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Approved: Sila M. Calderón
Secretary of State
By: [signature]
Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO

PUBLIC BUILDINGS AUTHORITY

SAN JUAN, PUERTO RICO

BIDS REGULATION

ARTICLE I - LEGAL GROUNDS

This Regulation is enacted pursuant to the provisions of the Article 5, Paragraph 3 of Act No. 56 of June 19, 1958 (22 LPRA-Sec. 906), as subsequently amended, which creates the Public Buildings Authority as a Public Corporation of the Commonwealth of Puerto Rico. This Regulation shall be know as BIDS REGULATION OF THE PUBLIC BUILDINGS AUTHORITY.

ARTICLE II - PURPOSE

This Regulation is adopted in order to:

A. Establish an uniform procedure to follow in all bids held by the Authority.

B. To create a Bid Board which shall be in charge of holding the Authority's bids, and which shall be known as Bids Board of the Public Buildings Authority.

C. To establish and set forth the powers of said Board and its members.

ARTICLE III - DEFINITIONS

A. Board of Directors - Group of citizens appointed by the Governor with the advise and consent of the Senate to govern the future of the Authority and on which the power of the Authority are invested on.

B. Authority - It means the Public Buildings Authority.

C. Executive Director - It means the Executive Director of the Authority.

D. Bids - Term generally used to refer to the procedure which shall be followed in certain purchases of supplies, equipment and non-professional services, or in the adjudication of construction projects by the Authority.

E. Invitational Bid - That as to which there is no public bid announcement.

F. Board - It shall be the Bid Board of the Authority.

G. President - It shall be the person appointed by the Executive Director to preside over the Board.

H. Secretary - It shall be the Secretary of the Board appointed by the Executive Director.

I. Emergency - Unexpected or unforeseen situation cause by a condition out of human control, which requires an immediate action, or that which endangers life and/or health of one or more persons, or that which could cause damages to public property, or that which could affect essential public utilities. It shall be also understood as an emergency any situation on which, without negligence, forgetfulness or inexcusable administrative delay, the effectiveness of the funds could become null and where every opportunity to acquire desired supplies or services could adversely affect public interest.

J. Specifications - Group of essential characteristics of the equipment, service or supplies brought forth as reference for each entry on a bid, as well as the physical, functional, aesthetical characteristics, and/or of quality with which the type of supply, equipment or service referred to is described. Likewise the group of stipulations on the method for installation, assembly, coupling, etc.

ARTICLE IV - GENERAL PROVISIONS

A. Unless as provided hereinbelow in Paragraph B and D, the following transactions shall be made by means of the bids process; provided that when the estimated cost for the acquisition or performance of the job or the amount of the transaction does not exceed Fifty Thousand Dollars ($50,000.00) and invitational bid can be held without any Public Bid announcement, as per the terms and conditions established in harmony with the provisions hereof.

1. All construction contracts, when the estimated cost of for the performance of the job exceeds Twenty Thousand Dollars ($20,000.00).

2. All purchases and contracts for equipment supply, materials and non-professional services whose amount exceeds Twenty Thousand Dollars ($20,000.00) and the rent of equipment whose amount exceeds the amount of Ten Thousand Dollars ($10,000.00) per year and the term exceeds three (3) years. In excess of Fifty Thousand Dollars ($50,000.00), the approval of the Board of Directors shall be needed.

3. All sales of any land, building or real estate property belonging to the Authority. In excess of One Hundred Thousand Dollars ($100,000.00) the approval of the Board of Directors shall be needed.

4. All sales of personal property belonging to the Public Buildings Authority whose amount in each transaction exceeds Five Hundred Dollars ($500.00). In excess of Ten Thousand Dollars ($10,000.00) the approval of the Board of Directors shall be needed. In this

specific case of the sale of personal properties, the Authority shall first of all hold an invitational bid among all public agencies and enterprises, including public corporations and municipalities. In the event none of these public enterprises be interested in the mentioned purchase, the steps for a public bid, as established herein, shall be taken. If the value of the real estate exceeds Ten Thousand Dollars ($10,000.00) the approval of the Board of Directors shall be needed.

