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Contracts Execution & Registration Procedure			
APPROVAL			
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1. Objective

Establish the procedures to facilitate the contract execution and registration process by the EQB and comply with regulations from the Office of the Comptroller.

2. Legal Authority

To the execution of this procedure, it should be observed the following laws and regulations and any other applicable laws, regulations, directives, policies, procedures or guidance that may be issued after the effective date of this Standard Operating Procedure:

- Commonwealth of Puerto Rico Governor's Office Administrative Order OE-2013-002
- Commonwealth of Puerto Rico Governor's Office Administrative Order OE-2013-019
- Law No 18 of October 30, 1975, Contract Registry Act, as amended
- Law No. 237-2004, Law to establish uniform parameters for the contracting process of professional or Consulting services for government agencies or entities.
- Law No.416 of September 22, 2004, Environmental Public Policy Act, as amended
- Law No. 1-2012, Puerto Rico Government Ethics Act
- Law No. 416-2004, Environmental Public Policy Act
- Code of Federal Regulations (CFR):
 - ✓ 40 CFR Part 31.36 (a), Procurement
 - ✓ 40 CFR Part 33, Disadvantaged Business Enterprises (DBE) requirements

3. Applicability

This procedure needs to be adhered by the Legal Affairs Office and any of the divisions, areas or programs of the EQB when requesting and processing a service contract. All contracts must be signed and registered with the Puerto Rico Office of the Comptroller.

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4. Organizational Roles and Responsibilities


The units that participate in the management of this procedure are:

- EQB's Units - Identifies the needs and prepare a written request for a service contract.
- Legal Affairs Office - Prepares or reviews the contract draft and final contract and coordinates all the required legal actions and internal administrative procedures to be executed.
- Budget Division - Evaluates and comments the contract draft and/or assigns an account number.
- Finance Division - Perform the administrative payment procedure and keep records of it.
- Administration Office – ensures the Contracting Unit performs the required Contract Selection Process for contracts for professional and personal services paid with federal funds.
- Procurement Office – Responsible for obligating the contract in FiMaS.

5. Definitions and Abbreviations

5.1. Definitions

Term	Definition
Consultants or Personal Services	An individual with specialized skills who, although not on the EQB's payroll as an employee, provides personal services to EQB under an agreement which essentially establishes an employer-employee relationship between EQB and the individual providing the services. Consultants are typically individuals who are experts with excellent qualifications and are usually regarded as authorities or practitioners of unusual competence and skill by other individuals engaged in the same profession. In this employer-employee relationship, EQB selects the individual based on factors, including the individual's expertise in a particular field, directs the individual's work, and exercises day-to-day control of the individual's activities.
Contracting Unit	The designated unit defined by the Administrator Office that is responsible for carrying out the requirements established in the Contractual Selection Standard Operating Procedure (OP-0030).
Fund Allocation Form	Form used by the Budget Division to certify the fund availability and account number to be used to pay for the required services.
Professional Services	The product of intellectual, creative or artistic work, or the handling of highly technical or specialized issues that cannot be fulfilled by the agency's employees. This definition does not include any services covered by the agency's Regulation No. 7984.

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5.2. Abbreviations

Abbreviation	Term
CRC	Contract Registration Coordinator assigned to the Legal Affairs Office
EQB	Puerto Rico Environmental Quality Board
FiMaS	EQB Financial Management System
OMB	Puerto Rico Office of Management and Budget
PCo	OMB Electronic Application "Procesamiento de Contratos Online"

6. Procedure Description

For the proper management of the Contracts Execution and Registration Process, the following procedures should be performed:

6.1. Service Contract Request

6.1.1. EQB's Unit submits a service contract (professional, consulting, maintenance or leasing contract) request memorandum ("Solicitud de Contratación") to the Administrative Affairs Office and the President's Office for review and approval. Once it's approved, the EQB's Unit submits to the Legal Affairs Office.

