

“General Services Administration Act”

Act No. 164 of September 23, 1974 as amended

(Contains amendments incorporated by:

Act No. 16 of May 12, 1975
Act No. 71 of June 22, 1975
Act No. 46 of May 19, 1976
Act No. 50 of May 19, 1976
Act No. 64 of June 13, 1977
Act No. 78 of June 20, 1977
Act No. 133 of June 30, 1977
Act No. 64 of June 13, 1977
Act No. 18 of May 22, 1978
Act No. 33 of June 4, 1978
Act No. 196 of August 4, 1979
Act No. 11 of June 26, 1980
Act No. 120 of July 12, 1986
Act No. 18 of July 2, 1991
Act No. 110 of August 3, 1995
Act No. 140 of August 9, 1995
Act No. 198 of September 6, 1996
Act No. 198 of September 6, 1996
Act No. 283 of December 3, 1998
Act No. 85 of June 18, 2002
Act No. 262 of November 16, 2002
Act No. 54 of January 4, 2003
Act No. 137 of June 9, 2003
Act No. 219 of August 28, 2003
Act No. 251 of September 3, 2003
Act No. 34 of January 24, 2006
Act No. 99 of May 16, 2006
Act No. 187 of December 12, 2007
Act No. 17 of February 25, 2008
Act No. 268 of August 13, 2008)

(Amendments non-incorporated:

Act No. 181 of December 1, 2010)

To reorganize the General Services Administration; to redefine its functions; to establish penalties; to create the Industrial Capital Fund of the General Services Administration; to repeal Act No.255 of May 9, 1950, as amended, Act No. 46 of

May 23, 1955, as amended, sections 10 and 12 of Act No. 96 of June 29, 1954, as amended, Articles 1 and 2 of. Act No. 49 of. August 4, 1947, as amended; Sections 2(b) and 3 of Act No. 168 of May 12, 1948, as amended; and to authorize the Secretary of the Treasury to advance funds to the General Services Administration.

STATEMENT OF MOTIVES

The General Services Administration was created by virtue of Reorganization Plan 2 (Substitute) of 1971. This plan was mainly limited to enumerating the functions of the programs that were to be transferred to the Administration, and did not establish with sufficient accuracy the standards that would govern the operation of the aforesaid agency. Therefore it is necessary to provide such agency with the corresponding policies and directives by granting it such specific powers and authorities as shall enable it to fully achieve the purposes for which it was created and which essentially seek to obtain the coordination and centralization of the auxiliary services that the Commonwealth itself renders to its different government agencies.

Be it enacted by the Legislature of Puerto Rico :

TITLE I. — Organization of the Administration. [3 L.P.R.A., Chapter 38, Subchapter I]

Section 1. — Title. (3 L.P.R.A. § 931)

This act shall be known as the "General Services Administration Act".

Section 2. — Definitions. (3 L.P.R.A. § 931a)

(a) *Auxiliary services.* — Shall be understood to be printing and transportation services, purchase; furnishing storage; filing system counseling; preservation and disposal of documents; electronic data processing; repair of equipment and office furniture; programming, planning, design, construction, repair, maintenance and conservation of public buildings; advice to departments and dependencies on office space rental; and any other service that the Administration may render to enable the agencies to carry out their fundamental functions and which is not in conflict with other laws.

(b) *Administrator.* — Is the Administrator of the General Services Administration.

(c) *Executive Branch.* — Shall mean all the departments, agencies and instrumentalities of the Executive Branch, except public corporations and political subdivisions of the Commonwealth of Puerto Rico, the Ethics in Government Office of Puerto Rico, the University of Puerto Rico, the Institute of Puerto Rican Culture and the Commonwealth Elections Commission.

(d) *Administration.* — Shall mean the General Services Administration.

(e) *Supplies.* — Shall mean expendable or nonexpendable property needed in all Government agencies under the Administration's jurisdiction to carry out their respective programs.

(f) *Certificate of eligibility.* — Certificate issued by the General Services Administration accrediting compliance by the bidder of the requirements established through regulations to appear in the Exclusive Register of Bidders.

(g) *Bidder* — Any natural or juridical person registered in the Exclusive Register of Bidders of the General Services Administration that is available and interested in contracting and appearing at the presentation of offers for Government bidding.

(h) *Exclusive Register of Bidders.* — Register which lists the natural or juridical persons that are qualified by the Administration to contract with the Government for having met the requirements established by the Administrator.

Section 3. — Creation of the Administration. (3 L.P.R.A. § 931b)

The General Services Administration created by Reorganization Plan No. 2 (Substitute) of 1971, [3 L.P.R.A. App. I], is restructured in order that it may operate pursuant to the provisions of this Act as an agency of the Executive Branch designated as "General Services Administration".

Section 4. — Purpose of General Services Administration. (3 L.P.R.A. § 931c)

The Administration is organized for the purpose of offering auxiliary services to different government agencies which shall be furnished pursuant to norms that will simplify and expedite the procedure, improve the quality of the services and control operation costs.

Section 5. — Administrator. (3 L.P.R.A. § 931d)

The Administration shall be under the direction of an Administrator who shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico.

Section 6. — Assistant Administrator. (3 L.P.R.A. § 931e)

There shall be in the Administration an Assistant Administrator appointed by the Administrator. In the case of absence or temporary disability of the Administrator, the Assistant Administrator shall act as Acting Administrator during said absence or disability.

In the case of death or removal of the Administrator, the Assistant Administrator shall assume the functions of the latter, as Acting Administrator, for the duration of the vacancy

Section 7. — Budget. (3 L.P.R.A. § 931f)

The Administration shall annually submit its expense budget pursuant to the provisions of Act No. 213 of May 12, 1942, as amended, and of any other applicable law.

Section 8. — Personnel. (3 L.P.R.A. § 931g)

The personnel of the Administration shall be governed by Act No. 345 of May 12, 1947, known as the "Personnel Act".

The Administrator is hereby empowered to obtain such services by contract with technical, professional or highly specialized personnel, or of any other kind, as may be necessary, for the programs of the Administration.

Section 9. — Deposit of Funds. (3 L.P.R.A. § 931h)

Funds of the Administration shall be covered into the Treasury of the Commonwealth of Puerto Rico and they shall be entrusted to qualified depositaries for the funds of the Commonwealth Government, as established in the law and regulations of the Treasury Department.

Section 10. — Disbursements. (3 L.P.R.A. § 931i)

All documents authorizing obligations or disbursements charged against funds derived from appropriations made to the Administration shall be signed by the Administrator or by the officer or employee delegated by him to authorize said documents.

The resources in the "Industrial Capital Fund of the General Services Administration", which is hereinafter created, shall be used in such a way as to permit the Administration operations to be carried out, subject to the provisions of the law or regulations governing them.

Whenever it becomes necessary to advance funds of the Administration to private persons, such advances may be authorized by the Administrator as prescribed by the Secretary of the Treasury. Advances shall be secured by bonds which shall cover the liability of the Administrator and which shall be prosecuted pursuant to Section 119 of the Political Code.

Section 11. — Accounting Systems. (3 L.P.R.A. § 931j)

The Administration shall establish, subject to the approval of the Secretary of the Treasury, the accounting system required for the proper control and registry of all its operations.