5. Leasing to a private corporation or enterprise of any land, building, commercial areas or concessions, parking areas, machinery or equipment belonging to the Authority. If the yearly rent exceed One Hundred Thousand Dollars ($100,000.00), or the term should exceed five (5) years, the approval of the Board of Directors shall be needed.

B. All purchases and contracts for equipment, supplies and services, except professional and consultation services, including contracts for the construction of work whose amount would not exceed Twenty Thousand Dollars ($20,000.00) shall be handled through the "Procedure for the Acquisition of Equipment, Supplies and Services".

C. The bid for projects, with Federal Funds help, shall be governed by the provisions and requirement demanded by the Federal Government and the provisions of this Regulation where not in conflict therewith.

D. No bid shall be necessary when:

1. The Executive Director, prior recommendation from the Board, would determine that there is an emergency.
2. When replacement parts, accessories, equipment or services are needed for effects or services previously supplied or hired.
3. When prices are not subject to competition (one only supply source) or because they are regulated by law.
4. When the purchase of the equipment, supplies, effects and services be necessary and convenient to be had outside Puerto Rico, protecting the Authority's best interests. Necessary and convenient shall be understood when by manifest superiority, the quality as well as the relative adaptability of the supplies, effects and equipment, or the ability of the supplier to render the corresponding repair and conservation services and the Executive Director by recommendation from the Board would determine that this is convenient for the best interests of the Authority. Likewise, this would be the process to follow in the purchase of spare parts and pieces of the equipment so acquired.
5. When the Authority would use the service of the Federal Government agency "General Service Administration", for the purchase of supplies, equipment or other effects, as long as this would be more advantageous and economical for the Authority, and in such circumstances where by means of filing written evidence that it is not feasible to obtain the article for the same price at the local market.

6. When the supplies, equipment or services required had been auctioned by the Purchase, Services and Supplies Area of the General Services Administration and there is a contract, pursuant to which the Authority could perform the purchase.

7. When after the bid is called, no bidder appears thereat.

E. "No officer or employee of the Public Buildings Authority or the Government of Puerto Rico, or persons receiving pay from the Public Buildings Authority by means of a professional and/or consulting services contract (design, inspection, supervision, assessment, studies) shall have any economic interest on contracts other than of the same nature of those mentioned above, nor intervene as bidder in the bidding procedures of the Public Buildings Authority".

ARTICLE V - ORGANIZATION, DUTIES AND RESPONSIBILITIES OF THE BOARD

A. ORGANIZATION

1. The Board shall be comprised by three (3) bona fide members to be appointed by the Executive Director. These persons must be regular employees of the Authority.

2. The President and Secretary shall be appointed by the Executive Director. In the case of a vacancy arising due to resignation, death or any other cause, the Board shall elect among its members the substitute for the President or the Secretary until the Executive Director would choose the person who shall continue holding the position. In the event that it is a bona fide member, then an alternate shall assume the position.

3. One of the alternate members shall temporarily assume the position only in the event of absence of any of the bona fide members of the Board.

4. Two (2) of the members shall constitute quorum in the Board's decisions, and its agreements shall be resolved by a majority vote.

5. The following operational and administrative areas must be represented at the Board:

   a. Construction Area

   b. Conservation and Safety Engineering Area

   c. Legal Services Area

B. DUTIES AND RESPONSIBILITIES

1. Board - Shall be responsible for assessing the proposals received and to make recommendations to the Executive Director for the adjudication of bids.

2. President of the Board - Shall be responsible for seeing that the procedure listed herein for the holding and adjudication of bids, be followed.

3. Secretary of the Board - Shall be responsible for:

   a. Maintaining a follow-up of the bids until their adjudication or cancellation, as the case may be. Shall bring to the attention of the President of the Board any case of delay in the handling thereof.

   b. Coordinating the bids activities between the Board and the Bids, Specifications and Estimates Division of the Design Area.

c. Assessing and verifying all reports addressed to the Board to assure that the report is complete in all details, and that it contains all judgment elements to allow the Board to reach correct conclusions.

d. Being present in the opening act of the bids.

e. Preparing and handling for the signature of the members, the minutes of the Board meetings with the recommendations to the Executive Director.

f. Receiving and handling the appeals papers on adjudications, that are filed pursuant hereto.

g. Making the necessary arrangements for the return of the bid-bonds to bidders.

h. Maintaining a minutes book, which shall be available at all times for the examination by the examiners from the Office of the Comptroller of Puerto Rico, Auditors from the Authority and any other government officer duly authorized to review the decisions made by the Board.

