

EXECUTIVE ORDER NO. 176

Regarding Abandonment of the International Airport Terminal

WHEREAS, the existing terminal building of the Palau International Airport has repeatedly been determined to be in serious disrepair; and

WHEREAS, the state of the existing terminal building of the Palau International Airport is such that it may pose a severe threat to persons and property within it; and

WHEREAS, for the past several years, almost continuous, substantial renovations and repairs have been required and performed at great cost to the Republic in order to maintain the existing airport terminal building in a useable condition; and

WHEREAS, the state of the existing terminal building of the Palau International Airport is such that very significant costs would be associated with continued maintenance and operation of the building; and

WHEREAS, an accident resulting from the derelict condition of the existing terminal building could expose the Republic to potentially great liability; and

WHEREAS, an accident resulting from the derelict condition of the existing terminal building could also cause substantial loss to the Republic by discouraging visitors, who must pass through the terminal building upon arrival and departure; and

WHEREAS, a design has been rendered for a new permanent terminal building; and

WHEREAS, very strong prospects for funding a new permanent terminal building are being pursued; and

WHEREAS, actual funding for a new permanent terminal building has not been secured; and

WHEREAS, the time which may required to secure full funding of a new permanent terminal building and complete construction of same would leave the Republic and those who use the existing terminal building exposed to unacceptable risks for too long; and

WHEREAS, funding has been obtained for the erection of a new temporary terminal building; and

WHEREAS, a design has been rendered for a new temporary terminal building; and

WHEREAS, it is imperative that a new temporary terminal building be constructed and become operational as soon as possible and remain in operation until erection of a new permanent terminal building; and

WHEREAS, it is imperative that stress on and use of the existing terminal building must be minimized until such time as the new temporary terminal building can be operational,

NOW, THEREFORE, pursuant to the powers vested in me by the Constitution and the laws of the Republic of Palau, I hereby order as follows:

1. No new or additional use or function of the existing terminal building and no increase or expansion of existing uses of the existing terminal building will be allowed from this day forward.
2. As leases and any other agreements now in place for the use of space in and around the existing terminal building expire, the spaces covered by those agreements will be vacated and the agreements will not be renewed.
3. The Ministry of Commerce and Trade shall immediately begin negotiations with all current occupants of the existing airport terminal building concerning their continued use of space in the existing airport terminal building, their evacuation of such space, their use of space in the terminal building to be constructed, and their operations during the transition from the existing airport terminal building to the temporary terminal building to be constructed. Where economically feasible, such negotiations will include early termination of existing agreements and prompt evacuation of the space covered by such agreements.
4. The Ministry of Commerce and Trade and the Ministry of Resources and Development, jointly, shall immediately begin preparations for and undertake the construction of a new temporary airport terminal building pursuant to the designs for such building tendered to the national government. For purposes of the national procurement laws, this Order shall serve as grounds for the relevant Procurement Officer(s) to determine, and such Procurement Officer(s) are directed to declare, that the shortened notice and bidding requirements described in 40 PNC § 617 are reasonable and necessary for this project.
5. No later than one hundred fifty (150) days from the date of this Order, the construction of a new airport terminal building pursuant to the designs for such building tendered to the national government shall be completed and the building shall be ready for full occupancy and full use.
6. No later than one hundred fifty (150) days from the date of this Order, the existing airport terminal building will be completely evacuated and condemned.
7. Pending complete evacuation of the existing airport terminal building, the Ministry of Resources and Development will take such actions as are appropriate to ensure that the existing terminal building remains useable.

SO ORDERED THIS 13th DAY OF MARCH, 2000,

Kuniwo Nakamura
President of the Republic of Palau