Section 12. — Industrial Capital Fund. (3 L.P.R.A. § 931k)

A special fund is hereby created in the Treasury Department which shall be known as "Industrial Capital Fund of the General Services Administration". This Fund shall be composed of the consolidation of the revolving funds or of the industrial capital of the Administration programs, and of the income derived from other services rendered by the Administration to the different government agencies to cover the activities and services which produce income.

Balances and obligations of the Operating Fund established by Act No. 96, June 24, 1954, as amended, known as "Procurement and Services Act," of the Industrial Capital Fund established by Act No. 49, Aug. 4, 1947, as amended, and of the Fund for the Survey and Preparation of Plans and Specifications of Public Works, created by Act No. 217 of May 15, 1948, are hereby transferred to the aforesaid "Industrial Capital Fund", and said funds shall be abolished, once the transfer is made.

The Administrator is hereby empowered to borrow money to secure payments of his obligations with this Fund. He is further empowered to encumber any of his contracts, revenues or income for the payment of those obligations. The Administration may sue and be sued in the name and on behalf of the Commonwealth of Puerto Rico for any claim arising as the result of obligations contracted pursuant to the provisions of the preceding paragraph, and, for such purposes, the Commonwealth of Puerto Rico waives its immunity, all of which is subject to the prescription periods and to the proceeding established by law, but not subject to the provisions of the "Claims and Suits against the Commonwealth of Puerto Rico" [32 L.P.R.A. § 3077 et seq.], and the judgments that may be entered against the Commonwealth of Puerto Rico, once they have become final, shall be paid from the Industrial Capital Fund of the General Services Administration.

Section 13. — Property of the Administration (3 L.P.R.A. § 931I)

The Secretary of the Treasury shall exercise over the Administration property the control he usually exercises over other agencies of the Executive Branch of the Commonwealth of Puerto Rico.

TITLE II. — Powers of the Administrator. [3 L.P.R.A., Chapter 38, Subchapter II]

Section 14. — [Powers] (3 L.P.R.A. § 932)

The Administrator shall have the following powers, in addition to those conferred by this Act, or by other laws.

- (a) To adopt an official seal of the Administration of which judicial cognizance shall be taken.
- (b) To establish the internal organization of the Administration.
- (c) To plan, direct and supervise its operation.
- (d) To coordinate the services and programs of the corporations attached, or which later may be attached, to the Administration.
- (e) To undertake studies that will reveal the dysfunctional elements of the entities composing the Administration.
- (f) In conjunction with the other government agencies of the Commonwealth of Puerto Rico, to create the conditions necessary to obtain the greatest number of opportunities for cooperative efforts and the integral coordination of the service programs of the Administration.
- (g) To appoint, transfer and remove, pursuant to the applicable laws and regulations, the personnel of the Administration.
- (h) To appoint the commissions, committees, boards and other dependencies which may lead to the most efficient implementation of the Administration programs; to regulate its operation; to appropriate the necessary funds and personnel for the operation of these dependencies pursuant to the provisions of this Act.
- (i) To delegate to subordinate officers and authorize them to subdelegate to other officers any function or power which may be conferred on him, except the power of appointment of regular personnel and of adopting regulations.

The power to appoint irregular personnel in accordance with Act No. 110 of June 26, 1958, as amended [3 L.P.R.A. § 711-711g] shall be delegated to the Personnel Officer of the Administration, to the Auxiliary Administrators, and to the Directors of all the Regional Offices of the Administration, subject to the norms and regulations which govern such appointments.

(j) To approve, amend, repeal regulations to implement this Act, which shall have force of law.

(k) To prepare and administer the budget.

(l) To execute contracts as well as other documents required to exercise his powers.

(m) To represent the Administration in such acts and activities as may be necessary.

(n) To advise the Governor and other government officers and the Legislative Assembly of Puerto Rico on the public policy which the Administration is commissioned to implement.

(o) To evaluate periodically the programs and standards for the development of proceedings and methods which permit the reorientation of the activities of the Administration in conformance with the ever changing necessities in the area of the services and activities entrusted to him by law.

(p) Subject to the laws or regulations, to acquire, lease, sell, purchase, receive gifts, donate or dispose of, in any way, the personal or real property that may be necessary to carry out the purposes of this Act.

(q) To establish the norms and control necessary for the use and maintenance of the public property in his custody, pursuant to the provisions of the applicable law or regulations.

(r) To prescribe the policy and method that will provide the maximum use of surplus property of the government dependencies pursuant to the provisions of the applicable law or regulations.

(s) To perform all the acts that may be convenient or necessary to achieve effectively the objectives underlying the public policy stated in this Act.

(t) To remit annually to the Governor a report on the activities of the Administration, in conformance with the standards established for that purpose.

(u) The Administrator shall take possession of all personal property that has been abandoned or has not been claimed in the premises of the buildings under the jurisdiction of the Administration and shall use, transfer or in any way dispose of said property in accordance with the regulations he issues which shall be consistent with the applicable legislation and regulation.

(v) Shall have the responsibility to prepare, administer and manage an Exclusive Register of Bidders for the Commonwealth of Puerto Rico, which shall be compulsory for all bidders who wish to participate in the acquisition and purchase processes of the executive agencies and corporations of the Commonwealth of Puerto Rico. The Register shall be available in an Internet website and its data shall be open and available for use by the executive agencies and corporations of the Commonwealth of Puerto Rico. The Administration shall have the obligation to publish notices, at least twice (2) a year, in the written press, radio and the Internet, to convoke for registration, once every two (2) years in the Administration's Exclusive Register of Bidders, those natural or juridical persons who wish to enter the market for the acquisition of goods and service of the executive agencies and the corporations of the Commonwealth of Puerto Rico.

All executive agencies of the Commonwealth of Puerto Rico, except for the Ethics in Government Office of Puerto Rico, the Institute of Puerto Rican Culture, the University of Puerto Rico and the Commonwealth Elections Commission, are bound to use said Register as a prior step in the acquisition of goods and services, with the exception of the special or exceptional circumstances set forth in subsection (w) of this section, to supply information on the contractors or bidders in the Register to the Administration, as well as about any matter in reference to probable noncompliance by such contractors or bidders. The Administration is compelled to supply to all executive agencies or public corporations of the Commonwealth of Puerto Rico with information on the contractual history of any contractor bidder when required to do so by the Office of Acquisitions of the Administration.

