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**REGULATION ON THE SOLE REGISTRY OF PROFESSIONAL SERVICE
PROVIDERS FOR THE GOVERNMENT OF PUERTO RICO**

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CHAPTER I

GENERAL PROVISIONS

Article 1.1 – Title

This regulation shall be known as the “Regulation on the Sole Registry of Professional Service Providers for the Government of Puerto Rico.”

Article 1.2 – Sources of Law

The General Services Administration adopts this Regulation by virtue of the authority conferred in Article 42 of Law 73 of July 23, 2019, as amended, known as the “2019 General Services Administration Act for the Centralization of the Purchases of the Government of Puerto Rico”, as well as in the applicable provisions of Law 38 of June 30, 2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act” (LPAU, for its Spanish acronym).

Article 1.3 – Purpose

This Regulation is adopted with the aim of establishing the guidelines and procedures by way of which the General Services Administration (hereinafter the “Administration” or the “GSA”) shall prepare, administer, maintain, and manage the Sole Registry of Professional Service Providers (hereinafter, RUP, for its Spanish acronym or “Registry”). The RUP is an electronic registry which shall include the names, addresses, and all information required by the GSA of the natural or legal persons qualified and classified to contract with the Government of Puerto Rico, after having met the requirements established by the Administrator by way of this regulation and all other applicable laws and regulations. The fundamental purpose of the Registry is to ensure that all Government Entities, Exempt Entities, and participating municipalities, as defined below, contract solely with natural or

legal persons who are of proven moral character, and who have not been convicted of or pleaded guilty to those crimes constituting fraud, embezzlement, or misappropriation of public funds listed in Law 2-2018, as amended, in any state or federal court, or in any other jurisdiction of the United States of America. The Registry is also a tool available and accessible on the Administration's web portal, which in turn allows each provider or contractor to effectively comply in real time with the necessary requirements to validate their contract with the Government of Puerto Rico; so that a provider or contractor is not required to meet the same requirements of several government agencies on several occasions during the same period. Therefore, the accessibility provided by the Registry simplifies, streamlines, and prevents duplication of contractual requirements so that providers can conduct business with the Government of Puerto Rico in a more agile and efficient manner.

Article 1.4 – Jurisdiction and Scope

The provisions contained in this Regulation shall govern all Government Entities, Exempt Entities, and participating municipalities, as defined below, who shall be required to use the Registry as a prior step to be contracting the professional or advisory services that they wish to contract. No Government Entity, Exempt Entity, or participating municipality may create a registry analogous to that provided herein. Likewise, this Regulation shall be applicable to any natural or legal person who wishes to enter into a contract for the provision of professional services with any Government Entities, Exempt Entities, or participating municipalities of the Government of Puerto Rico. Provided that it shall be compulsory for any natural or legal person who wishes to enter a contract for the provision of professional services with any Government Entities, Exempt Entities, and participating

municipalities of the Government of Puerto Rico, to comply with the requirements set forth herein. Upon registering, they shall be duly qualified and shall have the ease of having a Sole certification that certifies compliance with any necessary documentary requirements for contracting with the Government. However, it shall not be compulsory for health professionals working in the hospitals, programs, and facilities of the Puerto Rico Medical Services Administration (ASEM), Centro Médico, or the Cardiovascular Hospital to enroll in the Registry. Every Government Entity, Exempt Entity, and participating municipality shall be required to recognize the validity of all current certifications of the Registry whenever they are presented for the contracting of the professional services that they seek to contract.

Article 1.5 – Interpretation

The provisions of this Regulation shall be compulsory for all Government Entities, Exempt Entities, and those participating municipalities. In consideration of the existence of other legal and regulatory provisions governing the framework of the contracting of professional and advisory services in the Government of Puerto Rico, this Regulation shall not be interpreted in isolation, wherefore any other current regulations on the matter shall be integrated into its interpretation and application.

Article 1.6 – Interpretation of Words and Phrases

The words and phrases used in this Regulation shall be interpreted according to their context and the meaning sanctioned by current and common use, with the exception of those defined below. Moreover, any word used in the singular shall be understood to include the plural when its use justifies such; and likewise, the masculine shall include the feminine, or vice versa.

The terms, words, and phrases used in this Regulation shall have the meaning set forth below, unless the text of the Regulation itself states otherwise:

- a. **Administration or GSA** – General Services Administration of the Government of Puerto Rico.
- b. **Administrator** – Chief Procurement Officer and Administrator of the General Services Administration of the Government of Puerto Rico.
- c. **Sole Certificate of Professionals** – Certification issued by the General Services Administration of the Government of Puerto Rico, attesting to compliance by a professional service provider with the requirements that are required by this regulation in order to belong to the Sole Registry of Professional Service Providers.
- d. **Purchase** – Synonym of Acquisition. Total amount of combined related needs, whether they be goods, works, professional services, or non-professional services, that must be acquired in the same transaction or moment due to having the same purpose, common providers, or that in this manner best serve the public interest.
- e. **Contractor or Provider**– Any natural or legal person to whom a Government Entity, Exempt Entity, or municipality has issued, or is in the process of issuing, a professional services contract. Moreover, professionals who maintain a service contract with the Government of Puerto Rico to provide advice or assistance of any kind in the processes of purchasing or bidding of goods, works, and services performed by the Administration shall be considered contractors.
- f. **Contract** – Agreement that is in writing for the acquisition of binding professional or advisory services whether between the Administration, Government Entity, Exempt Entity, or participating municipality and the contractor or provider wherein

the terms and conditions that shall govern the benefits of the contracted professional services are established.

