		
			Hudson Contracting	1,397,162.00		
	Pediatric Ward Renovation	1,000,000.00	United Constructors	785,600.00	United Constructors	N/A
			Paramount Builders	1,018,100.00		
			APECS	1,097,470.00		
	RM Construction	1,177,633.00				
2006	Renovations and Additions to the Lee Auditorium (Lee Auditorium Rehabilitation Project)	1,557,900.00	1 BIDDER [project's second phase (worth \$1 million) was sole-sourced to Fletcher due to the lack of competition]	1,919,305.00	Fletcher Construction	???

**TABLE 1A: BONDED CONSTRUCTION PROJECTS 2002-2014 (cont'd.)**

Fiscal Year	Project Name	Engineer's Estimate	Bidders	Bid Prices	Winning Bidder	Potential Cost Savings
2008	Pago Pago Harbor Commercial Complex (Marketplace)		1 BIDDER	3,520,243.48	Fletcher Construction	???
	Route 001 Corridor Road & Drainage Reconstruction Project Phase II Fagatogo to Pago Pago		NO COMPETITION (sole-sourced to McConnell Dowell due to the lack of competition)	8,275,000.00	McConnell Dowell	???
2009	Security Enhancement II - Immigration AvSec (Departure Area) Upgrade at the Pago Pago International Airport	1,608,321.00	1 BIDDER	1,540,988.00	Fletcher Construction	???
2010	Design/Build Services for Security Perimeter Fence at Pago Pago International Airport		1 BIDDER	4,963,680.91	McConnell Dowell	???
2011	Renovations and Additions to the Convention Center		1 BIDDER	1,249,328.00	Fletcher Construction	???
2014	Leone Midkiff Elementary School Building	1,150,000.00	Fletcher Construction	1,799,512.00	Fletcher Construction	505,914.10
			APECS	870,780.00		
			Pacific Grading	1,293,597.90		

Note: The Leone Midkiff Elementary School Project is ongoing and is still in the bidding process as of the date of this report.

### Appendix 2: 20% Retention Program Projects 2006-2014

**TABLE 2: PROJECTS ADMINISTERED UNDER THE 20% RETENTION PROGRAM 2006-2014**

FISCAL YEAR	FUNDING SOURCE	PROJECT	ENGINEER'S ESTIMATE	BIDDER	BID	WINNING BIDDER	PROJECT STATUS
2006	CIP	Samoana High School Classroom Building 2-Story	\$896,135.00	<b>APECS</b>	<b>\$958,018.94</b>	APECS	Successfully Completed
				South Seas Construction	785,047.88		
				IBACE	832,342.93		
				Wulf Corp.	839,999.47		
				E&W Construction	875,874.98		
				FTK Corp.	887,999.99		
				United Constructors	911,125.02		
				Hudson Contracting	949,222.06		
				Atlas Construction	1,285,671.71		
2006	CIP	Tafuna Jr. High School 2-Story Classroom Building	1,677,482.71	<b>Hudson Contracting</b>	<b>1,543,617.69</b>	Hudson Contracting	Successfully Completed
				Samu's United General Contractors	1,295,126.05		
				FTK Corp.	1,323,000.00		
				ATLAS	1,428,642.56		
				APECS	1,438,810.00		
				LMB	1,555,870.00		
				E&W Construction	1,749,998.00		
				Tony's Construction	1,791,228.61		
				Wulf Corp.	1,995,628.69		
2006	CIP	Nuuuli Polytech High School, New Shop Building & Classroom/Lab Building	1,758,995.70	<b>RM Construction</b>	<b>1,754,400.00</b>	RM Construction	Successfully Completed
				John's General Construction	1,455,317.90		
				Wulf Enterprise	1,882,721.00		
				FTK Corp.	1,920,000.00		
				RW & Sons	1,950,000.00		
				E&W Construction	1,959,587.00		
2008	CIP	Dept. of Education Administration Office Building	1,281,639.00	<b>APECS</b>	<b>1,038,607.30</b>	APECS	Successfully Completed
				Hudson Contracting	1,376,747.23		
				RM Construction	1,505,700.00		
				E&W Construction	1,507,358.65		
2008	FHW	Procurement Road Construction Project	1,879,064.12	<b>McConnell Dowell</b>	<b>2,116,830.16</b>	McConnell Dowell	Successfully Completed
				GEMS	2,395,328.00		
				Fletcher	2,556,672.00		

TABLE 2: PROJECTS ADMINISTERED UNDER THE 20% RETENTION PROGRAM 2006-2014 (cont'd.)

