

Regulation for the Oversight and Compliance of the General Services Administration

General Services Administration
Government of Puerto Rico

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CHAPTER I: GENERAL PROVISIONS

Article 1.1: Title

This Regulation shall be known and cited as the *Regulation for the Oversight and Compliance of the General Services Administration*.

Article 1.2: Legal Basis

This Regulation is promulgated pursuant to Act No. 73-2019, as amended, known as the *Law of the General Services Administration for the Centralization of Purchases of the Government of Puerto Rico*, 3 LPRA §§9831-9841h (henceforth, Act 73-2019), which, in its Article 5, creates the General Services Administration as the Executive Branch Agency responsible for establishing Puerto Rico's public policy on matters related to the purchase of goods, works, and services for all government entities. Furthermore, it imposes upon the Administration the obligation to implement the centralization of government purchases, guarantee and oversee compliance with the laws and regulations it administers, and the power to impose fines.

Article 11, subsection (j), of Law 73, supra, empowers the Administrator to “adopt, amend, and repeal regulations to comply with the provisions of this Law and any other applicable laws.” Subsection (u) of said Article further authorizes the Administrator to impose fines on any government entity, exempt entity, employee, and/or official who, without just legal cause, fails to comply with, ignores, or undermines the provisions of Law 73, supra, or the regulatory provisions that the Administrator implements pursuant to the powers conferred upon it under this Law.

It is also promulgated in accordance with the public policy established in Section 1.2 of Act No. 38 of 2017, known as the Uniform Administrative Procedure Act of the Government of Puerto Rico, 3 LPRA §§9611-9630 (henceforth, “Act 38-2017”).

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

This Regulation is intended to establish a uniform procedure for the adjudication of the procedures set forth in Law 73-2019 and the regulations adopted thereunder, as well as the rules and procedures relating to the exercise of the following powers:

- a) To interpret, apply and enforce the provisions of Law 73-2019 and the regulations adopted thereunder; and to resolve disputes arising from the application of this Law and the regulations adopted thereunder;

- b) To oversee compliance with public policy, laws, regulations, and any other regulations established to guarantee sound public administration, by government entities and public servants, and to sanction the conduct of those who do not comply with the above;
- c) Establishes and administers the procedures to identify violations of public policy, laws, regulations, and standards adopted by the Government of Puerto Rico in relation to the purchase of goods and services;
- d) Appoint Examining Officers to preside over the administrative review process of fines and/or violations imposed by the General Services Administration;
- e) To provide the employee with the opportunity to be heard regarding the charges against them and the Agency's intention to take disciplinary action, whether suspension from employment and pay or dismissal, in the case of employees not covered by the provisions of a collective agreement;
- f) To provide the bidder with the opportunity to be heard regarding the decision made in relation to their application for entry, renewal, or removal from the Register of Bidders; and
- g) Allow the provider with an opportunity to be heard regarding the decision made in relation to their application for admission, renewal, or removal from the Provider Registry.

With the approval of this Regulation, the General Services Administration establishes an appropriate procedure for the adjudication of these disputes, guaranteeing the fair, rapid, economical and equitable resolution of the matters under its consideration, in compliance with the provisions of Law 38-2017.

The General Services Administration certifies that the adoption, approval, and implementation of this Regulation does not represent an additional economic impact for the Government of Puerto Rico, the Administration, or the general public.

Article 1.4: Interpretation

The provisions of these Regulations shall be interpreted liberally to ensure that administrative procedures are carried out expeditiously, fairly, and economically, and to guarantee an equitable resolution in cases under consideration by the General Services

Administration. Likewise, the interpretation shall ensure faithful compliance with the provisions of Law 73-2019 and its regulations.

The words and phrases used in these Regulations shall be interpreted according to their context and the meaning sanctioned by common usage. Terms used in these Regulations in the future tense also include the present tense; those used in the masculine gender include the feminine and neuter genders, except in cases where such an interpretation would be absurd; the singular number includes the plural, and the plural includes the singular. If the language used is susceptible to two or more interpretations, it shall be interpreted to further the purposes of these Regulations and of the particular part, article, or paragraph being interpreted. In case of discrepancies between the original Spanish text and its English translation, the Spanish text shall prevail.

Article 1.5: Scope and Applicability

The provisions of these Regulations shall apply to all instances in which an administrative hearing is required in cases where the Agency has previously notified an employee of a disciplinary charge against them and its intention to suspend them from employment and pay or to dismiss them. Regular career employees and temporary employees, for the duration of their appointment, are entitled to this hearing. It shall also apply to other Agency personnel transactions as established in manuals, regulations, administrative orders, memoranda, or procedures.

Similarly, it shall apply to the holding of an administrative hearing in cases where the Agency has previously notified a Bidder or Provider of their removal from the Sole Registry of Bidders or Sole Registry of Providers respectively, or when the Agency has previously notified the denial of entry to any natural or legal person who has requested entry to the RUL or the RUP.

The provisions of this Regulation shall govern all processes for imposing fines and/or sanctions issued to all Government Entities, and those Exempt Entities that voluntarily adopted the processes for purchasing and auctioning goods, works and services established through the GSA.

Article 1.6: Definitions

For the purposes of this Regulation, the following terms shall be defined as established below, unless otherwise clearly indicated in the context of any provision.

- a) **Adjudication:** The pronouncement by which the Administration determines the rights, obligations or privileges that correspond to a party.

- b) **Administrator:** Person designated by law to hold the position of General Services Administrator and Chief Purchasing Officer of the Government of Puerto Rico. Sole person authorized to make the final decision in a case before the Administration.
- c) **Administration or GSA:** It refers to the General Services Administration of the Government of Puerto Rico, as created under Law 73-2019.
- d) **Contumacious Behavior:** Commission or continuation of obstinate, repeated and unjustified acts or conduct, aimed at failing to comply with the provisions promulgated in Law 73-2019, any regulation, information bulletin, circular letter and guideline in general; issued by the GSA.
- e) **Final Decision:** Final decision on the matter made by the Administrator.
- f) **Day:** A natural day comprising twenty-four (24) hours counted from 12 noon.
- g) **Calendar Day:** This shall be used in any mandate or order that provides for or establishes the use of a jurisdictional term, understood to be of strict compliance, which shall begin to transpire from the date of filing in the case file a copy of the notification of the GSA's administrative ruling or the sending of the corresponding electronic notification. This term includes Saturdays, Sundays, and holidays decreed by the Government.
- h) **Exempt Entity:** Government Entity that is not required to make its purchases through the Administration, either because it operates under the provisions of a current fiscal plan or because it is an entity that oversees the integrity of the public service and government efficiency. For the purposes of this Act, the following entities shall be considered exempt: Office of Government Ethics, Office of the Inspector General of Puerto Rico, State Elections Commission, Puerto Rico Fiscal Agency and Financial Advisory Authority, Government Development Bank for Puerto Rico, Puerto Rico Public-Private Partnerships Authority, Puerto Rico Infrastructure Financing Authority, Aqueduct and Sewer Authority, Electric Power Authority, Highways and Transportation Authority, the Proyecto ENLACE del Caño Martín Peña Corporation, Public Corporation for the Supervision and Insurance of Cooperatives of Puerto Rico, programs and facilities of the Puerto Rico Medical Services Administration, Centro Médico, Centro Cardiovascular de Puerto Rico, the Hospital Universitario de Adultos, Hospital Pediátrico Universitario, Hospital Universitario Dr. Ramón Ruiz Arnau, the

Diagnostic and Treatment Centers and facilities for intellectual disabilities attached to the Department of Health, Hospital Industrial and regional and intermediate dispensaries, the Corporation of The State Insurance Fund, the Metropolitan Bus Authority, and the Public Buildings Authority. However, exempt entities must conduct their bidding processes using the bidding methods established in this Law. Furthermore, they must adhere to the categories previously tendered and contracts awarded by the General Services Administration.

- i) **Government Entity:** It shall mean all dependencies and departments of the Executive Branch and all public corporations of the Government of Puerto Rico, as provided in Law 73-2019.
- j) **Records:** All documents that have not been declared exempt from disclosure by a law or regulation and other materials related to a specific matter that is or has been under consideration by the GSA during an adjudicated procedure.
- k) **Infraction:** An offense committed contrary to the provisions of Law No. 73-2019, which is punishable by fines in accordance with the provisions of Articles 28, 72 and 73 of said Law, the applicable regulations of the GSA and any other provision that may be incorporated into the Law by amendment.
- l) **Offender:** Any person, natural or legal; official; entity, governmental or exempt; under the jurisdiction of the Administration, upon whom the GSA or its delegated personnel impose a fine or any other remedy under the power of the GSA.
- m) **Offender:** The process by which the OIE, having become aware of an infringement, proceeds to correct it, in accordance with the powers conferred by the Administrator.
- n) **Law 38-2017 or LPAU:** This refers to Act No. 38 of June 30, 2017, as amended, known as the *Government of Puerto Rico Uniform Administrative Procedure Act*.
- o) **Law 73-2019:** This refers to Law No. 73 of July 23, 2019, as amended, known as the *Law of the General Services Administration for the Centralization of Purchases of the Government of Puerto Rico of 2019*.

- p) **Motion for Reconsideration:** Motion filed after notification of a final decision or order issued by the GSA, whereby the petitioning party requests reconsideration of the decision issued by said resolution or order or part thereof.
- q) **Administrative Fine:** The economic sanction imposed on a person, natural or legal, or a governmental or exempt entity, as defined, for having incurred an infraction or offense contrary to Law 73-2019.
- r) **Notification:** Process by which the Administration informs the parties or their authorized representatives of any decision taken.
- s) **Notice of Intent to Suspend Employment and Salary or to Dismiss:** A written notice signed by the Administrator addressed to an employee notifying them of the facts upon which the GSA bases its intent to suspend their employment and salary or to dismiss them; and advising them of their right to request an administrative hearing to present the reasons why such actions should not be taken against them.
- t) **Notification of Rejection or Removal from the Sole Registry of Bidders or the Sole Registry of Professional Service Providers:** A written notice signed by the Administrator or its authorized representative addressed to the Applicant, Bidder or Provider notifying the intention to remove them from the Sole Registry of Bidders (RUL) or the Sole Registry of Professional Service Providers (RUP), or notifying the rejection of the application for entry into the RUL or the RUP for not meeting the requirements established to contract with the Government of Puerto Rico.
- u) **Official Examiner:** An official who must be a licensed attorney, appointed by the Administrator to preside over the administrative hearing, examine the evidence in the case, evaluate its merits, and make a report and recommendation for adjudication of the facts and the law based on the evidence, the case file, and in accordance with the provisions of these Regulations.
- v) **OIE:** The Office of Special Investigations, attached to the Office of the Deputy Administrator of the GSA.
- w) **Order or Resolution:** Any decision or action of the Administration that has a particular application, that assigns rights or obligations to one or more specific

persons, or that imposes penalties or administrative sanctions, excluding executive orders issued by the Governor.

- x) **Partial Order or Resolution:** The act by which the GSA assigns a right or obligation that does not put an end to the entire controversy, but to a specific aspect of it.
- y) **Interlocutory Order or Resolution:** Any action by the GSA in an adjudicative procedure that deals with a purely procedural matter.
- z) **Party:** Any person, entity, or agency authorized by law to whom the GSA action is specifically directed, or who is a party to such action, or who is permitted to intervene or participate in it, or who has filed a petition for review or enforcement of an order, or who is designated as a party to such proceeding.
- aa) **Person:** Any natural or legal person, public or private, that is not an agency.
- bb) **Elderly Person:** Any person sixty-seven (67) years of age or older, who may appear in person, or through a guardian, or through a representative by means of a durable power of attorney granted by public deed in an administrative process and who may request the applicability of the *Special Law on Expedited Administrative Processes for Seniors*.
- cc) **Petition or Motion:** Written document in which the Applicant informs, requires or requests a matter from the Examining Officer, before or after the administrative hearing has taken place.
- dd) **Procedure:** The formulation of rules and regulations, the formal adjudication of any controversy or claim submitted to the GSA for consideration, the granting of licenses, and any investigative process initiated by the GSA within the scope of its legal authority and in accordance with the provisions of these Regulations.
- ee) **Complaint:** A procedural act or recourse filed in writing with the GSA to initiate or promote the adjudication process and to notify the GSA of an act or omission that constitutes a violation of the laws or regulations implemented or administered by the GSA. This act may be initiated by the Administration or by a person who is not an GSA employee against the alleged or identified perpetrators.

