

Commonwealth of Puerto Rico
Office of the Comptroller



5743

REGULATION NUM. 33

**ON THE REGISTRY OF CONTRACTS, DEEDS, AND
RELATED DOCUMENTS AND THE SENDING OF
COPIES TO THE OFFICE OF THE COMPTROLLER**

Approved on January 28, 1998

Commonwealth of Puerto Rico
Office of the Comptroller
San Juan, Puerto Rico

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TABLE OF CONTENTS

Article 1 - Title	33-00-1
Article 2 - Legal Base And Purpose	33-00-1
Article 3 - Definitions	33-00-2
Article 4 - Registry	33-00-2
Article 5 - Content of the Registry	33-00-2
Article 6 - Filing in the Office of the Comptroller	33-00-4
Article 7 - Conservation of Documents by the Government Entity	33-00-4
Article 8 - Acknowledgment of Receipt by the Office of the Comptroller	33-00-5
Article 9 - Contract Excluded from Filing	33-00-5
Article 10 - Registry of Contract, Deeds, and Documents in the Office of the Comptroller	33-00-7
Article 11 - Examination by the Public and Issuance of Copies	33-00-8
Article 12 - Responsibility of Government Entities	33-00-8
Article 13 - Circular Letters	33-00-9
Article 14 - Repeal	33-00-9
Article 15 - Safeguard Clause	33-00-9
Article 16 - Effectiveness	33-00-9

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Approved: HON. FERDINAND MERCADO
Secretary of State

By: 
Assistant Secretary for Services

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE COMPTROLLER
SAN JUAN, PUERTO RICO

REGULATION NUM. 33

33-00-1

**ON THE REGISTRY OF CONTRACTS, DEEDS, AND RELATED DOCUMENTS
AND THE SENDING OF COPIES TO THE OFFICE OF THE COMPTROLLER**

Article 1 - Title

This regulation shall be known as Regulation Num. 33 on the Registry of Contracts, Deeds, and Related Documents and the Sending of Copies to the Office of the Comptroller.

Article 2 - Legal Base and Purpose

This regulation is adopted and promulgated in virtue of the authority conferred upon the Comptroller of Puerto Rico by Public Law Num. 18 of October 30, 1975, as amended (2 LPRA. Secs. 97 and 98). This law requires that the departments, agencies, instrumentalities, offices, and all other government bodies and municipalities of the Commonwealth of Puerto Rico keep a registry of all contracts, deeds, and related documents that they execute, including amendments to same. It also requires that a copy of these be sent to the Office of the Comptroller of Puerto Rico, within the term established by law.

This regulation is adopted in order to establish the general rules and procedures that are to be followed by all government entities in preparing the above registry and in filing copies of contracts, deeds, and related documents in the Office of the Comptroller. Also established are the rules and procedures to be followed by the Office of the Comptroller in the administration of the registry, public examination of the documents, and the issuance of copies. Lastly, it is provided that the Comptroller shall issue circular letters on more specific guidelines concerning the provisions of this regulation.

Upon approval, this regulation supersedes the regulation on the same matter approved on October 16, 1992, subsequently amended on July 16, 1993.

Article 3 - Definitions

1. Government entities - Shall include all departments, agencies, offices, and other entities and municipalities of the Commonwealth of Puerto Rico. It shall also include all public corporations, their subsidiaries, or any government entity that has its own legal standing, created by virtue of law or that shall be created in the future.
2. Waiver - The legal exception, from an order or prohibition provided by law or regulation, granted by any government entity, due to special consideration.
3. Personal professional services - Those services which principally consist of intellectual, creative or artistic work, or the handling of highly technical university level skills and specializations.

Article 4 - Registry

Each government entity shall keep a registry of all contracts, deeds, and related documents that it executes, as well as any amendment to same, agreement, determination, certificate, or action that resolves or annuls it.