FISCAL YEAR	FUNDING SOURCE	PROJECT	ENGINEER'S ESTIMATE	BIDDER	BID	WINNING BIDDER	PROJECT STATUS
2008	CIP	Tafuna Correctional Facility Female Quarters	860,000.00	<b>Hudson Contracting</b>	<b>777,667.00</b>	Hudson Contracting	Successfully Completed
				Tony's Construction	674,790.92		
				RM Construction	759,200.00		
				APECS	767,890.00		
				E&W Construction	770,000.00		
				Quality Painting	780,000.00		
2009	CIP	Alofau Elementary School Classroom Building	816,715.00	<b>Wulf Corp.</b>	<b>753,887.00</b>	Wulf Corp.	Successfully Completed
				E&W Construction	728,728.00		
				Tony's Construction	760,302.00		
				Global Pacific Services (GPS)	765,670.00		
				Atlas Construction	816,128.99		
				APECS	867,000.00		
2009	CIP	Manu'a High School Gymnasium Construction	482,290.00	<b>B&amp;J Construction</b>	<b>444,508.00</b>	B&J Construction	Successfully Completed
				E&W Construction	431,000.00		
				RM Construction	471,300.00		
				Tony's Construction	474,190.37		
				Wulf Corp.	535,340.46		
				Paramount Builders	624,620.52		
				Hudson Contracting	688,169.00		
				Global Pacific Services (GPS)	699,478.50		
				Fletcher Construction	866,162.00		
2009	CIP	Manulele Elementary School 2 New Buildings	1,515,680.00	<b>Wulf Corp.</b>	<b>1,488,834.50</b>	Wulf Corp.	Successfully Completed
				APECS	1,557,000.00		
				RM Construction	1,597,000.00		
				GEM/UCI	1,597,860.00		
				E&W Construction	1,602,793.18		
				Hudson Contracting	1,627,572.00		
				Tony's Construction	1,912,905.10		
2009	CIP	Pava'ia'i Elementary School Classroom Building	761,339.50	<b>Quality Painting</b>	<b>694,881.00</b>	Quality Painting	Successfully Completed
				Wulf Corp.	648,846.50		
				E&W Construction	707,115.00		
				Hudson Contracting	717,331.00		
				Tony's Construction	717,310.63		
				Atlas Construction	725,652.00		
				RM Construction	726,600.00		
				Global Pacific Services (GPS)	751,000.00		
APECS	817,987.00						

TABLE 2: PROJECTS ADMINISTERED UNDER THE 20% RETENTION PROGRAM 2006-2014 (cont'd.)

FISCAL YEAR	FUNDING SOURCE	PROJECT	ENGINEER'S ESTIMATE	BIDDER	BID	WINNING BIDDER	PROJECT STATUS
2010	CIP	Lupelele ES Classroom Building	674,850.00	<b>Hudson Contracting</b>	<b>657,777.00</b>	Hudson Contracting	Project defaulted; additional Cost to complete project of \$87,334 was funded by DOI
				Global Pacific Services (GPS)	688,838.00		
				APECS	707,700.00		
				Continental Transport Corp. (CTC)	711,389.00		
				RM Construction	724,700.00		
				E&W Construction	735,537.00		
				Paramount Builders	736,450.03		
				Wulf Corp.	744,888.00		
2010	FEMA	Fagatogo Streams-Market, Metro Flood Mitigation	661,106.80	<b>APECS</b>	<b>671,578.00</b>	APECS	Successfully Completed
				Tony's Construction	904,267.66		
				RM Construction	689,721.00		
2010	FHW	Tula Village Road & Shoreline Protection	676,893.53	<b>Tony's Construction</b>	<b>540,337.12</b>	Tony's Construction	Successfully Completed
				Continental Transport Corporation	568,098.15		
				RM Construction	663,953.00		
2010	FHW	Malaeloa Drainage Stream	2,166,316.90	<b>Samoa Maritime</b>	<b>1,715,007.69</b>	Samoa Maritime	Successfully Completed
				Tony's Construction	1,903,521.90		
				Continental Transport Corporation	1,922,858.50		
				RM Construction	1,978,543.00		
2010	FHW	Fagasa-Fagalea Village Road & Shoreline Protection	1,858,048.12	<b>RM Construction</b>	<b>1,527,229.45</b>	RM Construction	Successfully Completed
				E&W Construction	1,530,000.00		
				McConnell Dowell	1,631,071.34		
2010	FHW	Construction of the Leone Village Road Project	439,287.93	RW & Sons	289,500.00	Continental Transport Corporation	Successfully Completed
				<b>Continental Transp. C.</b>	<b>365,188.23</b>		
				Hudson Contracting	369,393.04		
				RM Construction	415,742.00		
				E&W Construction	418,287.93		
				Samoa Maritime Co.	458,696.32		
Tony's Construction	459,573.60						
2010	FHW	Sailele Shoreline Protection & Road Repair	2,478,728.00	<b>McConnell Dowell</b>	<b>1,802,195.00</b>	McConnell Dowell	Successfully Completed
				Samoa Maritime Co.	1,829,961.04		
2010	FHW	Fagaalu Bridge Replacement & Road Work	1,807,199.30	<b>Samoa Maritime</b>	<b>1,028,601.70</b>	Samoa Maritime	Successfully Completed
				McConnell Dowell	1,267,086.30		
				RM Construction	1,602,781.40		
				Continental Transport Corp.	2,300,124.74		