- ff) **Judicial Review Appeal:** An appeal filed with the Court of Appeals regarding decisions, regulations, orders, resolutions or final rulings issued by the Administration.
- gg) **Sole Registry of Bidders or RUL:** Electronic registry administered by the GSA in which the names, addresses and all information required by the Administration regarding natural or legal persons qualified and classified by the General Services Administration to contract with the Government of Puerto Rico must be recorded, having complied with the requirements established in this Regulation and in any applicable laws and regulations.
- hh) **Sole Registry of Professional Service Providers or RUP:** Electronic registry administered by the GSA, in which the names, addresses and all information required by the Administration on qualified natural or legal persons classified as providers of professional services by the General Services Administration to contract with the Government of Puerto Rico must be recorded, having complied with the requirements established by the Administrator through regulation and any applicable laws and regulations.
- ii) **Regulation:** When capitalized, it refers to the *Regulation Governing Investigative Processes, Informal Processes, and Formal Processes of the General Services Administration*.
- jj) **Remedy:** The economic fines authorized by law, the exclusion of bidders from the RUL or RUP, the nullification of purchases and sales made in contravention of the laws and regulations under the jurisdiction of the GSA, disciplinary actions in the case of officials, imposition of attorney's fees, collection of costs and interest, referrals to the Department of Justice for criminal prosecution, and all those remedies, sanctions, and penalties delegated by the laws and regulations administered by the GSA.
- kk) **Legal Representative:** An attorney duly admitted to the practice of law in Puerto Rico who represents a person or who has been authorized by the Supreme Court of Puerto Rico to appear in a certain proceeding.

Article 1.6: Dates and Terms

In calculating any term granted by these Regulations or by order of the GSA, the day on which the act, event, or breach occurs, after which the established term begins to transpire, shall not be counted. When a due date or term falls on an official designated holiday, Saturday, or Sunday, that due date or term shall be extended to the next day that

is not an official holiday, Saturday, or Sunday. In cases where an order or resolution is delivered personally, the term shall begin to transpire from the following day.

Any term may also be suspended or extended for a justified cause when the Administration so decrees through an order. When the prescribed or granted term is less than seven (7) days, Saturdays, Sundays, or intervening official holidays shall be excluded from the calculation. For the purposes of these Regulations, half a holiday shall be considered a full holiday. The foregoing shall not apply to terms of a jurisdictional nature, which shall be counted on the basis of calendar days.

Article 1.7: Prohibition of Discrimination

The Constitution and laws of the Government of Puerto Rico prohibit discrimination based on gender, sexual orientation, gender identity, race, color, nationality, origin, social status, age, political or religious beliefs, genetic information, being a victim or perceived victim of domestic violence, sexual assault, or stalking, being a member of the military, a veteran, serving or having served in the armed forces of the United States of America, or having a physical or mental disability. The General Services Administration recognizes this public policy in the implementation of the laws that govern it, including these Regulations.

Article 1.8: Forms

The GSA may establish the forms it deems necessary for the conduction of procedures under these Regulations and shall make them available to the public through its website. In fulfilling this responsibility, the GSA must develop forms that comply with legal requirements but are also simple and easy for citizens to understand, in order to facilitate access to administrative processes.

However, the fact that the Administration has not adopted one or more forms, is in the process of reviewing them, or that an Internet portal is out of service, shall not relieve any person of their obligation to comply with the provisions of this Regulation or with the orders of the GSA.

Article 1.9: Language

The procedures carried out under these Regulations shall be conducted in Spanish or English, in accordance with the primary language of the party and in compliance with due process of law.

When a person with profound, severe, moderate, or mild deafness, or who has any hearing impairment or condition that prevents them from communicating effectively, is a party to an adjudicative process before the GSA, the agency shall assign them a sign language and/or lipreading interpreter, or provide them with some other reasonable accommodation that, in accordance with the provisions of the *Americans with Disabilities Act* (Public Law 101-336, as amended) and Law 136-1996, ensures effective communication. The procedures of this Regulation shall be conducted in accordance with the provisions of Law No. 22-2021, known as the *Liaison Office of the Deaf Community with the Government of Puerto Rico Act*.

Article 1.10: Confidential Information

If, pursuant to these Regulations or any order from the GSA, a party is required to submit information that it deems privileged or confidential under the Rules of Evidence, Law No. 141-2019, Law No. 122-2019, or any other applicable legislation, that party shall identify the allegedly privileged or confidential information, request that the GSA protect said information, and submit in writing the arguments supporting its claim regarding the privileged or confidential nature of the information. The Administration shall evaluate the request and, if it determines that the information warrants protection, shall seek to grant such protection in a manner that least impacts the public, transparency, and the rights of the parties involved in the administrative procedure in which the allegedly privileged or confidential document is submitted.

For these purposes, the GSA may determine whether to grant access to the document or to the parts of the document that are privileged or confidential, to legal representatives or to parties appearing in their own right, after making a determination or after a confidentiality agreement is signed for such purposes.

These documents shall be kept from public scrutiny, and the information shall be safeguarded and provided to the GSA staff only when there is a strict need for it, and under strict non-disclosure agreements. If deemed necessary, the GSA shall order that a non-confidential version be made available for public review.

Any claim of privilege or confidentiality of information by a person under the Administration's jurisdiction must be resolved expeditiously by the Administration through a resolution to that effect before any allegedly privileged or confidential information is disclosed. All requests for confidentiality and public inspection shall be subject to the provisions of Law No. 141-2019, Law No. 122-2019, and any other applicable legislation.

CHAPTER II: REMEDIES AND FINES

Article 2.1: The Administrator's Authority to Impose Fines

The Administrator may impose a fine on any Government Entity, Exempt Entity, employee and/or public official who, without just legal cause, fails to comply with, ignores or undermines the provisions of Law 73-2019 or the regulatory provisions that the Administrator implements in accordance with the powers conferred by Law 73-2019.

The Administrator shall have the power to issue administrative fines to any person, natural or legal, under the jurisdiction of the GSA who engages in the following conduct:

- a) Government entities and exempt entities required to conduct quarterly reviews of the estimates of needs and potential purchases included in the Annual Procurement Plan must notify the Administration of any changes made to the current and previously submitted Annual Procurement Plan. Failure to comply with this provision shall result in the imposition, by the Administrator, of an administrative fine of up to five thousand dollars (\$5,000.00) for each violation, it being understood that each day the violation persists shall be considered a separate violation;
- b) Violation of the provisions of Law 73-2019, its regulations, circular letters, and administrative orders adopted pursuant to said law, in which case the administrative fines shall not be less than one thousand dollars (\$1,000.00) nor exceed five thousand dollars (\$5,000.00) for each violation. It is understood that each day the violation persists shall be considered a separate violation;
- c) Failure to comply with any resolution, order, or decision issued by the Administrator, in which case the administrative fines shall not be less than one thousand dollars (\$1,000.00) nor exceed twenty thousand dollars (\$20,000.00) for each violation. It is understood that each day the violation persists shall be considered a separate violation.;
- d) If there has been contumacy in the commission or continuation of acts in violation of Law 73-2019 or the regulations adopted thereunder, the Administrator, in the exercise of their discretion, may impose an additional administrative fine of up to a maximum of fifty thousand dollars (\$50,000.00) for each violation.

In addition to being subject to the applicable penalties set forth herein, any natural or legal person who violates the provisions contained in Article 44 of Law 73-2019, shall be excluded by the RUL Administrator for a period of one (1) year.

When 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 penalties shall be subject to the provisions contained in Law 38-2017.

Article 2.2: Delegation of the Authority to Issue Fines

The Administrator may delegate to the Office of Special Investigations or any office, division or official of GSA, the power to impose administrative fines and any other penalty authorized by law or regulation.

Article 2.3: Authority to Exclude from the RUL and the RUP

The Administrator may exclude from the RUL and/or the RUP any person, natural or legal, when any of the causes detailed below apply to them:

- a) They have been convicted for: (i) a violation of Articles 4.2, 4.3 or 5.7 of Act No. 1-2012, known as the *Puerto Rico Government Ethics Office Organic Act*; (ii) committing any felony against the exercise of public office or against public funds contained in Articles 250 to 266 of Act No. 146-2012, as amended, known as the *Penal Code of Puerto Rico*; (iii) committing any of the crimes defined in Act No. 2-2018, as amended; or (iv) any other felony involving the misuse of public funds or property, including, but not limited to, the crimes mentioned in Section 6.8 of Act No. 8-2017;
- b) They have breached a contract, as ultimately determined by the competent authority when considering the law applicable to the contractual obligations;
- c) They have provided fraudulent, deceptive or negligent information or documents to any GSA official or employee involved in the bidder or service provider admission and qualification process;
- d) They have submitted fraudulent or misleading documents to any government agency;
- e) They have failed to comply with any of the specifications, terms, or conditions established in a contract with the Government of Puerto Rico or any of its instrumentalities, causing unjustified delays or other situations detrimental to the proper functioning of the government;

- f) They repeatedly fail to comply with information or documentation requests made by the Administration; and
- g) Any other situation provided by law or regulation, that is legally appropriate, and that the Administrator so determines to safeguard the interests of the Government of Puerto Rico.

Article 2.4: Authority to Declare Ineligibility

The Administrator may declare a bidder or service provider, professional or non-professional, ineligible to participate in procurement processes for goods, works and services of the Government of Puerto Rico, if they fail to comply with any of the requirements established in any applicable laws or regulations.

Article 2.5: Authority to Declare the Nullity of a Bidding Process

Law 73-2019 grants the GSA the authority to declare null and void any purchase, sale or bidding process carried out in contravention of the provisions of said Law and the regulations approved in accordance with it.

Article 2.6: Authority over Agreements and Transactions

The Administrator may enter into agreements and transactions in the procedures carried out under this Regulation, provided that it results in a benefit for GSA, the Government of Puerto Rico and the general public.

CHAPTER III. INVESTIGATIVE PROCESSES BEFORE THE OIE AND THE TRANSPORTATION OFFICE

Article 3.1: Investigative Processes – General Powers

Section 3.1.1: Information Requests

The GSA may request information from persons subject to its jurisdiction, pursuant to the Law it administers and within the scope of the interests contemplated therein. Any person from whom information is requested, as authorized in this Section, may challenge the GSA's request through the adjudicative process established in these Regulations.

A challenge to a request for information issued by the GSA may only be based on the fact that the request is unreasonable or exceeds the authority of the Administration because it has no relation to the scope of the interests contemplated in the law in question.

Section 3.1.2: Administrative Inspections

The GSA may conduct inspections to ensure compliance with the laws and regulations it administers and the resolutions, orders, and authorizations it issues, without a prior search or seizure warrant, in the following cases:

- a) In cases involving an emergency, or which affect public health or safety;
- b) Under the authority of licensing, granting franchises, permits or other similar powers; and
- c) In cases where the information is obtainable at a glance or in public places by mere observation.

Section 3.1.3: Sworn Testimony

The Administrator may issue summonses requiring the appearance of witnesses and the submission of data or information for the purposes of Law 73-2019. They may also, personally or through a duly authorized official, administer oaths and receive testimony, data, or information.

If a subpoena issued by the Administrator is not duly executed, the Administrator may appear before the Court of First Instance of Puerto Rico and request that the subpoena be compelled to comply. The Court of First Instance shall give priority to the processing and handling of such request and may issue orders compelling the appearance of witnesses or the submission of data or information previously requested by the Administrator. The Court of First Instance shall have the power to punish as contempt any disobedience to such orders.

Section 3.1.4: Self-incrimination

Any person invoking their constitutional privilege against self-incrimination may be compelled to produce the information required by the GSA by a court order issued by the Court of First Instance; in which case the court shall order that such information may not be used in any criminal proceedings against the person who supplied the information.

Section 3.1.5: Joint Inspections

The GSA may conduct joint inspections and investigations with other agencies in order to expand and facilitate its ability to monitor compliance with the special laws they are required to uphold.

Section 3.1.6: Complaints Filed or Referred by Other Agencies

Administration officials may file a complaint with another agency when they have observed a violation of any law or regulation administered by that agency. Likewise, officials of any agency may file a complaint with the GSA when they have observed a violation of any law or regulation administered by the Administration.

Article 3.2: Process for Imposing Fines or Other Remedies on Government Entities

Section 3.2.1: Notice of Imposition of Fine or Other Remedy

The OIE shall send the affected entity a *Notice of Intent to Impose a Fine and Other Remedies*, using the appropriate form for that purpose. This *Notice of Intent to Impose a Fine and Other Remedies* shall be served on the entity by registered mail or email.

The *Notice of Intent to Impose a Fine and Other Remedies* must contain the following information:

- a) The name of the Administrative Agency, Government Entity or Exempt Entity.
- b) The name of the Secretary, head or person in charge of the administrative agency, government entity or exempt entity.
- c) A citation of the legal and regulatory provision that authorizes the imposition of the fine or the imposed remedy.
- d) The date(s) of the events.
- e) An account of the events that give rise to the alleged violation.
- f) A citation of the legal, regulatory, or administrative provision that was allegedly infringed.
- g) The date of the notification.
- h) A notice of the right to request a formal adjudicative hearing before the GSA Office of Legal Affairs, including the jurisdictional term of thirty (30) days to request it and the specific instructions for exercising the right to request the hearing.

