

Suit Would Block TT Mapping

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SAIPAN (MNS) - A complaint against the Trust Territory government was filed in the TT High Court Monday by Juan Tenorio and Associates Inc., a Saipan surveying firm.

The complaint asks the court to issue an enjoining order to prevent the Trust Territory from signing a contract to survey Micronesian public lands with either Asia Mapping Inc.,

or Hawaii Architects and Engineers Inc., the two other survey teams that submitted bids for the contract.

Tenorio contends his company's bid was the lowest. However, the TT Lands and Surveys Division of the Department of Resources and Development has stated that Asia Mapping's bid was the best. Factors used in determining a

contract award in such a case are the actual bid, a firm's responsibility, its experience, equipment it has available, the quality of its personnel and the strength of its financial backing, the spokesman explained.

Of the three competing firms, only Tenorio is based in Micronesia. Asia Mapping and Hawaii Architects are, however,

licensed to operate in the Trust Territory.

Allan Nicholson, representing the Trust Territory, filed a motion to have the court dismiss the case. Nicholson cited a section of the TT Code that states the high court does not have jurisdiction over "any claim based... upon the exercise or performance or the failure to exercise or perform a

discretionary function or duty on the part of any agency or employe of the government, whether or not the discretion involved be abused."

TT Chief Justice Harold W. Burnett denied the motion.

Tenorio is represented by James Brooks of Guam. Sen. Edward DLG. Pangelinan of Saipan is an associate counsel.

The case arises out of the return of public lands to Micronesian control by the United States. There have been difficulties in many districts in determining who owns certain lands. The survey project, funded by a U.S. government special appropriation, is an attempt to determine boundaries of such disputed parcels.

According to Nicholson, one of the TT's concerns is that a portion of the appropriation for the project must be obligated before June 30, the end of fiscal 1974.

The Lands and Survey Division has divided the Trust Territory into four survey areas: The Marianas; Palau and Yap Districts; Ponape; and Truk and the Marshalls. According to the preliminary award, Asia Mapping received the contract for all areas except Palau and Yap, awarded to Hawaii Architects.

The TT informed Asia Mapping and Hawaii Architects that they had been awarded contracts and that it was drawing up details of the contracts when the Tenorio company filed its complaint.