

GOVERNMENT OF PUERTO RICO
GENERAL SERVICES ADMINISTRATION

**AMENDMENTS TO REGULATION NO. 9734, UNIFORM REGULATION
GOVERNING THE PROCUREMENT, AWARDS AND CONTRACTING OF
NONPROFESSIONAL GOODS, WORKS, AND SERVICES OF THE GENERAL
SERVICES ADMINISTRATION OF THE GOVERNMENT OF PUERTO RICO**



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CHAPTER I - GENERAL PROVISIONS

Article 1.1 - Title

This Regulation shall be known as the “*Amendments to Regulation No. 9734, Uniform Regulation Governing the Procurement, Awards and Contracting of Nonprofessional Goods, Works, and Services of the General Services Administration of the Government of Puerto Rico.*”

Article 1.2 - Authority

The General Services Administration (“ASG” or “Administration”) promulgates these amendments to Regulation No. 9734, *Uniform Regulation Governing the Procurement, Awards and Contracting of Nonprofessional Goods, Works, and Services of the General Services Administration of the Government of Puerto Rico*, dated February 9, 2026 (“Regulation No. 9734”), pursuant to the powers conferred by subsection (j) of Article 11, Article 25, and Article 32 of Act No. 73-2019, *General Services Administration Act for the Centralization of the Procurement of the Government of Puerto Rico of 2019* (“Act No. 73-2019”), as well as Chapter II of Act No. 38-2017, *Uniform Administrative Procedure Act of the Government of Puerto Rico* (“Act No. 38-2017”).

Article 1.3 - Purpose, Executive Summary and Cost-Benefit Analysis

These amendments to Regulation No. 9734 are promulgated for the purpose of harmonizing the provisions of the Regulation with the amendments to Act No. 73-2019 enacted through Act No. 59-2025 and Act No. 118-2026. Those amendments modified discrete rules within the general framework governing government procurement and contracting and, consequently, require the uniform regulation promulgated by the ASG to remain consistent with the current text of the law.

In summary, the amendments adopted herein update the definition of Participating Bidder, add a new definition of Interested Bidder, and clarify the requirements for actively bidding in a process administered pursuant to Act No. 73-2019. This opportunity is also used to clarify several

provisions that, in practice, may create unnecessary confusion, including the nature of repeated bidding processes (commonly known as R-1), on-site inspections in informal purchase procedures, the term of bid bonds, among other matters. These clarifications do not imply that Regulation No. 9734, as approved, failed to establish these rules; rather, they are adopted to provide greater certainty to the officials and persons involved in government procurement processes.

Because the amendments set forth herein are intended to conform statutory definitions or clarify existing processes, they do not entail any additional expenditure from the public treasury or alter the processes or organizational structure of the ASG. Accordingly, their benefits outweigh any potential cost.

Article 1.4 - Scope and Applicability

These amendments to Regulation No. 9734 shall apply to all processes, officials, and any other person subject to the jurisdiction of the ASG for purposes of Act No. 73-2019.

Article 1.5 - Interpretation

The amendments approved herein shall be interpreted with the express purpose of harmonizing procedures occurring before, contemporaneously with, or after a government procurement so as to ensure regulatory coherence without frustrating public policy.

CHAPTER II - AMENDMENTS

Article 2.1 - Amendment to Article 1.6, Definitions

Article 1.6 of Regulation No. 9734 is amended to read as follows:

Article 1.6 - Definitions

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26. Interested Bidder - Prospective bidder that becomes involved in a government bidding process during the stages preceding the deadline for submitting offers or

proposals, such as by attending pre-offer or pre-bid meetings or submitting clarification questions, without such participation necessarily implying a commitment to submit an offer or proposal. Enrollment in the RUL or RUP shall not yet be required for these prospective bidders.

27. Participating Bidder - Bidder that, prior to the award, has participated in those events that are requirements of the bidding process, such as compulsory pre-bid meetings or on-site inspections, and that, upon the date and time established as the deadline for submitting an offer or proposal, has submitted its offer within the announced deadline. Once a bidder fails to comply with any such requirement and knows or should know of such noncompliance, it shall no longer be considered a Participating Bidder for purposes of Act No. 73-2019.

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Article 2.2 - Amendment to Article 2.7.1, Confidentiality of Information

Article 2.7.1 of Regulation No. 9734 is amended to read as follows:

Article 2.7.1 - Confidentiality of Information

All of the following shall be deemed confidential: information requested, gathered and/or generated by the ASG in the performance of its functions in preparing bid notices; the bid documents themselves prior to publication; proponents' offers prior to the opening act; information and reports of authorized personnel prior to the award; and work product documents. In addition, this includes, but is not limited to: Requests for Information (RFI), proposals, offers, interviews with bidders or proponents not related to ongoing processes, documents related to the preparation of specifications, ASG internal communications and communications with other public entities, among others. In cases where the procurement is processed through a Request for Proposals (RFP), proponents' proposals shall be considered confidential until the Best and Final Offer (BAFO) stage has concluded, if such stage has been convened.

Article 2.3 - Amendment to Article 2.7.3, Blackout Period

Article 2.7.3 of Regulation No. 9734 is amended to read as follows:

Article 2.7.3 - Blackout Period

Ex parte communications are categorically prohibited outside the mechanisms contemplated in the procurement methods, among officials, employees or consultants of the ASG, Government Entities and Exempt Entities, including members of the Evaluation Committee, and one or more bidders, concerning matters included in a bidding process pending award. This prohibition shall be in effect at every stage before and after publication of a bid and before notification of an Award Notice or Resolution.

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The five (5) members of the Bid Board, namely its President and the remaining associate members, buyers, liaisons and specialists involved in the procurement process may not communicate and/or hold meetings of any kind with lobbyists. This is not limited to lobbyists registered in the Registry of Lobbyists of the Government of Puerto Rico when they represent a natural or legal person with an interest in the outcome of a process pending award and intend to discuss such process. The same prohibition shall apply to the Assistant Administrator for Procurement in those processes falling within his or her jurisdiction.

Article 2.4 - Amendment to Article 2.9, Exclusive Access

Article 2.9 of Regulation No. 9734 is amended to read as follows:

Article 2.9 - Exclusive Access

Persons authorized by the ASG shall be the only users with access to the documents and information systems necessary to conduct public procurements. This is for the

purpose of ensuring the confidentiality of information and reducing the risk of fraud or disclosure of information that may directly affect procurement processes.

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Article 2.5 - Amendment to Article 4.4, Records

Article 4.4 of Regulation No. 9734 is amended to read as follows:

Article 4.4 - Records

Any natural or legal person wishing to participate in the Government of Puerto Rico's processes for contracting goods, works, and nonprofessional services shall be registered in the Sole Registry of Bidders ("RUL"). This shall be subject to the requirements and exceptions established under the registry regulation, as well as the definition of Interested Bidder set forth in Article 1.6 of this Regulation. In the case of technology service providers, they shall be registered in the Technology Providers Registry ("RPT"), as provided in the applicable rules. In the case of professional services, providers must be registered in the Sole Registry of Providers ("RUP"), as established in Act No. 73-2019.

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Article 2.6 - Amendment to Article 6.5.10, Repetition of Bidding

Article 6.5.10 of Regulation No. 9734 is amended to read as follows:

Article 6.5.10 - Repetition of Bidding

If a bid is deemed deserted or subject to outright rejection, or if the number of bidders must be expanded to satisfy the needs of the entities in the case of centralized bids, the Auxiliary Administration for Procurement or the Bid Board, as applicable, at the request of the Requesting Entity, shall conduct a Repeat Bid (R1) by issuing a second call for bids. For purposes of Act No. 73-2019 and this Regulation, a Repeat Bid (R1) shall be considered a distinct and separate bidding

process and shall not be subject to proceedings subsequent to the final determination in the initial bidding process.

Article 2.7 - Amendment to Article 6.5.11, Mathematical Errors

Article 6.5.11 of Regulation No. 9734 is amended to read as follows:

Article 6.5.11 - Mathematical Errors

In the event of a mathematical discrepancy between the total cost indicated in the table of offers and the actual sum of the price by item of the offers received, the cost by item shall prevail if the difference between both amounts is not greater than zero point five percent (0.5%). The foregoing rule shall only be applied if, regardless of which of the two amounts is used, the offer continues to represent the Best Value. The Administration may vary the acceptable percentage of mathematical discrepancy for a particular process through an administrative order that states the grounds therefor.

Article 2.8 - Amendment to Article 6.8.1, On-Site Inspections

Article 6.8.1 of Regulation No. 9734 is amended to read as follows:

Article 6.8.1 - On-Site Inspections

1. Established Date:

The bid notice, Request for Proposals, or invitation to quote must clearly state the date, time, and address of the on-site inspection.

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Article 2.9 - Amendment to Article 7.1, Informal Purchase

Article 7.1 of Regulation No. 9734 is amended to read as follows:

Article 7.1 - Informal Purchase

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The process for the informal purchase shall be the following:

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2. Once the Requesting Entity completes the request, the Auxiliary Administration for Procurement shall request three (3) quotations through the system established by the ASG. If an on-site inspection is required, the invitation to quote must include the date, time, and location established for the inspection, as well as any other relevant information.

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Article 2.10 - Amendment to Article 7.3.3, Pre-Bid

Article 7.3.3 of Regulation No. 9734 is amended to read as follows:

Article 7.3.3 - Pre-Bid

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2. Presiding Pre-Bids

Pre-bids may be presided over by a member of the Bid Board or an authorized representative thereof.

Minutes shall be drawn up of the incidents occurring during the pre-bid, which shall include:

- a) the number and purpose of the process under consideration;
- b) the name of each person who participated;
- c) a summary of the responses provided to the questions asked during the meeting;

- d) a certification by the official who presided over the pre-bid as to compliance with the applicable regulatory provisions;
- e) any incident occurring during the pre-bid meeting; and
- f) the signature of the official who presided over the meeting.

Article 2.11 - Amendment to Article 7.4.4, Pre-Proposal Meetings

Article 7.4.4 of Regulation No. 9734 is amended to read as follows:

Article 7.4.4 - Pre-Proposal Meetings

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2. Presiding Pre-Proposal Meetings

- a) Pre-proposal meetings may be presided over by a member of the Bid Board or an authorized representative thereof.
- b) Minutes shall be drawn up of the incidents occurring during the pre-proposal meeting, which shall include:
 - a) the number and purpose of the process under consideration;
 - b) the name of each person who participated;
 - c) a summary of the responses provided to the questions asked during the meeting;
 - d) a certification by the official who presided over the pre-proposal meeting as to compliance with the applicable regulatory provisions;
 - e) any incident occurring during the pre-proposal meeting; and
 - f) the signature of the official who presided over the meeting.

Article 2.12 - Amendment to Article 8.1, Notice of the Administrative Review

Article 8.1 of Regulation No. 9734 is amended to read as follows:

Article 8.1 - Notice of the Administrative Review

The petitioner shall immediately notify a copy of the request, by certified mail with return receipt requested or by email, to the Administrator of the ASG and to the

Assistant Administrator for Procurement or the Bid Board, as applicable. The petitioner shall also simultaneously notify the Prevailing Bidder and all Participating Bidders who were notified of the final decision.

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Article 2.13 - Amendment to Article 9.6, Term Contracts

Article 9.6 of Regulation No. 9734 is amended to read as follows:

Article 9.6 - Term Contracts

As a general rule, term contracts may not be executed using the exceptional purchase procedure. Only the purchase order corresponding to the authorized exceptional procurement may be issued where a competitive process would not otherwise be warranted. However, in extraordinary circumstances and with the express authorization of the Administrator, term contracts may be executed for exceptional purchases, provided that the identified need and the particular circumstances surrounding the procurement warrant such action. To obtain such authorization, the request to permit a term contract must be included in the explanatory letter signed by the Appointing Authority of the entity.

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Article 2.14 - Amendment to Article 12.3, Refusal to Execute Contracts

Article 12.3 of Regulation No. 9734 is amended to read as follows:

Article 12.3 - Refusal to Execute Contracts

As stipulated in the Bid Notice, a bidder's refusal to execute a contract duly supported by an Award Notice or Resolution may lead to the imposition of sanctions, including debarment from the RUL. The ASG shall also be authorized to initiate the process to enforce the Bid Bond. Submitting an offer or proposal implies an informed acceptance of all terms and conditions that will be established in a subsequent contract.

Article 2.15 - Amendment to Article 15.3, Bid Bond

Article 15.3 of Regulation No. 9734 is amended to read as follows:

Article 15.3 - Kinds of Bond

Article 15.3.1 - Bid Bond

Bidders may be required to post a bid bond to guarantee their offer or proposal. The amount of the bond shall not exceed fifteen percent (15%) of the bid or quoted price, unless a different amount is established in the bid notice or quotation sheet. In the case of works, the bid bond shall be five percent (5%). For centralized or multiple-selection contracts where it is not possible to determine the total bid or quoted amount, a fixed amount shall be established, which shall not exceed fifteen percent (15%) of the estimated administrative expense.

The Bid Board or the Auxiliary Administration for Procurement may establish in the bid notice a specific term of validity for the bid bond. In addition, when necessary, either may require bidders to obtain an extension of the bond's term when circumstances so warrant. If a bidder does not obtain an extension of the term of its bid bond, it may be disqualified from further participation in the process.

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Article 2.16 - Amendment to Article 19.2, Forfeiture of Bond

Article 19.2 of Regulation No. 9734 is amended to read as follows:

Article 19.2 - Forfeiture of Bond

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In the case of the Payment Bond, it may be forfeited at any time after the agreed payment date if the bidder owes any sum to any person who has provided labor or supplied materials for the performance and completion of the work that is the subject of the contract. The ASG shall be the only entity authorized to initiate the forfeiture of a bond submitted for purposes of a centralized bidding process or centralized contract.

CHAPTER III - FINAL PROVISIONS

Article 3.1 - Severability Clause

The provisions of these Amendments to Regulation No. 9734 are severable from one another. If any title, chapter, article, paragraph, word, sentence, or part of this Regulation is declared unconstitutional, invalid, or void by a court with jurisdiction and competence, such declaration shall not affect, impair, or invalidate the remaining provisions and parts of this Regulation. In such case, its effect shall be limited to the specific title, chapter, article, paragraph, word, sentence, or part, and shall not be construed to affect or impair in any manner its application or validity in any other instance of the Regulation.

Article 3.2 - Amendment

The sections of Regulation No. 9734 enumerated herein are hereby amended for all pertinent purposes. Any other regulation, policy, procedure, rule, circular letter, or internal memorandum that, in whole or in part, is incompatible or conflicts with the provisions herein is hereby rendered without effect to the extent of such incompatibility or conflict.

Article 3.3 - Effective Date

These Amendments to Regulation No. 9734 shall take effect thirty (30) days after their filing with the Department of State and shall apply to all procurement procedures initiated after their effective date.

Article 3.4 - Transition

Any bidding process that has been published and remains pending award on the effective date of these Amendments to Regulation No. 9734 shall be governed by the bid notice and the rules in effect at the time of its publication.

In San Juan, Puerto Rico, this ____ day of _____, 2026.

Karla G. Mercado Rivera, Esq.
Administrator and Chief Procurement Officer