



**REQUEST FOR SEALED PROPOSAL**  
**NUMBER 22J-10596**  
**THE REPAIRS OF TRAFFIC SIGNALS SYSTEMS (TSS) IN THE SAN JUAN AREA**  
**FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS (DTOP**  
**FOR HIS ACRONYMS IN SPANISH)**

**RFP PUBLICATION DATE: THURSDAY, OCTOBER 6, 2022, AT 5:00 P.M.**

**PRE-PROPOSAL MEETING DATE: FRIDAY, OCTOBER 14, 2022, AT 10:00 A.M.**  
**(MANDATORY)**

**SITE VISIT: TUESDAY, OCTOBER 18, 2022, AT 8:30 A.M.**

**LAST DAY TO SUBMIT QUESTIONS(RFC): FRIDAY, OCTOBER 21, 2022, AT 4:00 P.M.**  
**(MANDATORY)**

**PROPOSAL SUBMISSION DATE: FRIDAY, NOVEMBER 4, 2022, AT 9:00 A.M.**

**PROPOSAL OPENING DATE: FRIDAY, NOVEMBER 4, 2022, AT 9:30 A.M.**

**Contact:** [preguntas@asg.pr.gov](mailto:preguntas@asg.pr.gov)

**Issued by:**

The Auction Board of the General Service Administration of the Government of Puerto Rico



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## 1 INTRODUCTION

The General Services Administration (or ASG), by virtue of Law 73-2019, as amended, known as the “General Services Administration Law for the Centralization of Procurement of the Government of Puerto Rico of 2019,” is the governmental entity Responsible for implementing the public policy regarding the acquisition of non-professional goods and services of the Government of Puerto Rico (Government or GPR). ASG has the authority to act as the contracting and negotiating entity for all government entities. This includes the authority to procure the purchase and acquisition of goods and services on behalf of all government entities.

The purpose of this Request for Sealed Proposals (RFP) is to obtain the goods and services that the Government requires within an economic framework adjusted to the fiscal situation of the Island. This RFP was prepared in accordance with the provisions of the Uniform Regulation of Purchases and Auctions of Goods, Works and Non-Professional Services of the General Services Administration of the Government of Puerto Rico (Regulation No. 9230), adopted by virtue of Act No. 73-2019, mentioned above. The ASG and the Auction Board reserve the right to disqualify or reject any proposal that does not comply in any way with the requirements set forth in Law 73-2019, Regulation No. 9230 or in this RFP.

The publication and execution of this RFP by the Auction Board does not oblige the ASG or the Board to: (i) award the goodwill of the process; (ii) award a contract; and / or (iii) reimburse any expense, of any nature, incurred by the Proponent in the preparation, delivery, presentation and participation of their proposals or in the negotiation process, if any, of the terms and conditions of the contract.

All Proponents interested in participating in the process described in this document must comply with the requirements of Law 73-2019, Regulation No. 9230 and any other that is provided herein.

### 1.1 DEFINITIONS AND ACRONYMS

- **ASG** – means the “Administración de Servicios Generales” of Puerto Rico (or the Puerto Rico General Services Administration).
- **Auction Board** – ASG’s responsible body for completing the review, evaluation, and award of sealed proposals.
- **Award Announcement** – refers to the act of announcing the selected proponent(s) upon evaluating offers or proposals in response to a Request for Proposal with the intention of granting a contract to the proponent that best meets the criteria, specifications, terms, and conditions established.
- **Best Value** – refers to the expected outcome of an acquisition that, in the Government’s estimation, provides the greatest overall benefit to the Government in response to the requirements.
- **Bid Package** – refers to this Request for Sealed Proposals with all of its attachments, Addenda, and responses to Request for Clarifications.
- **Bid Review Board** – Bid Review Board of the General Services Administration of the Government of Puerto Rico



- **Bidder or Proponent** – means a(n) (i) natural person, (ii) legal person, (iii) joint venture, or (iv) partnership, or (v) consortium of individuals, and/or partnerships, and/or companies or other entities that submit a response to this Request for Sealed Proposals that is not currently debarred in any Federal, State and/or Local jurisdictions.
- **Business Hours** – refers to non-Government holiday, non-weekend hours between 8:00 AM Atlantic Standard Time (AST) and 5:00 PM AST. Scheduled preventive maintenance, scheduled upgrades, time before initial installation, and unavailability due to power outages, lack of network availability, or Force Majeure events are excluded from Business Hours available.
- **Contractor** – Bidder doing business as a Corporation, Partnership or Joint Venture duly organized under the laws of the Government of Puerto Rico, or foreign business organizations authorized to do business in Puerto Rico and registered under the Puerto Rico General Services Administration “Registro Único de Licitadores” (RUL) or Bidders Sole Register.
- **DTPW** – refers to the Puerto Rico Department of Transportation and Public Works (DPTW) or the “Departamento de Transportación y Obras Públicas de Puerto Rico”.
- **Electronic Signature** – refers to a digital image of a hand-written signature that serves as an official signature in binding legal documents.
- **FEMA** – refers to the U.S. Federal Emergency Management Agency.
- **Financial Oversight Management Board or FOMB** – refers to the Board created under the Puerto Rico Oversight, Management, and Economic Stability Act of 2016 (“PROMESA”).
- **Government** – means the Government of Puerto Rico. It is inclusive of but not limited to other government branches, municipalities, and instrumentalities.
- **Government Entity** – refers to any department, agency, board, commission, body, bureau, office, public corporation, or instrumentality of the Executive Branch, whether existing or to be created in the future.
- **HUD** – refers to the U.S. Department of Housing and Urban Development.
- **Instrumentality** – means any entity, agency, or public corporation of the Government of Puerto Rico.
- **Liquidated Damages** – an amount of money, agreed upon by the parties at the time of the contract signing, that establishes the damages that can be recovered in the event a party breaches the contract.
- **OSHA**- refers to the U.S. Occupational Safety and Health Administration.
- **PRASA** – refers to the Puerto Rico Aqueduct and Sewer Authority (PRASA) or “Autoridad de Acueductos y Alcantarillados de Puerto Rico”.
- **PREPA** – refers to the Puerto Rico Electric Power Authority (PREPA) or “Autoridad de Energía Eléctrica de Puerto Rico”.
- **RUL** – refers to ASG’s “Registro Único de Licitadores” or Bidders Sole Register.
- **Request for Sealed Proposals or RFP or Request for Proposals** - refers to this Request for Sealed



Proposal and all addenda issued by ASG. Request for Proposals with an estimated cost greater than \$100,000, as defined by ASG's Uniform Regulation for Purchases and Bids of Goods, Works, and Nonprofessional Services, are named Request for Sealed Proposals and they require a sealed proposal. This process is technically a Request for Sealed Proposal, but for practical matters the term Request for Proposal or RFP will be used throughout this document and process.

- **Uniform General Conditions for Public Works Contracts in Puerto Rico** – the portion of the contract document in which the rights, responsibilities, and relationships of the parties involved are itemized. It defines each contracting party's duties and privileges, and the rules that will govern the relationship.
- **Uniform Regulation for Purchases and Bids of Goods, Works, and Nonprofessional Services of the General Services Administration of the Government of Puerto Rico or Regulation #9230 of ASG–ASG Regulation #9230**, approved November 18, 2020. The provisions of this Regulation shall apply to all procedures of purchases and bids of goods, works and nonprofessional services carried out by ASG.
- **Vendor Awarded or Awarded Bidder or Selected Bidder** – means the selected Bidder or Proponent to be awarded a contract as a result of this Request for Sealed Proposals.

## 1.2 RFP TIMELINE

The timeline for this RFP is presented below in **Table 1.2.1**. All items must be received by the stated deadline.

**Table 1.2.1 RFP General Timeline.**

Target Date	Event
Thursday, October 6, 2022	Publication of RFP
Friday, October 14, 2022	Pre-Proposal Meeting– 10:00 a.m. (Mandatory)
Tuesday, October 18, 2022	Site Visit– 8:30 a.m. (Mandatory) Address: San Juan: PR-3 at Barriada Buen Consejo PR-3 at PR-27 PR-3 at Calle 3 PR-3 at Calle 13 PR-3 at PR-181 PR-3 at Calle Juan Peña Reyes PR-3 at PR-47 PR-3 at Calle 11 PR-3 at Ave. Simón Madera PR-3 at Calle Monte Carlo PR-3 at Calle Yaboa Real PR-3 at Ave. Campo Rico PR-3 at Plaza Escorial PR-25 at Ave. De Diego



	PR-25 at Calle Del Parque PR-25 at Ave. Fidalgo Díaz PR-25 at Ave. Sagrado Corazón PR-25 at Ave. Haydeé Rexach PR-25 at Calle Segarra PR-25 at Calle Maestro Cordero PR-25 at Calle Prudencio Rivera PR-25 at Calle Bolivia PR-25 at PR-23 PR-23 at PR 1 PR-23 at Ave. Las Américas PR-23 at Ave. José De Diego PR-177 at Ave. Ramirez de Arellano PR-199 at PR-177 PR-2 at PR-6
Friday, October 21, 2022	Last Day to Submit Questions (RFCs) – 4:00 p.m.: <a href="mailto:preguntas@asg.pr.gov">preguntas@asg.pr.gov</a> Answers will be published by Friday, October 28, 2022.
Friday, November 4, 2022	Proposal Submission Deadline – 9:00 a.m. Proposal must be submitted in the following two ways: <ul style="list-style-type: none"> <li>• Address: Office of the Secretary of the Bid at Centro Gubernamental de Minillas, Torre Norte, Piso 12, San Juan, Puerto Rico 00911</li> <li>• Email: <a href="mailto:ofertas@asg.pr.gov">ofertas@asg.pr.gov</a></li> </ul>
Friday, November 4, 2022	RFP Opening Act – 9:30 a.m.