4. Chief of Bids, Specifications and Estimates Division - Shall be responsible for:

a. Preparing the bids specifications with the necessary information as to plans and specifications.

b. Drafting bids announcements and delivering them to the Public Communications Office.

c. Delivering to those interested in bidding the copies of the specifications

and plans in exchange for the receipt of the deposit issued by the Comptroller's Office.

d. Preparing the cost estimate which shall serve as basis for the assessment of the corresponding proposals, which shall be analyzed so as to submit his recommendations to the Board within the time period set by said Board.

5. Office of Public Communications - Shall be responsible for publishing the bids announcements in the general circulation newspapers and obtaining from the advertising agency the affidavit prepared by the newspapers certifying that the bid has been published.

ARTICLE VI - BIDS PROCESS

A. BIDS ANNOUNCEMENT

1. The Executive Director of the Public Buildings Authority or the person on whom he shall delegate, shall endorse all announcements for Invitational or Public Bids, as well as all other Contracting documents, including but not limited to: Construction, Leases, Services, Plans and Specifications Contracts.

2. Bids, Specifications and Estimates Division

a. The Chief of the Bids Specifications and Estimates Division shall coordinate wit the Secretary of the Board as to the date and time of the opening of the bids, once he has with him the bids documents, to wit: cost estimates, plans, specifications and certification of available funds or purchase and

services requisition orders from the Administration Office.

b. Shall prepare the bids announcement in original and four (4) copies, which shall contain, inter alia, the following information:

1. Date, time and place set to submit bids in the opening of the bids.
2. Description and location of the project, or description of the supplies, equipment or services (non-professional) which is to be auctioned, in which case the place where the delivery or rendering of the services shall be specified.
3. Place where bidders could obtain the list of instructions and documents related to the bid and the amount of deposit required so that said documents be delivered.
4. The time limit required to finish the project, make the delivery or render the service and, also, the amount of the bidders bond to assure that the bidder, in the event he was granted the bid, would finish the work within the time set.
5. Clause specifying that the Board reserves the right to accept or reject any or all bids, and to adjudicate the contract under the most favorable conditions for the Authority and to cancel any adjudication made before the signing of the contract.

c. The original of the bids announcement shall be sent to the Public Communications Office for the publishing of the bid in several general circulation newspaper; copy to the Secretary of the Board to inform him as to the details of the bid; copy to the cashier at the Comptroller's Office for him to receive the deposits for the plans as soon as the bid is published; copy to the Executive Director to maintain him informed as to the bid, and copy to the Central File.

d. In those cases where by experience or reference it is known that there are potential suppliers abroad for the same product or rendering of services, with no representatives in Puerto Rico, who cannot find out about the bids by the newspapers, the Authority, pursuant to its best interests, shall sent a written communication to said suppliers to have them participate in the bidding.

B. INVITATIONAL BIDS

1. Invitational bids shall be held as per the provisions of Article IV, Section A of this Regulation.

2. The Bids, Specifications and Estimates Division shall sent a written communication to the greatest possible number of potential suppliers or contractors containing the required information for a formal bid announcement.

3. Copies of this written communication shall be sent to the Secretary of the Board, the

Executive Director, the Purchases and Supplies Office and the Central File.

C. The Bids, Specifications and Estimates Division shall prepare copies of the original of the project plan and enough lists of specifications for bidders containing the following information:

1. Bids Announcement
2. General information on the project
3. Application for data on experience, equipment or services and the financial statement of the company or contractor.
4. Copy of the instructions and general clause for the project.
5. Information for the compliance of the bonds and insurance policies required.
6. Any other necessary information, data or clarification.