Article 5 - Content of the Registry

All contracts, deeds, and related documents, including all amendments and determinations that resolve or annul the contract, shall be noted in said registry in the order of the number assigned and the date executed. The registry shall be identified by volume and page and shall contain the following information:

- 1) Government entity

- 2) Number of the contract, deed or related document. This number shall consist of the last of the fiscal year in which the contract, deed or related document is executed, followed by the number which indicates the order in which it was received that year, in progressive order beginning with one (1). Amendments shall carry the same year and record number assigned to the contract or main document and shall be identified with a letter from A to Z. The Office of the Comptroller may authorize a different numbering system to be used when the circumstances so require. To do so, the principal official in charge of the government entity in question must submit a prior justified written request, addressed to the Comptroller.
- 3) Date of execution
- 4) Contractor
- 5) Federal social security number or employer account
- 6) Total or monthly value or amount involved. May be an estimate
- 7) Volume and page of the registry.
- 8) Purpose of the contract, deed, or related document
- 9) Effectiveness. Must indicate the starting and ending dates
- 10) Exempted. This shall indicate whether or not the contract is exempt from filing, as provided in Article 9-a of this Regulation. If it is exempt, the reason for not filing same shall be identified by using the exception number, as indicated in Article 9-a.
- 11) Approval or waiver. It shall indicate whether or not it is a contract that requires prior approval or waiver from any government entity in order to be executed.

Article 6 - Filing in the Office of the Comptroller

- a. Each government entity shall send to the Office of the Comptroller of Puerto Rico a copy of all contracts, deeds, and related documents which it executes fifteen (15) days after the date of execution, except those that are excluded by Article 9-a of this Regulation.
 - 1) The fifteen (15) day period shall be extended to thirty (30) days when the contract, deed, and related document is executed outside Puerto Rico. It shall be understood that said contract, deed, or related document is executed outside of Puerto Rico when signed by all the appearing parties outside Puerto Rico, or when the last one to sign does so outside of Puerto Rico.
 - 2) When justifiable cause is shown, the Office of the Comptroller may extend the fifteen (15) or thirty (30) day period, as applicable, for fifteen (15) additional days.
- b. Copies of all contracts, deeds, or related documents shall be true and exact copies of the original in the power of the executing government entity. True and exact copies shall also be considered to be those that are submitted by electronic means, according to the filing procedures established by the Office of the Comptroller. The copies must also include the number assigned and the date of execution. When it is a question of deeds on the acquisition or disposal of real property, a copy of all contracts and documents related to the transaction shall also be sent.

Article 7 - Conservation of Documents by the Government Entity

It shall be the responsibility of each government entity to keep, in the official file, the original of each contract, deed and related document, in addition to the following:

- 1) Copy of any document that forms part of or is referred to in the contract, deed, or document, including supporting documentation on the holding of auctions, conditions, plans and specifications.

- 2) Copy of documents of previous approval or waiver, when these are a requirement for executing the contract in question.

Article 8 - Acknowledgment of Receipt by the Office of the Comptroller

The Office of the Comptroller of Puerto Rico will notify the government agency upon receipt of any filing.

Article 9 - Contracts Excluded from Filing

- a. It shall not be necessary to send the Office of the Comptroller a copy of the following contracts:
 - 1) Occasional personal services for a non-extendable period of less than six months, and for a cost of less than two thousand (2,000) dollars.

Occasional is understood to mean services that are rendered from time to time, without any noticeable link to previous or subsequent contracts.

- 2) Personal professional services for a non-extendable term of one year or less, and when these services do not constitute a position or employment and the cost does not exceed five thousand (5,000) dollars.

Professional services are understood to be those that require technical or specialized, university level knowledge in the areas or fields covered by the contract.

It is understood that a position or employment exists when there are a set of duties and responsibilities that require the employment of a natural person and the employment of that person is of a regular, continuous and stable nature. That the person who carries out such duties and responsibilities acquires right and prerogatives, such as leaves of absence for vacation and sickness, being covered by the State Insurance Fund, participation in a retirement system, and others established by law.

- 3) For works, the costs of which do not exceed two thousand (2,000) dollars.
- 4) Those that are awarded through public auction, with the exception of those related to construction projects or works.

The concept of construction projects or works shall include, but is not limited to, repairs, reconstructions, extensions, improvements, new constructions and preliminary studies during the planning or surveying stages.

- 5) For the acquisition of goods or services through the procedure established in Public Law Number 164, of July 23, 1974, known as the General Services Administration Act, as amended, (3 L.P.R.A. Sec. 931 et seq.).
- 6) For the acquisition of goods or services through the procedure established in the regulations on procurement and supplies of the government entities authorized by law to make purchases without the intervention of the General Services Administration.
- 7) For services, leases, mortgages and sales executed by government entities repeatedly, continuously and habitually in compliance with their principal regular functions, set forth on preprinted forms and any others with the same characteristics. In these contracts or deeds, the only difference between one and the other of a same class shall be the party with whom the agency contracts, the description of the object, the effective date and the amount of money involved. The latter must be adjusted to and determined by the rates or appraisals previously approved by the agency.