- a. All requests must be made at least sixty (60) days before the services are to be received. This requirement will only be excused when an emergency service is required. The program, area or division will justify this situation in writing.
- b. Every request for a contract to be executed must include:
 - Purpose and justification of the contract to be executed to be prepared by the EQB Unit that requests the service;
 - ✓ For service to be funded partially or completely with federal funds the justification needs to be accompanied with the proper Contract Selection forms as per the Standard Operating Procedure (OP-0030) prepared by the Contracting Unit.
 - Service to be received;
 - Cost of the contract;
 - Date of commencement and completion of the contract;
 - Fund Allocation Form prepared by the Budget Division staff which states the accounts to be used to pay for the services. If the services are to be paid as part of a federal grant the proposal will be identified.
 - The contractor's name, social security number, civil state, occupation, telephone number and residential and postal address



- Formal proposal by the firm or person that will provide the service. If this document is not attached to the request, no transactions towards the execution of the contract will be performed.
- If the person who will render the service is a college professor, or a public employee, or a former public employee, the waivers required by law must be attached to the request. The waivers must cover the entire period the contract will be in effect.

6.2. Contract Execution

6.2.1. Once the Contract Registration Coordinator or authorized personnel receives the request for a contract to be executed, prepares a draft of the contract. This draft includes the information, clauses and conditions previously requested by the requester. The contract should be prepared using the format usually used by the government and include basic clauses required by state and federal law. If the firm or person that will render the service provides its own contract document, it may be included as an attachment to the contract prepared by the EQB if the two documents are concurrent.

- a. In case a procurement process is required, the contract draft will be prepared once the tender contract has been awarded
- b. The CRC will ensure that every contract includes any clauses required by Federal and State statutes and executive orders and their implementing regulations.

6.2.2. The CRC or any other authorized personnel sends a copy of the contract draft for review and feedback to the Budget Division and Requester Unit.

6.2.3. EQB Requester Unit reviews and comments the contract draft. The requestor must respond in writing regarding its evaluation of the clauses and conditions included in the contract and approval of the contract within five (5) work-days.

6.2.4. Legal Affairs Office CRC or authorized personnel prepares the final contract according to the comments received by the units of the EQB involved in that contract.

6.2.5. The CRC or authorized personnel requests from the firm or person to be contracted all required documentation included in the Contract Execution Checklist, as applicable, such as:

- Certification of debt and waivers from the Treasury Department. It must disclose zero balance or an approved payment plan.
- Certification of debt from the Municipal Revenues Collection Center. It must disclose zero balance or an approved payment plan.
- Certification of debt from the Department of Labor and Human Resources. It must disclose zero balance or an approved payment plan.



- Copy of professional license, certification, diploma or other supporting documents of the contractor
- Contractor's Curriculum Vitae.
- Good Standing Certificate of the corporation updated and issued by the Department of State
- Certificate of Incorporation from the Department of State (if company is incorporated in Puerto Rico)
- Income Tax Return Certification for the last 5 years and issued by the Treasury Department
- Certification of debt from the Department of Child Support. It must disclose zero balance or an approved payment plan.
- Certificate of eligibility as the bidder from the Office of General Services.
- Certificate from the Treasury Department of partial relief or total of retention regarding the origin of payments.

6.2.6. Before rendering the final contract, the Contract Registration Coordinator or authorized personnel must request and obtain the contracting authorization from the corresponding agencies.

- a. The OMB must provide authorization for all contracts regarding property lease, financial lease, creation of regular positions, consulting and professional services, such as legal services, accounting, audit, and public relations, among others.
- b. Must obtain authorization Office of the Secretary of the Government for all contracts.
- c. The following documentation must be submitted when requesting the contract authorization:
 - Office of the Secretary of the Government – Submit via Electronic Application, PCo, the Request to obtain authorization for contracts.
 - Office of Management and Budget (OMB) – submit via Electronic Application, PCo
 - Exemption from the Office of Government Ethics, when applicable.

6.2.7. Once the applicable authorizations are received and final contract is prepared, the Contract Registration Coordinator or authorized personnel is responsible to obtain the signatures from all contract partakers. There must be 3 original final copies and all have to be signed and include all partakers' initials in all pages

- a. In general, the norm is that any type of services is not rendered and the contract is not in effect until the contract is approved and signed entirely. No contract should be signed with a date after the effective date established in the contract. A contract is in effect at the moment is signed or at the date established in the contract.



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6.2.8. CRC or authorized personnel sends signed contracts to the following:

- EQB Finance Division for payment arrangements;
- EQB Procurement Division for obligation of the funds in the financial system;
- Contracting party; and
- Legal Affairs Office to be filed

6.2.9. CRC or authorized personnel provide a copy of the applicable Ethics Law to the contracting party.

- a. The Contracting Party will sign a receipt of the Law for the Contracting Unit records.