D. To obtain the list of specifications and project plan.

1. Bidder shall hand in a deposit in cash, money order, certified check or Manager's Check on behalf of the Authority to the Cashier, who shall issue a receipt in original and one copy to the bidder.
2. The bidder shall present the receipt to the employee of the Bids, Specifications and Estimates Division, which is in charge of delivering the documents and plans for the bid, who shall then deliver said documents to the bidder with the necessary information in exchange of the receipt copy, which shall be retain for filing.

E. RECEIPT OF BIDS

1. All bids shall be submitted to the Secretary of the Bid Board duly filled out in

accordance with the instructions to bidders, accompanied by the bid bond, if required in the invitation to bid or bid announcement, in a closed envelope identified with the project number, or bid number, the description of the project and the bidder's name and address.

2. The Secretary of the Board shall be the custodian of the bids envelopes. The bids documents shall be kept filed separately for each bid.

3. All envelopes containing bid documents shall be sealed at the time of receipt, indicating date and time in which they were received. They shall be kept inside a file along with all the other bids received up to the time set for the opening.

4. Every bid must be signed in ink by the bidder. If before the opening of the bid a letter or other documents has been received signed by an interested bidder, showing that the absence of the signature is due to an oversight by the bidder, the Board could consider the bid, as long as the bidder would sign the list before the time and date appointed for the opening. Said documents must be signed in the presence of bidders present there.

5. The personnel of the Authority, under no circumstance, shall intervene be it directly or indirectly with bidders in the presentation and filing of the bid documents. Nor can they advise, influence or suggest to the Board as to the adjudication of any bid.

6. In the event that there is a different between the amount bid in words and the amount bid in numbers, the amount stated in words shall prevail over that stated in numbers.

7. No bid shall be considered if it does not comply with the requirements established in the bid documents, provided, however, that the Board could, at its discretion, overlook any error or omission of lesser importance that would not affect the terms and conditions of the bid. Bidders could sent their bids by mail, as long as the same be received at the Bids, Specifications and Estimates Division of this Authority 24 hours before the date and time of the opening of the bid.

8. Bids received by mail after the time set for filing, shall be handled in the following manner:

   a. The unopened envelopes shall be returned to the sender accompanied by a letter, stating the reasons for the rejection.

   b. In the event there is no sender address on the envelope, the same shall be opened to obtain the data which would allow its return. On the letter sent to the sender, an explanation shall be given as to the reasons to open said envelope.

F. OPENING OF BIDS DOCUMENTS

1. On the date and time set for the opening of the bids, the Board shall meet and shall make sure that at the time of the opening there are no more bids at the File and Mail unit,

or at any other department of the Authority.

2. The Secretary of any other member of the Board shall proceed to open the envelopes containing the bids from the different bidders in the presence of the attending bidders.
3. For the opening of the received bids, the Board would not be required to be fully constituted.
4. The bids and their conditions shall be read out loud.
5. Attending bidders who so request, shall be allowed to examine the bids documents.
6. Under no circumstance, shall the withdrawal of any bid nor changes or modifications thereto shall be allowed after the session of the Board has been declared opened.
7. Every monetary value included as bid guarantee shall be sent to the Controller's Office where it shall be deposited until the bid is adjudicated. Bond documents shall be retained by the Bids, Specifications and Estimates Division.

G. BIDS ADJUDICATION

1. Analysis and Assessment Report
   a. The Secretary of the Bids Board shall request an assessment report on the two (2) lowest bids from the Bids, Specifications and Estimates Division, which shall be submitted to the Secretary within a ten (10) working days term, from the date of the opening.
   b. The Bids, Specifications and Estimates Division shall prepare the assessment analysis pursuant to the following

information, supplied by bidders and investigations performed by other means at its disposal.