- i) Alternatively, a notice of the right to waive the formal adjudicative hearing and without further ado submit a written response to the intention to impose a fine and other remedies within the jurisdictional term of thirty (30) days.
- j) A notification of the right to accept the fine and issue the payment.
- k) A notification that, upon failure to submit the document or request a hearing, the fine or remedy requested shall become final.
- l) The signature of the official recommending the issuance of the fine, remedy or penalty and a citation of the legal, regulatory or administrative provision by which the Administrator delegates the function of imposing a fine.

Section 3.2.2: Formal Adjudicative Hearing

The affected Government Entity may request the holding of a formal adjudicative hearing in accordance with and pursuant to the provisions of these Regulations.

Section 3.2.3: Final Decision

If no evidence is presented and a formal adjudicative hearing is not requested within thirty (30) days, the Administrator may notify the imposed fine based on the information obtained from the investigation and the administrative record related to this intent to impose the administrative fine. In these cases, the final notification of the fine or remedy imposed must include warnings regarding the right to request reconsideration from the Administrator and judicial review from the Court of Appeals.

Article 3.3: Process for the Imposition and Appeal of Fines on Officials

Section 3.3.1: Notice of Intent to Impose a Fine

The OIE shall send the official a Notice of Intent to Impose a Fine, using the form used by the GSA for this purpose. This Notice of Intent to Impose a Fine shall be served on the official by registered mail, personal delivery, or email.

The Notice of Intent to Impose a Fine must contain the following information:

- a) The name of the official.
- b) The administrative agency in which they provide services and the position or post they hold.

- c) A citation of the legal and regulatory provision authorizing the imposition of the fine or remedy imposed.
- d) The date(s) of the events.
- e) An account of the events that give rise to the alleged violation.
- f) A citation of the legal, regulatory, or administrative provision that was allegedly infringed.
- g) The date of the notification.
- h) A notice regarding the right to request an informal hearing before the OIE, including the jurisdictional term of thirty (30) days to request it and specific instructions for exercising the right to request the hearing.
- i) Alternatively, a notice regarding the right to submit a written response to the intent to impose a fine and other remedies within the jurisdictional term of thirty (30) days.
- j) A notice of the right to accept the fine and issue the payment.
- k) A notification that, upon failure to submit the document or request a hearing, the fine or remedy requested shall become final.
- l) The signature of the official recommending the issuance of the fine, remedy or penalty and a citation of the legal, regulatory or administrative provision by which the Administrator delegates the function of imposing a fine.

Section 3.3.2: Right to an Informal Hearing

An official requesting an informal hearing shall have the right to be heard, present evidence in their favor, and be assisted by legal representation during the proceedings. The informal hearing, by its nature, shall be held in a procedurally informal setting. At this stage, the guarantees and rules observed in a formal adjudicative process shall not apply. Once the informal hearing has concluded, the presiding examining officer shall submit a report to the Director of the Office of Special Investigations (OIE). The examining officer in charge of the informal hearing may be any official, attorney, or

contractor of the GSA who has not had contact with the evidence in the case or with the official involved.

Section 3.3.3: Process Following an Informal Hearing

Once the OIE Director receives the report of the informal hearing from the examining officer in charge, they shall determine whether to order the dismissal of the fine or recommend that the Administrator issue the recommended fine or remedy and thus begin the formal adjudicative process.

Section 3.3.4: Notice of the Imposition of a Fine

The OIE shall send the official a *Notice of Imposition of a Fine, Penalties, and Other Remedies*. This *Notice of Imposition of a Fine, Penalties, and Other Remedies* shall be served on the official by registered mail, email, or personal delivery.

The *Notice of Imposition of a Fine, Penalties, and Other Remedies* must contain the following information:

- a) The name of the official.
- b) The administrative agency in which they provide services and the position or post they hold.
- c) A citation of the legal and regulatory provision authorizing the imposition of the fine or remedy imposed.
- d) The date(s) of the events.
- e) An account of the events that give rise to the alleged violation.
- f) A citation of the legal, regulatory, or administrative provision that was allegedly infringed.
- g) The date of the notification.
- h) In the event that an informal hearing was held, the date of the informal hearing, the recommendation of the examining officer's report, and the determination of the OIE Director.

- i) A notice of the right to request a formal adjudicative hearing within a jurisdictional term of thirty (30) days, counted from the notification of the imposition of the fine or remedy.
- j) A notice of the right to accept the fine and issue the payment.
- k) A notification that, upon failure to submit the document or request a hearing, the fine or remedy requested shall become final.
- l) A notice of the right to waive the hearing and file a written statement outlining their position on the imposed fine or remedy. In these cases, the respondent shall have thirty (30) days, counted from the date of notification of the fine or remedy, to file the written statement.
- m) A notice of the right and terms for requesting reconsideration and judicial review, once the Administrator notifies the final determination.
- n) The signature of the Administrator or authorized official.

Section 3.3.5: Right to Formal Adjudicative Hearing

Officials requesting a formal adjudicative hearing must do so in writing within thirty (30) days of the notification of the fine or remedy by the GSA Administrator. Once a formal adjudicative hearing is requested, the Office of Legal Affairs shall initiate the formal adjudicative process in accordance with the regulations governing adjudicative processes.

Section 3.3.6: Notification of Final Decision

Once the Examining Officer issues the final report and recommendation to the Administrator, the Administrator shall issue the final decision in accordance with the GSA's adjudicative procedures regulations.

Section 3.3.7: Notification to the Government Entity Concerned

The Administrator shall notify the Secretary, head or analogous position of the administrative agency to which the official belongs, with a copy of the final determination of the case.

Article 3.4: Process for Imposing Fines on Natural Persons or Non-Governmental Legal Entities

Section 3.4.1: Notice of Intent to Impose a Fine, Penalties or Other Remedy

The OIE shall send the individual or legal entity a *Notice of Intent to Impose a Fine, Penalties, and Other Remedies*, using the form used by the GSA for this purpose. This *Notice of Intent to Impose a Fine* shall be sent to the individual or legal entity by registered mail or email.

The *Notice of Intent to Impose a Fine, Penalties, and Other Remedies* must contain the following information:

- a) The name of the affected entity or natural or legal person.
- b) A citation of the legal and regulatory provision authorizing the imposition of the fine or the imposed remedy.
- c) The date(s) of the events.
- d) An account of the events that gave rise the alleged violation.
- e) A citation of the legal, regulatory, or administrative provision that was allegedly infringed.
- f) The date of the notification.
- g) A notice of the right to request a formal adjudicative hearing before the GSA Legal Division, including the jurisdictional term of thirty (30) days to request it and specific instructions for exercising the right to request the hearing.
- h) Alternatively, a notice of the right to submit a written response to the intent to impose fines, penalties, and other remedies within the jurisdictional term of thirty (30) days.
- i) A notice of the right to waive the fine and issue the payment.
- j) A notice that, if the written document is not submitted or the hearing is requested, the fine or remedy requested shall become final.

- k) The signature of the official recommending the issuance of the fine, remedy or penalty and a citation of the legal, regulatory or administrative provision by which the Administrator delegates the function of imposing a fine.

Section 3.4.2: Formal Adjudicative Hearing

The affected natural or legal person may request a formal administrative hearing before the GSA's Office of Legal Affairs. The respondent may request the hearing by notifying the Administrator of their request within thirty (30) days of the notification of the intent to impose fines, penalties, and other remedies, by mailing and emailing this determination, whichever occurs first. This period is jurisdictional and non-extendable. The request for an administrative hearing must comply with the procedural requirements established in these regulations.

Section 3.4.3: Final Decision

If no evidence is presented and a formal adjudicative hearing is not requested within thirty (30) days, the Administrator may notify the imposed fine based on the information obtained from the investigation and the administrative file related to this intent to impose the administrative fine. In these cases, the final notification of the fine or remedy imposed must include warnings regarding the right to request reconsideration from the Administrator and judicial review from the Court of Appeals.

Section 3.4.4: Notification of Final Decision

Once the examining officer issues the final report and recommendation to the Administrator, the Administrator shall issue the final determination in accordance with these Regulations.

In the case of notification via regular mail, the period for requesting reconsideration of the imposition of the fine shall begin to begin from the date of deposit in the federal mail.

Article 3.5: Notification of Fines to Entities with Jurisdiction over Fiscal and Budgetary Matters; Payment and Collection of Fines

The payment of fines shall be due and payable thirty (30) days after the final decision has become final and binding.

Every final and binding Resolution that contains an imposition of a fine shall be notified to every government entity with jurisdiction over fiscal and budgetary aspects of the Government of Puerto Rico.

Any government entity or natural or legal person that has an outstanding debt with GSA due to an imposed fine must pay said fine or establish a payment plan before receiving any other services provided by GSA.

The Administrator may appear before the Court of First Instance of Puerto Rico by means of a petition to enforce its final administrative ruling or decision, to request that a person be ordered to pay the economic sanctions imposed, in addition to the payment of the legal interest accrued on the debt.

CHAPTER IV: INFORMAL PROCESSES REGARDING DISCIPLINARY ACTION

Article 4.1: Notice of Intent to Take Disciplinary Action

The Administration shall notify the employee, by means of a *Notice of Intent to Take Disciplinary Action*, of the disciplinary actions and their right to be heard at an administrative hearing before an Examining Officer. The *Notice of Intent to Take Disciplinary Action* must be accompanied by a copy of the investigation report if the proposed disciplinary action arises from an investigative process.

The *Notice of Intent to Take Disciplinary Action* shall be delivered personally. However, when personal delivery is not possible, it may be sent by certified mail with delivery confirmation to the mailing address on file. If the notice is returned unclaimed, the presumption established in the Rules of Evidence for ordinary correspondence shall apply, and it shall be considered received three (3) days after being sent.

The *Notice of Intent to Take Disciplinary Action* must include:

- a) A clear, detailed, and precise description of the events for which charges are being made, including the date, time, and place where they occurred.
- b) The legal basis that empowers the GSA to take disciplinary action and the alleged offenses.
- c) The relationship between rules and duties violated.
- d) The proposed disciplinary action.
- e) A notification that the *Notice of Intent to Take Disciplinary Action* shall form part of the personnel file.

- f) A notice of the employee's right to request, in writing and within fifteen (15) days of receipt of the notification, an informal administrative hearing before an Examining Officer.
- g) The Administrator's signature and the service date of the *Notice of Intent to Take Disciplinary Action*.

Article 4.2: Request for a Formal Administrative Hearing in Disciplinary Cases that Entail Suspension of Employment, Salary, Employment and Salary, or Dismissal

The party affected by a determination of the General Services Administration shall have the right to request an administrative hearing for the purpose of presenting allegations or defenses.

Any request for an Administrative Hearing shall begin with the submission of a document signed by the Applicant Party and/or their legal representative, where they shall express the employee's interest in being heard to present their allegations, defenses, and rights in relation to the *Notice of Intent to Suspend Employment and Salary or Dismissal* notified by the Agency.

The Request must be submitted to the Administrator's Office within fifteen (15) days from the date of receipt of the notification that the Applicant appeals, unless, for a duly justified reason stated in the notification, it is necessary to shorten said period.

The Request must contain the following information:

- a) The full name of the Applicant.
- b) The position they hold.
- c) A detailed description of the Notice of Intent to Take Disciplinary Action that gave rise to the Request.
- d) Date when the Request for an Administrative Hearing was submitted.
- e) The signature of the employee and/or their legal representative.

This request may be submitted in person, by regular mail, or by email.

This fifteen (15) day period is mandatory, and failure to comply shall be interpreted as the Applicant's waiver of the right to request an administrative hearing. In the event of non-compliance, the determination notified by the GSA shall be final.

If an employee fails to submit a request within the timely and non-extendable period of fifteen (15) days, the determination of intent to impose disciplinary action shall be final before the GSA and shall form part of the employee's personnel file. In this case, the Administration shall uphold the recommended measure, and the employee shall be notified in writing of the charges against them and the disciplinary action being imposed. The employee shall be notified of their right to appeal the GSA's decision to the Public Service Appeals Commission (PSAC) within thirty (30) days from the date of receipt of the notification of charges.

If the employee belongs to an appropriated unit, the notice of intent to suspend employment and salary or to dismiss shall indicate the term provided for holding the administrative hearing, in accordance with the applicable collective agreement.

The Agency's Office of Legal Affairs shall assign a number to the Application, and this number shall be used to identify the administrative file of the case at any later stage of the proceedings.

The Office of Legal Affairs shall refer the Request and the administrative case file to the Examining Officer to initiate proceedings. The Office of Legal Affairs shall retain a copy of the administrative case file for its records.

Article 4.3: Summons and Holding of Informal Administrative Hearing

In any case where the party affected by the determination requests an informal administrative hearing, the summons shall be made in writing to all parties or their authorized representatives with the date, time and place where it shall be held.

