

(H. B. 2155)

(No. 99)

(Approved May 16, 2006)

AN ACT

To amend subsection (v) of Section 14 of Act No. 164 of July 23, 1974, as amended, known as the “General Services Administration Act,” in order to exempt the Cardiovascular Center Corporation of Puerto Rico and the Caribbean from the use of the Exclusive Register of Bidders prior to the acquisition of goods and services.

STATEMENT OF MOTIVES

Act No. 51 of June 30, 1986, as amended, created the Cardiovascular Center Corporation of Puerto Rico and the Caribbean authorizing it to implement the public policy with respect to the rendering of cardiovascular services in Puerto Rico. These powers are exercised, in accordance to the Act itself, by the Board of Directors of the Corporation and the powers it delegates upon the Executive Director. Among the powers established by the Act is the planning of the operation for the continuity service of the Center.

The acquisition of products and materials, both general and specialized, are vital for the rendering of cardiovascular services by the Cardiovascular Center. The need for new equipment and products that help save lives arises on a daily basis. A specialized care hospital such as the Cardiovascular Center Corporation of Puerto Rico and the Caribbean, presents particular characteristics with regard to promptness in obtaining equipment, services and materials. In many cases, it is impossible to wait for a document in order to make a purchase, because the life of a human being depends on the swiftness with which the product becomes

available. Due to the type of specialized service that is rendered, it is necessary to have an agile and swift process for acquisitions, without impairing the Cardiovascular Center's independence in the regulations, resources, and personnel, as well as its own bidder's register, and considering what is best and necessary for the patient's treatment as a priority. At present, the Cardiovascular Center Corporation of Puerto Rico and the Caribbean has its own legal tools to regulate its purchasing process, that is "Regulation No. 4729 of June 29, 1992, entitled "Reglamento para la Adquisición y Venta de Equipos, Materiales y Servicios no Profesionales de la Corporación del Centro Cardiovascular de Puerto Rico y del Caribe" [Regulations for the acquisition and sale of non-professional equipment, materials and services of the Cardiovascular Center Corporation of Puerto Rico and the Caribbean], which contains all the safeguards to guarantee purity in the purchasing process, without it being necessary to be tied to the Exclusive Register of Bidders and establishes an internal model of bidder's register in tune with the specific needs of a hospital. Therefore, it is inconvenient and ineffective to require another body to expedite its specialized purchase transactions and to qualify its bidders, when this entity already has said tools and resources. The aforementioned Regulations were approved by the Board of Directors of the Cardiovascular Center Corporation of Puerto Rico and the Caribbean and registered at the Department of State. It should be mentioned that the use of this internal register makes more flexible the purchases to be made and has worked satisfactorily until the Exclusive Register of Bidders was implemented under Act No. 85, of June 18, 2002, as amended.

Therefore, it is necessary and proper to amend Act No. 164, *supra*, in order to exempt the Cardiovascular Center from the use of the Exclusive Register of Bidders of the General Services Administration. Thus, it shall be allowed to make

purchases pursuant to its internal regulations, consequently expediting the purchase processes and maintaining uninterrupted health services.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Subsection (v) of Section 14 of Act No. 164 of July 23, 1974, as amended, is hereby amended to read as follows:

“Section 14.- The Administrator shall have the following powers, in addition to those conferred by this Chapter, or by other laws.

(a) . . .

. . .

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

Every Executive Agency of the Commonwealth of Puerto Rico, with the exception of the Office of Government Ethics of Puerto Rico, the Institute of Puerto Rican Culture, the University of Puerto Rico and the Cardiovascular Center Corporation of Puerto Rico and the

Caribbean, is compelled to use said register as a prior step for the acquisition of goods and services, excepting the special or exceptional circumstances established in subsection (w) of this Section, and to furnish the Administration information on contractors or bidders that appear in said Register, and on every matter regarding probable noncompliance by said contractors or bidders. The Administration is bound to furnish to every Executive Agency or Public Corporation of the Commonwealth of Puerto Rico information of the contractual background of any bidder and contractor, when the Acquisitions Office of the Administration thus requires it.

The Administrator shall have the responsibility to:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)
- 9)
- 10) ”

Section 2.- This Act shall take effect sixty (60) days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No.99 (H.B. 2155) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (v) of Section 14 of Act No. 164 of July 23, 1974, as amended, known as the “General Services Administration Act,” in order to exempt the Cardiovascular Center Corporation of Puerto Rico and the Caribbean from the use of the Exclusive Register of Bidders prior to the acquisition of goods and services,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 25th of August of 2006.

Francisco J. Domenech
Director