1. Experience
2. Economic and Moral Solvency
3. Proper Equipment Available
4. Able Technical Personnel
5. Behavior on projects performed for the Authority and/or other agencies, and/or private enterprises. Economic solvency shall not be considered in the report to be prepared for the second best bidder, unless this second best bidder is considered for the adjudication of the bid.

c. The Controller's Office shall be the division responsible of assessing, verifying and submitting recommendations on the economic solvency or financial situation included in those bids referred by the Secretary of the Bids Board.

d. The Supervisor of the Bids, Specifications and Estimates Division shall prepare the assessment report in original and two (2) copies, and shall distribute it in the following manner:

1. Shall sent the original and one (1) copy to the Secretary of the Bids Board, accompanied by the bids, tabulating sheets and price and all the bid documentation.
2. Shall retain one (1) copy for its filing.

2. Bids Adjudication

a. The adjudication of all bids shall be made by majority vote within a term of thirty (30) calendar days, from the date of the opening of the bid, except in cases where the conditions themselves of the bid would indicate another term for the adjudication thereof. Bids shall be adjudicated to the responsible bidder whose bid has been the lowest in price, as long as said bid would comply with the general specifications, terms and conditions established in the bid documents and in accordance to what is considered more convenient for the public interest.

b. The Secretary of the Board shall analyze the recommendations report to verify that the same is complete and correct.

c. The assessment report, along with the tabulating sheets and all bid documents shall be submitted to the Board at a meeting called by the Secretary in coordination with the President for the corresponding analysis, leading to the adjudication of the bid.

d. The Board shall discuss the assessment report and shall determine the recommendation for the adjudication, taking into consideration the following elements:

1. The amount of the offer and all the conditions and circumstances that by their nature would make the bid more beneficial.

2. If only the offer of one bidder be received, the same could be accepted by the Board, as long as the same be considered to be fair and reasonable.

3. The Board shall have the power to recommend to the Executive Director the rejection of all bids received when the available funds be not enough to cover the value of the contract and/or when it is considered that none of the bidders offer guarantees for the strict compliance with the contract, pursuant to past experiences and/or any other justifiable reason. If the recommendation of the Board is to have the bid annulled, the Executive Director could be recommended any of the following alternatives:

   a. to announce and hold a second bid.

   b. that the project be done by the Authority.

   c. that negotiation with the lowest bidder be considered in order to reduce the cost of the contract by means of the implementation of changes and/or modifications on the plans and specifications.

4. The Board shall have the power to recommend to the Executive Director the rejection of the lowest bid,

when the same would not comply with the specifications, terms and conditions of the bid; when there is knowledge and evidence that the bidder has not given satisfactory attention and compliance to contracts granted, or that it has been found guilty of fraud to obtain or perform contracts. Likewise, when it deems that the best interests of the Authority would not be properly protected.

5. The Board shall have the power to recommend to the Executive Director to consider and adjudicate the bids recieved for lower amounts than those stipulated on the bid conditions; that is, as long as the best interests of the Authority are protected.

6. The Board could decide the adjudication of the bids among bidders whose bids be identical as to prices, specifications, general conditions and other bid conditions, in two ways:

   1. by establishing confrontation between bidders, leading to produce differences in their bids.
   2. by using the "Drawing" process. The confrontation process shall be used, unless there is an agreement between bidders whose bids be

identical and with the consent of the Authority to freely, spontaneously and voluntarily submit themselves to the "Drawing" process.

In the event the confrontation process is to be used, the bid most favorable to the Authority's interests shall be considered.

e. After the bid has been adjudicated, the Secretary of the Board shall open a minutes in original and three (3) copies with information as to the cost of the bid and recommendations for the adjudication to the best bidder.

f. He shall submit the same for the signature of the President of the Board and each of its members and then shall send it to the Executive Director, or in his absence, to his authorized representative for its approval.

g. The minutes, duly approve by the Executive Director shall be returned to the Secretary of the Bids Board, who shall distribute the same along with the other documents in the following manner:

1. Shall sent the original to the Central Filing; the original of the minutes, the original of the assessment report from the Bids, Specifications and Estimates Division, the original of the Tabulating Sheet and the bid price and the documents of the losing bidders.

2. Shall sent copy of the minutes to the Bids, Specifications and Estimates Division.
3. Shall sent copy of the bid minutes to the Budget, Organization and Methods Division and to the Purchase and Supplies Office for the preparation of the corresponding purchase order, if the bid was held for the purchase of supplies or equipment.
4. Shall retain one (1) copy for his file.