\*A Best and Final Offer may be requested at the discretion of the Auction Board (see section 5.2). Date and time will be published on the ASG website if the Auction Board requests a best and final offer.

Please also note that the RFP timeline includes target dates that are subject to change. It is the responsibility of Proponents to periodically review their emails and the ASG website ([www.asg.pr.gov/ReformaCompras/Pages/default.aspx](http://www.asg.pr.gov/ReformaCompras/Pages/default.aspx)) for all information and updates related to this RFP.

### 1.3 REQUEST FOR CLARIFICATIONS (RFC)

Requests for clarification and questions regarding this RFP should be emailed to [preguntas@asg.pr.gov](mailto:preguntas@asg.pr.gov) on or before the date established in **Table 1.2.1**. Said email must contain in the **SUBJECT** the following information: RFP number and name of the Proponent and company it represents. The email must include the contact information of the interested Proponent.

ASG will compile all questions and concerns and will issue its responses on the website ([www.asg.pr.gov/ReformaCompras/Pages/default.aspx](http://www.asg.pr.gov/ReformaCompras/Pages/default.aspx)). In addition, the ASG will notify such clarifications or responses individually to each Proponent. It will be the responsibility of the Proponents to download from the website the document that contains all the answers to the request for clarification.



From the publication of this RFP until it is awarded, Proponents may not have any communication with the members of the Auction Board, the officials of the Auxiliary Procurement Administration and the ASG Purchasing Office or DTPW directly. Questions related to the RFP can only be sent through the email provided above. Questions sent to other emails will not be answered.

Proponents may not contact the Auction Board, ASG or the **DTPW** by any other means. This includes personal visits, phone calls, texts, emails, or any other mode of communication.

#### **1.4 PRE-PROPOSAL MEETING: MANDATORY**

The Pre-Proposal meeting will be held virtually on the date established in **Table 1.2.1**. Every Proponent or person interested shall be able to assist the Pre-Proposal meeting through the ASG online page located under the "Procurement Reform" tab at [www.asg.pr.gov/ReformaCompras/Pages/default.aspx](http://www.asg.pr.gov/ReformaCompras/Pages/default.aspx). Once there, Proponent should navigate to the corresponding folder for the RFP and access the "virtual Pre-Proposal meeting" link.

Any Proponent or person interested in submitting a proposal for the RFP must **COMPULSORILY** attend the Pre-Proposal meeting. Failure to appear at the Pre-Proposal meeting will be sufficient cause for disqualification. Proponents must register prior to the start of the processes. **Any Proponent who accesses the pre-auction meeting after it has started will be disqualified.** It will be understood that the Pre-Proposal meeting has started when the Auction Board Member has completely read the attendance record out loud.

During the Pre-Proposal meeting, no loud or strident comments will be allowed, Proponents will not be allowed to address the Auction Board, ASG officials or any other Bidder with an aggressive or offensive attitude, talking out of order, or any other conduct that results in disrupting the ordinary course and/or purpose of the meeting. Any manifestation of inappropriate or scandalous conduct on the part of any bidder or person interested in participating in the RFP process will constitute a sufficient basis for the rejection of your offer.

#### **1.5 SITE VISIT: MANDATORY**

The Site visit meeting will be held on the date and location established in **Table 1.2.1**. Attendance to the site visit shall be mandatory and interested bidders must arrive on time. Any bidder who arrives at the site visit after registration has closed shall not be able to participate in the site visit and shall be deemed to be absent. Bidders' failure to attend a site visit shall constitute sufficient cause for disqualification.

#### **1.6 RUL REGISTRATION**

Interested Proponents must follow the following steps for submitting a complete RFP:

**RUL:** All Proponents must be registered in the RUL. Proponents can access the RUL via the following link: <https://rul.asg.pr.gov/>. When a Proponent that is not registered in the RUL appears in the RFP process and presents an offer, that Proponent should not be rejected by the Auction Board and will be granted a period of **five (5) business days**, starting from the Opening of Proposals, to submit the required documents to the



RUL. If the Proponent does not submit the required documents, he will be disqualified. *See Regulation No. 9230, Section 7.4.11.*

Any Proponent 1) registered in the RUL; 2) who has presented an offer for the request; and 3) after the Opening of Proposals is found ineligible, will be granted **five (5) non extendable business days**, starting on the Opening of Proposals, to submit the corresponding information or documents to the RUL. During said period, no award will be made. It will be the responsibility of the Secretary of the Auction Board and the Purchase and Auction Specialist to notify the Proponent, through a phone call and email, so that within the term provided they update their records in the RUL. The Proponent must submit all the requested documents and certifications, and comply with all requisites, terms, and conditions established in the RFP at the moment of submitting the offer. No document will be accepted by a Proponent after the opening, except for the RUL's certification of eligibility, which will be subject to presentation during the time afore stated. The ineligible Proponent will not be visible in the RUL; hence, will not be contracted by any of the Executive Branch agencies, public corporations, or municipalities. Ineligibility will be maintained until the Proponent complies with the requirement of information or the presentation of the solicited documents. **The Proponent must sustain the status of eligibility in the RUL before the awarding of the proposal. See Uniform Regulation No. 9230 from November 18, 2020.**

Prior to submitting a proposal, Bidders are required to register in the System for Award Management (SAM) as stated in 2 CFR, Subtitle A, Chapter 25. The following link can be used for the registration: <https://www.sam.gov/SAM/pages/public/index.jsf>.

## 1.7 RFP SUBMISSION: DATE, TIME, AND DELIVERY METHOD

Proposals must be submitted the date established in **Table 1.2.1**, in the following **two ways**:

1. before the Office of the Secretary of the Auction Board at the Minillas Government Center, North Tower, 12th Floor, San Juan, Puerto Rico, 00911; **and**
2. electronically to the following address: [ofertas@asg.pr.gov](mailto:ofertas@asg.pr.gov)

Proposals that arrive after the established date and time will not be accepted. Sealed envelope must be submitted physically to the Secretary Office of the Auction Board at the address described above. **The envelope must be identified with the name, address and telephone number of the Proponent and the company it represents, as well as the RFP number.** Upon receipt of the envelope, the Secretary will proceed to seal all pages and documents with the exact date and time it was received, which will constitute the official delivery date of the offer. **The document physically delivered will be considered the official offer.**

Any offer received without identifying as established herein will be processed as regular correspondence. Under this circumstance, the Auction Board will not be responsible if the sender loses his opportunity to present the offer on time, nor will it be able to require that his offer be made known or impute that the offer has been disclosed or opened before time. Proponents may be disqualified for not attaching all documents to his offer.

Email submissions must include the offers as an attachment and be labeled as **“Subject: Offer, RFP 22J-10596 and Proponent name.”** It must be a faithful and exact copy of the documents physically



**delivered or the Proponent will be disqualified.** As an exception, attachments may be physically accepted that, due to the size of their content, exceed the space available to be sent by email. If the proposal is sent multiple times, the Auction Board will only accept the last submitted version before the deadline.

**Failure to submit via both methods (in-person in a sealed envelope and by email), on the date and time established in Table 1.2.1, shall result in the Proponent's disqualification.**

## 1.8 RFP OPENING: DATE AND TIME

The Opening of Proposals will take place on the date established in **Table 1.2.1**. Every person interested in participating in the Opening of Proposals, held virtually, will be able to assist through the ASG online page, specifically under the "Procurement Reform" area ([www.asg.pr.gov/ReformaCompras/Pages/default.aspx](http://www.asg.pr.gov/ReformaCompras/Pages/default.aspx)). Once there, the Proponent should navigate to the corresponding folder for the reference RFP that provides the option of connecting to the "virtual Opening of Proposals." The Opening of Proposals' purpose is to allow the people interested to verify if the proposals were received and the names of all Proponents. The Opening of Proposals shall be directed by one of the members of the Auction Board or its authorized representative, who will be present in said act and will be charged with the proceedings during the event. Every person who attends the opening act must comply with the standards of conduct established by the Auction Board.