The notification must be made by regular mail or in person no less than fifteen (15) business days prior to the hearing date, unless, for a duly justified reason stated in the notification, it is necessary to shorten this period. The summons must contain the following information:

- a) The date, time and place to be held of the hearing, as well as its nature and purpose;
- b) A notice that the parties may appear assisted by their legal representation, but shall not be obliged to be represented, including in the case of corporations and partnerships;
- c) A citation of the legal or regulatory provision that authorizes the holding of the hearing;

- d) Reference to the legal or regulatory provisions allegedly infringed if an infringement is attributed to them and to the facts resulting from such infringement;
- e) A notice of the measures the agency may take if a party fails to appear at the hearing; and
- f) A warning that the hearing may not be suspended unless the requirement of requesting the suspension five (5) days in advance of the hearing is met; with an expression of just cause and copies of the request are sent to the other parties and interveners.

Article 4.4: Informal Administrative Hearing Procedure

The hearing shall be public unless a duly substantiated request is submitted by one of the parties for it to be private. It must be recorded or transcribed, and the presiding official shall prepare a report.

The Examining Officer presiding over the hearing shall conduct it in a relatively informal manner, offering all parties a reasonably necessary opportunity for full disclosure of all facts and issues for discussion, the opportunity to respond, present evidence and argue, conduct cross-examination and submit evidence in rebuttal, except as restricted or limited by stipulations at the pre-hearing conference, if applicable.

The Examining Officer may exclude irrelevant, immaterial, repetitive, or inadmissible evidence on constitutional or legal grounds based on evidentiary privileges recognized by the Courts of Puerto Rico. The officer may officially record anything that could be subject to judicial review in the courts of justice.

The Rules of Civil Procedure and Evidence shall not apply to administrative hearings, but their fundamental principles may be used to achieve a prompt and fair resolution of the proceedings.

The Examining Officer presiding over the hearing may grant the parties a period of fifteen (15) days after the conclusion of the hearing to submit proposals regarding findings of fact and legal conclusions. The parties may voluntarily waive the declaration of findings of fact.

Once the case has been submitted, it must be resolved by the Administrator within an administrative period of six (6) months from its filing.

Article 4.5: Final Decision in Disciplinary Cases

Within a period of forty-five (45) days after the conclusion of the hearing or after the presentation of the proposed findings of fact and legal conclusions, the Administrator shall issue its Final Decision. This period may be waived or extended with the written consent of all parties or for just cause.

The Final Decision must include and separately set forth findings of fact, if these have not been waived, and legal conclusions supporting the award. It must also advise the parties of their right to appeal to the appropriate review bodies, specifying the applicable time limits. Such time limits shall not be deemed to have begun to transpire if the Administrator's final determination does not contain such an advisory.

The Resolution must be signed by the Administrator or any other official to whom this function has been delegated. The Resolution shall be notified to all parties involved and their attorneys, if any, so that they may effectively exercise their right to judicial review as provided by law.

The GSA shall notify the parties and their attorneys, if any, of the Final Decision by mail or email, and shall file a copy of the final decision or order and proof of service in the record. If the party is an employee within the Appropriated Unit, the union representative shall be notified.

Article 4.6: Appeals for Review in Disciplinary Cases

A party adversely affected by a final determination may file an appeal with the Public Service Appeals Commission (PSAC) within thirty (30) days of the date of notification of the Agency's final determination. If the aggrieved party is an employee within the Appropriated Unit, they may, through the Union, file a Request for Arbitration with the PSAC within thirty (30) days of the date of notification of the final determination.

CHAPTER V: PROCESSES BEFORE THE SOLE REGISTRY OF PROVIDERS AND THE SOLE REGISTRY OF BIDDERS

Article 5.1: Compliance and/or Exclusion from the RUP and/or RUL

Any person who contracts with a government entity, exempt entity, municipality, legislative and judicial branch participating in GSA programs who violates the provisions contained in Article 43 of Law 73-2019, shall be excluded by the RUL/RUP Administrator for a period of one (1) year, without prejudice to any other action authorized under the promulgated RUL/RUP regulations.

This does not exempt the participating government entity, exempt entity, municipality, legislative branch, and judicial branch from the responsibility of verifying that all contractors comply with the RUL/RUP registration requirements. Any government entity, exempt entity, municipality, legislative branch, or judicial branch that fails to perform this due diligence or comply with the provisions of Law 73-2019 and the regulations promulgated for this purpose shall be sanctioned according to the infraction committed.

Article 5.2: Procedure for Reconsideration in the event of a Rejection and/or Exclusion from the RUL/RUP

Entry or renewal of registration in the Registry shall be denied to any natural or legal person who has not complied with the entry requirements established in the law or in these Regulations, to participate in the processes of acquisition of goods, works and non-professional services of the Government of Puerto Rico; or to whom any of the grounds for exclusion defined in Article 4.3 of Regulation No. 9301, known as the *Regulation on the Sole Registry of Bidders*, apply.

- a) In cases where a bidder fails to comply with any of the documentary requirements established in Article 3.1 of Regulation No. 9301, the deficiency shall be notified through the system, and the application shall remain incomplete until the corresponding documents are submitted. If the application is not completed within one (1) year of the validity period of an incomplete application, it shall be understood that the bidder or provider is not interested in registering in the RUL (Sole Registry of Bidders), and the application shall be automatically closed and its record shall expire in the system's archives.
- b) In cases where the denial is due to the bidder or provider's failure to meet the economic solvency criteria, the bidder or provider shall be notified accordingly. The notification to the bidder or provider regarding the rejection of their application shall also include the analysis performed and the grounds for the decision. Likewise, they shall be informed of their right to submit a request for reconsideration to the Administrator within twenty (20) days from the date of notification.
- c) In cases where any of the exclusion grounds, as defined in Article 4.3 of Regulation No. 9301, apply to a bidder or provider, the Administrator shall notify the bidder or provider of the decision to reject their application and shall explain the reasons for this decision. Furthermore, the bidder or provider shall be advised that they

may submit a request for reconsideration to the Administrator within twenty (20) days from the date of notification.

Article 5.3: Appeals for Reconsideration in Cases of Rejection of Admission or Exclusion from the RUL/RUP

A party adversely affected by a determination of rejection of entry into the RUL/RUP may, within twenty (20) days from the date of notification of the determination, file a motion for reconsideration. The agency shall consider the motion within fifteen (15) days of its filing.

If the GSA refuses or fails to act within fifteen (15) days, the time to request review shall begin to transpire again from the date such refusal is notified or from the expiration of those fifteen (15) days, as the case may be.

If the GSA makes a determination in its consideration, the time to request a review shall begin from the date a copy of the agency's decision definitively resolving the motion for reconsideration is filed in the record. Such decision must be issued and filed in the record within ninety (90) days following the filing of the motion for reconsideration.

If the GSA grants the motion for reconsideration but fails to take any action on the motion within ninety (90) days of its filing, it shall lose jurisdiction over the motion, and the time for requesting judicial review shall begin from the expiration of that ninety (90) day period unless the GSA, for good cause and within those ninety (90) days, extends the time to resolve for a period not to exceed thirty (30) additional days.

In the case of exclusion from RUL/RUP, the ordinary and extraordinary procedures established in the respective Article 4.4 and Article 4.5 of Regulation No. 9301 shall be followed.

If the filing date that appears in a court's records of a copy of the notification of the order or resolution is different from the date it was deposited in the regular mail or the electronic transmission of said notification, the term shall be calculated from the date it was deposited in the regular mail or the date of electronic transmission, as applicable.

Except for denials based on grounds for exclusion, the rejection of a bidder or provider does not prevent them from reapplying for admission to the RUL. However, in cases where the denial is based on the grounds for exclusion described in Article 4.3 of Regulation No. 9301, the bidder may not reapply until they have complied with the corresponding administrative, civil, or criminal sanctions and penalties. In any case, the bidder or provider must resubmit the fee or charge along with their application.

Article 5.4: Request for Administrative Hearing in Rejection of Entry or Exclusion from the RUL/RUP

All *Administrative Hearing Requests* shall begin with the submission of a document signed by the Applicant and/or their legal representative, expressing the Applicant's interest in being heard to present their allegations, defenses and rights in relation to the denial of admission, renewal or exclusion from the RUL or RUP.

The Application must be submitted to the Administrator's Office within fifteen (15) days of receiving the notification, unless, for a duly justified reason stated in the notification, it is necessary to shorten this period, and must contain the information as provided in Article 5.4 of this Chapter. This deadline is mandatory, and failure to comply shall be interpreted as the Applicant's waiver of the right to request an administrative hearing.

The GSA Office of Legal Affairs shall assign you a case number, which shall be used to identify the administrative file of the case at any later stage of the proceedings.

The Office of Legal Affairs shall refer the Application and the administrative case file to the Examining Officer to initiate proceedings. The Office of Legal Affairs shall retain a copy of the administrative case file for its records.

Article 5.5: Content of the Request for Reconsideration and/or Administrative Hearing in Response to Notification of Rejection of Entry or Exclusion from the RUL/RUP

The *Request for Reconsideration and/or Administrative Hearing* must contain the following information:

- a) The date of the Request;
- b) The full name of the Applicant;
- c) The date when the Notification was received;
- d) Statement of disagreement with the denial of admission or exclusion from the RUL/RUP and a desire to be heard in order to present defenses and allegations;
- e) The signature of the Applicant and/or their attorney;

- f) At the Applicant's discretion, the Application may include their version of the facts, their defenses, and attach any document they believe shall support their claims at the administrative hearing.

Article 5.6: Ineligibility of a Bidder or Provider

The Administrator may notify a bidder or provider whose name is registered in the RUL/RUP that they are ineligible to participate in the procurement processes for goods, works, and services of the Government of Puerto Rico. Ineligible bidders and providers shall not be visible in the Registry for contracting by Government Entities, Exempt Entities, or participating municipalities. These bidders and providers shall be kept separate from eligible bidders and providers, and only the Administration shall have access to them. The following reasons are considered grounds for automatic ineligibility:

- a) Failure to renew the Certificate of Eligibility after its validity period has expired.
- b) Failure to keep up to date the documents established in the RUL and RUP regulations.
- c) Automatic ineligibility shall be effective immediately upon the occurrence of the condition or event described in subsections (a) and (b) of this Article.
- d) When a bidder or provider does not have a valid document, the Administrator shall notify them of the details of the information missing to update in the RUL/RUP and a warning that their non-compliance makes them ineligible to be included in the Registry.
- e) If the bidder or provider fails to provide the requested documents or to provide information that contradicts the identified deficiency, the Administrator shall proceed to deem them ineligible for registration. This ineligibility shall remain in effect until the bidder or provider fulfills the information requirement or submits the requested documents.

In cases where a bidder or provider is required to produce documents issued by government agencies, the bidder or provider shall be responsible for producing such documents and notifying the GSA.

CHAPTER VI: FORMAL ADJUDICATION PROCESSES

Article 6.1: General Rules and Procedures

Section 6.1.1: Guarantee of Due Process Under the Law

The following rights shall be safeguarded in all Adjudication Processes before the Administration:

- a) Right to prompt notification of charges, complaints, or claims against a party.
- b) Right to present evidence.
- c) Right to an impartial decision.
- d) Right to a decision based on the record.
- e) Right to being represented by an attorney.
- f) Any other right recognized by the GSA that is necessary to guarantee the constitutional right to due process under the law based on the nature of the protected interest or right.

Section 6.1.2: Reasonable Accommodation

When a person who suffers from profound, severe, moderate, or mild deafness, or who reflects any other situation of hearing loss or condition that prevents them from communicating effectively, is a party to an Adjudicative Proceeding initiated before the GSA, the GSA shall assign them a sign language and/or lipreading interpreter, or provide them with another reasonable accommodation, in accordance with the provisions of the Americans with Disabilities Act (Public Law 101-336, as amended) and Law No. 22-2021, known as the Liaison Office of the Deaf Community with the Government of Puerto Rico Act, as amended, thus guaranteeing effective communication and participation in the proceeding.

In these cases, the designation of the interpreter shall be made in accordance with the resources available to the Administration.

Article 6.2: Adjudicating Officials and Legal Representatives

Section 6.2.1: Examining Officer

The Administrator shall appoint an Examining Officer who shall conduct all proceedings. Examining Officers may be GSA officials or individuals contracted by the Administration for that purpose.

Section 6.2.2: Delegation of the Authority to Adjudicate an Administrative Judge

The Administrator may delegate the adjudication authority to one or more administrative judges, provided that such delegation is not incompatible with the applicable laws or regulations of the Administration.

Section 6.2.3: Controversies that may be Adjudicated by More Than One Agency

In cases where the facts raise disputes that may be adjudicated under the authority of more than one agency, the heads of the agencies concerned may delegate to a single Examining Officer or Administrative Judge the recommendation or adjudication of the proceedings, respectively, who may be officials or contracted personnel of any of said agencies.