- g. **Eligible** – Natural or legal person registered in the RUP and qualified by the GSA, having met the entry requirements established in this Regulation in order to be able to contract with the Government.
- h. **Exempt Entity** – Government Entity that is not required to make its purchases through the Administration, either by reason of operating under the provisions of a current fiscal plan or due to being an entity charged with the oversight of public service integrity and government efficiency. For the purposes of this Regulation, the following shall be considered exempt entities: Office of Government Ethics, Office of the Inspector General of Puerto Rico, University of Puerto Rico, State Elections Commission, Puerto Rico Financial Agency and Financial Advisory Authority, Government Development Bank for Puerto Rico, Puerto Rico Public-Private Partnerships Authority, Puerto Rico Infrastructure Financing Authority, Puerto Rico Aqueduct and Sewer Authority, Puerto Rico Electric Power Authority, Highway and Transportation Authority, Caño Martín Peña ENLACE Project Corporation, Public Corporation for the Supervision and Insurance of Cooperatives of Puerto Rico, programs and facilities of the Puerto Rico Medical Services Administration (ASEM), Centro Médico, Cardiovascular Hospital, University Hospital for Adults, the University Children’s Hospital, Dr. Ramón Ruiz Arnau University Hospital, the Diagnosis and Treatment Centers and intellectual disability facilities attached to the Department of Health, the Industrial Hospital and regional

and intermediate-care clinics of the State Insurance Fund Corporation, the Metropolitan Bus Authority, and the Public Buildings Authority.

- i. **Government Entity** – Every agency and department of the Executive Branch and every public corporation of the Government of Puerto Rico. The Judicial Branch and the Legislative Branch are expressly excluded.
- j. **Excluded** – Any natural or legal person that, pursuant to the causes established in the law or in this Regulation that the Administrator decides to exclude from the Registry pursuant to the Procedure established in this Regulation.
- k. **Exclusion** – Process by way of which the GSA Administrator excludes a provider or contractor from the Registry due to having violated the provisions established in the law or in this Regulation.
- l. **Non-compliance** – When a professional service provider refuses to provide a service that is requested or that does not comply with the specifications, terms, and conditions established in the contract that is issued. Non-compliance by the contractor regarding the terms and conditions of the contract issued by the Government Entity, Exempt Entity or the participating municipality will result in the GSA initiating a procedure for exclusion from the Registry.
- m. **Ineligible** – Any provider of professional services that the Administrator has determined is not eligible to contract with the Government due to failure to comply with any of the requirements established by law or this Regulation. Similarly, any provider who has been convicted or found guilty in a state or federal court, or in any other jurisdiction of the United States of America, of those crimes constituting fraud, embezzlement, or misappropriation of public funds listed in Law 2 of

January 4, 2018, as amended, known as the “Anti-Corruption Code for the New Puerto Rico” shall be ineligible. Ineligibility shall be for the term provided by Law 2-2018, as amended, or for the term provided by any other law that prohibits the formation of contracts with the Government of Puerto Rico of those natural or legal persons who have engaged in acts of corruption.

- n. **Participating municipalities** – Those municipalities that voluntarily and by way of agreement with the GSA agree to use the Registry to contract professional service providers.
- o. **Rejected** – Any natural or legal person that has been denied entry in the Registry due to failure to meet the requirements established in this Regulation to contract with the Government of Puerto Rico.
- p. **Sole Registry of Professional Service Providers, RUP or Registry** – Electronic registry in which the names, addresses and all information required by the Administration on the natural or legal persons qualified and classified as professional service providers by the General Services Administration must be recorded in order to contract with the Government of Puerto Rico, having met the requirements established by the Administrator by way of regulation and all applicable laws and regulations.
- q. **Category** – Characteristics or general descriptions of the service activity associated with a provider or contractor.
- r. **Non-professional services** – Those services that are not offered by a natural or legal person with specialized knowledge or skills. Non-professional services do not

require holding a college degree or license certifying the individual as a specialized professional.

- s. **Professional services** – Those services that are provided by a natural or legal person with specialized knowledge or skills who is required to hold a college degree or license accrediting them as a specialized professional; or whose main service consists of the product of intellectual, creative, or artistic work, or in the management of highly technical or specialized skills.

CHAPTER II

GENERAL DUTIES AND RESPONSIBILITIES

Article 2.1 – Duties and Responsibilities of the GSA

In its responsibility to prepare, administer, maintain, and manage the RUP, the Administration shall have the following duties and obligations:

- a. Evaluate according to objective criteria any professional service provider that seeks to form a contractual relationship with the Government of Puerto Rico, in order to ensure that all Government Entities, Exempt Entities, and the participating municipalities of the Government of Puerto Rico form contracts solely with natural or legal persons of proven moral and financial standing, who have not been convicted of or pleaded guilty to of those crimes constituting fraud, embezzlement, or misappropriation of public funds listed in Law 2-2018, as amended, in any state or federal court, or in any other jurisdiction of the United States of America.
- b. Ensure uniformity in the requirements to be included in the Registry.
- c. Ensure that each professional service provider truly and effectively meets the necessary requirements to validate its contract with the Government of Puerto Rico,

so that a provider is not required, on several occasions during the same period, to meet the same requirements by several government entities.

- d. Keep the records of the Registry up to date.
- e. Make public the requirements that the interested parties must satisfy to enroll in the Registry.
- f. Publish notices specifying the requirements for inclusion in the Registry. The publication of said notices shall be by way of the written press or radio press and always on the web portals of the Administration and Government of Puerto Rico.
- g. Issue certificates of eligibility to any provider who has met all enrollment or renewal requirements.
- h. Maintain a contractual history of contractors and provide information on them to Government Entities, Exempt Entities, and participating municipalities.
- i. Establish and collect a fair and reasonable rate or fee for annual enrollment in the Registry and for the issuance of the eligibility certificate, which must, at least, cover all related expenses incurred by the Administration.
- j. Provide technical assistance and support to providers and government entities that request such, pursuant to the procedures established for such purposes.