## 2 PROPOSAL FORMAT REQUIREMENTS

### 2.1 PROPOSAL FORMAT

Proposals shall be prepared in the following format:

- Font "Times New Roman" size twelve (12)
- Single space
- Paper 8½" x 11" paper with a minimum of one (1") inch margin
- Pages numbered consecutively
- Documents in "PDF"

### 2.2 PROPOSAL CONTENT

Proposals should include the following documents:

- a. Cover Letter, which must be clear, concise and include sufficient details for an effective evaluation. The Proponent must assume that the Government has no prior knowledge of either its experience or its best practices. Likewise, the cover letter must contain all information that the Proponent understands the Board should know during the evaluation process.
- b. Responses to Evaluation Criteria:
  - Past Performance
  - Financial Capacity
  - Technical Capacity
- c. Proposal Certification (**Attachment I**)
- d. Cost Submittal
- e. Literature for each product offered, with the corresponding row and item number, and manufacturer's letter, as applicable.



- f. Certifications, as applicable
- g. Financial Capacity Certification as requested in **Section 2.5** of this RFP
- h. Bid Bond
- i. Valid resolution issued by the Puerto Rican Industry Investment Board, Puerto Rico Trade and Export Company, or any other governing body for the use of the percent of preference policies, if applicable.
- j. The RFP must contain the physical and postal address of the company's main office in Puerto Rico, as well as the name and address of the corporation's resident agent, when applicable.
- k. Any other document required in this RFP or specifications attached.
- l. Amendments to the RFP, if applicable.

### **2.3 COVER LETTER AND PROPOSAL CERTIFICATION**

Proponents must include the Proposal Certification according to **Attachment I. Any proposal submitted without Attachment I duly completed will be disqualified.**

### **2.4 PAST PERFORMANCE**

Proponents must provide contact information (name, title, company, address, telephone number, and email address) for at least three (3) client references (either public or private sector) where the Proponent has undertaken similar work to the service requested in this RFP. References must be dated within the last five (5) years from the closing date of the RFP. In addition, the Proponents must respond the answer of **Attachment III Past Performance Evaluation Criteria**. In the case of new companies, a copy of the Certificate of Incorporation must be provided in addition to a description of the experience of the founders and members.

### **2.5 FINANCIAL CAPACITY**

Describe your company's financial stability and economic capability to perform the contract requirements. Provide your company's financial statements (audited) for the past four (4) fiscal years. Financial statements must include the company's Balance Sheet and Income Statement or Profit/Loss Statements. The ASG reserves the right to request additional information it deems necessary to evaluate a Proponent's financial capability. In addition, Proponents must provide a letter issued by a financial institution, certifying the availability of **\$50,000.00**. Credits lines for that quantity will be accepted. The certification or document provided must be dated within thirty (30) days prior to the Opening Ceremony.

### **2.6 TECHNICAL SUBMITTAL**

Proponents must provide answers to the questions listed in **Attachment IV**. Answers **MUST** be labeled with the corresponding question number.



## 2.7 BID WORKSHEET

The RFP package will include a Bid Worksheet to be completed by Proponents. The Bid worksheet includes the required specifications for products or services requested. As applicable, the offer should include the unit, storage, and delivery costs.

Proponent will need to use the provided format and follow the instructions on the worksheet to complete it. If any Proponent makes material omissions or changes to the format of the worksheet, the Board reserves the right to reject the Proposal entirely.

**Once completed, Proponent must export this document as a PDF and include it in the RFP documents for both physical and electronic submission with the proposal.**

The Bid worksheet can be found in the RFP's file on the ASG website, [www.asg.pr.gov/ReformaCompras/Pages/default.aspx](http://www.asg.pr.gov/ReformaCompras/Pages/default.aspx).

## 2.8 BRAND, MODEL AND LITERATURE

Where applicable, the Proponent shall have to indicate the brand and model of the product, as well as include technical literature from the manufacturer, which will allow the verification of compliance with the required specifications by the product quoted. Mentioned literature or specifications sheets, will clearly indicate the bid item to which it refers. Literature and documentation that does not help validate compliance will not be accepted.

## 2.9 CERTIFICATIONS

All Proponents must include in the proposal the forms provided, all the certifications required in this RFP and in the attached specifications. It is noted that every Proponent will have to comply, without being limited to, with the following:

- A. CODE OF ETHICS FOR CONTRACTORS: (as defined by the Anti-Corruption Code for the New Puerto Rico): Every Proponents must comply with the provisions of Law 2-2018, as amended, known as the "Anti-Corruption Code for the New Puerto Rico", which requires all Government Entities to operate under the standards of integrity, efficiency, probity, and transparency. This Code of Ethics emphasizes the public policy of the Government of Puerto Rico in the proper and efficient use of public resources and the eradication of government corruption. The Code requires that all contractors, suppliers of goods and services, and applicants for incentives refrain from carrying out or participating in conduct that, directly or indirectly, implies that public servants violate the provisions of the Government Ethics Law. Acceptance of the standards established in this Code of Ethics is an essential and indispensable condition for Proponents or their representatives to be able to carry out transactions or establish agreement with the executive agencies. Every person is obliged to denounce acts violating the aforementioned Code that constitute acts of corruption, or are configured in crimes constituting fraud, bribery, embezzlement, or illegal appropriation of funds, and of which they have their own and personal knowledge, that concern a contract, business or transaction between the Government and a contractor, supplier of goods or services. The complainants will be protected under Law 2, *supra*.



- B. CANONS OF ETHICS OF YOUR PROFESSION: Every person must observe the maxims and principles of excellence and honesty that cover their profession, in addition to the ethical standards or canons of the association or college to which they belong and that regulate their trade or profession, both in relation to their competitors and with the Government of Puerto Rico. In the case persons not belonging to an association or college, or in the case the associations and colleges do not possess a Code of Ethics, for its members, the persons must observe the general principals of ethical conduct that are considered reasonable in their profession or job.

Through the act of submitting a proposal, the authorized representative signing on behalf of the Bidder certifies, under penalty of perjury, that, to the best of the Bidder's and such person's knowledge and understanding, that:

- C. The Proposal has been prepared independently without collusion, consultation, communication, or agreement with any other Bidder or with any other competitor who is not a Bidder.
- D. Unless otherwise required by law, the Proposal has not been knowingly disclosed by the Bidder and will not be knowingly disclosed by the Bidder prior to the proposal submission deadline, directly or indirectly, to any other Bidder or to any other competitor who is not a Bidder.
- E. The Bidder has not attempted or will not make any attempt to induce any other person, partnership, corporation, or government entity to submit or not submit a proposal in order to affect competition.
- F. The Bidder is not in default or in default with the Government for any debt or contract, that it has not breached any obligation with the Government and that it has not been declared "not responsible" nor has it been disqualified from doing business by the Government, no other State of the Union or with the federal government, nor is there any pending procedure related to the responsibility or qualification of the Bidder to receive public contracts.
- G. The Bidder must certify that neither the Contractor nor any employee thereof has any conflict of interest, either direct or indirect, about the services sought herein pursuant to Federal or State laws and regulations.
- H. The Bidder knows and agrees to comply with all the terms and conditions of this RFP.

## 2.10 SIGNATURES

The proposal and the **Proposal Certification (Attachment I)** must be signed with indelible ink or blue ink pen in the space provided by the person registered in the RUL or its authorized representative. The Proponent's electronic signature is authorized in the proposal presented. Lack of compliance with these requisites will constitute the **rejection** of the proposal. Proponents that are not registered in the RUL must submit forms **ASG 673** or **ASG 674**, whichever applies.

## 2.11 CORRECTIONS, MODIFICATIONS, ALTERATIONS, OR PROPOSAL WITHDRAWAL

Proposals are open to correction, modification, or withdrawal only by following the dispositions in **Article 7.4 of the Uniform Regulation No. 9230, supra**.

Every proposal must be presented in legible, clear, complete, and precise form. Multiple proposals, varied or ambiguous, will not be considered. Any blot, deletion, annotation, or any other correction in the RFP



must be endorsed by the **person who signs the proposal with his initials**. Otherwise, the proposal will be invalidated for the corresponding item or items.

All proposals must be presented in a legible, clear, complete, and precise manner. Multiple, varied, or ambiguous proposals will not be considered. The corrections to the proposals, which arise because of errors, must be endorsed by the proponent with their signature or initials, otherwise, the proposal for the corresponding item or items will be invalidated. Proposals that include corrections made with corrective ink, white ink, corrective tape and/or liquid paper will not be accepted.