ARTICLE VII - NOTICE OF ADJUDICATION AND SIGNING OF CONTRACTS

A. NOTICE OF ADJUDICATION

1. The Supervisor of the Bids, Specifications and Estimates Division shall meet with one of the Attorneys of the Legal Services Office in order to have the final checking of all contract documents.
2. Should it be verified that the contract documents are in order as to all aspects, the Bids Specifications and Estimates Division shall sent a certified letter to the winning bidder notifying him of the adjudication of the bid, the date, time and place to sign the contract, bonds and any other information needed for the signing of the same. Copy of the letter shall be sent to the Secretary of the Bids Board.
3. Said notice shall contain the admonishment that the Authority reserves the right to cancel any adjudication before the formalization of the Contract.

4. The Secretary of the Bids Board shall notify the other bidders who attended the bid the results thereof, after the Board had sent the notice of adjudication.

B. SIGNING OF THE CONTRACT

1. Before the date set for the signing of the contract, the winning bidder shall be required to present the required policies and bonds for their proper checking and acceptance.

2. Bonds could be set by means of a bond issued by a company legally authorized to do business in Puerto Rico, acceptable for the Authority, to be free of lien; or by means of a deposit, as collateral in guarantee of bonds or direct obligations of the Commonwealth of Puerto Rico or any of its agencies or municipalities, or from the Government of the United States of America; or by means of a cash deposit in legal tender, certified check or money order on behalf of the Authority.

3. After the required policies and bonds have been verified, the winning bidder shall sign the contract and its copies in the presence of one of the Authority's attorneys and then the same shall be sent to the Executive Director for his signature.

4. The Bids, Specifications and Estimates Division shall sent a memorandum to the Controller's Office notifying them that the contract has been signed, and that it can now proceed to return the monetary values deposited as guarantee. Bid Bonds are returned by the Bids, Specifications and Estimates Division.

5. The Bids, Specifications and Estimates Division shall distribute the contracting document in the following manner:

   a. Original to the Controller's Office

   b. Copy to the Contractor

   c. Copy to the Construction Area and the Conservation and Safety in Engineering Areas, if it is a new project or improvements to one.

   d. Copy to the General File

   e. Shall retain a copy for the files and records of the Bids, Specifications and Estimates Division.

C RETURN OF DEPOSITS

1. Deposits to obtain the plans shall be returned after an employee of the Bids, Specifications and Estimates Division would verify that the documents returned are in complete and in good conditions. The return of said deposits shall be pursuant to the conditions indicated on the bids announcements.

2. By means of the proper verification which shall be sent to the Controller's Office and which shall be delivered to each bidder, this Office shall proceed to return the deposits.

ARTICLE VIII - APPEALS FROM THE BOARD DECISIONS

A. IMPEACHING THE BOARD DECISIONS

1. In order to guarantee to the bidders the right to a fair participation, the Bids Review and Appeals Board is hereby created, before which appeals and impeachments against the Board's decisions shall be filed.

2. The Bids Review and Appeals Board shall have jurisdiction over review and/or appeals cases

filed by bidders after having attended a bid, against the Board's decision as to the adjudication of said bid.

3. The Bids Review and Appeals Board shall be comprised of three (3) members appointed by the Executive Director, one (1) representing the Authority, one representing the Justice Department and one representing the public interest. The same should have vast experience in the matter of bids. These members could receive twenty-five ($25.00) dollars per diem. From these three members the Executive Director shall appoint the President and Secretary.

4. The Executive Director, with the recommendation of the President and the Secretary of the Bids Review and Appeals Board, shall appoint two (2) alternate members, which shall work in the absence, sickness or death of one of the bona fide members of the Bids Review and Appeals Board.

B. MEETINGS OF THE BIDS REVIEW AND APPEALS BOARD

1. The Board shall meet as many times as it is necessary to consider those matters presented to its deliberation. Two (2) members shall constitute quorum at the Bids Review and Appeals Baord's decisions.

C. CASES TO BE HEARD

1. Whenever a bidder would consider that the bid was not held following the provisions established by this Regulation, or by any other applicable provision of law.