Article 2.2 – Duties and Responsibilities of Exempt Entities, Government Entities, and participating municipalities

In their use of the Registry, Government Entities, Exempt Entities, and participating municipalities shall be governed by the following duties and responsibilities:

- a. Use the Registry as a prior step to be contracting a provider of professional services, except in the exceptional circumstances established in this Regulation and in Law 73-2019, as amended.
- b. Maintain a complete contractual history of all professional service providers and provide the GSA with all information about the non-compliance of contract, if any, of any provider or contractor. Such duty must be constant and met in a clear and timely manner to enable the GSA to determine whether a provider should be excluded from the RUP for non-compliance with the contract.
- c. Comply with all government contracting legal requirements established by the Puerto Rico Supreme Court case law, Law 18 of October 30, 1975, as amended, Law 237-2004, as amended, and any other applicable statute, regulation, and executive order, such as to reduce the contracts to writing, maintain a record of all the contracts they execute, send a copy thereof to the Comptroller's Office, and ensuring that under no circumstances a contract be executed retroactively.
- d. Maintain a registry of all contracts that they execute and send a copy of them to the Office of the Comptroller, in accordance with the provisions of Act 18 of October 30, 1975, and the regulations adopted by the Comptroller pursuant to the same.
- e. Keep the staff of their legal offices trained in the use of the electronic RUP application; and require them to validate the eligibility of providers interested in contracting with their entity.
- f. Regardless of the requirements to enter the Registry, it is the responsibility of the Government Entities, Exempt Entities, participating municipalities, government

employees and officials, to ensure that they require any other permit, bond, license, or document depending on the professional service that is intended to be contracted, as well how to ensure compliance with all applicable laws and regulations regarding substantive legislation governing government contracting processes.

- g. No Government Entity, Exempt Entity, or participating municipality may create a registry analogous that provided herein; nor may said service be provided to them by any entity other than the GSA.

Article 2.3 – Duties and Responsibilities of Professional Service Providers or Contractors

Any natural or legal person who wishes to enter into a contract for the provision of professional services with Government Entities, Exempt Entities, and participating municipalities, shall have the following duties and responsibilities:

- a. Enroll in the Registry pursuant to the procedures established in this Regulation and the procedure adopted for online registration.
- b. Keep their information in the Registry and the documents required to remain eligible up to date; in addition to making the corresponding payment to enter and renew their registration in the RUP.
- c. Provide or allow the GSA to obtain all the supporting documents necessary for the evaluation of the application to enter the Registry. Among other things, expressly authorize the GSA to request tax information in the custody of the Department of the Treasury.
- d. Comply with the terms and conditions of the contract that is issued.

- e. Comply with all government contracting legal requirements established by the Puerto Rico Supreme Court case law, Law 18 of October 30, 1975, as amended, Law 237-2004, as amended, and any other applicable statute, regulation, and executive order, such as to reduce the contracts to writing, and maintain a record of all the contracts they execute, send a copy thereof to the Comptroller's Office, and ensuring that under no circumstances a contract be executed retroactively.
- f. Diligently comply with all information requirements requested by the GSA.
- g. Submit themselves to and comply with all procedures and requirements established by the GSA in in this Regulation.
- h. Any other obligation that the Administrator orders to be included and that is in accordance with the law.

CHAPTER III

PROCEDURE FOR ENTRY IN THE REGISTRY

Article 3.1 – Procedure for Entry in the Registry

Any natural or legal person interested in being included in the Registry must complete the following steps:

- a. Access the electronic application of the Registry, through the Administration's internet portal, and create a user profile.
- b. The process of creating a user will require the use of a valid e-mail address and the creation of a password.

- c. Complete all sections of the entry application, in electronic format, as well as the information required of the user. Among other things, the following information may be required:
1. Name and address of the provider, company, or corporation.
 2. Name and address of the authorized representative of the company or corporation, if applicable, to sign contracts, among others.
 3. Telephone number and e-mail addresses.
 4. Employer identification number or individual social security number.
 5. Type of organization or business, if applicable (“doing business as” or d/b/a, partnership, corporation, association, etc.).
 6. Type of professional service. Identify the classification of the service by concept and category.
 7. Information on the members of the Board of Directors, if applicable.
- d. Pay the fee or charge established by the Administration, depending on the legal entity that is seeking to be registered, using the Virtual Collections system or any other system identified by the GSA for such purposes. This fee or charge shall be nonrefundable if entry to the Registry is denied, and it shall not be credited or prorated for the time of exclusion or ineligibility caused by the contractor.
- e. Submit the documents listed below, as applicable, and on the form provided or required by the GSA for such purposes. The electronic system will allow uploading the aforementioned documents to the Registry, which shall be accepted as originals whenever they are legally valid in origin.

