

**AMENDMENT TO THE AUCTION REGULATIONS
OF THE PUERTO RICO STATE INSURANCE FUND CORPORATION
REGULATION 9435 OF MARCH 1, 2023**

**AMENDMENT TO SECTION III, ARTICLE I, PARAGRAPH A
AND SECTION VI, PARAGRAPH 4**


INDEX

		PAGES
SECTION 1	LEGAL BASIS	1
SECTION 2	REFERENCES	2
SECTION 3	PURPOSE	2
SECTION 4	TEXT OF AMENDMENTS	2
SECTION 5	EFFECTIVE DATE	4

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SECTION I — LEGAL BASIS



The Administrator of the Puerto Rico State Insurance Fund Corporation ("CFSE," by its Spanish acronym) adopted and enacted these Regulations, with prior approval of the Board of Directors, by virtue of the authority granted by section 1-b of Act No. 45 of April 18, 1935, as amended, known as the Compensation System for Work-Related Accidents Act, 11 LPRA articles 1b-3 and 1b-4, and pursuant to the provisions of subtitle II of Act No. 38 of July 1, 2017, as amended, known as the Uniform Administrative Procedure Act of the Government of Puerto Rico, 3 LPRA sec. 9601, et seq.

Circular Letter No. 2023-02 of the Puerto Rico General Services Administration ("ASG," by its Spanish acronym) is hereby adopted pursuant to the powers delegated in Act No. 73 of July 23, 2019, as amended, known as the Puerto Rico General Services Administration Act.

According to section 10, paragraph (d) of the aforementioned Act, the ASG has the power to "establish the process by which goods, works and non-professional services are to be performed, compared, integrated, or distributed; award related contracts and choose the type of contract to be awarded." This gives greater autonomy to the Auction Board for its members to fully perform their duties, consistent with the requirements of the Financial Oversight and Management Board for Puerto Rico.

SECTION II — REFERENCES

ASG Circular Letter No. 2022-110; amendments to paragraph (b) of section 31 of Act 73-2019 and addition of section 3.19 to Act 38-2017; ASG Circular Letter No. 2023-02 ("Open-Market Mode")

SECTION III — PURPOSE

The purpose of these amendments to the Procurement Regulations is to establish the process by which the provisions set forth in Act No. 110-2022, which amends Act No. 73-2019, supra, may be put into effect to allow the use of the open-market mechanism in informal auctions and submit the motions for reconsideration and judicial review.

SECTION IV — TEXT OF AMENDMENTS

Amendment of Section III (p. 24)

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Section III ("Regulatory Rules and Procedure for Formal Proceedings"), article I ("Determination of the Type of Proceeding"), paragraph A ("Informal Auction"), is hereby amended to add the following:

The Manager or Assistant Manager of Formal Proceedings may authorize the open-market mechanism only in the case of specific and defined goods, works, or services, which, by their nature, do not require additional specifications. Once this mechanism is authorized, the buyer in charge shall proceed to request an open quotation, notifying the individuals and legal entities that are registered in the Sole Registry of Bidders for the Government of Puerto Rico ("RUL," by its Spanish acronym), on the line item for goods, works, and services. This notice shall include all specific requirements for the good, work, or service and the bid submission date, which shall not exceed five (5) days from the date of publication of the notice, except in extraordinary circumstances as authorized by the Manager or Assistant Manager of Formal Proceedings.

Amendment of Section VI (p. 69)

Section VI ("Motion for Reconsideration, Intervention, and Complaints"), paragraph (4), is hereby amended to read as follows:

The party adversely affected by a decision may file a motion for reconsideration with the Auction Board within ten (10) days from the date of notification of the award of the bid or proposal. The Auction Board shall consider the motion for reconsideration within ten (10) business days of its filing. If any determination is made, the term to file a motion for judicial review shall begin to run from the date on which a copy of the notice of the Auction Board's decision resolving the motion for reconsideration is filed in the records of this case. If the date of filing of the copy of the notification of the order or resolution is different from the date of delivery by regular mail or email, the term shall start on the date of delivery by regular mail or email, as the case may be.

If the Auction Board fails to act in relation to the motion for reconsideration within ten (10) days of its filing, it shall be understood that the motion has been rejected outright, and the term for judicial review shall begin on that date.

If the Auction Board grants the request for reconsideration within the term provided for such purpose, it shall issue the resolution on reconsideration within thirty (30) days of filing of the motion for reconsideration. If the Auction Board grants the motion for reconsideration but fails to act in relation to the motion within thirty (30) days of its filing, it shall lose jurisdiction, and the term to request judicial review shall begin on the expiration date of said thirty (30) day term. However, the Auction Board may extend such term once, before the end of such term, for an additional term of fifteen (15) days.

SECTION V — EFFECTIVE DATE

These amendments were approved by the Governing Board by way of Resolution **A-39-2023 of May 23, 2023** and will enter into force upon filing with the Department of State.

Approved by:

A handwritten signature in blue ink, appearing to be 'JMR', written over a faint dotted line.

Jesús M. Rodríguez Rosa, MIS
Administrator

A small, handwritten mark in blue ink, possibly initials, located on the left side of the page.