2. Whenever a bidder would consider that the adjudication of the bid had been influenced, or in any manner swayed by any officer or

employee of the Authority, or that the winning bidder does not comply with the bid's specifications.

D. WRIT OF APPEALS

1. The bidder wishing to present before the Bids Review and Appeals Board any appeal allowed hereunder, shall do so by filing a Writ of Appeals. This document shall be submitted in original and two (2) copies within ten (10) days after the bid's notice of adjudication. Said Writ of Appeals shall be delivered at the Legal Services Office. Petitioner shall sent a copy of the Writ of Appeals to the winning bidder, the Secretary and the President of the Bids Board, respectively.

E. CONTENTS OF THE WRIT OF APPEALS

1. Name and postal address of the parties.
2. A clear and detail list of all the facts of the case up to the moment of the appeal and the grounds therefor.
3. Clear indication of the action requested from the Bids Review and Appeals Board.
4. Reference to the applicable legal provisions, if known.
5. Certification that copy of the Writ of Appeals has been sent to the impeached bidder and to the President of the Bids Board.
6. Petitioner's signature - Petitioner's signature should appear at the end of the Writ of Appeals. If petitioner is a partnership, a partner must sign; and if it is a corporation, one of the authorized officers must sign.
7. If the appeal were filed by petitioner's legal representation, the signature of such

legal representation shall be enough.

F. APPEALS FROM THE BOARD'S DECISIONS

1. If the Board would so determined to be necessary, it can require movant to deposit a bond in the form of a certified check, money order or bond issued by a company authorized to do business in Puerto Rico. Said bond shall respond for:

   a. Any increase in costs the Government must pay due to the delay in the handling and termination of the purchase, if it were determined that the action filed was groundless and frivolous.

   b. Any increae in costs the Government must pay when the party indicate that it would not hold its offer, after a resolution on its behalf has been issued.

G. NOTICE OF HEARING

1. The agency shall notify in writing to all parties or their legal representatives and intervenors as to the date, time and place where the administrative hearing is to be held. The notice shall be made by mail or personally with at least fifteen (15) days of anticipation from the date of the hearing, except that due to a duly justified cause, stated on the notice, it becomes necessary to shorten said period, and the same shall contain the following information:

   a. Date, time and place where the hearing is to be held, as well as its nature and purpose.

   b. Admonishment that the parties could appear assisted by counsel, but that

they are not force to do so, including the cases of corporations and partnerships.

c. Citation of the legal or regulatory provision which authorizes the holding of the hearing.

d. Reference to legal or regulatory provisions allegedly violated, if a violation of the same is charged, and the facts constituting said violation.

e. Admonishment to the parties as to the measures the agency could take if a party would not appear at the hearing.

f. Admonishment that the hearing could not be suspended.

G. INTERVENTION

1. Any person having a legitimate interest in an adjudicative process before an agency could submit a request in writing, duly grounded, to be allowed to intervene or take part in said process. The agency could grant or deny the request, at its discretion, taking into consideration, among others, the following elements:

a. That petitioner's interest could be adversely affected by the adjudicative process.

b. That there are no other means in law for petitioner to properly protect its interests.

c. That petitioner's interest is already properly represented by the parties in the process.

d. That petitioner's participation could reasonably aid to prepare a more complete file of the process.

e. That petitioner's participation could excessively delay or extend the process.

f. That petitioner represents or is the spokesperson for other groups or enterprises in the community.

g. That petitioner could bring information, expertise, specialized knowledge or technical advise which would otherwise be not available to the process.

2. If the agency would decide to deny the request for intervention in an adjudicative process, it shall notify its decision in writing to petitioner, the grounds therefor and the available review recourse.

I. PRE-HEARING CONFERENCE

1. The officer appointed to preside the hearing could call motu propio or by the request of a party, a pre-hearing conference, and could order the parties to meet before the same and to file a report within five working days prior to the date of the hearing.

2. The content of the report, as modified and/or approved by the appointed officer, shall govern the subsequent course of the process, unless said officer due to a justified cause, or for the good of justice, would authorize any change thereto.