Article 3.2 – Requirements for Individuals

- a. Pay the annual fee for individuals established by the GSA - The individual must attach a payment receipt (they can make the payment online with a Visa or Master Card).
- b. Professional experience documents, such as:
 1. Résumé.
 2. Diploma, if applicable.
 3. Specialized service contractors must present evidence of being authorized to practice their profession, registered with the applicable Examining Board and be an association member, if applicable.
- c. Sworn Statement pursuant to the provisions of Article 3.3 of the Code of Ethics established in Law 2-2018:
 1. FORM GSA-633.
- d. Compliance with the Equal Pay Act:
 1. FORM GSA-727.
- e. Certification stating that their businesses are individual (“doing business as” or with the abbreviation “d/b/a”) and their purposes: as well as the individuals authorized to sign offers, to appear in acquisition processes in the Government, and to sign contracts. The certification must contain the signatures of the respective authorized individuals:
 1. FORM GSA-673

f. Department of the Treasury:

1. Certification of Filing of Tax Returns with the Department of the Treasury for the five (5) years prior to signing the contract (SC-6088). If a tax return was not filed for any period, form SC-2781 must be submitted; Certification of Reasons for which the individual is not required by Law to file an individual income tax return. If it is stated that the “information is not available” for any period, a copy of the first page of the return stamped as received by the Department of the Treasury or a copy of the Confirmation Form of electronic filing must be submitted.
2. Certification of No Debt from the Department of the Treasury (SC-6096). If you owe, they will need to provide evidence that they have and are currently in compliance with a repayment plan. The Certification of No Debt may be replaced by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act. - no more than thirty (30) days from issuance.
3. Marchants Registration Certification (SUT) (SC-2918):
 - i. In the case of a Withholding Agent, they must present:
Certification of Filing of Sales and Use Tax Returns SUT (SC 2942).

g. Municipal Revenue Collection Center (CRIM, for its Spanish acronym):

1. Certification of All Items (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

2. This must be accompanied by other CRIM certifications, to be filed by the contractors depending on the type of property they own, as indicated below:

i. Any contractor that owns movable and immovable property shall present:

1) Certification of filing of Movable Property Tax Return for the last five (5) tax periods.

ii. Any contractor that does not own movable property, but owns immovable property shall present:

1) Sworn Statement or Negative Certification of movable property.

iii. Any contractor that does not own immovable property but owns movable property shall present:

1) Certification of filing of Movable Property Tax Return for the last five (5) tax periods.

iv. Any contractor that does not own movable or immovable property shall present:

1) Certification of No Record of Movable or Immovable Property.

h. Department of Labor and Human Resources:

1. Certification of Registration as Employer and Debt for Unemployment Insurance and Disability Insurance (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

2. Certification of Registration as Employer and of Debt for Driver's Social Security.

- i. State Insurance Fund Corporation (SIFC):
 - 1. Policy Certification (Form CFSE 3047 or CFSE02-109).
- j. Child Support Administration (ASUME, for its Spanish acronym) Certification:
 - 1. Certification of No Record of Child Support Case or Certification of Account Statement (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

It shall be the responsibility of the contractor to present all updated documents and those that require renewal during the validity of the Sole Certificate of Professionals to the GSA. Said documents must satisfy the legal requirements established for their validity and filing with the Registry.

Article 3.3 – Requirements for Legal Persons

- a. Annual fee:
 - 1. Pay the annual fee established by the GSA - The payment receipt must be attached (the payment may be made online with a Visa or Master Card).
- b. Professional experience documents:
 - 1. Company profile or Résumé of the members.
 - 2. Diploma, if applicable.
 - 3. Specialized service contractors must present evidence of being authorized to practice their profession, registered with the applicable Examining Board and be an association member, if applicable.

c. Sworn Statement pursuant to the provisions of Article 3.3 of the Code of Ethics established in Law 2 of 2018:

1. FORM GSA-633.

d. Compliance with the Equal Pay Act:

1. FORM GSA-727.

e. Corporate Resolution (Only applies to Corporations):

1. FORM GSA-674.

f. Department of State:

1. Certificate of Registration/Organization.

2. Certificate of Good Standing.

g. Department of the Treasury:

1. Certification of Filing of Tax Returns with the Department of the Treasury for the five (5) years prior to signing the contract (SC-6088). If a tax return was not filed for any period, (form SC-2781 must be submitted) Certification of Reasons for which the individual is not required by Law to file an individual income tax return. If it is stated that the “information is not available” for any period, a copy of the first page of the return stamped as received by the Department of the Treasury or a copy of the Confirmation Form of electronic filing must be submitted.

2. Certification of No Debt from the Department of the Treasury (SC-6096). If you owe, they will need to provide evidence that they have and are currently in compliance with a repayment plan. The Certification of No Debt may be replaced by the Sole Debt Certification issued pursuant to the

provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act. - no more than 30 days from issuance.

3. Merchant Registration Certification (SUT) (SC-2918):

i. In the case of a Withholding Agent, they must present: Certification of Filing of Sales and Use Tax Returns SUT (SC 2942).

h. Municipal Revenue Collection Center (CRIM, for its Spanish acronym):

1. Certification of All Items (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

2. This must be accompanied by other CRIM certifications, to be filed by the contractors depending on the type of property they own, as indicated:

i. Any contractor that owns movable and immovable property shall present:

1) Certification of filing of Movable Property Tax Return for the last five (5) tax periods.

ii. Any contractor that does not own movable property, but owns immovable property shall present:

1) Sworn Statement or Negative Certification of movable property.

iii. Any contractor that does not own immovable property but owns movable property shall present:

1) Certification of filing of Movable Property Tax Return for the last five (5) tax periods.

iv. Any contractor that does not own movable or immovable property shall present:

1) Certification of No Record of Movable or Immovable Property.

i. Department of Labor and Human Resources:

1. Certification of Registration as Employer and Debt for Unemployment Insurance and Disability Insurance (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

2. Certification of Registration as Employer and of Debt for Driver's Social Security.

j. State Insurance Fund Corporation (SIFC):

1. Policy Certification (Form CFSE-3047 or CFSE02-109).

k. Child Support Administration (ASUME, for its Spanish acronym):

1. Certification of No Record of Child Support Case or Certification of Account Statement (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

It shall be the responsibility of the contractor to present all updated documents and those that require renewal during the validity of the Sole Certificate of Professionals to the GSA. Said documents must satisfy the legal requirements established for their validity and filing with the Registry.