A sample copy of each type of these contracts or deeds, and the amendments, shall be sent to the Comptroller of Puerto Rico. With them should be sent a certification from the head of the government entity, or his/her representative, attesting to the date on which it began to be used and accompanied by a copy of the pertinent rates, or appraisal.

- 8) Right of way [Easement] deeds in the name of the Commonwealth of Puerto Rico, or any of its political agencies or subdivisions, for which an amount of no more than one thousand (1,000) dollars has been paid.
 - 9) Any other contract that the Comptroller determines need not be sent to him.
- b. Contracts that need not be sent to the Office of the Comptroller as per this Article shall always be noted in the Registry of Contracts of the government entity.

Article 10 - Registry of Contracts, Deeds, and Documents in the Office of the Comptroller

- a. Once the documentation required by this regulation and by any other guideline currently in effect is received, it shall be recorded in the registry that shall be kept by the Office of the Comptroller for said purpose. Said registry shall contain the following information:
 - 1) Name of the government entity.
 - 2) Identification number assigned to the entity.
 - 3) Number assigned to the document by the entity.
 - 4) Record number that corresponds to the document filed.
 - 5) Date recorded.
 - 6) Date of execution.
 - 7) Effective life, including the starting and ending dates.
 - 8) Value or monthly or total amount.

- 9) Purpose of the contract, deed or related document.
 - 10) Federal social security number or employer account.
 - 11) Name of contractor.
 - 12) Whether or not the contract requires prior approval or waiver by any government agency in order to be executed.
 - 13) The registry volume and page on which it was entered by the executing government entity.
- b. This record shall be kept for a period of six (6) years.
 - c. Copies of the contracts, deeds, and related documents, or amendments which at the date that this Regulation goes into effect are filed in the archives of the Office of the Comptroller shall be kept for a period of six (6) years, beginning from the date filed in the Office of the Comptroller.
 - d. Copies of contracts, deeds, and related documents that are notified after the effective date of this regulation shall be kept for a period of six (6) years.

Article 11 - Examination by the Public and Issuance of Copies

- a. Copies of contracts, deeds, and related documents filed in the Office of the Comptroller by virtue of this regulation, may be examined by the public during working hours. The Office shall provide reasonable access and accommodations to any person who so requests it as a result of physical disability.
- b. The Office of the Comptroller, at the request of the interested party, shall issue a copy of any document kept in this record. The applicant shall pay the cost of said copies in internal revenue stamps, pursuant to the provisions of the Public Law of March 12, 1908, as amended. When a court or official of the state or municipal government requests a copy for official use, said copy should be exempt from payment.

Article 12 - Responsibilities of Government Entities

Nothing stipulated in this regulation relieves government entities from their legal obligations to keep the original copies of the contracts.

Article 13 - Circular Letters

The Office of the Comptroller shall issue Circular Letters in order to establish the guidelines it considers appropriate so that the government entities can comply with this Regulation. This includes, but is not limited to, issuing model forms adopted for the recording and procedures related to the documents, and requiring the corresponding certifications. It also includes requesting copies of contracts, deeds, and related documents by using diskettes or other electronic means considered to be appropriate, in accordance with technological advances.

The Comptroller shall also provide, through circular letters, the starting date for sending copies by diskette or the corresponding electronic means. Meanwhile, the same system for copies on paper shall continue to be used, as provided in Regulation Num. 33, approved on October 16, 1992, as amended.

Article 14 - Repeal

This regulation repeals and supersedes Regulation Num. 33 on the Recording of Government Contracts and the Sending of Copies to the Office of the Comptroller, of October 16, 1992, as amended. Regulation 33 was filed in the Department of State on October 16, 1992 and was assigned record number 4807. The amendment was filed in the Department of State on July 16, 1993 and was assigned number 4945.

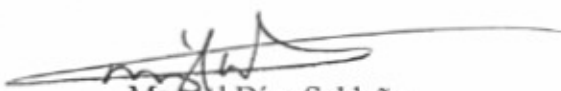
Article 15 - Safeguard Clause

If any court with competent jurisdiction declares any Article, provision or phrase of this Regulation null and void, this shall not nullify the rest of the regulation, which shall remain in effect.

Article 16 - Effectiveness

This Regulation shall go into effect thirty (30) days after being filed in the Department of State.

Approved in San Juan, Puerto Rico, today January 28, 1998.



Manuel Díaz Saldaña
Comptroller