6.2.10. The Contract Registration Coordinator or authorized personnel registers the signed contract in the in-house system that interfaces with the Office of the Comptroller within fifteen (15) days after the contract has been signed. In the registration process, the CRC or authorized personnel also assigns a contract number and generates the Contract Concession Certification.

6.2.11. The Purchasing Division staff registers the signed contract in the FiMaS application within thirty (30) days after the contract has been signed.

- a. Authorized personnel must complete Form 730 in order to create the new vendor in the system.



For detail steps to follow in the FiMaS application, please refer to the Purchase Order User Manual, Section called Contracts.

6.2.12. The requesting program, area or division is responsible for assuring that the contracted service is rendered in accordance to the contract and to validate that any payment contracts to be borne partly or wholly from federal fund must be verified with the administrative conditions of the Cooperative Agreements.

6.2.13. All participants in the contract execution process are responsible to inform any irregularity observed to the Office of Legal Affairs Director. Similarly, the CRC or authorized personnel is responsible to inform any proceedings regarding the contracts to the Administrator and the Executive Director.

6.3. Contract Reporting

6.3.1. The CRC or authorized personnel prepares and sends a report of all the contracts executed to the Executive Director where an annual budget registry is established.



7. Forms and Reports

7.1. Service Contract Request Memorandum



ESTADO LIBRE ASOCIADO DE
PUERTO RICO
JUNTA DE CALIDAD AMBIENTAL

[date]

[name]
Gerente
Asuntos Legales

[name]
Gerente
División de Presupuesto, Finanzas y
Recursos Externos

[name]
Administrador
Asuntos Gerenciales

ASIGNACIÓN DE FONDOS - [qualified vendor name]

Someto ante su consideración la intención de la JCA para la contratación de los servicios de consultoría de [qualified vendor name], [brief description of the scope of work and the need for the services].

El contrato será efectivo a partir de la firma de las partes otorgantes y estará vigente hasta el [contract end date]. El costo anual es hasta un máximo de \$(total cost of the services offered), y se incluye la propuesta de servicios.

Anejo





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7.2. Service Contract Request Form



ESTADO LIBRE ASOCIADO DE
PUERTO RICO
JUNTA DE CALIDAD AMBIENTAL

SOLICITUD PARA CONTRATACIÓN

OFICINA SOLICITANTE: _____

NOMBRE DEL CONTRATISTA: _____

PERSONA CONTACTO: _____

ESTADO CIVIL: _____

NÚMERO DE IDENTIFICACIÓN PATRONAL (S.S.): _____

DIRECCIÓN FÍSICA: _____

DIRECCIÓN POSTAL: _____

TELÉFONO / FAX: _____

CORREO ELECTRÓNICO: _____

DESCRIPCIÓN SERVICIOS OBJETO DE CONTRATACIÓN: *(Resumen)*

CUANTÍA CONTRACTUAL: \$ _____

TARIFA A FACTURAR POR HORA *(Si aplica)*: _____

VIGENCIA CONTRACTUAL: _____

ENTIDADES AFILIADAS O BAJO CONTROL COMÚN DE LA PERSONA O ENTIDAD QUE SUSCRIBE EL CONTRATO QUE TENGAN CONTRATOS CON EL GOBIERNO DE PUERTO RICO:

DETALLAR LAS AGENCIAS, DEPARTAMENTOS O CORPORACIONES PÚBLICAS CON LAS CUALES MANTIENEN CONTRATOS LAS ENTIDADES MENCIONADAS EN EL INCISO QUE ANTECEDE:

FIRMA DEL JEFE DE LA OFICINA SOLICITANTE

VISTO BUENO DEL JEFE DE LA AGENCIA

PARA USO DE LA DIVISIÓN DE PRESUPUESTO

CANTIDAD AUTORIZADA: _____

CIFRA DE CUENTA: _____

FIRMA DEL DIRECTOR DE PRESUPUESTO

VISTO BUENO DEL ADMINISTRADOR





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7.3 Fund Allocation Form



ESTADO LIBRE ASOCIADO DE
PUERTO RICO
JUNTA DE CALIDAD AMBIENTAL

A : [name]
Ayudante Especial

DE : [name]
Gerente
Oficina de Presupuesto, Finanzas y Recursos Externos

FECHA : [date]

ASUNTO : ASIGNACIÓN DE FONDOS

Programa:

Cantidad Asignada:

\$

Cifra de Cuenta:

[FiMaS account number]

Categoría Cuenta:

Fondo Estatal PRIFAS

Fondo Estatal No PRIFAS

Fondo Federal PRIFAS

Fondo Federal FiMas

Ingresos propios

Propósito:

Observaciones:





7.4 Contract Execution Checklist

ESTADO LIBRE ASOCIADO DE PUERTO RICO
Oficina del Gobernador
Junta de Calidad Ambiental

Oficina de Asuntos Legales

Contratista: _____ Contrato Núm. _____

LISTA DE COTEJO

DOCUMENTOS, AUTORIZACIONES Y CERTIFICACIONES NECESARIAS PARA
OTORGAR UN CONTRATO DE SERVICIOS PROFESIONALES Y CONSULTIVOS

- _____ Memorando de Solicitud de Contratación
- _____ Memorando de Autorización de fondos y asignación de cuenta (DP) de la División de Presupuesto de la JCA
- _____ Carta de Intención de Contratación
- _____ Notificación de Intención de Contratación - Forma Larga
- _____ Certificación
- _____ Carta de autorización de la Oficina de Gerencia y Presupuesto
- _____ Carta de autorización del Secretario de la Gobernación
- _____ Carta de autorización de la JREF
- _____ Certificación de Radicación de Planilla por los últimos 5 años expedida por el Departamento de Hacienda
- _____ Certificación Negativa de Deuda de Contribuciones Sobre Ingresos expedida por el Departamento de Hacienda (Si tiene deuda contributiva deberá proveer carta de plan de pago aprobada por el Secretario de Hacienda)
- _____ Certificación Negativa de deuda sobre propiedad inmueble y/o mueble expedida por el Centro de Recaudación de Ingresos Municipales (CRIM)
- _____ Certificación sobre pago de pensión alimentaria expedida por la Administración para el Sustento de Menores (ASUME) (no aplica a persona jurídica)
- _____ Certificación de Registro como Patrono y de Deuda por concepto de Seguro por Desempleo y Seguro por Incapacidad expedida por el Departamento del Trabajo y Recursos Humanos
- _____ Certificado de Elegibilidad como Licitador expedido por la Oficina de Servicios Generales
- _____ Curriculum vitae de las personas a prestar los servicios profesionales
- _____ Copia de licencias profesionales, certificaciones, diplomas u otros documentos acreditativos del contratista
- _____ Certificado de relevo parcial o total sobre retención en el origen sobre pagos expedida por el Departamento de Hacienda
- _____ Certificado de Incorporación expedido por el Departamento de Estado, si está incorporado en P.R., o documento equivalente.
- _____ Certificado de "Good Standing" de la corporación expedido por el Departamento de Estado (actualizado)



7.5 Form to Request Contract Authorization

SOLICITUD PARA OBTENER AUTORIZACIÓN DE LA SECRETARIA DE LA GOBERNACIÓN PARA OTORGAR CONTRATOS DE SERVICIOS PROFESIONALES, NO PROFESIONALES, TÉCNICOS O CONSULTIVOS

Fecha de la solicitud: ____ de ____ de 201__
Nombre de la Agencia: JUNTA DE CALIDAD AMBIENTAL JCA
Jefe de la Agencia: Lcda. Laura M. Vélez Vélez, Directora Ejecutiva
Tipo de Contrato: ____ Servicios Profesionales ____ Servicios No Profesionales ____ Servicios Técnicos ____
Consultoría
Contrato: ____ Nuevo ____ Enmienda ____ Renovación

Propósito del Contrato: *(Breve resumen)*

Contratista: _____

Representante Autorizado del Contratista: _____

Agencia Contratante: Junta de Calidad Ambiental

Representante autorizado de la Agencia: Lcda. Laura M. Vélez Vélez, Directora Ejecutiva

Número del Contrato (Enmienda o Renovación): _____

Cuantía del Contrato: \$ _____

Partida presupuestaria y procedencia de los fondos: _____
____ Fondos Estatales ____ Fondos Federales ____ Fondos Mixtos ____ Ingresos propios

Vigencia del Contrato: A partir de la fecha de las firmas hasta el.