Article 3.4 – Requirements for Foreign Legal Persons

- a. Annual fee: Pay the annual fee established by the GSA - The payment receipt must be attached (the payment may be made online with a Visa or Master Card).
- b. Professional experience documents:
 1. Company profile or Résumé of the members.
 2. Diploma, if applicable.
 3. Specialized service contractors must present evidence of being authorized to practice their profession, registered with the applicable Examining Board and be an association member, if applicable.
- c. Sworn Statement pursuant to the provisions of Article 3.3 of the Code of Ethics established in Law 2 of 2018:
 1. FORM GSA-633.
- d. Compliance with the Equal Pay Act:
 1. FORM GSA-727.
- e. Corporate Resolution (Only applies to Corporations):
 1. FORM GSA-674.
- f. Department of State:
 1. Authorization to do business in Puerto Rico.
 2. Certificate of Good Standing.
- g. Department of the Treasury:
 1. Certification of No Debt from the Department of the Treasury (SC-6096).
If you owe, they will need to provide evidence that they have and are currently in compliance with a repayment plan. The Certification of

No Debt may be replaced by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act. - no more than 30 days from issuance.

2. Merchant Registration Certification (SUT) (SC-2918):

- i. In the case of a Withholding Agent, they must present: Certification of Filing of Sales and Use Tax Returns SUT (SC 2942).

h. Municipal Revenue Collection Center (CRIM, for its Spanish acronym):

1. Certification of All Items (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).
2. This must be accompanied by other CRIM certifications, to be filed by the contractors depending on the type of property they own, as indicated:
 - i. Any contractor that owns movable and immovable property shall present:
 - 1) Certification of filing of Movable Property Tax Return for the last five (5) tax periods.
 - ii. Any contractor that does not own movable property, but owns immovable property shall present:
 - 1) Sworn Statement or Negative Certification of movable property.
 - iii. Any contractor that does not own immovable property but owns movable property shall present:

1) Certification of filing of Movable Property Tax Return for the last five (5) tax periods.

iv. Any contractor that does not own movable or immovable property shall present:

1) Certification of No Record of Movable or Immovable Property.

i. Department of Labor and Human Resources:

1. Certification of Registration as Employer and Debt for Unemployment Insurance and Disability Insurance (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

j. Child Support Administration (ASUME, for its Spanish acronym):

1. Certification of No Record of Child Support Case or Certification of Account Statement (may be substituted by the Sole Debt Certification issued pursuant to the provisions of Law 85 of 2009, known as the Electronic Certificates and Supporting Documents Act).

It shall be the responsibility of the contractor to present all updated documents and those that require renewal during the validity of the Sole Certificate of Professionals to the GSA. Said documents must satisfy the legal requirements established for their validity and filing with the Registry.

Article 3.5 – General Provisions on the Registry Entry Procedure

Entry in the Registry shall depend on fulfillment of the requirements set forth in this Regulation, and on the corresponding evaluation by the Administration:

- a. The provider or contractor shall be responsible for correctly fully completing the application for entry in the Registry. The system will only notify the GSA of complete applications. The information entered for a request in progress shall remain available in the system for a term of ninety (90) days, after which time it will automatically become inactive.
- b. At the time the application for registration is received electronically through the Registry, it will be verified within a period of no more than five (5) days that it is fully completed and that all the corresponding documents are attached.
- c. If information is missing or whenever the corresponding documents have not been included, such shall be notified to the provider through the system within a period of no more than three (3) business days, and a minimum term of five (5) business days shall be provided to file them, pursuant to the provisions of this Chapter.
- d. For the purposes of the Registry, once the provider or contractor submits and fulfills all the requirements established in this Regulation, regardless of the expiration date of each of these, a Sole Certificate of Professionals shall be issued within a period of no more than five (5) days, which will be valid for a term of one year from the date of issuance.

Article 3.6 – Annual Renewal

Any registered provider or contractor must renew their Sole Certificate of Professionals annually, on or before the date their certificate expires. For this, the provider or contractor must comply with the provisions for inclusion in the Registry, as provided in this Chapter; as well as the applicable procedure for its evaluation and final determination, as established in this Regulation.

Article 3.7 – Exceptions to the Registry Enrollment Requirement

For the contracting of professional services in the Government of Puerto Rico, it shall be a compulsory requirement that the professional service provider be registered in the Registry under the corresponding category and that they have the Certification issued by the Administrator. However, this provision shall not be applicable to health professionals working in the hospitals, programs, and facilities of the Puerto Rico Medical Services Administration (ASEM), Centro Médico, or the Cardiovascular Hospital.

Similarly, the Administrator may exempt a provider from the registration requirement in the Registry, in the special circumstances detailed below:

- a. Whenever it is a contracting of professional services for the offices of agencies and departments of the Government of Puerto Rico, located outside of Puerto Rico and that are performed in the jurisdiction where they are located.
- b. Whenever the contracting is performed with the Government of the United States of America, any of its states or through their agencies and instrumentalities or departments, quasi-public corporations, their subsidiaries, and affiliates, or with any government entity of the Government of Puerto Rico.
- c. Whenever it is a contracting for medical, scientific, or technological services, or any other highly specialized service for which there is no specialized or authorized contractor in Puerto Rico.
- d. Whenever in the Government Entity there is an emergency that generates unexpected, unforeseen, and urgent needs that requires immediate action by the Nominating Authority, because the life, health, or safety of the employees or

citizens who visit its facilities are in danger, or because it entails the suspension of the services that are provided or affected.