Only written requests for the modification or correction of a previously submitted proposal that are addressed in the same manner as proposal and are received prior to the closing time for receiving proposals will be accepted. The proposal must be corrected in accordance with such written requests, provided that any such written request is plainly marked "**Modification of Proposal RFP 22J-10596**". Oral, telephone, or fax modifications or corrections will not be recognized or considered.

The withdrawal of a proposal may be carried out through written request addressed to the Auction Board, presented at any time prior to the opening. The proponent may not present a substitute proposal once their proposal for a certain RFP is withdrawn. No proponent may withdraw their offer or proposal after the opening.

## 2.12 DOCUMENTS

All documents included as part of the RFP and those issued later, will form part of and must be included in the submittal of the proposals.

## 2.13 WARNINGS

- a. Providing any type of false, plagiarized, or fraudulent information or documentation as part of the information submitted for this proposal will be sufficient cause to disqualify or reject the proposal of any Proponent, as well as to cancel or rescind any purchase order or contract awarded.
- b. The ASG and the Auction Board may order the partial or total cancellation of this **RFP** when it serves the best interests of the Government of Puerto Rico, regardless of the phase in which it is found, as provided in Section 7.3.7 of the Regulations. Uniform No. 9230, on cancellation of the **RFP**, if it is prior to formalizing the contract or a purchase order has been issued. Cancellations will be notified by email to all Proponents who have obtained an **RFP** package, and an announcement will be posted on the RUS and ASG websites.
- c. The ASG may amend any Request for Proposals or Sealed Proposals when it serves the best interests of the Government of Puerto Rico.
- d. ASG may amend any RFP up to two (2) business days prior to the opening of the proposals when the amendment involves changes or additional requests that must be included in the proposal or, one business



day working day before the opening act of the proposal when the amendment does not affect the presentation of the proposals.

- e. In **cases of construction projects**, the ASG may amend the RFP up to five (5) business days before the opening of the proposals when the amendment implies changes or additional requests that must be included in the proposal; or three (3) working days before the opening act when the amendment does not affect the presentation of the proposals.
- f. Neither the Auction Board nor the ASG will accept a bond for an amount less than that established here. If presented through an insurance company, the bond will be issued in favor of the General Services Administration and if presented by certified check or money order, it will be issued in favor of the Secretary of the Treasury. Failure to comply with this requirement will result in rejection of the proposal. In addition, any proposal that does not include the corresponding ORIGINAL AND DULY SIGNED Bid Bond among the documents submitted, will be rejected.
- g. The Proponent who is awarded this RFP will be subject to the provisions of the Contract Review Policy signed by the Financial Oversight and Management Board for Puerto Rico.
- h. The award of this RFP does not obligate ASG in any way to issue a Purchase Order and/or sign a Contract.
- i. Notice of award in this RFP will not constitute a formal agreement between the parties. It will be necessary to execute the corresponding contract or for the Administration to issue a purchase order signed by the authorized person.
- j. In the event that the goods, works and/or non-professional services to be acquired in this RFP are partially or totally financed with federal funds, the proponent prior to submitting his proposal is required to register in the "System for Award Management" (SAM) as established in 2 CFR, Subtitle A, Chapter 25. The following link can be used to register: <https://www.sam.gov/SAM/pages/public/index.jsf>. **Any proponent is not registered and eligible, will be disqualified.**
- k. The ASG and the Auction Board guarantees faithful compliance with the public policy of preferential purchases established by law.
- l. Any proponent that offers equipment, machinery or vehicles that consume electricity or fuel for its operation, when making its proposal, must state that its equipment, machinery, or vehicle meets the requirements established by the Federal Energy Conservation Law. When awarding this RFP, the Auction Board will abide by the federal standards of consumption, conservation, and utility of the good in question and it will not be reason to challenge the award of the RFP to a proponent who offers a more expensive good if those offered by the other proponents do not comply with the standards established by said Law.



- m. Any person who, in relation to the agencies and other entities of the Government of Puerto Rico, participates in RFPs, submits a proposal, or is interested in maintaining contracts with them, will have the obligation to disclose all the information necessary so that the agencies can evaluate transactions in detail and make informed decisions. Any undisclosed relationship (conflict of interest) is grounds for immediate disqualification.
- n. The Auction Board reserves the right to enter individual negotiations with Proponents, whose proposals are within the selection criteria defined in Section 7.4.18 of Uniform Regulation No. 9230, regarding the terms, conditions, quality, solution, prices, or combination of factors, or to obtain a more advantageous offer for the Government of Puerto Rico. The offer will not necessarily be the most important factor in the award; it is possible that the award can be made without negotiation.
- o. All submitted proposals must include details of the proposed offer: offer per unit of the good or service (for each item), transportation costs, delivery, assembly, warranty, training, maintenance or services, replacement, among others.
- p. Every bidder must comply with the provisions of the Puerto Rico Occupational Safety and Health Act, Law No. 16 of August 5, 1975, as amended.
- q. All bidders must comply with the provisions of the Americans with Disabilities Act (ADA) of January 23, 1990, as amended.
- r. All bidders must comply with the provisions of the Occupational Safety and Health Administration (OSHA).
- s. The Bidder who is awarded of this RFP will be subject to the provisions of: "Contract Clauses Required in Purchases and Contracts with Federal Funds, 2 C.F.R. Part 200, Appendix II".
- t. The Bidder who is awarded this RFP, will be subject to the provisions of the New Construction Code of Puerto Rico (2018).
- u. The Bidder who is awarded this RFP, will be subject to the provisions of: The "Uniform General Conditions for Public Works Contracts in Puerto Rico".
- v. Every bidder must comply with the Law of the Examining Board of Expert Electricians, Law No. 115 of June 2, 1976, as amended.
- w. Every bidder must comply with the provisions of the Regulations of the College of Expert Electricians of Puerto Rico, Law 131 of June 28, 1969, as amended.



- x. All bidders must comply with the relevant provisions of the National Electrical Code (NEC), NFPA 70.
- y. The Proponent acknowledges that the contract to be awarded will include as a minimum the scope of work stipulated here. The Proponent understands and agrees that all applicable local and federal contract provisions will be included in any contract with the Agency including but not limited to provisions found at 2 CFR 200.322, 2CFR 200.326 and Appendix II to Part 200. In addition, for any contract resulting from this BID, in the eventuality that CDBG funds are used, compliance with CDBG purchasing regulations shall be in effect.
- z. The work to be performed under the contract resulting from this RFP shall be subject to the regulations set forth in the C.F.R. §200.321, which require the non-federal entity to take necessary steps to ensure that all Subrecipients, Contractors, Sub-Contractors, and/or Developers funded in whole or in part with federal funds, when possible, contracts and other economic opportunities are directed to small and minority firms, women owned business enterprises (WBEs), and labor surplus area firms. Consistent with Executive Orders No. 11625, 12138, and 12432, the subrecipient shall make every feasible effort to ensure that small businesses, minority-owned business enterprises (MBEs), WBEs, (together M/WBEs), and labor surplus area businesses participate in contracting.
- aa. The Bidder who is awarded this RFP, will be subject to the provisions of PR Law 173: This Proposal is for management services. However, the Selected Proponent when required to provide services related to the use of engineers, architects, and surveyors, shall comply with contracting requirements in accordance with PR Law 173, August 12, 1988, as amended.
- bb. The Bidder who is awarded this RFP, will be subject to the provisions of the Copeland Anti-Bribery Law (40 U.S.C. § 3145), as established in the regulations of the Department of Labor in 29 C.F.R. Part 3 (Public Works Contractors and Subcontractors Financed Wholly or in Part by United States Loans or Grants). Any contractor or subrecipient is prohibited from inducing, by any means, any person employed in the construction, completion or repair of public works, to forfeit any part of the remuneration to which he is entitled.

### **3 SPECIFICATIONS**

The specifications included in this RFP are the set of physical, functional, aesthetic and quality characteristics of each of the goods, works and/or services that are requested, which serve as a guide to describe in detail what is requested. Proponents are required to fully comply with each of the details included in the specifications.

**The Bid Sheet, the Scope of Work and the Specifications of this RFP will contain the requirements on the items or services requested.**



**The Auction Board reserves the right to obviate any informality or minor difference in the terms and conditions if it meets the purpose for which they are requested and is beneficial to the best interests of the Government of Puerto Rico. Deviations cannot materially affect the quality, capacity, or essential characteristics of the ordered items or services.**

#### **4 ELIGIBLE AND INADMISSIBLE OFFERS**

##### **4.1 PRICE QUOTATION UNIT**

The proposal must be made in dollars and cents. Proposals that are expressed in terms of percent, in reference to possible indeterminate prices, or amount of money or by hundreds "less" or "in excess" of the lowest proposal, will not be considered, unless it is provided and required in the Document of the RFP.

##### **4.2 INCOMPLETE PROPOSALS**

Proposals in which all the fields included in the "Bid Worksheet" are not completed may be **rejected**. If the Proponent does not wish to bid for a particular item, he must write "NB" – (NO BID) in the appropriate field.