¿La agencia tiene algún otro contrato vigente con ese contratista? ____ Sí ____ No

De tener algún otro contrato, especificar: ____

Núm. ____ Cuantía: ____ Partida Presupuestaria: ____ Vigencia: ____

Tipo de Contrato: ____ Servicios bajo el Contrato: ____

CERTIFICO QUE LA INFORMACIÓN ARRIBA INCLUIDA ES CORRECTA. ESTA PETICIÓN DE AUTORIZACIÓN PARA OTORGAR UN CONTRATO DE LOS INDICADOS EN EPÍGRAFE SE PRESENTA DE CONFORMIDAD CON LA REGLAMENTACIÓN VIGENTE Y LA AGENCIA CUENTA CON LOS FONDOS DISPONIBLES PARA CUMPLIR CON SUS OBLIGACIONES BAJO ÉSTE.

Lcda. Laura M. Vélez Vélez
Nombre del Jefe de la Agencia

Firma

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8 Tabular Summary of Procedures

Step	Description	Official in Charge	Outcome	Time Required
6.1.1	Submits a service contract request memorandum to Administrative Affairs Office and President's Office; once approved, submits it to Legal Affairs Office	EQB Unit	Service contract request memorandum	At least sixty (60) days before the services are received
6.2.1	Prepares a draft of the contract using government's format and including clauses required by law, if the service provider has its own contract it may be included as an attachment	CRC or authorized personnel	Contract draft	
6.2.2	Sends copy of the contract draft to the Budget Division and Requester Unit for review and feedback	CRC or any other authorized personnel	Contract draft for review and feedback	
6.2.3	Reviews and provides comments regarding the contract draft and responds in writing regarding the clauses and conditions' evaluation and approval	EQB Requester Unit	Contract draft evaluation and comments	Within five (5) work days
6.2.4	Prepares the final contract according to comments received	CRC or authorized personnel	Final contract	
6.2.5	Requests all required documentation included in the Contract Execution Checklist (as applicable) to the firm or person to be contracted	CRC or authorized personnel	Required documentation request	



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Step	Description	Official in Charge	Outcome	Time Required
6.2.6	Requests and obtain contracting authorization from the corresponding agencies (before rendering the final contract)	CRC or authorized personnel	Authorization request and receipt	
6.2.7	Obtains the signatures of all contract partakers	CRC or authorized personnel	Three (3) original final copies signed and initiated in all pages by partakers	
6.2.8	Sends original signed contracts to EQB Finance Division, EQB Procurement Division, Contracting party and Legal Affairs Office	CRC or authorized personnel	Original signed contracts distribution	
6.2.9	Provide a copy of the applicable Ethics Law to the contracting party	CRC or authorized personnel	Signed receipt from Contracting Party	
6.2.10	Registers the signed contract in the in-house system that interfaces with the Office of the Comptroller, assigns a contract number and generates the Contract Concession Certification	CRC or authorized personnel	Contract registration in the in-house system, contract number assignment and Contract Concession Certification generation	Within fifteen (15) days after the contract has been signed
6.2.11	Registers the signed contract in FiMaS application and complete Form 730 to create the new vendor in the system	Purchasing Division staff	Contract registration in FiMaS application and Form 730 completion	Within thirty (30) days after the contract has been signed
6.2.12	Assures that contracted services are rendered in accordance to the contract and validates that any payment from federal funds is verified vs. the administrative conditions of Cooperative Agreements	Requesting Program, Area or Division	Services rendered validation vs. contract and payments verification vs. Cooperative Agreements	



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Step	Description	Official in Charge	Outcome	Time Required
6.2.13	Inform the Office of Legal Affairs Director about any irregularity observed	All Participants in contract execution process	Information regarding any irregularity observed	
	Informs the Administrator and Executive Director about any proceedings regarding contracts	CRC or authorized personnel	Information about any proceedings regarding contracts	
6.3.1	Prepares and sends a report of all contracts executed to the Executive Director	CRC or authorized personnel	Report of all contracts executed	

**9 Document Revision Table**

Revision Number	Revision Date	Section	Modification	Justification
1	6/18/2010	All document	Incorporate EPA's recommendations.	According to EPA document was lacking some information.
2	9/15/2011	6.2.4	Incorporate EPA's recommendations.	According to EPA document was lacking some information
3	9/21/2011	All document	Incorporate EPA's recommendations.	According to EPA document was lacking some information.
4	11/8/2013	2.0 & 6.2	Incorporate EPA's recommendations.	According to EPA document was lacking some information.
5	3/10/2014	2.0 & 6.2	Update applicable laws. Update media used to request approval.	Reflect process currently being used.



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