Only those situations presented in writing and duly justified before the Assistant Administrator of Acquisitions, who shall evaluate them on a case-by-case basis, shall be considered as exceptional circumstances. These shall require the approval of the Bid Officer. These special circumstances shall be evaluated from a restrictive perspective and their approval must be justified regarding the existence of a situation of such an extraordinary nature that not excluding it from the Registry process will cause a serious impairment to the functions of the corresponding government entity or the services that it is required to provide.

Article 3.8 – Procedure for Exemption from the Registry Enrollment Requirement

Any Government Entity, Exempt Entity, or participating municipality may request that it be allowed to contract with a provider that is not registered in the RUP whenever any of the exceptions established in the foregoing Article are met.

For such purposes, the following must be fulfilled:

- a. Submit a duly substantiated written request to the Administrator identifying any of the exceptions listed in Article 3.6 of this Regulation. The aforementioned request may be submitted through the following electronic address: **administracion@asg.pr.gov**.
- b. All justifications presented in writing by the heads of agencies, or their authorized representative shall be evaluated on a case-by-case basis by the Administrator or by the official designated by him who shall grant their approval.

- c. These special circumstances shall be evaluated from a restrictive perspective and their approval must be justified regarding the existence of a situation of such an extraordinary nature that, if it is not excluded from the Registry enrollment process, it will lead to a serious impairment in the functions performed by the Government Entity or the services that it is required to provide.
- d. The determination of the Administrator or the official designated by him regarding the authorization or non-exemption of a provider from the Registry enrollment process shall be notified in writing to the corresponding Government Entity that requested such in an administrative term of no more than fifteen (15) days.

CHAPTER IV

ADMINISTRATIVE DETERMINATIONS

Article 4.1 – Denial of Entry in the Registry

The entry or renewal of registration in the Registry shall be denied to any natural or legal person that has not met the entry requirements established by law or in this Regulation to be able to contract with the Government of Puerto Rico; or to whom any of the grounds for exclusion apply, as defined in Article 4.3 of this Regulation:

- a. In cases in which the provider fails to fulfill any of the documentary requirements established in Chapter III of this Regulation, the deficiency shall be notified to them through the system and their request shall remain incomplete until the corresponding documents are filed. If the application is not completed within the term of one (1) year of validity of an incomplete application, it shall be understood that the provider is not interested in enrolling in the RUP, wherefore the application shall be automatically archived, and it shall expire in the backup of the system.

- b. In cases in which the provider is subject to any of the grounds for exclusion defined in Article 4.3 of this Regulation, the Administrator shall notify the provider or contractor of the determination to deny their request and the grounds for such. Moreover, they shall be advised that they may submit a request for reconsideration to the Administrator within a term of twenty (20) days from the date of notification.

The Administrator must accept or deny the request for reconsideration within fifteen (15) days after the appeal has been filed. If he rejects it outright or does not act within fifteen (15) days, the term to request a review shall begin to run again from the notification of said denial or from the expiration of those fifteen (15) days, as the case may be. If any determination is made in its consideration, the term to request review shall begin to run from the date on which a copy of the notification of the Administrator's determination is filed in the record, definitively deciding the motion for reconsideration. Such decision must be issued and filed in the record within ninety (90) days following the filing of the motion for reconsideration. If the Administrator accepts the motion for reconsideration but fails to take any action in relation to the motion within ninety (90) days of having been filed, he shall lose jurisdiction over it and the term to request judicial review shall begin to run as of the expiration of said term of ninety (90) days unless the Administrator, based on just cause and within those ninety (90) days, extends the term to decide for a period that shall not exceed thirty (30) additional days. If the filing date of the copy of the notice of the order or decision is different from that of the postmark by standard mail or of the sending by electronic means of said notice, the term shall be calculated from the date of the standard mail postmark or electronic delivery, as the case may be.

Except for the case of denial based on the grounds for exclusion, the rejection of a bidder or provider shall not prevent them from reapplying to be enrolled in the RUP. However, in cases in which the denial is based on the grounds for exclusion described in Article 4.3 of this Regulation, the bidder may not submit a request for entry again until they comply with the corresponding administrative, civil, or criminal sanctions and penalties. In either case, the bidder or provider shall resubmit the fee or charge along with their request.

Article 4.2 – Ineligibility of a Provider or Contractor

The Administrator may notify a provider whose name is registered in the Registry that they are not eligible to render professional services to the Government of Puerto Rico. Ineligible providers shall not be visible in the Registry to be hired by Government Entities, Exempt Entities, or by participating municipalities. These providers or contractors shall be kept separate from those that are eligible and only the Administration shall be able to access them.

The following reasons are considered grounds for automatic ineligibility:

- a. Failure to renew the Sole Certificate of Professionals, after its validity has expired.
- b. Not having the documents established in Chapter III of this Regulation up to date.

Automatic ineligibility shall be effective immediately once the condition or event described in subsections (a) to (b) of this Article occurs.

When the provider does not have a document up to date, the Administrator shall notify them of the details of the information that needs to be updated in the Registry and a warning that failure to do so causes them to be ineligible to be included in the Registry.

If the provider fails to provide the requested documents or fails to provide information that contradicts the indicated deficiency, the Administrator shall proceed after one (1) year to

make them ineligible in the Registry. The ineligibility described above shall remain in effect until the provider fulfills the information requirement or until the requested documents are submitted.