TABLE 2: PROJECTS ADMINISTERED UNDER THE 20% RETENTION PROGRAM 2006-2014 (cont'd.)

FISCAL YEAR	FUNDING SOURCE	PROJECT	ENGINEER'S ESTIMATE	BIDDER	BID	WINNING BIDDER	PROJECT STATUS
2010	CIP	Matafao Elementary School Classroom & Cafeteria	800,000.00	<b>Global Pacific Services (GPS)</b>	<b>730,000.00</b>	Global Pacific Services (GPS)	Successfully Completed
				APECS	737,799.17		
				Primo Builders	743,000.00		
				Paramount Builders	756,210.00		
				Tony's Construction	756,801.77		
				E&W Construction	775,070.00		
2010	FEMA	Pago Market Place Parking Lot Restoration	n/a	<b>RW &amp; Sons</b>	19,000.00	RW & Sons	Successfully Completed
2011	FHW	Emergency Relief Shoreline, Bridge & Drainage Repair, Route 009, Agugulu Village	333,494.00	<b>RM Construction</b>	<b>302,481.00</b>	RM Construction	Successfully Completed
				Tony's Construction	395,062.00		
				E & W Construction	629,122.72		
				Continental Transport Corp.	698,603.60		
2011	CIP	Leone High School 2 New Two-Story Classroom Building "Building A"	790,000.00	<b>Global Pacific Services (GPS)</b>	<b>850,500.00</b>	Global Pacific Services (GPS)	Successfully Completed
				Wulf Corp.	698,880.00		
				APECS	824,770.00		
				B&J Construction	864,995.00		
2011	CIP	Leone High School 2 New Two-Story Classroom Building "Building B"	710,000.00	<b>Wulf Corp.</b>	<b>688,881.00</b>	Wulf Corp.	Project defaulted; additional cost to complete project of \$219,725.99 was funded by DOI
				B&J Construction	752,239.00		
				Global Pacific Services (GPS)	754,700.00		
				APECS	765,750.00		
2011	FEMA	Pago Park Shoreline Emergency Repair	1,144,455.00	<b>McConnell Dowell</b>	<b>740,750.00</b>	McConnell Dowell	Successfully Completed
				Continental Transport Corp. (CTC)	930,632.30		
				Paramount	988,050.00		
2012	FEMA	Amanave Village Emergency Repair - Alternate A, Earthquake and Tsunami Disaster	611,922.00	<b>Happy Trucking</b>	<b>422,178.22</b>	Happy Trucking	Successfully Completed
				Paramount Builders	264,506.63		
				Whitehorn Construction	344,771.35		
				RM Construction	451,215.00		
				APECS	461,602.00		
				Samoa Maritime	482,760.94		
				Continental Transport Corp. (CTC)	457,275.52		