The Administrator shall have the responsibility to:

- (1) Evaluate, under objective criteria to be determined by regulation, all bidders who intend to bind themselves contractually with the Commonwealth of Puerto Rico by means of the Register, to ensure that the executive agencies and public corporations of the Commonwealth of Puerto Rico exclusively contract natural or juridical persons of proven moral and economic solvency, who have not incurred in acts of corruption against the State. This regulation shall be prepared by the General Services Administration, and shall be filed in the agencies required by law no later than thirty (30) days after this act takes effect.
- (2) Ensure that the same requirements are made to all persons in order to appear in the Exclusive Register of Bidders.
- (3) Oversee that all bidders comply truly and effectively with the necessary requirements to validate their contracts with the Commonwealth of Puerto Rico to ensure that a bidder is not required to comply with the same requirements by several government bodies on several occasions during the same term. If as part of the registry procedure, a bidder is required to produce documents issued by Government agencies, such as certificates of incorporation or tax debt, the bidder shall have the option to obtain and produce such documents or authorize the Administration to obtain them, paying by check those fees or costs which the different agencies shall require for the issuing of said documents. Such authorization shall be the equivalent of having filed said documents on time.
- (4) Maintain the information in the Exclusive Register updated.
- (5) Make public all the general and specific requirements for bidders in the Commonwealth of Puerto Rico, based on their particular needs, to be satisfied by those interested in appearing in the Exclusive Register of Bidders, as set forth by the executive agencies and public corporations of the Commonwealth of Puerto Rico.
- (6) Supervise the contractual transactions of bidders with the Government to ensure that they comply with the legally demandable formalities, requirements and obligations.
- (7) Lessen the costs of the public bids process opting for the use of convocation by invitation to bid and, simultaneously, by means of the Internet in substitution of the convocation to bid by newspaper notice.
- (8) Issue "eligibility certificates" to any bidder or any executive agency of the Commonwealth of Puerto Rico to prove the eligibility of a bidder to participate in the acquisition and purchase processes of an executive agency or public corporation of the Commonwealth of Puerto Rico.
- (9) Approve, amend or repeal regulations to organize the Exclusive Register of Bidders.

(10) Impose, collect and fix fees, dues, rents and other charges that are fair and reasonable for the annual registration in the Exclusive Register of Bidders and for the issuing of the certificate of eligibility, which shall at least defray the expenses incurred by the Administration.

(w) Shall exempt, pursuant to special or exceptional circumstances detailed in this subsection and through regulations adopted for such purposes, the executive agencies and public corporations from depending upon whether the supplier involved is registered in the Exclusive Register of Bidders for the acquisition of goods and services. The following circumstances shall be deemed special:

(1) Acquisitions by the offices of the agencies and departments of the Commonwealth located abroad and performed within the jurisdiction in which the same are located.

(2) Acquisitions of medical, scientific or technological equipment, or any other materials that are highly specialized for which there is no authorized supplier or representative in Puerto Rico.

(3) Acquisitions that do not exceed two thousand (2,000) dollars per year per agency, and are carried out in geographical locations in which there are no registered bidders for the necessary purpose or service.

(4) Acquisition of services in the communications media, as long as costs do not exceed twenty thousand (20,000) dollars per year per agency.

(5) Emergency purchases. It shall be understood as an emergency when an exceptional situation causes unexpected and unforeseen public needs which require immediate action by the Government because the life, health or safety of the people are at risk due to the suspension of the public service, or if the property of the Government is at risk, or if the term to use the funds is about to end and all opportunities for acquiring the goods, works or services desired may be lost, adversely affecting the public interest. If the funds are about to be lost, it shall be stated that the agency diligently carried out the transactions to comply with the established procedures, but due to exceptional conditions not attributable to negligent acts by the public entity, a delay was caused in the acquisition of the goods, works or services.

(6) Subscriptions and renewals to magazines, professional or educational publications. This exception does not include the purchase of school textbooks.

Those situations set forth in writing and duly justified by the agency or department chiefs shall be considered as exceptional circumstances, and shall be evaluated on a case by case basis, requiring the approval of the Administrator. Such exceptional circumstances shall be evaluated from a restrictive perspective and their approval shall be justified upon the existence of a situation of such an extraordinary nature that not excluding them from the registry process may hinder the operations of the agency or the services said entity is bound to render.

The Administration shall adopt through regulations, the provision regarding the special or exceptional circumstances set forth in this subsection.

TITLE III. — Functions and Programs of the Administration. [3 L.P.R.A., Chapter 38, Subchapter III]

Section 15. — [Repealed. Act No. 18 of July 2, 1991]. (3 L.P.R.A. § 933)

Section 16. — Purchase, Services and Supply Programs. (3 L.P.R.A. § 933a)

(a) *Powers.* — The Administration shall provide to the agencies, departments and instrumentalities of the Executive Branch, except for the Ethics in Government Office, the University of Puerto Rico, the Institute of Puerto Rican Culture and the Commonwealth Elections Commission, or those that through their organic laws were exempted from the provisions of Act No. 96 of June 29, 1954, as amended, [3 L.P.R.A. § 915 et seq.] the means of acquiring supplies and nonprofessional services, as well as the means of acquiring and disposing of surplus public property. The Administration may extend any of these services offered by the Purchasing, Service and Supplies Program to that municipality, public corporation, agency, department, instrumentality or any other government body that may request it, even if it is not legally bound to make its purchases through the intervention of the Administration. Should any of said bodies request any services from the Purchasing, Service and Supplies Program, it shall do so in accordance with the regulation to be approved by the Administrator for the [implementation] and development of all its powers within said Program. Such powers shall include the following:

(1) To prescribe the guidelines or model specifications for supplies and nonprofessional services and to enforce their compliance. In order to implement this power, a Regulating Board is hereby created, presided over by the Administrator or his authorized representative, which shall be also composed of representatives of the Secretary of Commerce, the Secretary of Consumer Affairs, the Secretary of the Treasury, the Economic Development Administrator and two (2) additional members who cannot be government employees or officials. The additional members of this Board shall be appointed by the Administrator and may receive per diems according to the applicable laws and the regulations promulgated by the Secretary of the Treasury. The Board shall act as advisor to the Administrator in drafting or reviewing the guidelines or model specifications which he shall approve, which, once they have been approved, shall be applicable to any purchase of supplies or nonprofessional services until they are uniformly rescinded as to their condition and scope. Any interested supplier may inspect the guidelines or model specifications and submit his recommendation to the Board, as prescribed through regulations to be approved by the Administrator. The Administrator may appropriate funds and designate the personnel needed for the functioning of the Board, which may request technical assistance, services and cooperation from government and private entities for the performance of its duties.

(2) To prescribe the procedures and the date for filing with the Administration the estimates of probable needs for specific periods of time and the method of authenticating and reviewing the same.

(3) To prescribe the procedures and the date for filing with the Administration of purchasing requisitions, the future period to be covered by said requisitions and the method for the authentication and revision thereof.