Section 6.2.4: Authority of the Adjudicating Official

The Administration may delegate to an Examining Officer the authority to:

- a) Evaluate whether the controversy is a matter under the GSA's jurisdiction;
- b) Evaluate whether the hearings shall be held in person, via videoconference, or in a hybrid manner;
- c) Take oaths and statements;
- d) Issue citations;
- e) Examine witnesses;
- f) Take or someone take depositions;
- g) Make decisions on matters related to the admissibility of evidence;
- h) Issue orders regarding the permissibility and deadlines for the discovery of evidence;

- i) Receive pertinent evidence and request additional evidence;
- j) Preside and regulate the proceedings during the hearing;
- k) Hold meetings to simplify matters;
- l) Require the presentation of motions regarding any matter over which a decision must be made or issued.
- m) Take action regarding motions to expand, modify, or eliminate controversies;
- n) Take action regarding requests related to the process and deadlines, including motions requesting time extensions;
- o) Recommend decisions; and
- p) Any other matter related to the processing of administrative proceedings.

Administrative Judges designated by the Administrative shall also have the same authority established above. However, they shall adjudicate the case in a final manner in accordance with the provisions of this Regulation. To that end, the GSA may designate any official or employee of the agency as an Administrative Judge. It may also designate officials, employees, or contractors of the GSA as Official Examiners.

Section 6.2.5: Recusal or Inhibition of the Adjudicating Official

On their own initiative, or at the request of a party, the Examining Officer or Administrative Judge presiding over the adjudication procedure must recuse themselves from taking part in it in any of the following cases:

- a) for having prejudice or bias towards any of the people or attorneys involved in the lawsuit or for having prejudged the case;
- b) because they have a personal or economic interest in the outcome of the case;
- c) due to an affinity relationship or consanguinity within the fourth degree with any of the parties or their legal representatives;

- d) because there is a relationship of friendship of such a nature between the official and any of the parties, their attorneys, witnesses or other person involved in the lawsuit that could frustrate the purposes of justice;
- e) for having been an attorney or advisor to either party or their attorneys in the matter in dispute;
- f) when one of the attorneys for the parties is also an attorney for the official who is to adjudicate the controversy before them or has been so during the last three (3) years; or
- g) for any other reason that may reasonably cast doubt on their impartiality in adjudicating.

Any party may request the recusal of an Examining Officer or an Administrative Judge for any reason that affects their right to an impartial judge. All requests for recusal must be sworn and filed with the challenged official within twenty (20) days of the requesting party becoming aware of the grounds for recusal. The request must include the specific facts on which it is based, supporting documentary evidence, and sworn statements. If the party requesting the recusal fails to comply with the aforementioned formalities, the official may continue with the proceedings.

Once a motion for recusal has been filed, if the challenged official concludes that their recusal is warranted, they shall issue a resolution stating the specific reason for their recusal and shall notify all parties. The case shall then be assigned to another Examining Officer or Administrative Judge, as appropriate.

If the official concludes that recusal is not warranted, they shall refrain from continuing to act in their capacity as Examining Officer or Administrative Judge and shall notify the GSA Administrator to adjudicate the recusal request to another official. This adjudication must be made within thirty (30) days of its submission. In those cases where the Secretary determines that the recusal request of the Examining Officer or Administrative Judge is not warranted, they shall issue a written determination, which shall be included in the record. Once the Secretary's determination has been notified, the Examining Officer or Administrative Judge may continue with the adjudication process.

Once an Examining Officer or Administrative Judge, as applicable, has begun to intervene in a case, attorneys whose involvement could lead to their disqualification may not join the case.

The decision not to recuse oneself or the inadmissibility of a challenge, as determined by the Administrator, shall not be subject to interlocutory review by the Court of Appeals. In such cases, the party must wait for a final ruling and may then include it as an objection of error if filing a motion for judicial review.

Section 6.2.6: Disqualification of Legal Representation

The Administration, in the exercise of its inherent power to supervise the conduct of attorneys appearing before it and, as a preventive measure to avoid possible violations of the provisions of the Code of Professional Ethics, may, on its own initiative or at the request of a party, impose economic or other sanctions, or disqualify a attorney who engages in conduct that constitutes an obstacle to the sound administration of justice or violates their duties towards the court, their clients or their fellow attorneys.

In assessing the appropriateness of a disqualification, the GSA must analyze all the circumstances to evaluate whether the attorney's actions constitute a 'disruptive act' or have the potential to result in a violation of the provisions of the Code of Professional Ethics.

In those cases where the circumstances that motivate the disqualification have occurred in the presence of the Examining Officer or Administrative Judge, as appropriate, the official presiding over the hearing may, after giving the attorney an opportunity to be heard, decree *motu proprio* the disqualification of the attorney.

However, when disqualification is requested or initiated by the opposing party or any other person besides the presiding official, the mere filing of the motion for disqualification does not automatically result in the granting of the request. In these cases, the GSA must evaluate all the circumstances in accordance with the following factors:

- a) whether the person requesting the disqualification has standing to invoke it;
- b) the seriousness of the potential ethical violation involved;
- c) the complexity of the law or the facts relevant to the dispute and the expertise of the attorneys involved;
- d) the stage of the proceedings in which the disqualification controversy arises and its possible effect on the fair, quick and economical resolution of the case; and
- e) the purpose behind the disqualification, that is, whether the motion is being used as a mechanism to delay the proceedings.

Disqualification shall only proceed when strictly necessary and as a last resort, as it is considered a drastic measure that should be avoided if there are less burdensome measures that ensure the integrity of the judicial process and fair treatment of the parties.

In any case, the official presiding over the hearing, if they determine that the disqualification of an attorney is warranted, must issue a resolution to that effect, setting out the grounds for the determination, and must notify the parties.

An order disqualifying an attorney issued by the Administration may be reviewed by interlocutory proceedings through a judicial review action before the Court of Appeals. The party shall have thirty (30) days from the date of notification of the resolution ordering the attorney's disqualification to file the judicial review action.

Article 6.3: Parties, Intervenors and Third Parties

Section 6.3.1: Parties

The following shall be considered parties to the formal adjudication process:

- a) the person to whom the action is directed;
- b) the agency to whom the action is directed;
- c) the intervenor;
- d) anyone who has filed a petition for the review or enforcement of an order;
- e) any person designated as such in the procedure; and
- f) anyone who actively participated during the administrative procedure, and whose rights and obligations may be adversely affected by the action or inaction of the GSA.

Any person who intends to be designated as a party or has actively participated in the adjudication procedure must submit an application for intervention in compliance with the LPAU and this regulation, in order to be considered a party to the adjudication process.

When it is not the non-moving party, the moving party, or a formal intervenor, the GSA must explain the designation of "party" it makes when issuing its final determinations, even if only succinctly and briefly.

Section 6.3.2: Substitution of Parties

The parties may be substituted at any time after the action has commenced, in accordance with the provisions of the Rules of Civil Procedure.

Section 6.3.3: Intervenor: Request for Intervention

Any person with a legitimate interest in a case before the GSA may submit a duly substantiated written request to be allowed to intervene or participate in the proceedings. The request for intervention must be submitted in a timely manner and must include the following:

- a) The full name of the intervenor, if a natural person. If the intervenor is a legal entity, the name must be as it appears in the Certificate of Incorporation, Contract, Public Deed, and/or trade name, as it is known or used in the course of its business activities.
- b) The phone number of the intervenor and their representative.
- c) Home or physical address of the intervenor.
- d) Mailing address of the intervenor and their representative.
- e) Email address of the intervenor and their representative.
- f) Full name of the legally authorized representative of the intervenor, if it is a legal entity, and/or of its attorney, if any.
- g) A detailed statement of the specific facts on which the intervention or the right to appear and be heard is based.
- h) The intervenor must prove in the submitted document that each of the parties in the case has been notified.

Every intervenor must deliver to the parties in the case, their legally authorized representative or their attorney, if any, by personal delivery or by mail or email, a copy of the request for intervention and certify its delivery to the GSA.

The parties may object to the request for intervention within ten (10) days of its notification. The GSA must then adjudicate the requests for intervention within fifteen (15) days of their submission or the filing of any objection. This period may be extended by the Administration upon prior notification to the parties.

Section 6.3.4: Adjudication Criteria for the Request for Intervention

The Administration may, at its discretion, grant or deny a request for intervention, taking into consideration, among other things, the following criteria:

- a) If the petitioner's interest may be adversely affected by the Adjudicative Procedure.
- b) Whether there are no other legal means for the petitioner to adequately protect their interest.
- c) Whether the petitioner's interest is already adequately represented by the parties in the proceedings.
- d) Whether the petitioner's participation could reasonably help in preparing a more complete administrative record.
- e) Whether the petitioner's participation could unduly extend or delay the proceedings.
- f) Whether the petitioner represents or is a spokesperson for other groups or entities in the community.
- g) Whether the petitioner could provide information, expertise, specialized knowledge or technical advice that would not otherwise be available in the proceedings.

The GSA shall apply the foregoing criteria liberally. However, it may require additional evidence to enable it to adjudicate the request for intervention. When intervention is granted, and provided that the rights of all parties to an efficient and orderly process are not undermined, the following may be considered:

- a) Limiting the intervenor's participation to specific controversies;
- b) Limiting the use of discovery mechanisms, cross-examination, and other procedures to promote the goals of an orderly, fast, simple, and economical procedure; and

- c) Requiring two (2) or more intervenors to combine their presentation of evidence, their arguments, their cross-examinations, their discovery, or any other participation in the adjudicative process.

Once the intervention is granted, the intervenor shall be considered as a party for all purposes established in the LPAU.

Section 6.3.5: Denial of Intervention

If the Administration denies a request for intervention, it shall notify the requesting party of its decision in writing, stating the grounds for its determination. Furthermore, it shall advise the requesting party of their right to request judicial review of said decision within thirty (30) days following the date the copy of the notification of the decision is filed in the record.

Section 6.3.6: Third Parties

The Administration shall not consider the following to be a “party” in the adjudication procedure:

- a) Mere participants;
- b) *Amicus curiae*;
- c) Those who appear at a public hearing without further intervention;
- d) Those who only make a statement at a hearing, without showing any further interest; and
- e) Anyone who cannot demonstrate that they have an interest that could be adversely affected by the administrative ruling.

Nor do individuals notified of an administrative proceeding automatically become “parties” simply by virtue of being within a certain radius. However, while nothing prevents the GSA from sending courtesy notices, the mere designation or notification of a final determination does not automatically make a person or entity a “party” for purposes of reconsideration or judicial review proceedings if they do not meet the requirements set forth in Section 6.3.3 of this Regulation. Likewise, a natural or legal person to whom the GSA notifies its decision or sends a courtesy copy is not automatically a “party” unless the requirements of Section 6.3.3 of this Regulation are met.

Article 6.4: Beginning of the Adjudication Process

Section 6.4.1: Beginning of the Adjudication Process or Request for a Formal Hearing

All adjudication processes before the GSA shall begin with the filing of a Request for a Formal Hearing.

Section 6.4.2: Content of Written Appearances

All petitions or motions related to the Application or the proceedings of the Administrative Hearing shall be filed with the Examining Officer and shall be notified to the other parties on the same date of their filing.

Every complaint, response, motion or document submitted to the Administration must comply with the following requirements:

- a) It must have a heading or title with the name of the GSA, the names of the parties, the case number, and the subject matter of the dispute. The initial pleading shall include in the heading the names of all plaintiffs and defendants, but subsequent pleadings shall list the name of the first plaintiff and defendant mentioned in the initial pleading and use the abbreviation "et al." to refer to other plaintiffs or defendants.
- b) It must be on letter-size paper, in 12-point font, double-spaced. When any document to be submitted exceeds fifteen (15) pages, except for transcripts or exhibits, it must include a table of contents.
- c) It must include the signature of the moving party, their authorized representative, or their legal counsel. The signature of the attorney or the party shall constitute certification that they have read the document under their signature and that, to the best of their knowledge, information, and belief formed after reasonable investigation, the contents of the document are true and correct.
- d) When a attorney appears on behalf of a party, all documents must include their number in the Sole Register of Attorneys.
- e) Any attorney who has appeared on behalf of a party or petitioner and who, during the proceedings, resigns from legal representation of said party or petitioner, must provide written notice of such resignation on or before ten (10) days prior to its effective date. In the case of an unforeseen resignation, notice must be given on or before three (3) days after the resignation becomes effective.

- f) During the adjudication process, all applicants must notify the GSA in writing of any changes to their contact information within three (3) days of the change occurring. Failure to comply with this requirement shall result in penalties.

Section 6.4.3: Amendment to the Application

The Applicant may amend their Application at any time after it has been submitted, and at least ten (10) days prior to the date of the Administrative Hearing.

Section 6.4.4: Amendments to Allegations

The GSA may amend its allegations at any time after filing, up to twenty (20) days prior to the hearing. If the amendment to the Notice is filed within twenty (20) days before the administrative hearing, it shall be at the discretion of the Administrative Judge or the Hearing Officer to accept or reject the amendment. If the amendment is authorized, the Hearing Officer shall suspend the hearing, order that the amendment be made in writing and served on the person being promoted within five (5) business days following the date on which the hearing was scheduled, and order a new hearing date.

