

(H. B. 323)

(No. 226)

(Approved October 11, 2006)

AN ACT

To add a new subsection (m) to Section 10.002 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” to exempt mechanical repair services of municipal vehicles and equipment, and the repair of computerized equipment from compliance with the public bidding process.

STATEMENT OF MOTIVES

Pursuant to the provisions of Article VI, Section I of the Constitution of the Commonwealth of Puerto Rico, the Legislature has the power, among others, to create, abolish, consolidate and reorganize municipalities, as well as to determine matters pertaining to their organization and functions. In the exercise of such broad powers, Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” was approved with the primary objective of granting the municipalities more autonomy in their governmental endeavors.

The present measure, which constitutes an amendment to Act No. 81 of August 30, 1991, as amended, provides that no notice or holding of a public bid shall be necessary for the contracting of mechanical repair services for municipal vehicles and equipment, thus eliminating the requirement of holding the same, as well as the limit of forty thousand (40,000) dollars per year and its use for this purpose.

Through the approval of this measure, the process of contracting mechanical repair services for municipal vehicles and equipment is expedited. In accordance with the existing parameters, exact amounts cannot be established for the

contracting of these services by holding a formal bid, due to the fact that the cost of the repair of any damaged vehicle or equipment can only be determined after evaluating the affected area of the vehicle.

It should be mentioned that in the field of mechanics, a malfunction may not necessarily be due to defects of a specific part, but rather to several causes. It must also be added, whether the task of replacing a part is simple or complex, and how many parts need to be replaced, in order to find where the real problem lies.

Likewise, it is necessary to include in this item the repair of computerized equipment, since its repair process follows the same procedure as that of vehicles and heavy equipment.

It is worth mentioning that the mechanic or technician needs to examine the equipment to establish the price and give an estimate for the repairs.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A new subsection (m) is hereby added to Section 10.002 of Act No. 81 of August 30, 1991, as amended, to read as follows:

“Section 10.002.- Purchases Excluded from Public Bidding

No notice or holding of a public bidding shall be needed for the purchase of goods and services in the following cases:

(a) ...

(b) ...

(c) ...

(d) ...

...

...

(m) Contracting of mechanical repair services for municipal vehicles and equipment, and for the repair of computerized equipment.

These services shall be contracted by the Mayor through the

request of an application for proposals for such purposes. However, in no case shall the payment thereof exceed twenty-five thousand (25,000) dollars.”

Section 2.- The Municipal Administration shall be bound to establish the regulations and procedures it deems necessary for the implementation of this Act.

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 226 (H.B. 323) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to add a new subsection (m) to Section 10.002 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” to exempt mechanical repair services of municipal vehicles and equipment, and the repair of computerized equipment from compliance with the public bidding process,

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

In San Juan, Puerto Rico, today 16th of August of 2007.

Francisco J. Domenech
Director