- (4) To prescribe the requirements for purchasing applications and the procedures and conditions for their filing with the Administration.
- (5) To assure that all the supplies and nonprofessional services requested are provided pursuant to the legal methods of acquisition.
- (6) To determine when a competitive bidding is in order and to establish the procedure therefor.
- (7) To establish the requirements, obligations and responsibilities that a bidder or a natural or juridical person shall comply with in order to participate in the bidding.
- (8) To establish the general conditions of any offer to be accepted and evaluated in addition to the guidelines for the adjudication of the award to the lowest bidder in purchases or to the highest bidder in sales, provided they are within the terms, conditions and specifications of the competitive bidding.
- (9) Among other circumstances, to refuse offers when the bidder is irresponsible; his offer is unreasonable; the nature, quality or description of the supplies or nonprofessional services do not comply with the terms, conditions and specifications of the competitive bidding, thus constituting an irregularity or serious informality of the offer; or when thus required to protect the public interest.
- (10) To prescribe the terms for purchase orders or contracts, in accordance with the purchasing applications and the necessary terms and conditions.
- (11) To authorize purchase orders and contracts, after the obligation of funds to cover the payment of the supplies received or the nonprofessional services rendered.
- (12) To cancel competitive biddings or purchase orders for the protection of the public interest in the event of special circumstances and adequate justification.
- (13) To require of the bidder who is awarded the bid a guarantee of the type and amount deemed convenient to ensure compliance with the purchase order or contract.
- (14) To establish, through regulations, the procedure to make purchases without competitive bidding, under any of the following circumstances:
 - (A) An emergency: as defined through regulations.
 - (B) The amount involved shall not exceed four thousand dollars (\$4,000).
 - (C) The purchase is made from the Government of the United States or from its agencies and instrumentalities or of any foreign country, or from departments, agencies, quasi-public corporations, their subsidiaries and affiliates and any other instrumentality of the Commonwealth of Puerto Rico of articles that are produced, manufactured or assembled in Puerto Rico.
 - (D) The minimum prices are fixed by law or a competent government authority.
 - (E) There is only one source of supply.
 - (F) No offer is made in the competitive bidding and the opportunity to acquire the needed supplies or nonprofessional services is in jeopardy.
- (15) To authorize, through delegation, any agency, department or instrumentality of the Executive Branch legally bound to make its purchases through the intervention of the Administration, as well as to acquire certain supplies or nonprofessional services without said intervention, prescribing the terms, form and manner of making said purchase.
- (16) To designate purchasing delegates for each agency, department or instrumentality of the Executive Branch legally bound to make its purchases through the intervention of the

Administration, as well as to prescribe the requirements and duties of its functions through regulations.

(17) To administer and be in charge of all existing or future main warehouses and repair shops for office equipment and furniture by regulating the services rendered by them.

(18) To dispose of specific public property declared as surplus, but which is obsolete and useless, through these means, among others: transfer to the agencies, departments or instrumentalities of the Executive Branch legally bound to acquire and dispose of the property through the intervention of the Administration; transfer or sale at a nominal price to those agencies, departments, instrumentalities, government bodies or municipalities which are not legally bound to acquire and dispose of the property through the intervention of the Administration; transfer or sale at a reasonable price to private entities which are bona fide nonprofit institutions with a social purpose, and qualified in some of their social programs to receive funds from the Government of the Commonwealth of Puerto Rico; transfer or sale to a specific federal or state government body of the United States of America; transfer, sale, assignment, donation or conveyance of reusable equipment or property to agencies, public instrumentalities, municipalities or private individuals whose purpose is that of providing persons with disabilities with such equipment in order to improve, maintain or enhance their functional abilities in their habilitation, educational or rehabilitation processes or in establishing independent living conditions; or sale at public auction among interested bidders.

For purposes of this section, the following terms shall have the meaning stated below, unless the context clearly indicates otherwise:

(A) Habilitation Shall mean physical or emotional restoration services, to include the providing of assistive technology for persons and children with disabilities as necessary within their vocational rehabilitation process, with the purpose of optimizing their residual functional abilities in order for them to be better enabled and fitter for the workplace and to establish more independent living conditions.

(B) Educational Shall mean the development of the intellectual capabilities of individuals, from schooling at the primary stages of childhood to training specific to certain trade or profession which suit their interests and aptitudes.

(C) Rehabilitation Shall mean services offered to persons and children with physical, mental or cognitive disabilities to suit their individual needs and to develop, enhance or strengthen their capabilities, skills, abilities and attitudes, so as to enable them to train, enter, secure or advance in a job or toward more independent living conditions, while considering their interests and making informed choices.

(D) Independent living Shall mean the process whereby a person with a significant disability acquires greater control over his/her life, supported by informed choices, within the framework of four core services known as: information and referral, independent living skill-building training, peer counseling, and individual and system intercession.

(19) To dispose of public property declared as surplus for agricultural use or to be used for the exercise of the industrial arts and crafts, or that may be of benefit for fishing activities or for passenger public transportation, for its fair market value, to be determined through the corresponding evaluation appraisal procedure, to every farmer, aquaculturist, aviculturist, artisan, fisherman and public carrier authorized by the Public

Service Commission, respectively, that may certify their status as such, as established herein.

(A) Every farmer, aquaculturist, aviculturist, artisan, fisherman and public carrier interested in acquiring surplus property for agricultural, industrial, arts and crafts, fishing or passenger public transportation purposes, respectively, shall so attest to it before the General Services Administrator through a sworn statement stating that either agriculture, the arts and crafts, the fishing trade, or the passenger public transportation, respectively, is the sole or main income source, which should be at least fifty percent (50%) of its annual gross income. Said statement shall be accompanied by a certification by the Secretary of Agriculture of Puerto Rico, in the case of farmers, aquaculturists, aviculturists, and fishermen, from the Economic Development Administration in the case of artisans, and exclusively the Public Service Commission in the case of passenger public carriers, or a certification of any association or cooperative constituted by farmers, aquaculturists, artisans or fishermen, and which is duly registered with the Department of State. The General Services Administrator shall maintain the names of the farmers, aquaculturists, aviculturists, artisans, fishermen and passenger public carriers who have registered before him to certify themselves as farmers, aquaculturists, aviculturists, artisans, fishermen or passenger public carriers. It shall be the responsibility of the Administrator to notify them whenever any surplus property becomes available for their use.

The Administrator shall adopt in its regulations on surplus property any standards and procedures for the implementation of this clause.

(B) After every agency of the Executive Branch or municipality has rejected the government property declared as surplus by the General Services Administration and which may be used for agricultural purposes or for the exercise of the industrial arts and crafts, or that may be of benefit for fishing activities or for passenger public transportation, the Administrator may consider petitions from farmers, aquaculturists, aviculturists, artisans, fishermen and passenger public carriers who have informed on their interest on said property. The General Services Administrator may sell the surplus property to any farmer, aquaculturist, aviculturist, artisan, fisherman and passenger public carrier who have requested the same pursuant the announcement published in a newspaper of general circulation of Puerto Rico. Whenever there is more than one petition for a property declared as surplus, the Administrator shall award the same through a drawing among the interested parties. The petitions shall be processed in the order received; Provided, That equipment units shall be sold to farmers, aquaculturists, aviculturists, artisans, fishermen and passenger public carriers individually, one at a time. The farmers, aquaculturists, aviculturists, artisans, fishermen and passenger public carriers shall make the payment based on the price fixed by the concerned agency or corporation as established in the first paragraph of this clause.

(C) Notwithstanding the provisions of the Autonomous Municipalities Act of the Commonwealth of Puerto Rico, Act No. 81 of August 30, 1991, as amended [21 L.P.R.A. § 4001 et seq.], regarding the acquisition, disposition and public auction of real and personal property, competent authorities in the municipal governments shall

adopt similar standards to those established herein in order to grant preference to farmers, aquaculturists, aviculturists, artisans, fishermen and passenger public carriers of their corresponding municipalities, whenever there is municipal surplus property available for agricultural use or for the exercise of the industrial arts and artisanship, or that could be useful for fishing activities or for passenger public transportation.