**TABLE 2: PROJECTS ADMINISTERED UNDER THE 20% RETENTION PROGRAM 2006-2014 (cont'd.)**

FISCAL YEAR	FUNDING SOURCE	PROJECT	ENGINEER'S ESTIMATE	BIDDER	BID	WINNING BIDDER	PROJECT STATUS
2012	FEMA	Emergency Relief Shoreline, Road, Bridge & Drainage Repairs to Rt. 009 LEONE including AUMA Village	766,110.00	<b>McConnell Dowell</b>	<b>365,373.63</b>	McConnell Dowell	Successfully Completed
				Paramount Builders	369,859.94		
				Tony's Construction	410,611.23		
				Continental Transport Corp. (CTC)	526,653.88		
				APECS	567,703.00		
2013	FHW	Nuuuli Shoreline Protection and Drainage Mitigation	1,413,802.57	<b>Continental Trans. Corp.</b>	<b>1,162,428.37</b>	Continental Transport Corporation	Ongoing
				McConnell Dowell	1,901,566.00		
				Samoa Maritme Co.	3,997,890.70		
2014	FHW	Aua Village Shoreline Protection & Drainage Mitigation	1,728,691.33	<b>Rainbow Corporation</b>	<b>845,734.78</b>	Rainbow Corporation	Ongoing
				CTC	1,296,301.80		
				McConnell Dowell	1,421,662.99		
				Samoa Maritime Co.	2,245,926.00		