##### **4.3 UNRESPONSIVE OR UNACCEPTABLE PROPOSALS**

The specifications set minimum requirements. However, at the moment of submitting the proposal, Proponents may present items that surpass the requested specifications, which might be selected if they offer the greatest value to the Government of Puerto Rico.

Ambiguous, in terms of its meaning, incomplete, and/or indefinite proposals will not be considered. Also, proposals that alter, infringe, vary, or condition the Terms, Conditions and Specifications established by the ASG will be rejected.

##### **4.4 MULTIPLE PROPOSALS BY THE SAME PROPONENT**

If a Proponent presents multiple offers for an RFP, either in his own name or under pseudonyms, of any of its subsidiaries or branches, of one or more of its partners, agents or officers, every proposal submitted by the Proponent will be **rejected**.

Any person or legal entity participating in this RFP must ensure that any other person or legal entity related to it does not join or participate, directly or indirectly, as a team member in any other Proponent without the prior written consent of ASG. A person or company is "Related" to another person or legal entity if one can exercise control over the other, or if each one is under the direct or indirect Control of the same person or ultimate legal entity. One person or legal entity exercises "Control" over another if it has the ability to determine the outcome of decisions about the financial and operating policies of the other person (either formally or informally).



#### 4.5 GLOBAL REJECTION

The Auction Board may reject all the offers or proposals received if these: (1) do not comply with the Instructions, Terms, Conditions, and Specifications; (2) the prices were unreasonable; or (3) there exists a collusion amongst the participating Proponents.

#### 4.6 CONFIDENTIALITY OF PROPOSALS

The ASG and the Auction Board will not disclose information indicated in a proposal as confidential, patented or privileged, or that is related to trade secrets, prices and proprietary or privileged information. All information considered as confidential, proprietary and privileged must be indicated as such in the proposal.

Trade secrets or proprietary information submitted by a firm in connection with a procurement transaction will not be subject to public disclosure. The firm must invoke the protection of this section prior to or upon submission of the data or other materials and must identify the data or other materials to be protected and state the reasons why protection is necessary. Each individual page considered a trade secret or proprietary information must be labeled "Confidential" in the top right corner. The Cost Form may not be proprietary. Bidders may not make their entire bid package or pricing confidential under this provision, and **ASG OR** The Auction Board reserves the right to evaluate and determine whether confidential designation is both appropriate and permissible.

Upon completion of this RFP process and after the award has been announced, ASG will make public its report regarding the selection process, which shall contain specific information included in the proposal and related to the process. ASG will not divulge information designated by the Bidder in the proposal as confidential, proprietary, or privileged if it is related to trade secrets, pricing, and proprietary or privileged information.

The Auction Board may reject proposals whose content is substantially marked as confidential, patented or privileged. Providing any information marked confidential or patented will not prevent ASG or the Auction Board from disclosing such information if required by law. The contract ultimately awarded, and all prices set forth therein will not be considered confidential or proprietary, and such information may be made available to the public.

#### 4.7 REDACTED COPY

All Proponents must submit a redacted copy of their proposal that excludes all confidential information that is not public. ASG reserves the right to release edited copies of proposals at the end of the RFP process. If a Proponent does not submit a redacted copy, ASG will assume that the original copy of the proposal can be made public.

Therefore, the original copy of the proposal must identify all confidential information and the redacted copy of the proposal must exclude all confidential information that must not be public as described in Section 4.6 of this document. Any information that is not identified as confidential in the uncensored proposal will be considered non-confidential.



**4.8 OWNERSHIP OF THE PROPOSAL**

All material submitted in response to this RFP will become the property of ASG and the Auction Board. The selection or rejection of a proposal will not affect this provision. However, the confidentially undertakings will remain in force indefinitely subject to the provision of Sections 4.6 and 4.7.

**5 EVALUATION, SELECTION, AND AWARD**

**5.1 EVALUATION**

The Government expects to award one contract for the requirements outlined in this RFP to the Proponent that presents the Best Value to the Government. The Evaluation will consist of Past performance, Financial Capacity, Technical and Cost Submittals. Points awarded will be based on the Proponents performance in each category and will serve as a guide to the Auction Board at the moment of award this RFP. The Auction Board may, if it considers it meritorious, reject any proposal when a proponent get a cero (0) point in any of the areas evaluated.

Point assignments for each evaluation criterion will be based on the following guidelines:

**Table 5.1.1 Evaluation Score Breakdown**

<b>CRITERIA</b>	<b>WEIGHT</b>
Financial Capacity	20
Experience and Technical Capacity	20
Proposed Approach and Key Personnel	10
Compliance with RFP Requirements	20
Cost Proposal	30
<b>TOTAL:</b>	<b>100</b>
Proposed Inclusion of Small, Minority, and Women-Owned Business (Preference Points)	10
<b>GRAND TOTAL:</b>	<b>110</b>

Total point assignments from each Committee member will be added together for a total overall score for each Bidder. The total score for each Bidder will determine the ranking order of all Bidders.

The Auction Board reserves the right to determine the suitability of proposals on the basis of a proposal complying with administrative requirements, technical requirements, the review team's assessment of the proposal and the expected performance of the services proposed, and cost.

**5.2 EVALUATION OF PAST PERFORMANCE, FINANCIAL CAPACITY AND TECHNICAL CAPACITY**



The score achieved for a particular requirement is dictated by the Proposer's ability to successfully meet the Government's needs.

To determine which offers are the most convenient and beneficial, compliance with the Terms, Conditions, Specifications and Guarantee required in this RFP will be evaluated. The Auction Board will evaluate the Proponent's previous performance and technical capacity at the time of granting the award. The technical capacity will be evaluated to determine the ability of the Proponent to satisfactorily meet the requirements.

The Auction Board will review and evaluate all submitted proposals prior to awarding this RFP. At any time during the evaluation period, the Board may communicate with the Proponent about their proposals, to gain a better understanding of the content provided.

### 5.3 COST SUBMITTAL EVALUATION

The Proponents Proposals will be used to determine if they are reasonable, within the market value and represent the best value to the Government of Puerto Rico.

Bids will be evaluated to determine their reasonableness. However, an award may not be made to the lowest priced Proponent if, in the opinion of the Auction Board, a Proponent that offers a higher priced proposal represents the best value when also considering the requirements, technical aspects, delivery term, past performance, warranty, among others.

### 5.4 BEST AND FINAL OFFER EVALUATION

Following analysis of all first-round submissions, the Auction Board may request a Best and Final Offer from all qualified Proponents to give them the opportunity to submit their latest and most attractive offer or to clarify any information provided in the original proposal. Regulation No. 9230 indicates the process and protocols for the Evaluation of the Best and Final Offer. The schedule for the submission of the final offer will be published on the ASG website and will be communicated directly to all qualified Proponents.

### 5.5 SELECTION

The Best and Final Offers will be re-evaluated to find an optimal scenario that meets the objectives of this RFP. The Auction Board will review all submitted proposals before awarding. It is possible that more than one Proposer will be selected for the award.

The Bidding Board will award the Proponent(s)' proposal(s) that complies with the general instructions, terms, conditions and specifications, and represents the best value for the Government of Puerto Rico. The Auction Board reserves the right to select more than one Proponent.

On the other hand, **the Auction Board reserves the right to obviate any informality or minor difference in the terms and conditions, if it meets the purpose for which they are requested and is beneficial to the best interests of the Government of Puerto Rico.** The deviations may not substantially affect the quality, capacity or essential characteristics of the items or services requested.



## 5.6 AWARD

Once the Auction Board Board makes de final decision, the Secretary of the Auction Board will notify it through writing to all Proponents that participated. The notification of the RFP awarding will not constitute a final agreement among the parts. Contracting must be completed to create a final and valid agreement. No Proponent is authorized to deliver merchandise or propose services without an approved contract. Thus, no Government Entity will guarantee any payment until the formalization of a contract or the issuing, by the Administration, of a subscribed purchase order by the authorized person. The Government of Puerto Rico is not committed to an award until the formalization of the corresponding contract. Once contracting is complete, the Government will put in place purchase orders for the awarded products or services. The Auxiliary Administration of Acquisitions will be able to pass judgement over all purchase orders issued against the contract awarded as consequence of this RFP.

Once the Auction Board makes the corresponding award, they shall provide notice of their final determination by a Resolution or Award Notice. The Resolution or Award Notice shall be properly notified, by federal certified mail with acknowledgement of receipt or e-mail to all the parties that are entitled to challenge such determination, namely, all the proponents participating in the process. The award notice must include: (i) the names of the Proponents that participated in the Request for Sealed Proposals and a summary of their proposals; (ii) the factors or criteria that were considered for the awarding of the proposal; (iii) the defects, if any, that the losing Proponent's proposals had, and (iv) the availability and the term for requesting the administrative and judicial review.