(D) Whenever proof is presented that the farmer, aquaculturist, aviculturist, artisan, fisherman and passenger public carrier does not have the sufficient financial means to acquire the property for its fair market value, authorization may be granted to offer discounts from taking into consideration income and family unit composition.

(E) Public corporations shall adopt similar standards to those established herein if their respective organic laws so do allow.

(20) To determine the surplus public property to be sold among the interested bidders who qualify to participate in a specific competitive bidding.

(21) To destroy specific surplus public property when its useless condition has been previously proven or the value and the amount involved warrant its destruction; delegate the power to destroy the surplus public property to the head or authorized representative of the agency, department or instrumentality legally bound to acquire and dispose of the property through the intervention of the Administration but always after determining the condition or the value and the quantity of the property involved. The Administrator shall grant the delegation, item by item, and establish through regulations the internal controls to ensure strict compliance with the terms of said delegation.

(22) To authorize any agency, department or instrumentality of the Executive Branch legally bound to make its purchases through the intervention of the Administration to acquire specific supplies or nonprofessional services on the open market.

(23) To prescribe the manner in which the supplies and nonprofessional services shall be acquired, delivered, stored and distributed.

(24) It shall be the duty of the General Services Administration to subject the approval and validation of all purchase orders, bids or goods and non-professional services acquisitions to strict compliance with the preference procurement policy set forth in Act No. 42 of August 5, 1989 [3 L.P.R.A. §§ 914a--914l], known as the "Preference Procurement Policy Act of the Government of Puerto Rico" and compliance with certain measures that guarantee compliance with said policy. For such purposes. the Administration shall oversee that each of the components of the Executive Branch under its jurisdiction shall adopt cautionary measures to ensure that the mandatory application of the preference margins set forth in referenced Act No. 42 is acknowledged in each of the goods and non-professional services acquisition processes.

The administration shall ensure that an official affirmation and acknowledgement statement of the required application of the preference procurement policy, as set forth in Act No. 42, for such procedures, is published in each of the convocation to bid or to any other procedure for the adjudication of goods and non-professional services carried out in or for the different agencies and instrumentalities of the Executive Branch under its jurisdiction. Said statement shall be expressed briefly and clearly, and shall provide an adequate notification to all bidders in such a manner that, if so entitled, said bidders may request the application of the preference percentages provided in the aforementioned sections.

The Administration shall prepare, by means of regulations approved to such effects, a document in the nature of a form, containing the foregoing statement, to be used by the agencies and instrumentalities in the procedures for the preparation of their respective convocations.

The Administration shall in turn, request from the agencies, by petition of the interested party, within a term of thirty (30) days from the awarding of the contract for the purchase or acquisition of non-professional services through formal or informal bids or open market, as a condition for the validity of the same, a certification stating that prior to said contracting, notice was served regarding the general requirements and rights granted pursuant to the Preference Procurement Policy Act to the parties interested in contracting said services or purchases, as well as of the right of each bidder to challenge the procedures if not held according to the preferences set forth in the aforementioned Act, and of the fact that all awards for goods or non-professional services not in agreement with the preference procurement provisions set forth in Act No. 42 shall be void.

The Administration is hereby empowered to rescind or annul all purchase orders, bids, or adjudication procedures of goods or services in which there was no strict compliance with the preference procurement policy that covers products and services with preferential margins pursuant to the Preference Procurement Policy Act of the Government of Puerto Rico de Puerto Rico, and in which there was not satisfactory compliance with the requirements set forth herein.

Moreover, it shall be the responsibility of the Administration to require a final certification from each agency and instrumentality stating that the same have adhered to the provisions of the Preference Procurement Act and that the aforementioned provisions have been adopted to protect the legal preferences established in favor of national products and services, as defined and set forth preferentially by said Act No. 42, prior to the approval or validation of any purchase order, bids, or informal adjudication of goods and services procedures.

(b) *Confidentiality of the reports.* The reports of probable needs submitted by the agencies, departments or instrumentalities of the Executive Branch legally bound to make their purchases through the intervention of the Administration shall be confidential, except when needed for official purposes. Any official or employee who unofficially and in violation of this provision discloses said reports, their contents or any information regarding the needs stated may be dismissed from his office or employment, pursuant to the applicable precepts of Act No. 5 of October 14, 1975 and the rules and regulations promulgated thereunder. The sanction of dismissal shall not hinder the application of Section 32 of Act No. 164 of July 23, 1974, as amended [3 L.P.R.A. § 934c], or the corresponding action for the violation of the provisions of Act No. 5 of December , 1995, as amended known as the "Puerto Rico Public Documents Administration Act" [3 L.P.R.A. §§ 1001-1013].

(c) *Nullity of purchase or sale.* Any purchase or sale made in violation of the provisions of this section and the regulations approved hereunder shall be null and void. If public funds have been invested, they may be recovered through a civil action of the Commonwealth of Puerto Rico against the official who has authorized said purchase or sale.

Section 17. — Printing and Copying Center Program. (3 L.P.R.A. § 933b)

(I) The Administration shall assist, provide or authorize other ways of providing printing services to the agencies, departments or instrumentalities of the Executive Branch that request them, with the exception of those that by law are expressly authorized to obtain such service without the intervention of the Administration. The Administration may assist every applicant municipality, public corporation, agency, department, instrumentality or government body, in the obtainment of printing services even though they are not legally bound to obtain said services through the intervention of the Administration.

(II) In order to provide the printing services, the Administration shall be in charge of and shall administer its own printing shop which shall be known as the "Government Printing Office" and when deemed necessary in the corresponding cases, at the request of the interested petitioner, it shall authorize the creation and administration of printing services and reproduction centers, through photographic and electronic methods, or of any other type, by the agencies, departments and instrumentalities of the three Government Branches, with the exception of the Printing Office of the Lottery of Puerto Rico.

It shall likewise provide a directory of the printing shops available in the different agencies or dependencies, including public corporations that operate their own printing shops, which are hereby authorized and empowered to offer quotes for printing services for other agencies or dependencies of the Commonwealth Government and the municipalities, including the Administration itself, according to their capacity. Any agency or dependency that does not have its printing shop or whose printing shop does not have the capacity to produce the required work, shall preferably request quotes and proposals from the Administration and the printing offices of the other agencies or dependencies in the directory to be prepared by the Administration. The agencies and dependencies of the Government, including public corporations and the Administration itself, are hereby authorized to enter into consortiums to create and develop printing shops, jointly or shared, to coordinate and distribute functions among themselves and to specialize their respective printing shops in order to optimize the division of work among the respective printing shops.

The Administrator shall regulate the creation, use, suppression, consolidation and transfer of said copying centers and printing shops. He/she shall participate in the design of any regulations to establish the printing services to be provided to the Government Branches by the Administration or in coordination with other agencies, and shall be responsible for said regulations in the absence of legislation to provide otherwise in specific cases. The regulations approved by the Administrator shall also include provisions to establish reasonable limits to enable specific agencies, departments and instrumentalities of the Executive Branch that are not specifically exempted from the provisions of this Act to produce on their own copying equipment the quantities of prints and publications required for their routine needs. In these cases, the decisions of the Administrator shall be notified as soon as possible, dispensing with every delaying or unnecessary procedure.

