

(H. B. 3644)

**(No. 236-2011)**

(Approved December 11, 2011)

## **AN ACT**

To amend subsection (1) of Section 15 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act,” in order to exempt the Authority from the application of the 2011 Reorganization Plan of the General Services Administration of Puerto Rico, including the provisions of Chapter V, entitled “Exclusive Register of Bidders.”

### **STATEMENT OF MOTIVES**

Section 15 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act,” sets forth that all purchases and goods and services contracts, with the exclusion of personal services, shall be made through public bid, with certain exceptions. However, the Authority was not exempt from the application of Act No. 164 of July 23, 1974, as amended, known as the “General Services Administration Act.” The 2011 Reorganization Plan of the General Services Administration of Puerto Rico was recently approved. Section 5 of said Plan provides that the provisions thereof shall apply to all municipalities and public corporations that choose to avail themselves of the same.

The Electric Power Authority is a highly technical and complex public corporation. This requires the ongoing evaluation of internal processes in order to improve them. In doing so, the mechanisms to acquire certain goods and services are expedited, thus complying with the mission to provide efficient service at the lowest possible cost and without compromising the environment.

For such purposes, the Legislative Assembly deems it meritorious to exempt the Authority from the application of the 2011 Reorganization Plan of the General Services Administration of Puerto Rico.

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

Section 1.- Subsection (1) of Section 15 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act,” is hereby amended to read as follows:

“Section 15.- Construction and Purchase Contracts; Regulations for Presentation of Bids; Exemption.-

(1) The Authority and its subsidiaries are exempt from the provisions of the 2011 Reorganization Plan of the General Services Administration of Puerto Rico, including the provisions of Chapter V. The Authority and its subsidiaries shall establish their own procurement and auxiliary service system; and shall adopt the necessary regulations to govern this merger within sound administration and economic standards. If the Authority chooses to avail itself of the aforementioned Reorganization Plan, the provisions thereof, including those related to the Exclusive Register of Bidders, shall not apply to the fuel purchasing procedures to generate power. Furthermore, the regulations to be adopted shall provide for a swift and efficient procurement system.

(a) All purchases made and contracts for supplies or services, except professional services, entered into by the Authority, including its capital construction contracts, shall be made by calling for bids with sufficient time before the date the bids are opened so that the Authority can guarantee proper knowledge and appearance of competitive bidders. Upon comparing proposals and making adjudications, due consideration shall be given to such factors, in addition to whether the bidder has complied with specifications, as to the ability of the bidder to carry out construction work of the nature involved in the contract under

consideration; the relative quality and adaptability of the materials, goods, equipment, or services; the financial responsibility of the bidder and his/her expertise, experience, reputation of business integrity and ability to render repair and conservation services; and the deadline for the delivery or performance offered. The Authority may approve regulations for the presentation of bids.

(2) ...

(a) ...

...”

Section 2.- Until such regulations are approved, the Authority and its subsidiaries shall continue to operate under the regulations in effect as of the effective date of this Act.

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 236-2011 (H. B. 3644)** of the **6<sup>th</sup> Regular Session** of the **16<sup>th</sup> Legislative Assembly of Puerto Rico**:

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

In San Juan, Puerto Rico, on this 13<sup>th</sup> day of May, 2015.

Juan Luis Martínez Martínez  
Acting Director