J. HEARINGS OF THE BIDS REVIEW AND APPEALS BOARD

1. Every party interested in the suspension or transfer of a hearing must so request in writing at least five (5) working days prior to the setting, which shall be considered by the Board taking into consideration the presented circumstances and the affected public interest. Said request shall

constitute a waiver of having the adjudication within the established term.

2. The Bids Review and Appeals Board could hold hearings and receive and consider any other evidence it deems pertinent. The presentation of testimonies and admission of evidence during the hearings shall be governed by the rules established by the Bids Review and Appeals Board, always offering all parties the extensions necessary for a full disclosure of all facts and matters under discussion.

3. The hearing must be recorded or taken down by a reporter.

4. Rules of procedure and evidence followed at the Courts of Justice shall not be applicable at the hearing and procedures heard before the Bids Review and Appeals Board. Nevertheless, the Board, at its discretion, could be guided or apply those rules in those specific cases in which its application would result in the benefit of the public interest.

5. The Review and Appeals Board, as well as any of the parties affected by the recourse, could use the testimony of experts, technicians and professionals on the matter under impeachment to support and/or clarify any aspect and/or concept deemed necessary, convenient and relevant.

6. The Board could grant the parties a term of fifteen (15) days after concluding the same for the presentation of findings of facts and conclusions of law. The parties can waive the findings of fact, as well as they can agree to a shorter term to file them.

K. DISMISSAL

1. The officer appointed to preside over the hearing could dismiss or summarily dispose of any complaint or request motu propio or by request from a party, if he understands that the same does not state facts that would justify the granting of a remedy, or if, not having a real controversy in the facts, as a matter of law, the issuance of a resolution on behalf of any of the parties is forthcoming.

L. DECISIONS OF THE BIDS REVIEW AND APPEALS BOARD

1. The Bids Review and Appeals Board shall issue its decisions in writing within a term of thirty (30) calendar days from the date of the last hearing held. It shall retain the original of the decision for its files and shall sent a copy to the Executive Director, the President of the Bids Board and to each party involved.

2. In its decision, the Bids Review and Appeals Board shall state the conclusions on which the same is based, pursuant to the applicable laws and regulations. The Board's decisions shall be firm and final after thirty (30) calendar days have elapsed from their notice, unless a motion for reconsideration is filed before the Board itself within said period.

3. The request for reconsideration shall be jurisdictional in order to be able to request judicial review.

4. The Board's decision on the request for reconsideration shall be final, and shall not be subject to a new reconsideration.

M APPEALS REGISTRY

1. The Bids Review and Appeals Board shall maintain an Appeals Registry.
2. The appeals shall be entered in said Registry in the order received.
3. Each Writ received shall be assigned a registry number.
4. The registry number shall identify each case since its start until its final solution.
5. The Review and Appeals Board shall notify the number assigned to the parties involved.

ARTICLE IX - JUDICIAL REVIEW

A. A party adversely affected by an order or resolution of the Bids Review and Appeals Board and which has exhausted all remedies provided by this Regulation, can file a request for review before the Superior Court within a term of thirty (30) days from the date of the filing in the records at bar of the copy of the notice of the order or resolution. The party shall notify the filing of the request for review to the agency and to all parties within the term to request said review. Notice could be done by mail.

ARTICLE X - AMENDMENTS

This Regulation can be amended by the Board of Directors of the Public Buildings Authority, by means of the majority vote of its members.

ARTICLE XI - EFFECTIVENESS AND DEROGATION

This Regulation shall become effective immediately after its approval by the Board of Directors of the Public Buildings Authority. The same amends the Bids Regulation approved by the Board of Directors on August 23, 1977, and any other existing provision on this matter that it be contrary and irreconcilable herewith.

ARTICLE XII - APPROVAL

This Regulation was approved by the Board of Directors of the Public Buildings Authority at a meeting held on August 10, 1989.

ARCHITECT LUIS RAFAEL ARIAS

Executive Director

FRANKLIN MARTINEZ MONGE

President

SERGIO MARXUACH PEREZ, Esq.

Secretary