(III) In order to implement the Printing and Copying Center Program, the Administration shall be governed by the following norms, among others:

- (a) Rational organizing of the petitioner's requirements for printing services and use of available financial or other kinds of resources to achieve the maximum yield.

(b) Use and acquisition of the most modern equipment, consistent with the use to which it shall be devoted and the application of the most advanced techniques in harmony with the nature of the services to be rendered.

(c) Establishment, in coordination with the petitioners of printing services, of controls in the use of the available printing facilities and copying centers for the purpose of ensuring the highest and most efficient productivity.

(d) Rendering of printing services which hold an adequate relation with the particular needs of each petitioner.

(e) Maintenance and administration of all central printing and reproduction services, established or to be established in the future for the purpose of serving the Government in general.

(f) Coordination of the available resources among the agencies or dependencies that operate printing shops to minimize the duplication of resources and to optimize the use of existing resources.

Section 18. — Transportation Program (3 L.P.R.A. § 933c)

The Administration shall acquire directly through purchase or lease or other means permissible under the laws of the Commonwealth of Puerto Rico and have under its jurisdiction, administration and control, all motor vehicles and any other means of land, air, and maritime transportation and their accessory parts attached to the Executive Branch, as well as any other material or equipment needed for the operation of this program.

(a) The Administrator is authorized to promulgate regulations on:

(1) The acquisition, use, maintenance, sale and everything related to the vehicles and means of transportation under his jurisdiction.

(2) The permanent assignment of motor vehicles to central stations and to the executive dependencies which, within reason, need them.

(3) Standards under which the executive dependencies could be authorized to operate their own shops, furnish their own means of transportation, or procure them from private enterprise.

(4) Standards and procedures through which authorizations to drive official vehicles may be issued or revoked, and the requirement to obtain such authorizations.

(5) Standards and procedures through which steps may be taken for the judicial recovery of damages caused to the government fleet of the Executive Branch under its jurisdiction; and to settle administratively the claims for damages to the fleet, through legal tender or in kind, following the procedure established for it by regulations approved by the Secretary of Treasury and the Secretary of Justice. Included with the documents pertaining to every settlement carried out by the Administrator shall be an estimate of the damages caused, prepared by a competent expert, specifying the sum for which said estimate is made. Sufficient photographs demonstrating the extent of the damages caused shall also be included, as well as photographs of those vehicles involved with their respective license plate.

However, when the General Services Administration makes a claim to any insurance policy for an accident which involves a vehicle assigned to the Puerto Rico Police, it shall be bound to reimburse to the Police any sum it receives as compensation.

(6) Structuring of a plan to stimulate the employees and officials of the Executive Branch who use vehicles for the performance of the duties of their office, to acquire and use private automobiles, under a system of compensation for mileage traveled, computed on the basis of the official highway map of Puerto Rico, and paid on the basis of the rates established from time to time by the Secretary of the Treasury; and any other means of compensation that the Administrator deems to be reasonable.

Section 19. — [Repealed. Act No. 110 of August 3, 1995] (3 L.P.R.A. § 933d)

Section 20. — Public Documents Administration Program. (3 L.P.R.A. § 933e)

The Administration shall have the duty to direct and supervise the conservation, utilization and disposal of public documents of the Executive Branch, public corporations and municipalities pursuant to the provisions of Act No. 5 of December 8, 1955, as amended [3 L.P.R.A. §§ 1001-1013].

To perform these duties, the General Services Administrator is empowered to regulate all matters connected with the conservation, utilization and disposal of public documents in the Executive Branch, public corporations and municipalities

Section 21. — Program for the Construction and Maintenance of Buildings. (3 L.P.R.A. § 933f)

It shall be the duty of the Administration to design, program, construct, administer and repair public buildings belonging to the Commonwealth of Puerto Rico, pursuant to the powers which were transferred to the General Services Administration from the Department of Transportation and Public Works by virtue of Reorganization Plan No. 2 of 1971 (Substitute).

The functions of the Administration established in this section are consistent with the provisions of Section 22 of Act No. 213 of May 12, 1942, as amended, known as the "Planning and Budget Act" and any other provision applicable to said act.

By virtue of the powers transferred to the Administration from the Department of Transportation and Public Works, the Administrator is hereby empowered to issue Contract Regulations in the public works under his jurisdiction, which, upon promulgation, shall have force of law.

The General Conditions for the Contracting of Commonwealth Public Works approved March 14, 1946, pursuant to Act No. 198 of May 15, 1943, as amended [22 L.P.R.A. §§ 59 and 60], shall apply to works performed by the General Services Administration from the date of approval of this act to the approval of the Contract Regulations that the Administrator may issue under the authority granted herein. Public works contracted under the provisions of the General Conditions shall be governed by the latter until final liquidation of the construction contracts awarded.

Section 22. — Counseling Program for the use of Space and Lease of Offices. (3 L.P.R.A. § 933g)

(A) No department, agency or public corporation of the Government of Puerto Rico, except the municipalities and those public corporations whose organic acts provide otherwise, created or which may be created in the future, may move or acquire new premises for the installation of offices or for any other purpose, without the prior approval of the Administration. The latter may exempt from the aforesaid approval, such agencies, types of premises, and make such other exemptions as it may deem convenient. The Administrator shall establish, by regulation, the conditions and proceedings pursuant to which any exemption shall be granted.

In approving the contracts for the leasing of premises submitted to his consideration, the Administrator shall see to the compliance with the basic norms of the necessity of space that he shall adopt which shall include directives to determine the needs of the government body in relation to:

- (a) Existing and projected programs, personnel and equipment.
- (b) Physical conditions of the proposed premises, as compared with the one it is occupying and the actual need for space and future necessities reasonably foreseen.
- (c) Adequate location of the government agency according to the programs of work it undertakes and its basic responsibilities.
- (d) The determination of cost, which should be made in consideration to the most economical methods compatible with the interest of the Government so that the service be efficiently rendered. Every lease contract submitted for the approval of the Administrator shall be accompanied by a certificate of the head of the petitioning government agency or his authorized representative, establishing that steps were taken to obtain the most reasonable rent possible.

In the cases of moving, this provision shall be applicable only when the rent of the new premises to be acquired is higher than the rent paid by said government agencies for the premises they occupy.

The Secretary of the Treasury shall not authorize disbursements for the payment of lease contracts of newly acquired premises unless said leases have been previously approved by the Administrator or his representative.

For the purposes of this section, "premises" shall mean any type of physical space and facilities for the installation of offices or for any other purposes among which the following may be mentioned, without it being understood as a limitation: public schools and buildings complementary to public schools, libraries, bookstores, students and teachers residences; multiple service centers such as cafeterias, meeting and amusement rooms; public hospitals, nursing and convalescing homes and buildings complementary to said hospitals such as nurses residences, cafeterias, laundry and physical and vocational rehabilitation centers.