**AMERICAN SAMOA'S CONSTRUCTION COMPANIES**

<b>COMPANY</b>	<b>BUSINESS ACTIVITY</b>	<b>LOCATION</b>
AARRM, INCORPORATED (dba ICON ENGINEERING)	GENERAL CONSTRUCTION	MALAEIMI
AKAPO K. AKAPO (dba OSEMA INC.)	GENERAL CONSTRUCTION	VAITOGI
ALLEN ENGINEERING CONTRACTOR, INC.	GENERAL CONSTRUCTION	PAVA'IA'I
ALLIED ENTERPRISES, INC. (dba R.M. CONSTRUCTION)	GENERAL CONSTRUCTION	NUUULI
BOB TUIASOSOPO (dba LIGHTHOUSE BUILDERS)	GENERAL CONSTRUCTION	NUUULI
CAROLINE EMIKO HAGA WENDT (dba PPG CONSULTANTS ENGINEERING & CONSTRUCTION)	GENERAL CONSTRUCTION	TAFUNA
CHARM CORPORATION (dba CHARM CORP.)	CONSTRUCTION	TAFUNA
CONTINENTAL TRANSPORT CORPORATION	GENERAL BUILDING	FOGAGOGO
CRAIG AIR-COOL REFRIGERATION, INC. (dba CRAIG CONSTRUCTION CORPORATION AMERICAN SAMOA)	CONSTRUCTION	TAFUNA
E & W CONSTRUCTION, INC.	GENERAL CONSTRUCTION	TAFUNA
ELIKI F. AFALAVA (dba IFILELE DEVELOPMENT SERVICES)	BUILDING CONSTRUCTION	AOLOAU
FLETCHER CONSTRUCTION COMPANY LTD.	GENERAL CONSTRUCTION	TAFUNA
FTK CORPORATION	GENERAL CONSTRUCTION	MASEFAU
GLORIA S. AUSAGE & ROY T. AUSAGE (dba AUSAGE & ASSOCIATES CONSTRUCTION SERVICES)	GENERAL CONSTRUCTION	TAFUNA
HOLLISTER GENERAL SERVICE, INC.	GENERAL BUILDING	ASILI
HOWARD LUTERU AFUALO (dba ALL STAR CONSTRUCTION & DESIGNS)	GENERAL CONSTRUCTION	NUUULI
HUDSON CONTRACTING, INC. (dba HUDSON CONTRACTING)	GENERAL CONSTRUCTION	TAFUNA
IRENE V. ELIZARRARAZ (dba AMIGO'S GENERAL CONTRACTING SERVICES)	GENERAL CONSTRUCTION	TAFUNA
ISLAND BUILDERS, INC. (dba IBACE)	GENERAL CONSTRUCTION	FALENIU
ISLAND DEVELOPMENT, INC.	GENERAL CONSTRUCTION	ILILI
JAY'S FASHION STATEMENT, INC. (dba B & J CONSTRUCTION)	GENERAL CONSTRUCTION	NUUULI
JERSEY CORPORATION (dba ASIA PACIFIC ENGINEERING & CONSTRUCTION SERVICES)	GENERAL CONSTRUCTION	MALAEIMI
JOE HOLLISTER (dba GLOBAL PACIFIC SERVICES)	GENERAL CONSTRUCTION	TAFUNA
JOHN'S GENERAL CONSTRUCTION, INC.	GENERAL CONSTRUCTION	NUUULI
LER'S, INC. (dba GLOBE ENGINEERING & MAINTENANCE SERVICES)	CONSTRUCTION	NUUULI
LIONEL H. TAUSAGA (dba BIG "L" BUILDERS)	CONSTRUCTION	TAFUNA
MATAESE L. SAMUELU (dba AJS BUILDERS)	CONSTRUCTION	FAGASA
MCCONNELL DOWELL (AMERICAN SAMOA) LIMITED	CONSTRUCTION	TAFUNA
MICHAEL U. FUIAVA (dba LE MUAUTAU GENERAL CONSTRUCTION/SOUTH PACIFIC IMPORT & EXPORT)	CONSTRUCTION	ILILI
MOUNT LATA DEVELOPMENT CORPORATION (dba MLD CORP.)	GENERAL CONSTRUCTION	FAGATOGO
NANA'S, INC.	GENERAL CONSTRUCTION	PAGO PAGO
OSIMA, INC. (dba ATLAS CONSTRUCTION)	CONSTRUCTION	LEONE
PACIFIC GRADING CORPORATION	GENERAL CONSTRUCTION	TAFUNA
PACIFIC RIM ENTERPRISES, INC. (dba TONY'S CONSTRUCTION & AUTO REPAIR)	BUILDING CONSTRUCTION	TAFUNA
PAGO PAGO DEVELOPMENT, INC.	GENERAL CONSTRUCTION	PAVA'IA'I
PARAMOUNT BUILDERS, LIMITED	CONSTRUCTION	TAFUNA
PETER WULF (dba PJ WULF ENGINEERING)	GENERAL CONSTRUCTION	TAFUNA
RAINBOW CORPORATION (dba HAPPY TRUCKING)	GENERAL CONSTRUCTION	FUTIGA
RECTO IBANEZ (dba R & R ENGINEERING)	CONSTRUCTION	MALAEIMI
RIPLEY DEVELOPMENT COMPANY, INCORPORATED	CONSTRUCTION	TAFUNA
SAMOA MARITIME COMPANY	GENERAL CONSTRUCTION	TAFUNA
SCHWENKE & SON'S CORPORATION	GENERAL BUILDING	TAFUNA
STEVEN S. SHALHOUT & LIUPUA A. SUNIA (dba BLUE LAGOON CONSTRUCTION)	CONSTRUCTION	FOGAGOGO
SUAESI T. TAGALOA & LIONEL H. TAUSAGA (dba MANUOLEVASA & SONS GENERAL CONSTRUCTION)	CONSTRUCTION	TAFUNA
T & L INC., (dba TRYME'S)	GENERAL CONSTRUCTION	FALENIU
T.I. BROTHERS AUTO REPAIR & PAINT SHOP, INC. (dba PJ GENERAL BUILDING & CONSTRUCTION)	CONSTRUCTION	TAFUNA

**AMERICAN SAMOA'S CONSTRUCTION COMPANIES (cont'd.)**

<b>COMPANY</b>	<b>BUSINESS ACTIVITY</b>	<b>LOCATION</b>
TAAMU T. MELEISEA (dba SAMOA CONSULTANTS SERVICES)	GENERAL CONSTRUCTION	MESEPA
TEVITA PAEA (dba T M P MASONRY CONSTRUCTION)	GENERAL CONSTRUCTION	NUUULI
THE 3BEVS CORPORATION (dba J & J PACIFIC CONSTRUCTION)	GENERAL CONTRACTOR	PAVA'IA'I
TRESMAL, INCORPORATED (dba NEWBORN CONSTRUCTION)	CONSTRUCTION	ILILI
TTOMI'S, INC. (dba MCM CONSTRUCTION)	GENERAL CONSTRUCTION	TAFUNA
ULISESE K. FAASOA & FAITASIA FAASOA (dba AMERICAN SAMOA SUNRISE BUILDERS)	GENERAL CONSTRUCTION	TAFUNA
WHITEHORN CONSTRUCTION, INC.	GENERAL CONSTRUCTION	PAVA'IA'I
WULF CORPORATION	GENERAL CONSTRUCTION	AUA