## 5.7 ADMINISTRATIVE REVIEW

The party adversely affected by a decision of the Auction Board may, within a term of twenty (20) days from the deposit in the federal mail or email notifying the auction award, submit a request for review before the Review Board, General Services Administration. Once the administrative review has been submitted, the corresponding Auction Board will submit a certified copy of the case file to the Review Board, within three (3) calendar days following the filing of the appeal.

The appellant shall provide notice with a copy of the request for administrative review to the ASG and the Auction Board; they shall simultaneously also provide notice to the Proponent that was awarded the bid. This requirement is of a jurisdictional nature. In the review document itself, the appellant shall certify to the Review Board its compliance with this requirement. The notice must be provided through certified mail with acknowledgement of receipt and e-mail. The appellant must provide notice, furthermore, to all the Proponents that participated in the bidding process.

## 6 GENERAL CONDITIONS

### 6.1 TRANSPORTATION

The proposed offer include transportation and hauling expenses, free of additional charge to the Government, to the agency's designated final place of delivery for the goods or services.

Proposed price increases related to transportation, hauling and delivery of goods, works or services will not be authorized after the term established for submitting proposals. This implies that the Administration will not consider requests for amendments to contracts or purchase orders presented by the proponents, to



increase the price offered for this concept (market increases in the expenses associated to transportation, hauling and delivery) during the term of the obligation.

## 6.2 PROPOSED OFFER

Every person will propose based **on fair and reasonable bids** in accordance with the type of good, work or non-professional service that is tendered.

The offers proposed by the Proponent **will remain fixed during the term of the contract** and/or **during the term of the purchase order that is issued** and will not be subject to changes due to increase in the market or of any other nature, whether foreseeable or not.

## 6.3 DELIVERY TERMS

Deliveries shall be made within the period quoted by the bidder, to be counted from the receipt of the purchase order. The shortest delivery period may be a decisive factor in the determination to award the contract to a bidder. Government entities may establish the time delivery according to their needs.

## 6.4 STORAGE

In cases where it applies, Proponents must be responsible for all expenses related to the storage of products. The Government is shall not be responsible for any taxes or fees associated with storage prior to delivery. The ASG reserves the right to perform preapproved and scheduled audits of storage and inventory at least once a year.

## 6.5 SAMPLES

In the case that the Auction Board requires equipment or quoted articles samples, the Proponent shall have three (3) business day, starting upon the receipt of the application, to physically deliver said samples in original packaging. Non-compliant Proponents will be **disqualified** from the RFP. Samples submitted for evaluation will be free of charge, and representative of the product offered and will be identified by row, item, type, quality, style, and size. Finalized the sample evaluation, the Proponent will collect them, within ten (10) days after the verbal or written notification by the Auction Board. The ASG is not responsible of breaks or damages that may occur to the samples supplied while they are under evaluation or inspection.

## 6.6 ORDER QUANTITIES

The purchase order issued will indicate the specific quantities of the goods, work and/or services to be acquired.

## 6.7 WAY OF BILLING

All invoices for the collection of goods and services presented to the agencies, must contain the following certification:



“Under penalty of absolute nullity, I certify that no public server (from the Government of Puerto Rico or indicate the name of the agency that issues the purchase order) is part or has any interest in the earnings or benefits as a result of the contract, has mediated a prior dispensation. The sole consideration in providing the goods or benefits of the contract has been the agreed with the agency’s (that issues the purchase order) authorized representative. The amount of this invoice is just and correct, the works received, the products delivered, and the services have been provided and no payment has been received for them”.

## 6.8 PAYMENTS

It is the responsibility of the Selected Proponent to follow the instructions detailed in Circular Letter 1300-07-17, which describes direct deposit enrollment procedure. Once enrolled, payment will be processed in accordance with the provisions of the Circular Letter 1300-02-10 of the Department of Finance, which states that “the responsibility of the agencies to demand the provider the delivery of the invoices in or before ten (10) days after the finalization, period, or date of delivery of the good or service.”

## 6.9 PREFERENCE POLICY

In any procurement, the ASG will comply thoroughly with the following preference policies, enshrined in the following legal provisions:

- a. Act 14-2004, as amended, known as the “Act for the Investment in the Puerto Rican Industry”.
- b. Act 129-2005, as amended, known as “Law of Reserves in Purchases of the Government of the Commonwealth of Puerto Rico”.
- c. Act 253-2006, known as the “Law of Multiple Selection Contracts in the Procurement Process”.

The ASG will thoroughly comply with the determined measure that secures the compliance with the public policy cited above and all other public policy disposition that stimulates and encourages the companies of local capital to increase business opportunities, with the purpose of creating more and better employment for the citizens.

- a. USE OF PERCENT OF PREFERENCE: The Proponent interested in the recognition of the percent (%) of assigned preference, will present a valid resolution awarded by the Investment in the Puerto Rican Industry Board, by the Trade and Export Company of Puerto Rico or any other governing body, together with his offer in order to validate his preference.
- b. TRANSFER OF THE PERCENTAGE OF PREFERENCE: The company that obtains the percent of preference by concept of **manufacturing** for any of the products, can transfer its agents established in Puerto Rico through a notarized letter expressly indicating that it is transferring to each agency the percent granted for said product by the Investment in the Puerto Rican Industry Board or any other governing body. Mentioned letter must be approved and sealed with the Government Entity’s official seal that issues it.
- c. APPLICATION OF THE PERCENT OF PREFERENCE: In the case that after the percent of preference has been applied the articles result in equal conditions, the award will be made in the following order: (1) products from Puerto Rico; (2) products from the United States; and (3) foreign products.
- d. UPDATED ISSUED RESOLUTION: In any purchase made under a contract or purchase order as a product of this RFP, the Proponent must obtain a percent (%) preferential to his products, and



must present at the time of the purchase, the valid resolution issued by the Investment in the Puerto Rican Industry Board, by the Trade and Export Company of Puerto Rico, or any other governing body. If the Proponent does not present the current resolution, he will not be able to enjoy the benefits of said laws.

## 6.10 BONDS, WARRANTY AND INSURANCES

### A. BID BOND

This RFP requires a **Bid Bond of fifteen percent (15%) of the total bid price** submitted by the Bidder for this RFP. The bid bond shall be a provisional support provided by all Proponents for the purpose of assuring the Government of Puerto Rico that they will sustain their bid throughout the RFP procedure. The bond must be original and must be physically submitted to the Secretary of the Auction Board.

If it is presented through an insurance company, the bond will be in favor of the "General Services Administration"; and if it is presented by certified check or money order, the bond will be in favor of the "Secretary of the Treasury". Any proposal presented without the bid bond here arranged will be **rejected**.

### B. PERFORMANCE BOND

Successful Proponents must furnish a performance bond with the Auction Board no later than ten (10) business days after notification of the award. This bond will guarantee the fulfillment of the contract or the purchase order, as appropriate.

Contractor must furnish a **Performance Bond of twenty five percent (25 %) of the total amount awarded**, to secure fulfillment of all the contractor's requirements under such contract. Said bond will guarantee the execution of the contract. The bond must be in original. The ASG will reimburse the deposit when the term of the contract expires or when the corresponding purchase order is fulfilled. The bond will guarantee that the supplier fulfills the obligation in accordance with the terms and conditions of its proposal. In the event of non-compliance and the need to go to the next provider, the difference in price will be covered by this deposit. The deposit must be submitted in original. If it is presented through an insurance company, the bond will be in favor of the "General Services Administration"; and if it is presented by certified check or money order, the bond will be in favor of the "Secretary of the Treasury".

### C. PAYMENT BOND

Successful Proponents must furnish a payment bond with the Auction Board no later than ten (10) business days after notification of the award. This bond will guarantee and assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Contractor must furnish a **Performance Bond of one hundred percent (100%) of the total amount awarded**. The bond must be in original. The ASG will reimburse the deposit when the term of the contract expires or when the corresponding purchase order is fulfilled. The bond will guarantee and assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. If it is presented through an insurance company, the bond will be in favor of the "General



Services Administration"; and if it is presented by certified check or money order, the bond will be in favor of the "Secretary of the Treasury".

#### **D. WARRANTY**

Proponents must specify period(s) of warranty per item, as applicable, as part of their proposal.

#### **6.11 LATE DELIVERIES**

The proponent with whom the Administration or any government entity enters a contract or the proponent to whom a purchase order is issued, shall be obliged to supply the goods or service ordered in accordance with the terms of delivery, specifications, and other stipulated conditions. In case of breach of the contract by the proponent due to delay in the delivery of the personal property or contracted non-professional service, the Finance Office, at the time of processing the payment, may make a discount of half percent (0.5%) of the value of the contract in default for each business day of delay; being understood that at no time will the total amount to be deducted for damages exceed ten percent (10%) of the amount of the contract for the corresponding item. Likewise, the bond that guarantees the execution of the contract will be responsible for the payment of damages.