(B) The heads of the government agencies are hereby authorized, subject to the provisions of this Act, to grant lease contracts on premises for official use for terms of more than one (1) year, but not to exceed five (5) years, subject to the following:

Prior to their execution, these contracts shall be submitted for approval of the Administrator, of the Director of the Bureau of the Budget and of the Secretary of the Treasury, in that order, who shall establish the procedure to be followed in seeking the

approval of each one of them, respectively. The intervention of the Secretary of the Treasury and of the Director of the Bureau of the Budget shall be as to the correction of the obligations and the availability of funds, respectively. If the premises to be leased are located in the United States or in any foreign country, the term may be for up to a maximum of ten (10) years, subject to the requirements and conditions herein established and any others that, by regulation, may be established by the Administrator, the Secretary of the Treasury and the Director of the Bureau of the Budget.

(C) Lease contracts on premises shall only be executed for terms of more than five (5) years and up to a maximum of thirty (30) years, if they meet the requirements that by joint regulation, may be established by the Secretary of the Treasury, the Director of the Bureau of the Budget and the Administrator, provided that there be involved buildings of new construction the cost of which exceeds two hundred fifty thousand dollars (\$250,000) or the rent of which exceeds twenty five thousand dollars (\$25,000) annually, including also those buildings already constructed and not yet leased and those which on the effective date of this act are under construction and are leased to the Government within the term of one year after approval thereof, upon authorization of the Administrator. In adopting the norms that shall regulate said contracts, the following general directives shall be taken into consideration:

(1) Any lease contract for a term of more than five (5) years shall be submitted to a call for bids.

(2) The petitioning agency shall submit, after a call for bids, evidence warranting that the use to which the premises shall be devoted justify the term requested for the lease and that the Public Buildings Authority does not have available the facilities sought. The petition shall be accompanied by a certificate of the Director of the Authority.

The joint regulation shall establish the acceptable justifications which shall be as specific as possible. These justifications shall be adopted on recommendation of the Public Buildings Authority.

(3) The call for bids and the public auction procedure shall be under the charge of the Public Buildings Authority.

The calls for bids shall be approved, prior to their publication, by the Administrator, by the Secretary of the Treasury and the Director of the Bureau of the Budget.

(4) There shall be a Bidding Board in charge of the award of the bids which shall adopt the rules for the auction procedure and it shall be composed of the Administrator, the Executive Director of the Public Buildings Authority, the Secretary or Assistant Secretary of the Treasury, the Director or Assistant Director of the Bureau of the Budget and the Director of the agency, department or public corporation for whom the building on bid shall be constructed.

(5) The Board shall hold a public auction to select the developer of the project. In considering the proposals, it shall take into consideration the price, design and quality of the facilities offered. The Board may award the contract to the bidder who, in its opinion, and taking into account the aforementioned factors, offers the best facilities for the price which may be most convenient. It shall not be necessary to submit final blueprints of construction in this auction, it being sufficient to present complete preliminary drawings covering all the phases of the project such as architecture, structure, electricity, ventilation, air conditioning and plumbing, including the corresponding specifications approved by the Regulations and Permits Administration.

The price offered in making the proposal shall be binding on the bidder except when it is shown, to the entire satisfaction of the Board, that certain conditions have arisen which could not be reasonably foreseen at the time of making the bid and that they have caused a rise in the cost of the project.

In such cases the Board shall make the corresponding readjustments in the price.

For the purposes of this section, "developer" shall mean the natural or artificial person who shall promote the project, organizing the work of each professional sector that may be necessary and he shall execute the lease contract with the Government. He should be at the time of the contract with the Government, owner of the land, except in such cases where the Government is the owner thereof.

In any lease contract for a term of more than five (5) years, a clause shall be included in which the government agency is granted the option to acquire the right of ownership on the building, during the life of the lease, subject to the terms and conditions agreed upon at the execution of said contract.

(7) When the structure shall have been constituted on land belonging to the Commonwealth or any instrumentality covered by this Act, the latter may choose to sell the land to the owner of the project or permit the construction without selling the land, in which case the value of the land, as established in the call for bids, shall be deducted from the rent, by means of a formula agreed upon and subject always to the other provisions of this Act.

(8) In the case that the land is reserved for public use, the property owner thereof may also make a bid. If the contract is awarded to another bidder, the latter shall pay the market value of said land to the property owner.

(9) No provisions herein shall be understood to bar the Public Buildings Authority from leasing buildings or premises for a term of up to thirty (30) years and then sublease them to other government agencies.

(D) There shall be included in the Operating Budget of the Commonwealth of Puerto Rico the necessary amounts for the payment of the rental rates corresponding to the contracts executed. If no funds are appropriated for such purposes in any year, the rent due shall be paid from any funds in the Commonwealth not otherwise appropriated.

Section 23. — Federal Programs. (3 L.P.R.A. § 933h)

The Administrator shall be empowered to administer any federal program which, because of its nature, purpose and scope, is related to the functions entrusted to the Administration under this Act. This power includes, but is not limited to, the administration of the program for the reception, custody and subsequent distribution of the property of the Government of the United States of America, under the provisions of the Federal Property and Administrative Act. In executing said power, the Administrator shall agree upon and execute the necessary covenants or agreements so that the Commonwealth of Puerto Rico may receive all the federal funds and benefits which will contribute to the success of such programs. For these purposes, the covenants or agreements shall be entered into with the duly authorized state and federal government bodies of the United States of America. Among other matters, said covenants or agreements must include the exchange of information on programs, studies and investigations related to the programs to be carried out and shall be

within the scope of the Administration's functions and the applicable federal, state and commonwealth laws.

The Administrator is hereby further empowered to study other federal programs that may affect the auxiliary services provided by the Administration, in order to make pertinent recommendations to the Governor to draft and plan the public policy to be implemented in relation thereto, and to help the Government of the Commonwealth of Puerto Rico to render auxiliary services in the most efficient, prompt and economical manner.

Section 24. — Assignment of Functions. (3 L.P.R.A. § 933i)

The functions of the Administration, under the provisions of this Act, shall be discharged by the Administrator, or under his direction and control, by officials, agencies or employees, subject to his jurisdiction, designated by him. Any designation or assignment of functions and delegation of authority to any government agency, made under the authority conferred by this Act, shall be made with the consent of the government body involved.

In discharging the functions imposed herein, the Administrator is hereby authorized to transfer to any government entity the funds needed to implement any program of the Administration.

The Administrator may also supply administration personnel or facilities under the conditions agreed upon with the corresponding nominating authority.

The official or employee of the Administration or of any government body to whom the Administration has provisionally assigned or delegated any of the Administration's functions and who intervenes in any stage of development of that function may not have, directly or indirectly, nor appear to have, the possibility of an economic conflict of interest or of any other type in a contract or negotiation related to the functions assigned herein to the Administration. Neither may he lend to or borrow money from any natural or juridical person who is rendering any of the services provided herein or who is contracted by the Administration or the Government of the Commonwealth of Puerto Rico to provide said service. Any employee or official who violates the precepts of this section shall be dismissed from office or employment in accordance with Act No. 5 of October 14, 1975, known as the "Puerto Rico Public Service Personnel Act", and the rules and regulations approved under said act; in addition, he may also be prosecuted for violating the provisions of Act No. 230 of July 23, 1974, as amended, known as the "Puerto Rico Government Accounting Act" [3 L.P.R.A. § 283 et seq.].

Section 25. — Limitations of Other Agencies. (3 L.P.R.A. § 933j)

No governmental entity which by provision of this Act is bound to use the services of the Administration may develop, within its entities, similar programs to those offered by the Administration nor may such services be furnished by any entity other than the Administration unless there exists express authorization of the Administrator.

