

(S. B. 1814)

**(No. 205-2012)**

(Approved August 24, 2012)

## **AN ACT**

To add a subsection (k) to Section 7 of Act No. 51-2004, as amended, known as the “Electronic Government Act,” in order to establish the obligation to publish on a single webpage all documents pertaining to the bid publication, holding, and award process of every public work and procurement of goods and services; and for other related purposes.

### **STATEMENT OF MOTIVES**

The Government of Puerto Rico has the unavoidable duty to ensure transparency in all government processes, as well as to provide citizens with access to information held by the State, to which every individual is entitled, with limited exceptions. To that effect, Act No. 141 of April 29, 1949, as amended, sets forth that the agencies of the Government of Puerto Rico shall publish their notices, summonses, public notices, public calls for bid, and other announcements through radio or television, or in daily newspapers and magazines in Puerto Rico, chargeable exclusively to the items and appropriations they may have for such purposes.

Act No. 151-2004, as amended, known as the “Electronic Government Act,” was subsequently approved to establish as public policy the incorporation of new information technologies to government processes, service rendering, and the disclosure of information, for the purpose of transforming and expediting Government relations with citizens and enterprises in order for the Government to become more accessible, efficient, and transparent for the citizenry in general.

Act No. 151, *supra*, directs the heads of agencies to develop a webpage containing the necessary information so that citizens may know their mission, the services they offer, their location, business hours, and other information about their offices, which webpage shall be linked to the Government's main website, [www.gobierno.pr](http://www.gobierno.pr). In addition, the heads of agencies shall develop the necessary activities and measures directed to actively incorporating information and telecommunications technologies in government operations, as well as to focus their efforts and resources to achieve the conversion of official transactions into electronic media.

The "Electronic Government Act" was amended by Act No. 103-2006, in order to provide transparency to government transactions and to further expedite the access to the information held by the government. Thus, the legislation in effect requires all agencies and public instrumentalities to publish on their webpages the following: 1) all documents pertaining to bid publication, holding, and award process of every public work; 2) all agency contracts that entail the disbursement of public funds; 3) all documents concerning managerial transactions, except for confidential documents concerning personnel matters; and 4) all information concerning the status of public works projects, including but not limited to, change orders and time extensions, among others.

There is no doubt that the Government has a responsibility to provide citizens access to information. Due to its nature, the foregoing takes on greater relevance when it comes to government bidding processes. For these purposes, the Internet proves to be the means of communication par excellence, because it allows for accessible, immediate notice at low cost to the Treasury. Moreover, it promotes greater citizen participation and competition among the bidders while enables a more effective oversight thereof.

The intent of this Act is to provide citizens with access to all documents pertaining to the bid publication, holding, and award process of every public work and procurement of goods and services of government agencies in a single webpage in order to facilitate access to information. Furthermore, it shall standardize the document filing process, which is not currently the case, since every government agency publishes its bidding process according to the agency's own criteria.

To these ends, this Legislative Assembly deems it necessary and meritorious to add a subsection (k) to Section 7 of Act No. 151-2004, as amended, known as the "Electronic Government Act," in order to establish that the Office of Management and Budget shall be responsible for publishing all documents pertaining to the bid publication, holding, and award process of every public work under a single webpage in order for the information to be more accessible, uniform, and transparent for the citizenry.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Subsection (k) is hereby added to Section 7 of Act No. 51-2004, as amended, to read as follows:

"Section 7.- Duties of the Agencies.

With respect to the attainment of the purposes of this Act, the heads of agencies and instrumentalities shall have the following duties:

(a) ...

(k) The Office of Management and Budget shall be responsible for publishing all documents pertaining to the bid publication, holding, and award process of every public work and procurement of goods and services of every government agency in a single webpage. Said webpage shall be known as the Exclusive Government Bids Database and shall include, without it being construed as a limitation, the bid notices, a description thereof, participating bidders, the bid

award or cancellation dates, the successful bidders, and any other information that the Office of Management and Budget may deem necessary and convenient. Every agency of the Executive Branch and every public corporation shall be required to electronically submit to the Office of Management and Budget all information pertaining to the bid publication, holding, and award process of every public work and procurement of goods and services. All agencies of the Executive Branch and public corporations shall use said Database as the official means to disclose said information, and for the purposes of all legal computation, the date of publication thereof shall be taken into account regardless of any other webpage used for the same purposes. For purposes of this Section, the disbursement of public funds for the publication in the media of documents required under this Act is hereby prohibited, except for those authorized and justified by the Director of the Office of Management and Budget.”

Section 2.- The Office of Management and Budget may adopt the necessary and appropriate regulations to achieve the purposes of this Act.

Section 3.- This Act hereby repeals any other legal or regulatory provision that is inconsistent with the provisions of this Act.

Section 4.- This Act shall take effect sixty (60) days after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 205-2012 (S. B. 1814)** of the **7<sup>th</sup> Regular Session** of the **16<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to add a subsection (k) to Section 7 of Act No. 51-2004, as amended, known as the "Electronic Government Act," in order to establish the obligation to publish on a single webpage all documents pertaining to the bid publication, holding, and award process of every public work and procurement of goods and services; and for other related purposes.

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

In San Juan, Puerto Rico, on this 10<sup>th</sup> day of June, 2016.

Juan Luis Martínez Martínez  
Director