In any case where the Notification is amended, it shall be the GSA's duty to notify the amendment.

The respondent shall have twenty (20) days to file their response regarding the amendment. Any amendment to the Notice restarts the adjudication period as established in this Regulation and the LPAU.

The Notice may be deemed amended during the administrative hearing to conform to the evidence presented; except in cases held in absentia.

Section 6.4.5: Settlements

During any stage of the adjudication procedure, the parties may submit a settlement offer or consent to the issuance of an administrative order against them for the amount or concessions specified in the settlement offer.

The party to whom the settlement offer was addressed must respond within twenty (20) calendar days from the date of notification of the settlement offer. If the party to whom the offer was addressed does not respond within the aforementioned period, the settlement offer shall be considered rejected. The fact that an offer is made and not accepted does not preclude making a subsequent offer. If no agreement is reached, a settlement offer shall not be considered as evidence for the plaintiff to prove their allegations.

If the official presiding over the proceedings is not an Administrative Judge, they must prepare a detailed and specific document outlining the rights and obligations of the parties or the GSA, as applicable, in accordance with the settlement offer, and refer it to the designated official with the authority to make a final decision on the matter. Once such a determination is issued, it shall form part of the administrative record and govern the rights and obligations between the parties. Failure to comply with the foregoing may result in the affected party resorting to the courts to seek enforcement of the aforementioned administrative ruling. In such cases, the acceptance of the settlement offer by the Administrator or the official authorized to accept it on behalf of the Administration shall be considered final and shall be included in the final decision.

Submissions of settlement agreements notified by the parties on the day of the hearing shall be accepted. However, the parties must submit a written agreement in accordance with this section within five (5) business days of the hearing date. The GSA shall approve or deny such agreement and notify the parties of its determination. If the GSA denies the agreement that would resolve the dispute between the parties, the case shall proceed.

When the GSA is a party to a case and a settlement offer is submitted, it shall be sent to the officer presiding over the proceedings, who shall submit recommendations in accordance with the procedure detailed in this section. The person designated by the Administration shall have the final say in the decision to accept, reject, or make a counteroffer.

All agreements or transactions must be in writing and signed by all parties involved.

Section 6.4.6: Waiver of the Right to an Administrative Hearing

The administrative hearing shall be considered waived:

- a) If the employee who is not in the Appropriated Unit does not request the hearing within fifteen (15) days from the receipt of the notification.
- b) If, once a hearing has been requested, or if it concerns an employee who is included within the Appropriated Unit, they do not voluntarily appear for it.
- c) When the applicant waives said right in writing.

Waiving the administrative hearing constitutes a waiver of the right to be heard regarding the Administration's intention to take action against the Applicant.

Article 6.5: Pre-Hearing Conference and Discovery of Evidence

Section 6.5.1: Pre-Hearing Conference

If the Administration determines that an adjudication hearing is necessary, it may, either on its own initiative or at the request of one of the parties, convene a pre-hearing conference with all parties or their authorized representatives and intervenors for the purpose of reaching a final agreement or simplifying the issues or evidence to be considered at the hearing. Stipulations between the parties may be accepted, provided the GSA determines that they serve the best public interests.

Administrative Judges and Examining Officers are authorized to conduct hearings and proceedings via videoconference in lieu of in-person hearings.

Section 6.5.2: Applicability of the Rules of Civil Procedure and Evidence

The provisions contained in the Rules of Civil Procedure and the Rules of Evidence may apply supplementally in any adjudicative proceeding before the Administration when, in the exercise of their discretion to handle the cases before them, the Administrative Judges or the Examining Officers so order. Those Rules of Civil Procedure and Evidence contained in the LPAU or those recognized by the Supreme Court of the United States and of Puerto Rico that are compatible with the adjudicative process before the GSA shall apply to the adjudicative proceedings. The fundamental principles of evidence shall be applied flexibly, in a manner that ensures a fair, expeditious, and economical adjudication.

Section 6.5.3: Mechanisms for the Discovery of Evidence

In all complaints brought by the Administration, every defendant shall be guaranteed the right to the discovery mechanisms provided for in the Rules of Civil Procedure and the Rules of Evidence. Likewise, in all other cases, the form and mechanisms of discovery governing the proceedings shall be those determined by the Administrative Judge or the Examining Officer presiding over the proceedings.

In any case, the discovery mechanism may be used by the defendant up to five (5) days before the date set for the adjudication hearing or for the pre-hearing conference.

Section 6.5.4: Powers of the Examining Officer and the GSA as Part of Discovery

The Examining Officer may:

- a) Hear all interlocutory, evidentiary and procedural matters of the administrative hearing;

- b) Issue summonses for the appearance of witnesses;
- c) Issue orders for the production of documents and information; protective orders and any others that may be necessary to guarantee the proper conduction of the procedures and the fair, quick and economical solution of the cases;
- d) Administer oaths;
- e) Determine and limit discovery, if any, to what is relevant and resolve incidents during discovery;
- f) Hold any conferences or hearings that they deem necessary.;
- g) Maintain order and ensure respect throughout the procedure;
- h) Issue interlocutory and partial resolutions;
- i) Extend or shorten terms, in accordance with the conditions imposed in the articles of the Law and this Regulation;
- j) Officially take note of everything that could be subject to judicial review in the courts;
- k) Require the submission of any documents, pleadings, memoranda that they deem pertinent concerning any matters under their consideration;
- l) Submit a report with their recommendations to the Administrator for their consideration.

Section 6.5.5: Assistance from the General Court of Justice

In the event of noncompliance with an order or requirement issued under the provisions of this Regulation, the GSA may file a request for aid with its jurisdiction in the competent court of the Court of First Instance for the issuance of a court order requiring the person in question to comply, under penalty of being held in contempt if they fail to comply with said order.

Article 6.6: Formal Adjudication Hearing

Section 6.6.1: Notification of Formal Adjudication Hearing

The Administration shall notify all parties or their authorized representatives and intervenors in writing of the date, time, and place where the adjudication hearing shall be held. The notification shall be made by mail, either regular or electronic, or in person, no less than fifteen (15) days prior to the hearing date, unless, for a duly justified reason stated in the notification, it is necessary to shorten this period, and shall contain the following information:

- a) The date, time and place where the hearing shall be held, as well as its nature and purpose.
- b) A notice that the parties may appear in their own right, or assisted by attorneys except for corporations, companies or legal entities which must appear, at all times, through their legal representation.
- c) A citation of the legal or regulatory provision that authorizes the holding of the hearing.
- d) Reference to the legal or regulatory provisions allegedly infringed, if an infringement is attributed to them, and to the facts constituting such infringement.
- e) A warning of the measures that the GSA may take if a party fails to appear at the hearing.
- f) A notice that the hearing cannot be suspended.

Section 6.6.2: Default

If a duly summoned party fails to appear at the pre-hearing conference or at any other stage of the adjudicative proceedings, the presiding official may declare the party in default and continue the proceedings without its participation. However, the defaulting party must be notified in writing of the duly reasoned administrative ruling and advised of its right to file an appeal within the time limits set forth in this Regulation.

Section 6.6.3: Request for a Private Hearing

The hearing shall be public unless a party submits a duly substantiated written request for a private hearing no less than five (5) days prior to the scheduled hearing date, and the presiding official authorizes it if they believe that denying the request would cause

irreparable harm to the requesting party. Such authorization may be granted on or before the scheduled hearing date. Furthermore, the presiding official of a public hearing may order any person exhibiting disorderly or disrespectful conduct that impairs the proceedings to leave the proceedings.

Section 6.6.4: Suspension or Rescheduling of a Hearing

A party may not request the suspension or rescheduling of a scheduled hearing unless it submits a written request stating the grounds for the suspension. Such a request must be submitted no less than five (5) days prior to the hearing date. The requesting party must send a copy of its request to the other parties and intervenors in the proceedings within the aforementioned period.

Any request for the suspension or rescheduling of a scheduled hearing made by a party other than the GSA shall constitute a waiver of the adjudication of the case within the directive terms set forth in the LPAU.

Section 6.6.5: Procedure During the Hearing

The hearing shall be recorded or transcribed by a stenographer, and the Examining Officer or Administrative Judge, as applicable, presiding over the hearing shall prepare a report for the Administration's consideration, or issue a written decision if the authority to do so has been delegated. When a person suffering from profound, severe, moderate, or mild deafness, or reflecting any other hearing impairment or condition that prevents them from communicating effectively, is a party to an adversarial proceeding before the GSA pursuant to the provisions of this Regulation, the Administration, at the request of the party, may take the necessary measures to ensure that the hearings and other in-person proceedings are preserved by means of a video-magnetic or digital recording method that allows for playback of the recording and guarantees the preservation and visual integrity of the proceedings, particularly of the questioning, testimony, and arguments given or interpreted through sign language, lip reading, or by means of the necessary reasonable accommodations.

The Examining Officer or Administrative Judge, as appropriate, presiding over the hearing within a framework of relative informality, shall afford all parties the necessary time for a full disclosure of all facts and issues in discussion, the opportunity to respond, present evidence and argue, conduct cross-examination and submit evidence in rebuttal, except as restricted or limited by stipulations at the conference prior to the hearing.

The Examining Officer or Administrative Judge, as applicable, presiding over the hearing may exclude any evidence that is irrelevant, immaterial, repetitive, or inadmissible on constitutional or legal grounds based on evidentiary privileges recognized by the courts

of Puerto Rico. Likewise, they may officially record anything that could be subject to judicial review in the courts of justice.

The Examining Officer or Administrative Judge, as applicable, presiding over the hearing may grant the parties a period of fifteen (15) days after the conclusion of the hearing to submit proposals regarding findings of fact and legal conclusions. The parties may voluntarily waive the declaration of findings of fact.

Section 6.6.6: Examining Officer's Report

Within sixty (60) days from the date the matter was submitted, the Examining Officer shall submit a report, the preparation and consideration of which shall comply with the following rules:

- a) Content: The report shall include recommendations for factual findings and legal conclusions. In addition, it shall contain recommendations for the final disposition of the case. These recommendations must be expressed in detail regarding their scope and extent.
- b) Consideration by the Administrator: The Examining Officer shall only issue recommendations to the Administrator, who shall make the final determination as deemed appropriate, but is not bound by the Examining Officer's recommendations.

The Administrator shall study the Examining Officer's report of recommendations and may:

- a) Adopt the report in its entirety and make it an integral part of, or by reference to, your final determination;
- b) To adopt the findings of fact and issue their own legal conclusions in the final determination;
- c) Return the case to the Examining Officer for further findings of fact and legal conclusions;
- d) Modify it;
- e) Reject it.

Extension: The Administrator may extend the deadline for submitting the Report for a maximum of fifteen (15) additional days, provided that the Examining Officer makes a request for such purposes at least five (5) days before the original sixty (60) day deadline expires.

The Examining Officer may recommend the dismissal of a Request for failure to comply with the deadline for filing, for lack of jurisdiction, or for any other legally valid reason.

Section 6.6.7: Closing the Procedure

The GSA may conclude, or decide not to initiate or continue, an adjudication proceeding and terminate the proceeding. In such cases, the Administration's determination shall be issued in writing and served by mail or email. This determination must be duly substantiated and shall notify the parties of their right to request administrative reconsideration and/or judicial review before a competent court.

Section 6.6.8: Sanctions

The GSA, in its quasi-judicial function, may do the following:

- a) If the moving party, or the non-moving party, fails to comply with the rules and regulations or with any order of the Examining Officer or Administrative Judge, the Administration, on its own initiative or at the request of a party, may order the party to show cause why a penalty should not be imposed. The order shall state the rules, regulations, or orders that have not been complied with, and a period of twenty (20) days, counted from the date of notification of the order, shall be granted to show cause. If the party fails to comply with that order, or if it is determined that there was no cause justifying the noncompliance, then a monetary penalty may be imposed in favor of the GSA or any party, not to exceed two hundred (200) dollars for each separate imposition, on the party or its attorney, if the latter is responsible for the noncompliance.
- b) Order the dismissal of the action or the removal of the allegations if, after imposing economic sanctions and notifying the relevant party, that party continues to fail to comply with the GSA's orders.
- c) To impose costs and attorney's fees, in the same cases provided for in the Rules of Civil Procedure, as amended.

Section 6.6.9: File of Official Records

The GSA's records shall constitute the sole basis for action in an adjudicative proceeding under this Regulation and for subsequent judicial review. The records shall include, but not be limited to:

- a) Notifications for all procedures.

- b) Any interlocutory order or ruling issued before the hearing.
- c) Any motion, allegation, petition, or request.
- d) Evidence received or considered.
- e) An account of all matters that were officially reported.
- f) Filings of evidence, objections and resolutions concerning said matters.
- g) Proposals for findings of fact and legal conclusions, orders requested and exceptions.
- h) The memorandum prepared by the official who presided over the hearing, together with any transcript of all or part of the hearing considered before the final disposition of the proceedings, in those cases where the official who presided over the hearing does not have adjudicative powers.
- i) Any final or preliminary order or resolution, or any order or resolution in reconsideration.