Section 26. — Charges for Services to Other Agencies. (3 L.P.R.A. § 933k)

The Administrator is hereby authorized to render all the services offered by the Administration to any government agency that requests them, and to charge for such services.

Income derived from said activities shall be covered into the "Industrial Capital Fund of the General Services Administration" of the Treasury Department, to be reinvested in rendering more services through possible expansions, replacement of machinery, equipment, and other incidentals.

Any budgetary item, fund, reserve or appropriation of any government agency, covered by the provisions of this Act, set aside to be used for the acquisition of services provided by the programs under the Industrial Capital Fund of the General Services Administration, may be transferred by the Governor to the Administration.

Every government agency is hereby authorized at the beginning of each fiscal year, or on any date during the course of same, to advance to the Administration, in whole or in part, the estimated cost of the materials or services that will be purchased or received by them during such period, subject to its discretion and judgment in behalf of the public interest. The purchases of materials, as well as the contracting of services, shall be subject to the needs and actual means of each government agency. The requisitions for materials and services shall be charged to the sums that the latter may have advanced. At the end of the year, the corresponding readjustments, disbursements or refunds shall be made.

Section 27. — Imposition of Fees and Other Charges. (3 L.P.R.A. § 933l)

The Administrator may regulate, determine, fix, alter, impose and charge tariffs, fees, rents and other charges which may be fair and reasonable for the use of the facilities or services of the Administration. The tariffs, fees, rentals and other charges shall be sufficient, at least:

(1) To cover the expenses incurred by the Administration in the rendering, development, maintenance, improvement, and extension of services; and repair, maintenance and operation of installations, facilities and properties.

(2) To develop the use of the installations, facilities, properties and services of the Administration in the most ample and varied form as may be economically feasible.

Section 28. — Investigations (3 L.P.R.A. § 933m)

The Administrator is hereby empowered to carry out any kind of studies and investigations on matters affecting the Administration, and for such purposes, the Administrator may request such information as may be necessary, pertinent and essential to achieve such purposes and approve such rules and regulations as may be necessary and reasonable. The Administrator may issue summons requiring the appearance of witnesses and the introduction of data or information to carry out the purposes of this Act. He may further, personally or through his duly authorized agent, administer oaths and receive testimony, data or information. If a summons issued by the Administrator is not properly obeyed, the Administrator may appear before the Court of First Instance of Puerto Rico and request that compliance with the summons be ordered. The Court of First Instance shall give priority to

the prosecution and dispatch of said petition and may enter orders compelling the appearance of witnesses or the presentation of the data or information previously required by the Administrator. The Court of First Instance shall have power to punish for contempt the noncompliance of such orders. No person shall refuse to comply with a summons of the Administrator or of his agent, or to produce the evidence required of him, or refuse to answer any question in connection with any study or investigation or because the evidence required could incriminate him or place him in jeopardy of a criminal prosecution or that he be discharged or suspended in his work, profession or occupation; but the testimony or evidence produced by said person, at the request of the Administrator or his agent, or by virtue of a judicial order, shall not be used or presented as proof against him in any criminal prosecution or in civil or administrative proceedings which could result in the removal, suspension of work, profession or occupation, after having claimed his privilege not to testify against himself, except that said person who may so testify shall not be exempted from prosecution or punishment for perjury in so testifying.

TITLE IV. — General Provisions. [3 L.P.R.A., Chapter 38, Subchapter IV]

Section 29. — Transfers (3 L.P.R.A. § 934)

The functions of the General Services Administration created by Reorganization Plan No. 2 (Substitute) of 1971, except as otherwise provided in other provisions of this Act, are hereby vested on the Administration and for such purposes, the Administration shall be in charge of:

(a) Every property or any interest therein; records, files and documents; appropriations, funds and resources that are or may be available, including surplus, shares, assets and increments, of any kind; obligations and contracts executed pursuant to law, which shall remain in full force and effect; fees, exemptions and privileges of any kind; licenses, permits and other authorizations, as well as all the liabilities of the Operating Fund, created by Act No. 49, Aug. 4, 1947, as amended, and of the Industrial Capital Fund created by Act No. 96 of June 29, 1954, as amended; and all such matters as, at the time this act takes effect, may be under the authority of the General Services Administration created by Substitute Reorganization Plan No. 2 of 1971.

(b) The personnel, who at the effective date of this act are rendering services to the General Services Administration, shall retain all the vested rights on said date, as well as the rights, privileges, obligations, and status with respect to any pension, retirement or savings and loans fund system or systems to which they may be affiliated.

(c) The regulations governing the operation of the functions and programs of the General Services Administration created by Reorganization Plan No. 2, existing at the time this act takes effect, and which may be compatible with the same, shall prevail until they may be substituted, amended or repealed by the Administrator.

Section 30. — Federal Property Freight, Surplus. (3 L.P.R.A. § 934a)

The Secretary of the Treasury is hereby authorized to advance to the General Services Administration, from unencumbered funds, up to a maximum of fifty thousand (50,000)

dollars to pay freight expenses of surplus federal property donated to the Commonwealth of Puerto Rico from abroad to Puerto Rico.

The agencies and municipalities that are benefited by said property shall reimburse to the Administration for the expenses incurred in the transportation and the latter shall refund them to the Commonwealth Treasury.

Section 31. — Issuance of Documents. (3 L.P.R.A. § 934b)

Any document issued in the Administration authenticated by the official seal and certified by the Administrator, or his authorized agent, shall be admitted in evidence, and shall have the same validity as its original.

Section 32. — Penalties. (3 L.P.R.A. § 934c)

The Administrator, pursuant to § 932(j) of this title, is hereby empowered to adopt regulations to implement the provisions of this Act, which shall have the force of law. The regulations shall prevail once they are approved by the Administrator and promulgated pursuant to Act No. 112, June 30, 1957, as amended, known as the "Regulations Act of 1958".

Any person who violates any of the provisions of this Act, or of the regulations issued hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not less than fifty (50) dollars, nor more than two hundred and fifty (250) dollars or imprisonment for a term not less than one (1) month nor more than six (6) months, or both, in the discretion of the court.

Section 33. — Injunctions. (3 L.P.R.A. § 934d)

No injunction shall be issued to enjoin the application of this Act or of any part thereof.

Section 34. — Repeals. (3 L.P.R.A. § 931 note)

Act No. 255 of May 9, 1950, as amended; Act No. 46 of May 23, 1955, as amended; Sections 1 and 2 of Act No. 49 of August 4, 1947, as amended; Sections 10 and 12 of Act No. 96 of June 29, 1954, as amended; Sections 2(b) and 3 of Act No. 163 of May 12, 1948, as amended, are hereby repealed.

Section 35. — Separability. (3 L.P.R.A. § 931 note)

If any provision of this act or the application thereof to any person or circumstance is declared unconstitutional or void, said nullity shall not affect the other provisions nor the application of this act which may have effect without need of the provisions or applications which may have been declared void, and for such purpose it is declared that the provisions of this act are separable from each other.

Section 36. — Effectiveness.

This act shall take effect immediately after its approval.

Note. This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.