**The penalty for late delivery of a construction work project shall be set as provided in Regulation No. 9230, *supra*.**

#### **6.12 NON-COMPLIANCE**

The ASG Administrator reserves the right to cancel any contract or purchase order granted by virtue of this bidding process at any time when this results in the protection of the public interest and/or the benefit of the Government of Puerto Rico.

Moreover, Selected Proponent who do not comply with any of the RFP's terms and conditions, once issued the purchase order or signed the contract, shall be imposed the following penalties: (1) confiscation of performance bond, and exclusion from the RUL for a period determined by ASG Administrator, in accordance with provisions of Regulation No. 9230, *supra*. Also, the ASG reserves the right to apply to any of the sanctions, as provided in the aforementioned Regulation, in Law 73-2019, as amended, as well as those agreed in the contract or purchase order. The measures to be taken in case of non-compliance will be imposed only by the ASG, after investigation of the facts, mediating communication and giving the Proponent due process of law.

#### **6.13 INVESTIGATIVE COLLABORATION**

Every person, Proponent or contractor shall collaborate with any investigation initiated by the Government on business transactions or the granting of contract or granting of governmental incentives, of which they were part of or directly or indirectly benefited.



#### 6.14 ANTI-DISCRIMINATION CLAUSE

Neither the ASG nor the Board can discriminate based on race, color, gender, social origin, or status, political or religious beliefs, age, nationality, being a victim or being perceived to be a victim of sexual assault or harassment, veteran status, identity, actual or perceived sexual orientation, physical, mental, or sensory disability.

#### 6.15 COMMUNICATIONS AND ANNOUNCEMENTS

All proponents, natural or legal persons interested in participating in this RFP process are warned that it is forbidden to have contact in relation to this RFP with officials of the Auction Board and the ASG, as well as the Auxiliary Administration of Acquisitions and the Purchasing Office, after the pre-proposal meeting is concluded and until this RFP is awarded by the Auction Board. Failure to comply with the above will result in rejection of the proposal.

Communications with other Government representatives regarding any matter related to this RFP is prohibited throughout the bidding process. Anyone who fails to comply will be disqualified and may incur any other penalty imposed by applicable laws or regulations.

All communication will be made through the following email: [juntadesubastas@asg.pr.gov](mailto:juntadesubastas@asg.pr.gov)

The proponent must send questions related to this RFP to the following email [preguntas@asg.pr.gov](mailto:preguntas@asg.pr.gov).

Any information or announcement related to this RFP will be published by the Auction Board through the ASG website ([www.asg.pr.gov/ReformaCompras/Pages/default.aspx](http://www.asg.pr.gov/ReformaCompras/Pages/default.aspx)) and qualified proponents will be notified by email to participate in the process. All information, public announcement or amendments related to this RFP will be made in writing with the proper authorizations from the ASG and the Auction Board and issued by the Board.

#### 6.16 RFP INVITATION OR RFP DOCUMENT OBJECTION

In the case that a Proponent interested in participating in a bid process disagrees with the RFP Invitation or RFP Document, they will be able to settle personally before the ASG Procurement Area's Auxiliar Administrator the corresponding objection document, within **three (3) business days** following the date the Administration makes accessible the RFP Invitation or RFP Document. All objections to the RFP Invitation or the RFP Document presented after the established term will be rejected. The objection must comply with the established Regulation No. 9230, *supra*.

### 7 CONTRACT WITH THE GENERAL SERVICES ADMINISTRATION (NOT APPLY)

#### 7.1 EXECUTION OF THE CONTRACT

The proposal of the Successful Proposer(s) and the provisions of the RFP will constitute the basis for finalizing the contract between the Successful Proposer(s) and ASG. The contract will be formalized as soon as the ASG receives the required guarantees and/or bonds from the Proponent.



## **7.2 CONTRACT RENEGOTIATION**

The offer proposed by the Proponent will remain fixed during the term of the contract, in accordance with the quote and award of the RFP and will not be subject to changes due to market fluctuations, regardless of their foreseeability, except as provided in section 7.5 of this RFP document.

## **7.3 REFUSAL TO FORMALIZE THE CONTRACT**

If the Successful Proponent(s) refuses to formalize the contract or does not attend to sign it within the term notified in the Award Notice or Resolution or by the Contracts Unit of the ASG Purchasing Area and has not presented a reasonable prior excuse, it will not be considered part of the ASG contract, and the Bid Bond may be executed. The ASG Administrator may apply the provisions contained in Section 9.1.4 of Uniform Regulation No. 9230.

## **7.4 CONTRACT TERM**

The contract formalized under this RFP will be valid for N/A. The Administrator may authorize the modification of the contract to extend its validity, complying with the provisions of Regulation No. 9230. The Successful Proponents will be informed in writing and before the expiration date of the contract with the intention of extending it by the ASG. The amendments will be made through the writing of "Amendment" and must have the signatures of the parties.

## **7.5 ESCALATION CLAUSE**

Prices offered may be subject to change due to legal fluctuations (excises or taxes), freight costs in the market, or increases in the price of raw material, provided, that the bidder shows proof of such increases. The increase in the established pricing shall be subject to the written approval of the General Services Administration. A mere written notice shall suffice to reduce the price.

## **7.6 SCOPE OF THE CONTRACT**

The contract awarded under this RFP will cover the requesting agency or governmental and exempt entities of the Government of Puerto Rico, as defined in Law 73-2019. The Successful Proponent(s) may not refuse to offer the services to any agency, governmental and exempt entities, or municipalities, among others.

Proponents who obtain the award may not offer any governmental entity or entity exempt from the Government of Puerto Rico a lower offer than that granted to the ASG for the same service, work or product that is the subject of this RFP.

## **7.7 INSTRUCTIONS FOR THE USE OF THE CONTRACT**

When the RFP is awarded by the Auction Board, the Purchasing Department will formalize a contract between the parties. The ASG will guide the purchasing delegates and sub-delegates on the use of the contract through the "Instructions for Use of the Contract", which include the terms and conditions indicated in the specifications of the tender and the bid table.



## **7.8 REVIEW OF CONTRACTS BY THE FOMB**

All contracts resulting from this RFP are subject to review by the FOMB in accordance with the FOMB contract review policy and related amendments. See the FOMB contract review policies available at <http://juntasupervision.pr.gov/documents/>.

## **7.9 CONTRACT TERMINATION**

Failure to comply with the clauses and conditions of this contract will constitute sufficient cause to terminate the contract without the need for prior notice. In addition, the Administrator of the ASG reserves the right to cancel any contract or purchase order granted by virtue of this bidding process at any time when there is just cause and this results in the protection of the public interest and/or in the benefit of the Government of Puerto Rico.

Likewise, the Puerto Rico's Secretary of the Interior will have the power to terminate this Agreement at any time, as provided in Memorandum No. 2017-001; Circular Letter 141-17 of the Office of the Secretary of the Interior of the Government of Puerto Rico and the Office of Management and Budget.



**ATTACHMENT I: PROPOSAL CERTIFICATION**

**Proponent Summary Information**

Proponent Organization	
Name of Organization:	
Employer Identification Number (EIN):	
Email:	Telephone Number:
Postal Address:	
Proponent Point of Contact	
Name:	Title:
Fax:	Telephone number:
Email:	
Postal Address:	
Physical Address:	

**For Foreign Entities Only:**

Foreign Entity	
Name of Resident Agent:	
Fax:	Telephone Number:
Physical Address:	

The Proponent acknowledges:

- Having read all the detailed instructions, terms, conditions, and clauses in this RFP, hereby certifying his/her understanding and acceptance of the aforementioned.
- Having received and read all the responses to the Proponents' questions summarized in the **Request for Clarification** document.
- Having received and read all the Request for Sealed Proposals **amendments**, if any.

**Acknowledgement:**

I, \_\_\_\_\_, hereby acknowledge that I am authorized to sign this proposal, and that my name and signature are dully registered in the Sole Bidder Register ("RUL"). I also certify that I will comply with all the requirements, terms and conditions in this RFP, and that I will sustain the price during the term of the contract.

