



LEGISLATURE OF PUERTO RICO

Office of Legislative Services

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 36 (H.B. 1432) of the 4th Session of the 14th Legislature of Puerto Rico:

AN ACT to add subsection (1) to Article 10.002 of Act No. 81 of August 30, 1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991", to authorize municipalities to purchase or acquire articles or works of art of a very personal nature when the value of same resides in specific features of the work of art, or in the acknowledgement and fame of the artist that created same,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of January of 2004.

Elba Rosa Rodríguez Fuentes
Director

(P.C. 1432)

(No. 36)

(Approved January 3, 2003)

AN ACT

To add subsection (1) to Article 10.002 of Act No. 81 of August 30, 1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991", to authorize municipalities to purchase or acquire articles or works of art of a very personal nature when the value of same resides in specific features of the work of art, or in the acknowledgement and fame of the artist that created same.

STATEMENT OF MOTIVES

The acquisition of articles or works of art created by native artists, which aesthetically capture features of our culture, have become more noticeable, in both the private and government sectors. Many Puerto Ricans have acquired acknowledgement in the arts and turned their works into unquestionable marks of our culture and history. These Puerto Ricans have become icons of Puerto Rican cultural undertakings, becoming figures that have marked and deciphered the cultural essence of our country in a masterly fashion.

Names such as those of Rodón, Cajigas, and Martorell, among others, have become faithful evidence of the genuine cultural content in each of their works.

At the moment of purchasing a native article or work of art, there are considerations beyond those we would use to purchase a basket of fruit, a flower arrangement, or a computer. There are elements that distinguish each art piece as unique in its class, due to special characteristics used by the artists when they express their feelings through their work. Considering these particularities, we understand it is necessary to legislate in order that the municipalities may promote Puerto Rican art.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Subsection (1) is hereby added to Section 10.002 of Act No. 81 of August 30, 1991, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991," as amended, to read as follows:

"Section 10.002.-Purchases Excluded from Public Auctions

It shall not be necessary to announce and hold auctions for the purchase of movable goods and services in the following cases:

- (a) Any purchase made from another municipality, the Government of the Commonwealth of Puerto Rico, or the Federal Government.
- (b) Annual purchases of materials, equipment, foods, medications, and other supplies of equal or similar nature, use, and characteristics, up to the maximum amount of ten thousand (10,000) dollars. Prior to the adjudication of the purchase, at least three (3) quotes must be obtained from bona fide suppliers duly accredited by the laws of the Commonwealth of Puerto Rico.
- (c) Purchases or acquisitions of supplies or services in any case of emergency in which the delivery of the supplies, materials, or immediate rendering of services is required. In these cases, written records of the emergency facts or circumstances for which the auction is not held must be kept.

For purposes of this subheading, the term "emergency" means any event or occasional combination of circumstances that requires immediate action.

- (d) When prices are not subject to competition because there is only one source of supply.

- (e) For the purchase of materials or equipment that cannot be acquired in Puerto Rico because they are not locally available, or because there is no representative or authorized agent of the company that provides them. In these cases, quotes must be obtained from not less than two (2) accredited suppliers or dealers, and the purchase shall be made according to such prices, as if made by means of auction.
- (f) When bidders do not concur, and there is a risk of losing any opportunity to acquire the needed goods, supplies, equipment, or services, with prior written justification explaining the risk and the need that makes it necessary to proceed with the purchase or contracting.
- (g) When there are alterations or additions that entail an increase in the cost of up to a maximum of twenty-five (25) percent of the total of the original project in any construction or improvement of public works performed by mean of contract. Such alterations or additions must comply with the applicable dispositions in effect. When there is more than one alteration or addition to a contract, such alterations or additions taken jointly must not exceed the maximum of twenty-five (25) percent of the total cost of the original project, and must be approved by the Board of Auctions. The Board of Auctions must approve the alteration or addition at hand with the affirmative vote of two thirds (2/3) of its members.
- (h) The municipal administration must perform all public works or improvements construction work. If the purchase of materials and supplies for the construction of the works is required, same

shall be performed pursuant to the laws and regulations in effect.

- (i) For all public construction or improvement, repair, and reconstruction work contract not exceeding forty thousand (40,000) dollars, with prior consideration of at least three (3) quotes, and the selection of the quote that is most beneficial for municipal interests.
- (j) For the acquisition of new or used heavy equipment from abroad, subject to the dispositions set forth in Article 10.003 of this Act.
- (k) For the acquisition of used goods by means of auctions processes in Puerto Rico and abroad, with prior authorization from the Assembly.
- (l) For the purchase or acquisition of articles or works of art of very personal characteristics, the price of which does not exceed ten thousand (10,000) dollars when the value of same resides in the specific characteristics of the work, or in the acknowledgement and fame of the Puerto Rican artist that created same. Puerto Rican artists shall be the first option to consider when purchasing or acquiring articles or works of art. In these cases, written record must be made of the characteristics of a particular work, or of the acknowledgement and fame of the author of the work in the artistic community. Given the aforementioned circumstances, the requirement of quotes does not apply either to this type of articles or works of art. For purposes of this subsection, an article or work of art is defined as: any visual work of art, including without being limited to, paintings,

murals, sculptures, drawings, mosaics, photographs, calligraphy, monuments, graphic art works, such as lithographs, and engravings, artisanry, fountains, or any other analogous display of ornamentation that improves the quality and artistic effect of a public installation or building within which same are contained, or to which same are attached, as part of the total architectural design.

The consistent practice of the fractionization of purchases or works to one (1) or more suppliers for purposes of keeping from exceeding the limits set forth by Law, and thus evading the public auctions procedures is hereby prohibited.”

Section 2.-This Act shall take effect immediately after its approval.