Section 6.6.10: Adjudication Procedure for Immediate Action

The Administration may use emergency adjudication procedures in a situation where there is an imminent danger to public health, safety and welfare or that requires immediate action.

The GSA may only take such action as is necessary within the circumstances described in subsection (a) above and which justifies the use of immediate adjudication.

The GSA shall issue an order or resolution that includes a concise statement of the findings of fact, legal conclusions, and public policy reasons that justify its decision to take specific action.

The Administration shall provide the notification it deems most appropriate to the persons required to comply with the order or resolution. The order or resolution shall be effective upon issuance.

After an order or resolution has been issued pursuant to this Section, the GSA shall promptly complete any procedures that may have been required if there had not been an imminent danger.

Article 6.7: Administrative Hearings via Videconference

Section 6.7.1: General Applicable Factors

The GSA shall use videoconferences as the first option for holding hearings as part of the administrative adjudication process. In-person hearings shall be the exception. However, the Examining Officer or Administrative Judge, as applicable, shall have discretion to determine the manner in which the hearing shall be conducted, considering the following factors:

- a) The complexity of the case;
- b) The nature of the hearing to be held;
- c) The evidence that shall be presented;
- d) The personal circumstances of the parties;
- e) The public interest; and
- f) Any other factor that the presiding official deems to affect the rights of the parties or the nature and adjudication of the dispute.

Videoconference hearings are equivalent to in-person hearings. Attorneys and parties must observe standards of conduct and rigor in the discussion of matters and refrain from wearing informal, athletic, or casual clothing. This includes the obligation to discourage and avoid unwarranted attacks against GSA officials and witnesses. Failure to comply with the foregoing may result in sanctions.

Hearings shall be conducted using Microsoft Teams, Zoom, or any other similar application whose use has been previously authorized and is available to all parties. To conduct a hearing via videoconference, the Examining Officer or Administrative Judge, as applicable, must ensure that all participants have access to: (i) a computer, mobile device, or tablet with a high-speed internet connection and a digital camera; and (ii) an email account. If one of the parties does not have access to electronic means, the hearing shall be held in person or in a hybrid format, with the consent of the parties.

Attorneys and/or parties acting on their own behalf may request a hearing and/or appearance via videoconference. They must assure the official that they have the technological means mentioned in the preceding paragraph to participate virtually.

When, during an in-person hearing, it is reported that the physical appearance of one of the parties or their attorneys could be affected for a justifiable reason, the Examining Officer or Administrative Judge, as appropriate, shall provide the option of appearing virtually, considering the factors listed above, before canceling the scheduled hearing.

Where circumstances warrant, hearings may be conducted in a hybrid format, with some parties, witnesses, or attorneys physically present in the courtroom or room designated for adjudicative proceedings, while others participate remotely. If any attorneys, parties, witnesses, or additional participants are unable to connect or experience a connection interruption during a hearing due to inadequate equipment, they shall notify the Examining Officer or Administrative Judge, as appropriate, within a reasonable time.

Section 6.7.2: Procedures Prior to the Videoconference Hearing

The Examining Officer or Administrative Judge, as appropriate, shall notify in writing all parties or their legal representatives, and any intervenors, of an order setting the hearing by videoconference, informing them of the date, time, place, nature and purpose of the hearing and that the regulations applicable to adjudicative proceedings by videoconference are available on the GSA's electronic portal.

This Order must be served by email no less than fifteen (15) days prior to the hearing date, unless, for a duly justified reason, and this fact is stated in the notification, it is necessary to shorten this period. It must also order the parties to read the applicable rules, as set forth in these Regulations. Furthermore, it shall indicate that the specific instructions that participants must follow to connect to the videoconference shall be sent by email at least five (5) days before the scheduled hearing date. In addition, said Order must include:

- a) A warning that the parties may appear in their own right or assisted by a attorney, and that, in the case of legal entities, they must appear through their legal representation.
- b) A citation of the legal or regulatory provision that authorizes the holding of the hearing.
- c) A reference to the legal or regulatory provisions allegedly infringed, if an infringement of them is alleged, and of the facts constituting the infringement.
- d) A warning of the measures the GSA may take if a party fails to appear at the hearing.

- e) A warning that the hearing may not be adjourned except for just cause, as set forth in this Regulation.

Connection instructions shall be sent to the email address of the attorneys and/or the email address of the party (if appearing in their own right) as shown in the case file, and to the witnesses and other participants authorized to appear remotely.

If the appearance of additional witnesses and/or participants is necessary, the parties must provide, by motion, at least five (5) days prior to the date of the hearing, the email address of these individuals and proof that they have the necessary technology to participate in the hearing remotely.

Attorneys and/or parties acting on their own behalf may request a hearing and/or appearance in person or in a hybrid format when they believe the subject matter of the hearing cannot be addressed virtually, or when they lack the electronic means to appear via videoconference, within ten (10) days of receiving the order from the Examining Officer or Administrative Judge, as applicable, scheduling the hearing via videoconference. The Examining Officer or Administrative Judge, as applicable, or the personnel designated for this purpose, must conduct a test of the videoconference connection prior to the scheduled hearing date.

Prior to the scheduling of the hearing, preliminary conference, pre-hearing conference, or adjudicative hearing, the presiding official may order attorneys or pro se parties to file a motion electronically, including all documentary evidence (digitized and identified) that they propose to submit as evidence.

If there is a large volume of evidence, or if, by its nature, it cannot be submitted electronically, such as a video or audio recording, the motion, along with the documentary evidence in electronic format (CD, USB drive, etc.), must be filed as a hard copy with the appropriate office. The presiding official shall have discretion to determine when to issue the order regarding the documentary evidence to be presented via videoconference. Furthermore, the adjudicating officer must include in said order a reasonable timeframe for the submission or physical presentation of the documentary evidence to be used at the hearing. This timeframe must ensure that the documentary evidence is in the case file five (5) days prior to the hearing.

The rules and terms for rescheduling and suspending videoconference hearings shall be the same as those applicable to in-person hearing.

Section 6.7.3: Procedure during the Videoconference Hearing

During the adjudicative hearing, the GSA shall make the following provisions regarding proceedings conducted by videoconference:

- a) The presiding official may hold the hearing from their office or from the designated room. If the hearing is conducted in a hybrid format, it must be held in the room designated for adjudication proceedings.
- b) If necessary, the GSA shall ensure that staff are available remotely to participate in hearings conducted via videoconference. These staff members shall be responsible for performing any necessary functions delegated by the presiding official during the hearing.
- c) All hearings conducted via videoconference shall be recorded electronically. The recording shall form part of the case file to ensure its integrity for adjudication and judicial review purposes. A copy of the recording shall be provided upon request by a party, after payment for the recording. The request must be made at least ten (10) days in advance of the date on which the party wishes to obtain the recording.
- d) On the day of the videoconference hearing, the attorneys or the pro se parties, the witnesses and additional participants shall connect through the link included in the email sent with the invitation at least ten (10) minutes prior to the scheduled time for the hearing.
- e) At the start of the hearing, the recording shall be activated, the case shall be called, and attorneys, pro se parties, and any other participants shall be asked to identify themselves for the record. The presiding official must advise that the hearing is being recorded, that the recording method does not detract from the formality of the proceedings, and that the recording shall form part of the administrative record for adjudication and judicial review purposes. The officer must also ensure that the recording system is functioning properly.
- f) The presiding official shall clarify that the official record of the case shall be the one they prepare during the hearing.
- g) Once all participants are connected, the presiding official must ensure they can properly see and hear the participants and confirm that the participants can do the same. Furthermore, the official must state that recording or allowing third parties to record the remote hearing without prior authorization is prohibited.

- h) Likewise, the presiding official shall ensure that the formalities of an in-person hearing are maintained, take the necessary measures to guarantee the confidentiality of the process, issue the required warnings, if applicable, and give instructions to the appearing parties regarding their participation in the hearing.
- i) The presiding official shall notify the appearing parties that, in the event of a disconnection of any of the participants, if it is not possible to restore the connection within a maximum period of fifteen (15) minutes, the hearing shall be adjourned, and another date shall be set for the hearing.
- j) If, during the hearing, problems arise with the sound, image quality, or any other interference that prevents the parties from effectively participating in the videoconference, the presiding official shall note this and interrupt the hearing. The equipment shall be checked to ensure it is functioning correctly and properly connected. Once the problem is resolved, the presiding official shall ensure that all participants have access to audio and video, and the hearing shall resume.
- k) If the system is not restored within a reasonable time, the presiding official may continue the hearing by telephone conference with the consent of all participants, reschedule the hearing, or adjourn it. The officer must inform the participants of their decision.
- l) If one of the parties is not present at the beginning of the proceedings and that party was duly and timely summoned to the hearing, the presiding official shall include this in the record, noting the default, and shall continue with the proceedings in their absence, as the case may be.
- m) If either party is not present at the start of the proceedings and was duly and timely summoned to the hearing, the official presiding over the hearing may order the dismissal of the complaint with prejudice, in the event of the complainant's non-appearance, or continue the proceedings in absentia, in the event of the defendant's non-appearance.
- n) A duly summoned witness shall not be excused unless there is just cause for their non-appearance and the presiding official has been informed accordingly, who shall proceed to excuse them and take the corresponding action regarding the holding of the hearing on the date set, considering the need for the appearance of said witness in relation to the controversy to be resolved.

- o) The presiding official may, on their own initiative or at the request of the parties, order any person who demonstrates disorderly or disrespectful conduct that affects the course of the proceedings, to leave the proceedings.
- p) The official shall preside over the hearing in a relatively informal setting, offering all parties the necessary time for a full disclosure of all facts and issues under discussion, the opportunity to respond, present evidence and argue, conduct cross-examination and submit evidence in rebuttal, except as restricted or limited by stipulations at the conference in advance of the hearing or when requesting intervention.

Section 6.7.4: Presentation of Testimonial and Documentary Evidence during the Videoconference Hearing

- a) During an adjudication hearing, the presiding official must swear in the witnesses and instruct them to disconnect from the hearing and wait until they are notified or rejoined to the videoconference when it is their turn to testify or be cross-examined. If desired, the waiting room feature of the Zoom application or any similar application may be used.
- b) If the evidence has not been submitted prior to the preliminary conference, the conference prior to the hearing, or the adjudicative hearing, the presiding official shall instruct the parties to be prepared with all the digitized and identified documentary evidence to be submitted during the videoconference.
- c) The presiding official shall identify and admit during the hearing, and incorporate into the record, all pertinent and material evidence, and shall record the matters of which they have taken official notice. Furthermore, they may exclude any evidence that is irrelevant, immaterial, repetitive, or inadmissible on constitutional or legal grounds based on evidentiary privileges recognized by the courts of Puerto Rico.
- d) The hearing report prepared by the presiding official shall specify and list the evidence that was admitted and how it was marked. It shall also specify and list any documentary evidence offered by the parties but not admitted that should form part of the administrative record, referencing the same identification that appeared on the document in the record, as submitted by the attorney or the pro se party.

- e) The presiding official may order any correction or modification regarding the identification and enumeration of the marked evidence, in accordance with what transpired at the hearing and the report thereof.
- f) During the hearing, the presiding official may officially take note, either on their own initiative or at the request of a party, of those facts or circumstances of public interest that are known to all well-informed persons, or that are susceptible to immediate and accurate determination by resorting to sources whose accuracy cannot reasonably be questioned.
- g) Only one attorney for each party shall be allowed to examine and cross-examine the testifying witness, unless otherwise directed by the presiding official.
- h) The presiding official may question witnesses in the manner he deems appropriate in accordance with the nature of the case, the nature and amount of evidence, and the speed and efficiency of the proceedings.
- i) In cases where a conference has been held prior to the hearing, the GSA shall not allow the presentation at the administrative hearing of those documents, witnesses, or experts not identified in the report for the conference prior to the hearing, unless the party wishing to present such evidence demonstrates just cause.

Section 6.7.5: Procedures Following the Videoconference Hearing

Once the videoconference has concluded, the recording of the hearing shall stop. The presiding official must ensure that the proceedings were recorded properly and in their entirety and must guarantee that the recording forms part of the administrative record and is in the custody of the Administration's personnel.

The GSA may grant the parties a term of fifteen (15) business days after the conclusion of the final adjudicative administrative hearing, for the submission of written proposals regarding findings of fact and conclusions of law.

Following the hearing, the GSA may require the parties to submit a statement regarding the record, the proven facts, and applicable laws.

Once the hearing has concluded and the case has been submitted by the parties for the corresponding administrative ruling, no additional documents or testimonial evidence beyond what was requested at the hearing shall be admitted. As an exception, in certain circumstances, or in any case where the other parties agree, evidence requested during

the hearing by the presiding official shall be admitted, provided it was requested to clarify an allegation made by one of the parties during the hearing. However, only those documents identified at the hearing shall be included in the record.