If a provider is required to produce documents issued by government agencies, the provider shall be responsible for producing such documents and notifying them to GSA.

Article 4.3 – Grounds for Exclusion from the Registry

Any natural or legal person that is part of the Registry may be excluded from such whenever any of the following grounds are present:

- a. Any person, whether natural or legal, who has been convicted of: (i) violation of Articles 4.2, 4.3, or 5.7 of Law 1-2012, known as the “Organic Law of the Office of Government Ethics”; (ii) for violation of any of the felonies against the exercise of public office or against public funds contained in Articles 250 to 266 of Law 146-2012, as amended, known as the “Penal Code of Puerto Rico”; (iii) for violation of any of the crimes established in Law 2-2018, as amended, or; (iv) for any other felonies that involving misuse of public funds or property, including, but not limited to the crimes mentioned in Section 6.8 of Law 8-2017, it will be disqualified from contracting or bidding with any executive agency of the Government of Puerto Rico for the term applicable under Article 6.8 of Law 8-2017. Whenever a term is not provided, the person shall be disqualified for ten (10) years from the date on which the sentence has been served.
- b. Whenever the provider or contractor has committed a breach of contract, as finally determined by the competent authority when considering the law applicable to contractual obligations.

- c. Whenever the provider or contractor has provided fraudulent, misleading, or negligent information or documents to any official or employee of the Administration that participates in the process of admission and qualification of the provider or contractor to the Registry.
- d. Whenever the provider or contractor has submitted fraudulent or misleading documents to any government agency.
- e. Whenever the provider or contractor has failed to meet any of the specifications, terms, or conditions established in a contract with the Government of Puerto Rico, causing unjustified delays or another situation detrimental to the proper functioning of the government.
- f. Whenever the provider or contractor repeatedly fails to comply with the information or documentation requirements established by the Administration.
- g. Whenever the provider or contractor enters a contract to cover services that were rendered during a period for which there was no signed contract.
- h. For any other situation provided for by law or regulation, which is in accordance with the law, and that the Administrator so determines in order to safeguard the best interests of the Government, and in compliance with the powers and obligations that vested in him.

Article 4.4 – Procedure for Exclusion from the Registry

The Administrator shall notify the Office of Registries to initiate the RUP exclusion procedure, when it becomes aware that any of the ground for exclusion, as defined in Article 4.3 of this Regulation, is applicable to the provider or contractor. The procedure may be initiated by any person who submits reliable information or on the Administrator's

own initiative. In the discharge of his duties, the Administrator or the Office of Registries may exclude a provider or contractor from the Registry provided that the following procedure is complied with:

- a. The provider or contractor shall be notified in writing of the intention to exclude them from the Registry.
- b. The notice shall contain; (i) a statement on the grounds for exclusion; (ii) a succinct list of the facts that support the action, and (iii) the period of exclusion.
- c. The provider or contractor may file their position in writing within a term of ten (10) days from the filing of the notice of the intention of the Administrator or the Office of Registries to exclude them from the RUP. Along with their document, the provider or contractor may present documentary evidence that supports their position in relation to the determination of their exclusion from the Registry. Under no circumstances shall the aforesaid procedure be considered a formal adjudication procedure, as established in the Uniform Administrative Procedure Act.
- d. Once the document is filed by the provider or contractor, the Administrator shall have a term of thirty (30) days to issue a final determination on the exclusion of the provider or contractor. The final determination must contain, clearly and precisely, the grounds on which the decision is based, but it shall not be necessary to rigorously present determinations of fact or conclusions of law.
- e. In the event that the Administrator maintains his determination to exclude them from the Registry, the provider or contractor shall proceed to be immediately separated from the active and visible registry of the RUP, for the term established

in the final determination. However, the profile of the provider or contractor shall be kept in the backup of the system.

- f. The provider or contractor adversely affected by a determination of the Administrator may file a motion for reconsideration within a term of twenty (20) days from the date of filing in the record of the notice of the determination.
- g. The Administrator must consider the request for reconsideration within fifteen (15) days of its filing. If he rejects it outright or does not act within fifteen (15) days, the term to request a judicial review shall begin to run again from the notification of said denial or from the expiration of those fifteen (15) days, as the case may be.
- h. In the event that the Administrator decides to accept the request for reconsideration, he must issue a decision within a term of no more than ninety (90) days following the decision to accept it. Said term may only be extended by way of just cause and for an additional term of thirty (30) days. The Administrator must notify the provider of the extension within the original term of ninety (90) days. If the Administrator does not decide the matter within the aforesaid term, he shall lose jurisdiction over the matter and the term to request judicial review shall begin to run from the expiration of said term.

Article 4.5 – Sanctions Related to Exclusion from the Registry

Pursuant to the procedures established in this Regulation, the Administrator may exclude a provider or contractor from the Registry. Said exclusion shall be effective for the term established in the determination and may not be evaded under the provisions of Law 164 of December 16, 2009, as amended, known as the “General Corporations Act”, or any other current law or regulation:

- a. Unless otherwise provided in a law or in this Regulation, whenever the grounds for exclusion are different from that stated in Article 4.3 of this Regulation, the Administrator may exclude a provider or contractor from the Registry for a term of one (1) year.
- b. The imposition of these sanctions must be in accordance with the public policy entrusted to the GSA to promote efficiency and economy in the services it provides to Government Entities and to monitor the contractual compliance of providers with the Government of Puerto Rico to ensure that they comply with their responsibilities and thus be able to continue in the Registry.

CHAPTER V

FINAL PROVISIONS

Article 5.1 – Altered Sole Certificate of Professionals

Any Sole Certificate of Professionals altered with the intention of defrauding, deceiving, or misleading an official or public servant in the performance of an official procedure shall be null and void.

Any person not authorized by the Administrator who alters, modifies, or amends a Sole Certificate of Professionals issued by the GSA shall be administratively sanctioned, without prejudice to any other applicable sanction.

Article 5.2 – Audits

Within the framework of an audit, the Comptroller of Puerto Rico may verify compliance with the provisions of this Regulation in order to issue reports to the Government Entities of the Government of Puerto Rico. Likewise, the Office of the Inspector General of

Puerto Rico is empowered by law to pre-audit the operations and processes of the Administration and issue recommendations.

The Administration may also perform internal audits to verify the compliance of the providers and contractors registered in the Registry, as well as to ensure the operations and processes of the RUP, pursuant to the provisions established by Law 2-2018, as amended, and this Regulation.

Article 5.3 – Notices

Unless otherwise expressly provided in this Regulation, all notices shall be made in writing, electronically, through the Registry. Likewise, all notices shall state the date, time, and mailing address, as well as the sender and to whom the communication is addressed.

Article 5.4 – Violations and Penalties

Pursuant to Articles 72 and 73 of Law 73-2019, as amended, the violation of any of the provisions of this Regulation may be sanctioned as follows:

a. Penal Sanction:

1. Any natural or legal person who violates the provisions of this Regulation shall have committed a misdemeanor, and, if convicted, shall be sentenced with a fine of no less than one thousand (\$1,000) dollars and no more than five thousand (\$5,000) dollars, in addition to any others may be applicable pursuant to the provisions of other laws or regulations.

i. In addition to the imposition of the aforementioned fine and any other applicable laws or regulations, they shall be excluded from the Registry for a period of one (1) year.

ii. Likewise, any provider that, in cases of emergency purchase, fails to deliver a good or service in the agreed time, without proper justification, or delivers a good other than that agreed, shall have committed a misdemeanor and, if convicted, shall be sentenced with a fine of no less than one thousand (\$1,000) dollars and no more than five thousand (\$5,000) dollars, they shall also be excluded from the Registry for a period of one (1) year, in addition to any other sanctions that may be applicable pursuant to the provisions of any other laws or regulations.

b. Administrative Sanction:

1. Any natural or legal person who violates the provisions of this Regulation may be sanctioned with an administrative fine of no less than one thousand (\$1,000) dollars or in excess of five thousand (\$5,000) dollars for each infraction, with the understanding that each day that the infraction continues shall be considered as a separate violation:

i. In the case of failure to comply with a ruling, order, or decision issued by the Administrator, the Administrator may impose a fine of no less than one thousand (\$1,000) dollars but not in excess of twenty thousand (\$20,000) dollars for each infraction, with the understanding that each day that the violation continues violation shall be considered as a separate violation.

ii. Furthermore, if contempt has been engaged in by committing or continuing to commit acts in violation of this Regulation, the

Administrator, in the exercise of his discretion, may impose an additional administrative fine of up to a maximum of fifty thousand (\$50,000) dollars, for each violation.

At the time of setting the administrative fine, the Administrator shall take into consideration the provisions contained in Law 454-2000, as amended, known as the “Small Business Administrative and Regulatory Flexibility Act”.

The imposition of administrative fines or criminal sanctions shall be subject to the provisions contained in Law 38-2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act”.

Article 5.5 – Studies or Investigations

The Administration may carry out and publish all manner of studies or investigations and compilation of statistics on matters that affect it or that tend to improve, among other things, the programs and services of the Administration or the agencies or instrumentalities to which it provides services. For such purposes, it may require all information that is necessary, appropriate, and convenient to achieve such purposes.

The Administrator may issue summons requiring the appearance of witnesses and the presentation of data or information to achieve the purposes of this Regulation. Moreover, he may in his own capacity or through a duly authorized official, take oaths and receive testimonies, data, or information. If a summons issued by the Administrator is not duly complied with, the Administrator may appear before the Court of First Instance of Puerto Rico and request compliance with the summons. The Court of First Instance shall give preference to the course and dispatch of said petition and may issue orders making the appearance of witnesses or the presentation of data or information previously required by

the Administrator compulsory. The Court of First Instance shall have the power to punish disobedience to these orders by finding the disobedient party in contempt.

No person may refuse to comply with a summons from the Administrator or his representative, or to produce the required evidence or refuse to answer any question in relation to any study or investigation or because the evidence required of them could incriminate them or expose them to criminal prosecution or to be removed or suspended from their job, profession, or occupation; but the testimony or evidence produced by said person at the request of the Administrator or his representative, or by virtue of a court order, may not be used or presented as evidence against them in any criminal proceeding, or in civil or administrative proceedings that may result in the dismissal, or suspension of their employment, profession, or occupation, after having claimed their privilege against self-incrimination, except that said person who declares accordingly shall not be exempt from prosecution or punishment for perjury upon such declaration.

Article 5.6 – Severability Clause

If any article, section, paragraph, subsection, chapter, clause, sentence, or part of this Regulation is declared invalid or unconstitutional by a Court with competent jurisdiction, the judgment issued for such purpose shall not affect, impair, or invalidate the remainder of this Regulation, with its effects being limited to the article, section, paragraph, subsection, chapter, clause, phrase, or part of this Regulation that is so declared invalid or unconstitutional.

Article 5.7 – Validity

This Regulation shall go into force thirty (30) days after having been filed in the Puerto Rico Department of State, pursuant to that provided in Law 38 of June 30, 2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act”.

Approved in San Juan, Puerto Rico, on August _____, 2021.



Karla G. Mercado Rivera
Chief Purchasing Officer and Administrator