Proponent Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**ATTACHMENT III: PAST PERFORMANCE EVALUATION**

	Name	Questions
I	Past Experience	<ol style="list-style-type: none"> <li>1. What projects similar to those requested here have you previously worked on?</li> <li>2. What was the scope of work performed on your previous work?</li> <li>3. How many years of experience do you have doing design and construction/installation of traffic signals systems structures and components?</li> <li>4. What certifications does your company have to perform these jobs?</li> <li>5. Please provide a list of at least three (3) references from clients to whom you have provided services similar to those requested in this RFP. For each of the references identified, the following information must be included:               <ol style="list-style-type: none"> <li>a. Name of the company</li> <li>b. Contact information of the person responsible for supervising the installation, provision, programming, training and operation/functioning of systems similar to those requested in this RFP. Must Include: Name, Position, Email and Phone Number</li> <li>c. Contract Amount</li> <li>d. Approximate time it took your company to complete the:                   <ol style="list-style-type: none"> <li>i. Equipment Installation</li> <li>ii. Equipment disposal</li> <li>iii. Equipment Programming</li> <li>iv. Employee Capacitation</li> </ol> </li> </ol> </li> </ol>
II	Reports	<ul style="list-style-type: none"> <li>• Have you had service agreements with government clients?</li> <li>• If you did not comply with the service agreements, what were the consequences?</li> <li>• When completing services with previous clients, what type of report, if any, was provided?</li> </ul>
III	Availability	<p>During the extension of the Contract with the client:</p> <ol style="list-style-type: none"> <li>1. Did you have any problem related of no complying with the contracted service?</li> <li>2. If so, how was the situation communicated to the client? What actions were taken to reduce the impact?</li> </ol>
IV	Account Management	<ul style="list-style-type: none"> <li>• ¿ How was the account manage?</li> </ul>
V	Financial Capacity	<ol style="list-style-type: none"> <li>a. Describe the financial stability and economic capacity of your company to meet the requirements of the contract.</li> <li>b. Provide information of Bank Credit Lines or an original Bank Certification stating the availability of the amount in the Bidder's bank accounts. The certification or document provided must be dated within thirty (30) days prior to the Opening of the Proposal.</li> </ol>

**ATTACHMENT IV: TECHNICAL CAPACITY EVALUATION**

Performance Area	Requirements
<b>1. Capacity to Provide the Services</b>	<p>1. The Bidder must present proof of the capacity to provide the services required in this RFP, as well as in Attachment II, V and in the Bid Worksheet Table. The Bidder may present as evidence of the capacity to provide the service:</p> <ul style="list-style-type: none"><li>(a) The equipment you have to provide the services</li><li>(b) Letters from previous clients to those who have performed services similar to those required herein, among others</li><li>(c) Proposer will be required to have qualified personnel with the experience in the design and construction of traffic signal systems.</li><li>(d) Proposer must have the capability of replacing poles, cabinets, traffic signals heads, conduits, solar power backup systems and other components related to the traffic signals</li><li>(e) Proposer must have personnel certified and experienced in the design of traffic signal systems.</li><li>(f) Proposer must have experience in the design and installation of electric solar systems.</li></ul>
<b>2. Services</b>	<p>1. Describe the process to perform the services requested in this RFP (evaluation, estimated time frame, communications, processes, coordination of service visits, reports)</p> <ul style="list-style-type: none"><li>(a) The Contractor must perform the civil and electrical design to provide a photovoltaic power backup system for the traffic signals, construction, installation, and repairs.</li><li>(b) Describe the personnel and resources dedicated to civil and electrical design to provide a photovoltaic power backup system for the traffic signals, construction, installation, and repairs.</li><li>(c) If requested, the proponent will provide a periodic report on the progress of the project including completed installations, progress by stage, hours of service used and billing. Please describe your approach to meeting this requirement.</li></ul> <p>2. What is the disposal process of the work areas.</p> <p>3. Describe your company's process for subcontracting other companies (requirements, work limitations, responsibilities, among others).</p> <p>4. Describe how your company will handle and address complaints, including follow-up and the resolution.</p>



<b>3. Availability</b>	1. ¿How many current contracts does your company have to perform the works that are requested in this RFP and how much time do you dedicate monthly to those contracts?
<b>4. Certifications</b>	1. Provide any applicable service certification for these services.



**ATTACHMENT II: SCOPE OF WORK**

The works must be completed in accordance with the document titled:

Request for Proposal: Traffic Signal Systems (TSS) in the Metropolitan Area



**ATTACHMENT V: SPECIFICATION AND SPECIAL CONDITIONS**

The contractor must comply with:

1. Specification 151
2. Specification 202
3. Specification 635
4. Specification 638
5. Specification 654
6. Specification 661
7. Specification 931
8. Specification 932

The work must be completed in a period equal or less than 90 calendar days, from the Order to Proceed.





That I subscribe this Certification for purposes of complying with one of the requirements to enter the Single Registry of Bidders (RUL) or the Single Registry of Professional Service Providers (RUP) and for any other relevant administrative or legal purpose.

**AND FOR THE RECORD**, I sign this certification in, \_\_\_\_\_ (city)

\_\_\_\_\_, today, \_\_\_\_\_ of 2022  
(country or state) (date)

\_\_\_\_\_  
SIGNATURE

**Afidávit Number:** \_\_\_\_\_  
**SWORNED AND SUSCRIBED** before me by \_\_\_\_\_, of the  
abovementioned personal circumstances, in my capacity as \_\_\_\_\_  
(position/title)

of \_\_\_\_\_ and whom I identify by \_\_\_\_\_  
(business type)

In \_\_\_\_\_, \_\_\_\_\_, today \_\_\_\_\_ of 20\_\_\_\_.  
(country/state)

FORM GSA

\_\_\_\_\_  
Name of the Notary

\_\_\_\_\_  
Signature of the Notary



**ATTACHMENT VII: FORM 674 (REV. 2021)  
CORPORATE RESOLUTION**

(Affidavit that has smudges, strikethroughs or corrector will not be accepted)

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I \_\_\_\_\_, of legal age, (civil status) \_\_\_\_\_, (profession) \_\_\_\_\_, and resident of \_\_\_\_\_, as \_\_\_\_\_ of (business type) \_\_\_\_\_, certify, that in a meeting held on \_\_\_\_\_ of 20\_\_\_\_, which was attended by the regulatory quorum, it was resolved to authorize the persons named below, so that any of them, in the name and on behalf of this Corporation, may appear at the processes of purchase of non-professional goods and services carried out by the agencies of the Executive Branch of the Government of Puerto Rico, public corporations and municipalities, as well as signing offers and signing contracts and all types of document required as part of said appearance, so their signatures, which are recorded in this document, oblige this (type of business) \_\_\_\_\_.

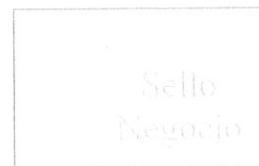
Name and Last name	Position/title	Signature

In my capacity as \_\_\_\_\_ of the (type of business) \_\_\_\_\_, I also certify that the resolution transcribed above has not been revoked, annulled or amended in any way and that it remains in full force and effect.

**FOR THE RECORD**, I sign the present and stamp the seal of the \_\_\_\_\_ (type of business).

In \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature of the Declarant



**AFFIDAVIT**

**Affidavit Number:** \_\_\_\_\_

**SWORN AND SUBSCRIBED** before me by \_\_\_\_\_, of personal circumstances before mentioned, in their capacity as \_\_\_\_\_ of the \_\_\_\_\_ (type of business) and whom I identify by \_\_\_\_\_.

In \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, of 20\_\_\_\_.

\_\_\_\_\_  
Name of the Notary

\_\_\_\_\_  
Signature of the Notary

**ATTACHMENT VIII : MINIMIUM FEDERAL TERMS AND CONDITIONS**

- **Clean Air Act and the Federal Water Pollution Control Act** – Contracts of amounts in excess of \$150,000.00 must contain provisions that requires the contractor to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. §§7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. §§ 1251-1387)
- **Byrd Anti-Lobbying Amendment** – Contractors that apply or bid for an award of \$100,000.00 or more must file the required certification. (31 U.S.C. § 1352, as amended); (44 C.F.R. Part 18)
- **Contract Work Hours and Safety Standard Act** – Where applicable, this act requires compliance with 40 U.S.C. § 3701 et seq. to all FEMA grants that involves the employment of mechanics and laborers, which include watchmen and guards.
- **Solid Waste Disposal Act** – To the extent applicable, Contractor will comply with regulations related to waste management and disposition in a manner that maximizes energy and resource recovery. (42 U.S.C. §6002 et seq.)
- **Age Discrimination Act of 1975** – No person in the United States shall, based on age, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance. (42 U.S.C. § 6101 et seq.)
- **Rehabilitation Act of 1973** – Contractors will not discriminate against any employee or applicant for employment solely because of physical or mental handicap for which the employee or applicant is otherwise well qualified. (29 U.S.C. § 701 et seq.)
- **Civil Rights Act of 1964** - No person in the United States shall, on the grounds of race, color or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance. (42 U.S.C § 1971, et seq.)
- **Energy Efficiency** – The Contractor agrees to comply with the requirements of 42 U.S.C § 6201 which contain policies relating to energy efficiency.
- **Compliance with the United States Office of Management and Budget** – Contractor agrees to comply with the regulations, policies, guidelines and requirements related to the use of federal funds under the contract.



**ATTACHMENT IX: BID WORKSHEET**