Article 6.8: Dispositive Rulings and Motions

Section 6.8.1: Withdrawal

The moving party may withdraw their complaint by:

- a) Filing of a notice of withdrawal at any time before the promoted party files and notifies its first appearance;
- b) Filing of a notice of withdrawal, with prejudice, after the initial appearance of the non-moving party, in which case the non-moving party shall have a period of ten (10) days to oppose the withdrawal. In these cases, it shall be at the GSA's discretion to grant the withdrawal; or
- c) At any stage of the proceedings, by means of a stipulation signed by all parties to the case.

Withdrawal shall be without prejudice unless the notice or stipulation expressly states otherwise. Withdrawal shall be with prejudice if the claimant has previously withdrawn the same claim, if the notice of withdrawal was filed after the initial appearance of the non-moving party, or if the administrative procedure becomes academic for any reason.

Section 6.8.2: Dismissal

The non-moving party, in addition to filing an answer to a complaint, may request that the GSA dismiss the case by means of a duly substantiated motion arguing that the action brought against them does not present a claim justifying the granting of a remedy, that the action is meritless, that the GSA lacks jurisdiction over the person or subject matter, or basing their request for dismissal on any other legally permissible ground. They may also file a motion to dismiss in cases involving inactivity or lack of diligence attributed to the moving party.

In any case, the Administration may, on its own initiative or at the request of a party, order the moving party to show cause why the case should not be dismissed. The GSA's ruling may be reviewed once a final and reviewable ruling is issued, following the procedure established in this Regulation regarding reconsideration and judicial review.

On the other hand, the GSA may order the dismissal and archiving of pending adjudication cases in which no action has been taken by either party during the six (6) months following their filing, unless such inactivity is duly justified. Motions for

suspension or rescheduling of hearings, or for extensions, shall not be considered as procedural steps for the purposes of this Section. The Administration shall issue an order in such case, which shall be served on the parties and their attorney, requiring them to submit a written statement explaining why the case should not be dismissed and closed. They must submit such a written statement within ten (10) days from the date of service of the order. If a timely response is not received, or if the inactivity is not justified in the opinion of the presiding official, the case shall be dismissed and closed.

When the Administration orders the dismissal and closing of any petition, complaint, or any other action or appeal filed pursuant to these Regulations, such filing shall be with prejudice and shall be notified to all interested parties as they appear in the administrative file. Such notification shall clearly state the reasons for the order to close the case.

Section 6.8.3: Request for Partial or Final Summary Order or Decision

The parties may submit a reasoned motion, accompanied by sworn statements or evidence demonstrating the absence of a substantial controversy of essential and relevant facts, for the GSA to issue a partial or final summary decision in their favor on all or any part of the claim.

All motions requesting a summary decision must contain the following:

- a) A brief introduction to the parties' allegations;
- b) A list of any outstanding disputes;
- c) A concise and organized account in numbered paragraphs of all essential and pertinent facts about which there is no substantial dispute, indicating the paragraphs or pages of the affidavits or other evidence in which they are established;
- d) The legal grounds on which the decision must be issued;
- e) The accompanying evidence to support the request; and
- f) The remedy that is requested.

The party against whom a motion for summary decision is filed may not rely solely on the assertions or denials contained in its pleadings, but shall be obligated to answer the motion for summary decision in a detailed and specific manner, as established in this subsection, under penalty of the GSA summarily adjudicating the case, if legally

appropriate. The answer must be filed within twenty (20) days from the date of service and must contain the following:

- a) A brief introduction to the parties' allegations and the disputes pending adjudication;
- b) A list of any outstanding disputes;
- c) A concise and organized account, with reference to the paragraphs listed by the party that filed the motion, of the essential and pertinent facts that are actually and in good faith under dispute, indicating the paragraphs or pages of the affidavits or other evidence in which they are established;
- d) A statement of the undisputed facts, indicating the paragraphs or pages of the affidavits or other evidence in which they are established; and
- e) The legal grounds on which the decision should not be issued.

If the opposing party does not file a response to the motion for summary decision within the time period provided in this Section, the motion for summary decision shall be deemed to be submitted for consideration by the official presiding over the proceedings.

Any statement of facts set forth in the motion for summary decision or in the answer thereto may be deemed admitted if the paragraphs or pages of the sworn statements or other evidence in which they are set forth are indicated, unless duly challenged as provided in this Section.

Section 6.8.4: Partial and Total Summary Decision and Order

The requested summary decision shall be rendered immediately if the pleadings, depositions, answers to interrogatories, and admissions offered, together with any sworn statements or other evidence, demonstrate that there is no substantial actual controversy as to any essential and pertinent fact and that, as a matter of law, the GSA must render a summary decision in favor of the party that filed the motion, whether final or partial, resolving any controversy between the parties that is separable from the principal controversies.

If, pursuant to a motion filed or an order issued under the provisions of this Section, the case is not finally adjudicated and an administrative hearing is required, the Administration shall adjudicate the motion by determining the essential and pertinent facts that are not substantially in dispute and the essential and pertinent facts that are actually and in good faith in dispute. The Administration shall also state the extent to which the relief sought is not in dispute, ordering further proceedings that are fair to the

litigation, including a limited evidentiary hearing on the matters in dispute. At the evidentiary hearing, the facts specified therein shall be deemed proven, and the proceedings shall continue accordingly.

Article 6.9: Final Rulings and Remedies

Section 6.9.1: Final Decision or Order of the Administrator

The Administrator shall issue the final administrative decision or order in the case based, if applicable, on the Examining Officer's report and the case file, within a period not to exceed ninety (90) days after the hearing concludes or after the submission of proposed findings of fact and legal conclusions, unless this period is waived or extended with the written consent of all parties or for just cause. Factors that may be considered in determining just cause include, but are not limited to, the following: complexity of the controversy; third-party intervention; waivers of legal representatives; diligence demonstrated by the parties; suspension and rescheduling of public hearings; and non-appearance of witnesses.

The order or resolution must include and set forth separately the findings of fact, unless the parties voluntarily waive such findings, the legal conclusions on which the adjudication of the case is based, and the availability of the remedy of reconsideration or judicial review and the corresponding time limits for doing so. The order or decision must be signed by the Administrator or any other official authorized by law. Once the aforementioned requirements have been met, the final Administrative Order or Decision must be served.

Finally, a ruling issued against a person suffering from profound, severe, moderate, or mild deafness, or reflecting any other hearing impairment or condition that prevents them from communicating effectively, could be declared null and void if they were not provided with a sign language and/or lip-reading interpreter, or some other reasonable accommodation that, in accordance with the provisions of the Americans with Disabilities Act (Public Law 101-336, as amended) and Law No. 22-2021, known as the *Liaison Office of the Deaf Community with the Government of Puerto Rico Act*, as amended, guarantees the effectiveness of communication throughout the adversarial process.

Section 6.9.2: Remedies: Fines, Fees, Costs, Interest and other Remedies

In its final decision, the Administration shall grant the remedy that is legally appropriate, even if the moving party has not requested it. However, a judgment in default shall not be of a different nature nor exceed in amount what was requested in the allegations of the complaint.

The GSA shall have discretion to formulate and grant remedies it deems appropriate to ensure the execution and compliance with its public policies, additional regulations, and any other laws whose interpretation and implementation are under its jurisdiction.

All decisions ordering the payment of money shall also order the payment of interest, which shall accrue from the date said payment of money was ordered until the payment of the principal is satisfied, at the current rate set by the Financial Board and certified by the Commissioner of Financial Institutions of Puerto Rico.

Any violation of the laws administered by the GSA or of the regulations issued under its enabling law may be penalized with administrative fines not to exceed five thousand (5,000) dollars for each violation, as authorized by the LPAU.

The GSA may order the payment of expenses, costs, and attorneys' fees.

The Administration may grant all other remedies authorized by law.

Section 6.9.3: Notification Requirements

The Administration shall specify in the certification of its orders or resolutions the names and addresses of the natural or legal persons who, as parties, were notified of the ruling, so that they may effectively exercise the right to reconsideration or judicial review.

The GSA shall notify the parties, or the party or its attorneys if any, of the order or resolution by regular mail or email as soon as possible, and shall file a copy of the final decision or order and proof of service in the record. When the GSA obtains information that its attempts to serve the interested party have been unsuccessful, it must make further reasonable efforts to complete the service in accordance with the law.

The notification shall be made simultaneously and using the same notification method for all parties.

Article 6.10: Procedures Following the Final Decision

Section 6.10.1: Correction of Form Errors

Form errors in resolutions, orders, or the record, and those appearing therein due to inadvertence or omission, may be corrected by the Administration at any time, either on its own initiative or at the request of any party. These corrections shall be notified to the parties. These errors may be corrected during the course of a judicial review before the record is submitted to the Court of Appeals. Subsequently, they may only be corrected with the corresponding authorization from the court where the administrative ruling is pending adjudication. The effect of the correction shall be retroactive to the date on which the original document was served.

Section 6.10.2: Non-Harmful Errors

No error in the admission or exclusion of evidence, and no error or defect in any decision or order, or in any act performed or omitted by the GSA or any of the parties, shall result in the granting of a new administrative hearing or in any decision being set aside, modified, or otherwise altered, unless the Administration, or as the case may be, the General Court of Justice, considers that the refusal to take such action would be inconsistent with substantive justice.

Section 6.10.3: Request for Reconsideration

Any party adversely affected by a final decision or order may file a motion for reconsideration thereof within twenty (20) days from the date the notice of the resolution or order is filed in the record.

The GSA shall consider the motion for reconsideration within fifteen (15) days of its filing. If the GSA summarily rejects the motion for reconsideration or fails to act on it within fifteen (15) days, the time for requesting judicial review shall begin again from the date of notification of such denial or from the expiration of those fifteen (15) days following the filing of the motion for reconsideration.

If the Administration makes a determination in its consideration, the time limit for requesting a judicial review shall begin from the date on which a copy of the notification of the resolution definitively resolving the motion for reconsideration is filed in the record. Such resolution must be issued and filed in the record within ninety (90) days following the filing of the motion.

If the Administration grants the motion for reconsideration but fails to take any action on the motion within ninety (90) days of its filing, it shall lose jurisdiction over the motion, and the time for requesting a judicial review shall begin from the expiration of that ninety (90) day period, unless the GSA, for good cause and within ninety (90) days, extends the time for adjudication for a period not to exceed thirty (30) additional days. Provided, however, that if the date of filing a copy of the notice is different from the date of mailing of said notice, the twenty (20) day period shall be calculated from the date of mailing.

Section 6.10.4: Judicial Review

A party adversely affected by a GSA final decision or order, and having exhausted all remedies provided by the Administration, may file a request for review with the Court of Appeals within thirty (30) days from the date of filing in the record of the copy of the notification of the final decision or order or from the applicable date pursuant to Section

6.10.3 of this Regulation, when the term for requesting a judicial review has been interrupted by the timely filing of a motion for reconsideration.

Section 6.10.5: Execution of Final Decisions and Orders

The GSA, or a party that has obtained a final decision order in its favor, may file a motion with the Administration or a lawsuit with the Magistrates' Court seeking enforcement thereof. The party against whom enforcement is sought may be liable for additional costs and interest.

CHAPTER VII: MISCELLANEOUS PROVISIONS

Article 7.1: Exception

The provisions of this Regulation are not applicable to informal adjudication processes.

Article 7.2: Cases Unforeseen in this Regulation

In cases where a controversy, situation, or event arises for which no procedure or remedy has been provided by this Regulation, the GSA may establish such processes, or those presiding over adjudicative processes may make such a determination, in a manner consistent with this Regulation. Furthermore, to resolve any procedural situation not addressed by this Regulation, the Rules of Civil Procedure consistent with the formal adjudication procedure or the rules and regulations of the General Court of Justice relevant to the controversy or situation shall be used.

Article 7.3: Proceedings Initiated Prior to the Approval Date of this Regulation

Any proceedings initiated or pending adjudication before the Administration as of the date of approval of this Regulation, and which was initiated in accordance with the administrative procedures established in the various regulations in force at the GSA, shall conform, to the extent compatible, to the administrative procedure adopted by this Regulation. If this is not possible, then the complaint or claim pending adjudication as of the date of approval of this Regulation shall continue to be processed according to the procedure established by the applicable regulations, as the case may be.

Article 7.4: Severability Clause

If any word, clause, sentence, article, section, or part of this Regulation is declared unconstitutional or void by a court of competent jurisdiction, such declaration shall not affect, impair, or invalidate the remaining provisions or parts thereof, and its effect shall be limited to the word, clause, sentence, article, section, or part declared unconstitutional or void, and shall not in any way affect or impair its application or validity in any other prior case.

Article 7.5: Repeal

This Regulation repeals any previous regulations, manuals, administrative orders, circular letters, or rules on this matter.

Article 7.6: Effectiveness and Approval

This regulation shall take effect thirty (30) days after the date of its publication by the Department of State.

Adopted in San Juan, Puerto Rico today, on _____, _____.

Approved by: