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GENERAL SERVICES ADMINISTRATION

"OFFICIAL RECEIVERS REGULATIONS"

OFFICIAL RECEIVERS REGULATIONS

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Commonwealth of Puerto Rico  
GENERAL SERVICES ADMINISTRATION

REGULATIONS NUMBER 8

FOR the creation of the Receiver in the system of Government purchases and contracts; the establishment of uniform regulations and procedures through which Official Receivers and Assistant Receivers shall be appointed; the listing of the requirements for qualification for said appointments; the enumeration of the obligations and responsibilities of the Official Receivers and Assistant Receivers; the establishment of the rules and procedures that they are to execute; the establishment of penalties; the derogation of any rules or directives existent in regulations, circular letters, administrative orders, as well as any other official document approved and circulated prior to the effectiveness of these regulations.

PART I: GENERAL RULES  
SECTION A: INTRODUCTION

ARTICLE 1: REFERENCE TITLE

These regulations shall be known as "Official Receivers Regulations".

ARTICLE 2: SOURCES OF THE LAW

These regulations are approved by virtue of the power conferred upon the General Services Administrator, by subsection "j" of Article 14 and Article 16 of Public Law 164 of June 23rd, 1974, as amended; and Sections 3 and 4 of Public Law 96 of June 29, 1954, as amended.

ARTICLE 3: PURPOSE

The Receiver has existed in the Government ever since, as a consequence of the growth and proliferation of specialized agencies in the Government, these have had to receive at an individual level every type of goods, works or services necessary for the performance of their basic functions. Nevertheless, the Receiver has never been recognized as such, nor his functions clearly stipulated. Within the Government purchasing system and in the administration of contracts, it is necessary to recognize as indispensable the functions of receipt, acceptance, distribution, and dispatch. It is necessary to fully indicate the activities that such functions entail and it is necessary to confer the responsibility for the discharge of these functions upon one specific person: the "Official Receiver of the Government". That is the only means that the Government has to see that its suppliers are duly complying with the terms of the contracts annually awarded to them; specially contracts for supplies, equipment, works, and services. In order to insure that the functions

of the Receiver are performed adequately, it is necessary to state the requirements to be fulfilled by the individuals on whom these functions shall be delegated. And once these are designated, it is important that they should have a reference source for consulting about their functions and obligations. These are the purposes endeavored to be achieved with these regulations.

ARTICLE 4: SCOPE

These regulations apply to any employee or Government official in whom the Administrator has delegated the receipt or acceptance of goods, works, and services by his appointment as "Official Receiver" or "Assistant Receiver"; and to any official or employee of the Government whose functions include the receipt and acceptance on behalf of the Government, of any goods, works, or services object of a contract.

ARTICLE 5: INTERRELATION WITH OTHER RULES AND REGULATIONS

The provisions of these regulations are not to be interpreted by themselves. In order to execute the functions of "Official Receiver" or "Assistant Receiver", it is necessary to know all the substantive and procedural rules and regulations that regulate acquisition in Government. Thus, the rules contained in these regulations should be interpreted in relation to all rules relevant to acquisition adopted by the Administrator and all fiscal regulations and rules relating to acquisition or purchase, approved by the Secretary of the Treasury.

ARTICLE 6: INTERPRETATION OF WORDS AND PHRASES

1. In General

The words and phrases used in these regulations are to be interpreted according to their context and meaning, sanctioned by common and current usage.

Terms used in these regulations in the present tense also include the future; those used in masculine gender also include the feminine and neutral genders, except in those cases that such interpretation would be absurd; the singular includes the plural and the plural includes the singular.

2. In Particular

a. Abbreviations and Definitions

The words and phrases used in these regulations shall be defined in this paragraph. Those used in only one Section of the regulations or that for greater clarification, be it necessary, shall be defined in the corresponding Section.

The following words and phrases used in these regulations are defined as stated below:

- 1) Administration-The General Services Administration.
- 2) Administrator-The Administrator of the General Services Administration.
- 3) Assistant Administrator-The Assistant Administrator for Purchasing, Services and Supplies Area, or her authorized representative.
- 4) Agency-Any Government branch or dependency including the Administration.
- 5) Area-The Purchase, Services and Supplies Area of the Administration.
- 6) Purchaser-Any authorized Purchaser after being officially appointed as "Delegate Purchaser" or "Sub-Delegate Purchaser".
- 7) Day-Natural day.

- 8) Government-The Government of the Executive Branch of the Commonwealth of Puerto Rico, excluding public corporations, municipalities, and any agency that by Law is exempt from the jurisdiction and control of the Administration for its purchases.
- 9) Receiver-Any official or employee of the Government to whom the Administrator has issued the appointment of "Official Receiver" or "Assistant Receiver".
- 10) Contractor-Any natural or juridical person that has a contract in effect with the Government for the supplying of goods, performance of works, or rendering of services.
- 11) Acquisition-Anyone of the methods used by the Government for the procurement of all goods, works, or services necessary in order to perform its functions; such as but not limited to purchases, leases, donations and others.

SECTION B: FUNCTIONS AND OBLIGATIONS OF THE ADMINISTRATION  
AND OF THE AGENCIES

ARTICLE 7: OF THE ADMINISTRATION

The Administration is the agency with the obligation of administering Government acquisition contracts. In order to execute this function, it is necessary to delegate at agency level the handling of the acceptance, approval, and receipt of the goods or services, object of contracts. The Administration shall delegate the function of reveival in the most competent persons in each agency and shall ascertain that they adequately administrate Government contracts.

In the performance of this activity, the Administration is obligated to carry out the following functions:

1. TRAINING

The Administration is obligated to offer constant orientatin to Receivers. For this, it shall establish and maintain a training program for Receivers, divided in two parts:

a. Original Training

This training shall be offered to all new candidates in accordance with these regulations.

b. Continuous Training

In this training, new regulations and procedures will be explained, knowledge of existing rules is refreshed, and problems and errors discussed, as well as use and processal of forms and documents.

1) Frequency

This training is to take place at least once a year.

2. INFORMATION

The Administration is obligated to maintain Receivers informed of all acquisition activities in the Government and of all rules amended or in the process of modification.

a. Publications

To faithfully discharge this obligation, the Administration will send the Receivers, on time and in full, a copy of all the instructions in effect, so they may have their information up-to-date.

b. Informative Bulletin

The Administration shall also publish for the Receivers, as needed, an informative bulletin containing general information for the purpose of maintaining them up-to-date, so they may discharge their functions correctly.

3. CONSULTATIONS

The Administration shall maintain a direct line in the Area for the offering of constant advice upon the Receivers verbal or written consultations.

4. AUDITING

The Administration shall insure that the acceptance operation takes place correctly. For this purpose, it shall audit the works of the Receivers at agency level.

This auditing shall be effected in two ways:

- a. In the Receiver's agency itself, through periodic inspections;
- b. In the Administration, through the audit of the receipts, verifying in them the following:
  - 1) If the person who issued the receipt is the authorized Receiver,
  - 2) If the receipt has been adequately filled out,
  - 3) If the order against which it was issued, exists and, agrees in number or volume,
  - 4) If what he accepted complies with conditions and specifications.

ARTICLE 8: OF THE AGENCIES

The agencies are obligated to provide the necessary means for the adequate discharge of the Receiver's job. Especially, they are obligated to the following:

1. Mechanisms

The agencies shall establish the necessary mechanisms in order to facilitate the adequate supervision of the Assistant Receiver by the Official Receiver, as well as the necessary mechanisms to facilitate the functions of the Receivers.

2. Warehouse

The agencies shall provide an adequate site, so that what is received can be well guarded and not susceptible to illegal appropriation, deterioration or loss.

PART II: RECEIVERS

SECTION A: GENERAL RULES

ARTICLE 9: OFFICIAL RECEIVER

1. Creation

The Official Receiver is hereby established with the functions, obligations, and powers stipulated in these regulations.

2. Purpose

The Official Receiver has been created for the purpose of centralizing, as much as possible, under one person specially trained for such position, the acceptance, on behalf of the Government of such goods, works, and services as destined for the agency at issue, thus ensuring the good and constant administration of the contract in effect throughout the Government.

3. Official Receiver

The Official Receiver is the person occupying a regular position in any of the agencies of the Government and who is authorized by the Administrator to receive and accept on behalf and in representation of the Government, goods, works or services included on a contract.

The designation of Official Receiver shall fall upon the person chosen by the agency head.

4. Limitation

Only one Official Receiver shall be appointed per agency.

ARTICLE 10: ASSISTANT RECEIVER

1. Creation

The Assistant Receiver is hereby created with the functions, obligations and powers stipulated in these regulations.

2. Purpose

The Assistant Receiver is appointed for the purpose of collaborating with the Official Receiver in his work, being his aide or substituting him in case of absence, subject to the discretion of the agency head.

3. Assistant Receiver - Definition

An Assistant Receiver is the person occupying a regular position in an agency in which an Official Receiver has been designated, whom in addition to the Official Receiver, the Administrator has authorized to receive and accept, by reason of the needs of the agency.

The designation of Assistant Receiver will fall upon the person most capable, based on the goods, works, and services he will accept, using as a guide the following:

a. Goods

When the Official Receiver will receive goods the designation should be made to the person in charge of the agency's warehouse or the person in charge of the project, office, or special work in which such goods are to be used.

Whenever the goods to be received are microphotography equipment, computer equipment, or transportation vehicles, the Receiver shall be the person specially designated by the Administrator for these purposes. The acceptance of these goods shall be effected at the Administration, according to the procedures adopted by the Administrator for these matters.

b. Works

When dealing with the acceptance of work, the Official Receiver shall be the Assistant Administrator of the Construction and Maintenance of Public Buildings Area of the Administration or his authorized representative.

c. Services

When the acceptance is related to a service shall be accepted by the Program Director directly benefited by this service, or his authorized representative. However, in the case of non-professional services related with the Administration Programs, or professional services related to microphotography, electronic data processing, and mayor repairs to the Government fleet, these shall be accepted by the authorized representative of the Administrator according to the procedure of acceptance adopted by the Administrator for said purposes.

d. Special

Provided the Administrator approves it may be established by contract, that it shall be another person specially designated in it. In this cases, it will not be necessary to make an official appointment and the acceptance procedures delegated to such a person will be only in relation to the specific contract, which in turn will have to be countersigned by the Administrator.

4. Occasion for Designation

Appointments of Assistants Receivers shall be issued in those agencies where there is more than one warehouse, or where the existing warehouse is too large, or where because of the volume of work or complexity of the warehouse it would be physically and materially impossible for only one person to carry out the functions of Receiver as established in these regulations.

5. Limitation

At his discretion, the Administrator will appoint, if the agency head so requests, as many Assistant Receivers as necessary for the efficient functioning of the agency.

SECTION B: ELIGIBILITY

ARTICLE 11: REQUIREMENTS

Any person who satisfies the minimum requirements stated below shall be eligible to be appointed as Receiver:

1. High School Diploma;
2. Regular government position or office;
3. Basic training offered by the Administration.

SECTION C: SELECTION

ARTICLE 12: RECOMMENDATION OF RECEIVER CANDIDATES

Each agency's director shall recommend from his employees those whom he wishes to be appointed as "Official Receiver" or "Assistant Receiver".

ARTICLE 13: RECEIVER SELECTION PROCEDURE

1. Selection Criteria

In making his selection, the agency's director shall take into consideration the following:

- a. the position or office held by the person,
- b. functions he discharges,
- c. the necessity of the appointment for the discharge of his functions,
- d. work-time in which he will be performing his functions as Receiver.

2. Receiver Requisition

When an agency head understands that he needs to designate a Receiver in his agency, utilizing the form provided for it, he will submit the candidate and indicate the appointment requested. The candidate, thus recommended, must possess the minimum requirements established in these regulations.

SECTION D: TRAINING AND EVALUATION

ARTICLE 14: RECEIVER REQUISITION EVALUATION

Once the requisition is received, the Assistant Administrator will study it, subject to the following:

1. Agency Need

He shall verify if the need really exists in the agency and will thus make it known in the corresponding form.

2. Candidate Acceptance

If the candidate complies with the minimum requirements established in these regulations and the need of the agency is confirmed, the Assistant Administrator shall notify the agency head by means of a form so provided, the acceptance of the candidate and the date that the next training period shall begin for Receivers, in which such candidate has been registered indicating the date, place and time for such training.

3. Candidate Rejection

If the candidate does not meet the minimum requirements, the appointment shall be denied automatically and the requisition returned; explaining in the form, the basis for denial.

ARTICLE 15: BASIC RECEIVER TRAINING

1. Content

Basic training for Receiver candidates shall be divided in two stages: lectures and practice.

a. Lectures:

The lecture phase shall contain but not be limited to information about the following:

- 1) Course objectives
- 2) Receiver functions and responsibilities
- 3) Laws and regulations controlling their activities
  - a) In general
  - b) Regulations directly or indirectly related to their functions
  - c) Procedures
- 4) Forms and their completion
- 5) Basic concepts in the receipt and delivery of merchandise, goods and services
  - a) In the private sector
  - b) In Government
- 6) Civil and Criminal responsibility in relation to the provisions contained in the civil, administrative and criminal laws directly or indirectly related to the functions of the Receivers.

b. Practice

The practice phase shall be offered only if the candidate covered all the lecture material and shall consist of the following:

1) At Area Level

The candidate shall be assigned to the Area for the period required by training and shall carry on his functions as Receiver at a central level, under the supervision of the person designated by the Assistant Administrator.

During this period, the person in charge of training shall see that the candidate covers all phases of reception, custody and dispatch in the Government.

2. Duration

Training duration shall be determined by the Assistant Administrator.

3. Attendance

Attendance at training shall be compulsory and it shall be the agency's duty to look after their employees' attendance in all phases of training.

ARTICLE 16: EVALUATION

Following training, candidates shall be evaluated to determine their proficiency.

1. Favorable Evaluation

Candidate's training shall be deemed approved if he complied with the following:

a. Attended all lectures

1) Certificate

Attendance shall be confirmed with the accrediting certificate, indicating course attendance. Such certificate shall be issued and delivered to the candidate at the end of the lecture phase.

b. Candidate demonstrated during practice sessions his ability to fulfill the functions, obligations, and duties concurrent with the appointment.

1) Certification

The person in charge of supervising the practice phase of training, shall issue a certification, recommending the candidate be issued the appointment.

SECTION E: APPOINTMENT

ARTICLE 17: OFFICIAL APPOINTMENT

The Administrator shall issue an official appointment to the person receiving favorable certifications in both training phases.

ARTICLE 18: APPOINTMENT ISSUANCE PROCEDURE

The appointment as "Official Receiver" or as "Assistant Receiver" shall be made in such a way as to facilitate the verification of its correctness and soundness. To ensure this, the appointment shall be issued personally, following the procedure below:

1. Summons and Registration

Candidate shall be summoned to appear at the Area where after presenting his summons, he will register his signature before the Assistant Administrator or her authorized representative, in accordance with the regulations approved by the Secretary of the Treasury for those purposes.

2. Delivery of Documents

After registering his signature, the following accreditative documents indicating his appointment as "Official Receiver" or as "Assistant Receiver" shall be delivered to him:

a. Appointment

The appointment shall be the form specially designed to credit the candidate with all his functions and duties. In order to be valid, said form must contain the following information:

- 1) Photograph of the person appointed in Area records
- 2) Appointee's name

- 3) Signature of the appointee
- 4) Office or position he occupies
- 5) Appointment number
- 6) Date of Appointment
- 7) Appointment expiration date
- 8) Agency and program for which he works
- 9) Physical address of his work
- 10) Social Security Number
- 11) Special Restrictions
- 12) Objects works or services authorized to receive
- 13) Volume and cost authorized to accept

b. Identification

The identification is that which the Receiver shall utilize to identify himself within his agency or with third persons. It will contain the following information:

- 1) Photograph of the person
- 2) Name of the person
- 3) Signature of the person
- 4) Appointment number
- 5) Date of appointment
- 6) Appointment expiration date
- 7) Agency and program for which he works
- 8) Type of appointment
- 9) Signature of the Administrator

c. Name Tag

In addition, he shall have on his clothing a name tag provided by the Administration.

### 3. Distribution

Accreditative documents pertaining to the official appointment shall be distributed in the following manner:

#### a. Appointment

- 1) The original shall be given to the person appointed
- 2) One copy, for the personal file in his agency
- 3) One copy signed by the Receiver appointed shall be sent to the Secretary of the Treasury
- 4) A copy, for the Receiver's personal record in the Area.

#### b. Identification

The identification shall be delivered to the person.

#### c. Certificate

- 1) Original goes to the person upon conclusion of training phases
- 2) Photocopy, to the Receiver's Area Records

#### d. Name Tag

The name tag will be provided free of charge to the appointee upon signing for its acceptance.

The Receiver must pay the cost of future name tags provided.

### ARTICLE 19: DURATION

The Receiver's Appointment shall be effective for two (2) years.

### ARTICLE 20: SCOPE OF APPOINTMENT

The Receiver shall be able to receive all the goods, works, and services destined for the agency; provided that these coincide with the terms, characteristics and conditions in the corresponding purchase order against which it is delivered.

ARTICLE 21: RENEWAL

1. Time and Circumstances

Receivers appointments may be renewed but not automatically Incumbents may be considered for a new term, four (4) months before the end of their current term provided that:

- a. The evaluation made by the Area during the period ending has been favorable;
- b. The agency still needs the appointment;
- c. The agency director expressly requests it.

2. Reevaluation

Upon reevaluating the Receiver to decide if his appointment is to be renewed, the Area shall determine if the candidate is duly qualified for issuance of such appointment, taking into consideration the following:

a. Criterion

- 1) Evaluation of Receiver's record.

3. Requirement

- a. When there has been an ammendment to a law, regulations and other rules that regulate his work, and the candidate has not attended one of the continuous training courses, he shall be subjected to a reevaluation concerning the new rules, or a retraining before his application is acted upon.

ARTICLE 22: REVOICATION

The Administrator shall be able to revoke a Receiver's appointment for just cause, which shall be understood exists, if one of the following occurs:

1. Causes

- a. Inefficient performance of duty, according to the law, regulations, and other rules that control Receiver's activity;
- b. The agency head has requested it with prior justification.

ARTICLE 23: DUPLICATE

Identification duplicates may be issued to the Receiver following his sworn application, utilizing for it the form provided by the Administration for such use, when the original identification has been lost, damaged, deteriorated or stolen; or when the person changes his name or signature.

Before issuing duplicates it shall be necessary to verify the person's record to make sure that no cause exists that would preclude the issuance of the identification and to determine if the person has a pending retraining.

The duplicates should reflect that they are duplicates and all previous records, shall be marked in it, as well as, the original expiration date. The fact shall be registered in the person's record.

ARTICLE 24: EMPLOYEE RESIGNATION

If an employee with a Receiver's appointment is transferred to another agency, resigns or is dismissed from his employment, his appointment shall automatically become null and void and he will have to turn in his identification to the Area.

The head of the agency that the person is leaving shall have the obligation of notifying the Administration of the transfer, resignation, or dismissal of said employee.

SECTION F: RECEIVER FUNCTIONS AND OBLIGATIONS

ARTICLE 25: COMPLIANCE WITH RULES AND REGULATIONS

The Receivers are under the obligation of knowing and complying with all rules and regulations related with acquisition and acceptance in Government.

The agencies heads shall make sure that in their agencies the Receivers are faithfully complying with the corresponding rules.

ARTICLE 26: SUPERVISION

The Official Receiver will supervise the Assistant Receivers in his agency and must notify any irregularity committed by them to the agency head and the Administrator.

ARTICLE 27: CENTRALIZATION

Receivers shall make certain that the principle of centralized acquisition in the agencies is adhered to. For this, they shall conduct their work in connection and coordination with the Official Receiver, following in general terms the directives established in these regulations and those which the Administrator may establish through Circular Letters, Instructions, and other Documents.

ARTICLE 28: PROCEDURES

Receivers are obligated to faithfully comply with the established procedures. Thus, they must know all those procedures established in these regulations and those that the Administrator through Circular Letters, Instructions, and other Documents may so establish.

ARTICLE 29: BREACH OF CONTRACT

Receivers shall immediately notify the Administration of any breach of contract by a contractor.

PART III: PROCEDURES

ARTICLE 30: GENERAL PROCEDURES

The Receiver is the person that culminates all purchase proceeding in Government. To such effect, he has to intervene in the last stage of any acquisition contract, that is, the delivery and acceptance. After his efficient intervention, the payment or corresponding claim shall be made, as may be the case.

The Receiver will implement the following procedures:

1. Receipt of Goods
2. Receival of Works
3. Acceptance of Services
4. Issuance of Receipts
5. General Administration of Contract
6. Custody
7. Dispatch
8. Report Preparation

When intervening in each one of the procedures mentioned, the Receiver must comply with what is established in these regulations and must follow the procedures, directives and instructions that the Administrator may issue.

ARTICLE 31: ACCEPTANCE OF GOODS

1. Upon accepting a delivery of goods, the Receiver must be sure to do the following, when feasible:
  - a. count the goods
  - b. weigh the goods
  - c. identify goods against specific entry involved

- d. verify in general terms if they comply with the specifications
  - e. verify the delivery and if it complies with conditions
  - f. verify if he is authorized to receive what is being delivered
  - g. verify if the delivery is in-full or partially
2. When the goods received are equipment, the Receiver must immediately get in communication with the Property Custodian who will proceed to enumerate and register it as that agency's property. Until the Property Custodian has carried out that action, the equipment will remain under the custody of the Receiver and shall be his exclusive responsibility. Immediately after Property Custodian enumerates and assigns it, the Receiver shall formally proceed to its distribution and corresponding delivery.

ARTICLE 32: ACCEPTANCE OF WORKS

The acceptance of works shall be made according to the rules established in "General Conditions for Contracting of Works and Other Related Documents" and the specific contract in effect.

ARTICLE 33: ACCEPTANCE OF SERVICES

Acceptance of services shall be effected through a written certification and endorsement of contractor's invoice.

ARTICLE 34: ISSUANCE OF RECEIPTS

When the Receiver accepts things, materials, or equipment, he shall have to issue a receipt, in the form provided for it by the Administration.

1. Purpose

The receipt issued by the Receiver is for the purpose of consigning the circumstances and conditions in which what is delivered by a contractor against a purchase order is received.

2. Receipt Preparation

The Receiver shall fill out the form adequately no later than the day of receipt, making certain all spaces are filled out, even when there is no information to go in them, in which case he shall write "Not Applicable".

3. Content

The receipt issued by the Receiver shall contain the following information:

- a. Name of supplier
- b. Purchase order number
- c. Date of receipt
- d. License number of the vehicle in which the delivery is made
- e. Specifications as to whether the delivery is in-full or partial
- f. Object received
- g. Unit in which the delivery is made
- h. Unit content
- i. Quantity of units involved
- j. Complete description of that which is received
- k. Conditions under which it is received
- l. Name of the person delivering

- m. Signature of the person delivering
- n. Position occupied by the person delivering
- o. Certification

1) Receiver shall certify that he has received or accepted on the day, hour and place, and in the circumstances mentioned in the receipt, the quantity of goods described.

4. Discrepancies

In the space provided for it, the Receiver shall account for any discrepancies between that expressed in the Contractor's Invoice and what is delivered; or that which is expressed in the terms of the contract or purchase order and what is delivered.

5. Steps Subsequent to Receipt Issuance

The Receiver will have to distribute copies of the receipt form adequately filled out in the following manner:

- a. The original to the person who makes the delivery
  - 1) Same day as delivery
- b. A copy to the Purchaser who issued the purchase order
  - 1) Within twenty-four (24) hours of issuing the receipt
- c. One copy to agency unit originating the requisition
  - 1) As soon as the goods are available for transfer or delivery
- d. A copy to the Finance Director or his authorized representative
  - 1) Within twenty-four (24) hours of issuance
- e. A copy to Area
  - 1) Within twenty-four (24) hours of issuance
- f. A copy to the Official Receiver in his agency, if the person receiving is an Assitant Receiver
  - 1) As soon as possible

g. A copy to the Property Custodian, if what is received is equipment

1) Within twenty-four (24) hours of issuance

h. To the Treasury Department the number of copies its by require

i. The Receiver shall retain a copy for his records

6. Effect

When receiving goods, materials and equipment, the Receiver shall limit himself to receive. The issuance of a receipt by the Receiver does not relieve the Contractor from his contractual liability, if subsequent to receipt, when the petitioning unit originating the request within the agency receives said materials and equipment, and determines or finds that what was delivered is not in accordance with what was requested in the purchase order.

In the case of works, services and microphotography and data processing by electronic systems equipments, and transportation vehicles or services related to all these, the receipt shall include the acceptance for which the Government shall be responsible.

7. Partial Deliveries

a. Definition

When the required quantity in the purchase order is not delivered in its totality, it is understood that the delivery made is a partial delivery, against that purchase order.

b. Partial Delivery Registry-Record

When, upon receiving a delivery the Receiver checks the invoice against the purchase order, and as a result verifies that it is a partial delivery, he shall proceed in the following manner:

- 1) in the corresponding space on the receipt he shall record that the delivery is partial
- 2) he shall write down briefly the reasons given him as to why the full delivery has not taken place.

c. Effect in the Receipts

For each delivery received, be it partial or total, the Receiver shall issue a receipt.

ARTICLE 35: MONTHLY REPORT

The Official Receiver is obligated to submit a Monthly Report to the Administrator. The Assistant Receiver shall submit to the Official Receiver a Monthly Report similar to the one that Official Receiver must submit to the Administrator. The Official Receiver's Report shall include information related to the activities of the Assistant Receivers.

1. Purpose

- a. Become acquainted with the activities carried out during the period covered by the report;
- b. Find out if the rules in effect have been complied with in the transactions that took place.

1) Effect

If the established procedure has not been complied with, the Administrator shall investigate the casuses for this and shall take the pertinent action, subject to the following:

- a) If as a result of the investigation it is determined that the errors made are due to a lack of knowledge about rules and procedures, the Receiver involved

shall be immediately summoned to appear at the Administration for retraining.

- b) If it is determined that the fault lies in an involuntary error, such fault shall be verbally pointed out to the Receiver involved.
- c) If it is determined that it was negligence or bad faith, depending upon the seriousness of the fault, one of the following measures shall be applied:
  - (1) Written admonition,
  - (2) Suspension of Appointment,
  - (3) Revocation of Appointment
- d) If the fault was due to hierarchical obedience, the Administrator shall so point it out to the agency head, so he may take the corresponding steps.
- e) If the investigation reflects that there has been a malicious violation of any law or regulation whose violation amounts to the commission of a crime, it shall be submitted to the Department of Justice for the action that said Department may deem pertinent.

## 2. Term

The Monthly Report to the Administration shall have to be completed and duly submitted no later than the 10th. day of each month. The Monthly Report of the Assistant Receivers to the Official Receivers shall have to be completed and duly submitted no later than the 5th. day of each month.

3. Content

The Receiver's Monthly Report shall contain the following information:

- a. Date of Report
- b. Name of Receiver
- c. Number of Receiver
- d. Agency Name
- e. Breakdown of Receipts:
  - 1) Number of each receipt issued that month
  - 2) Date of each receipt
  - 3) Number of the order against which the delivery is made and receipt issued
  - 4) Item, work or service received or accepted for each receipt
  - 5) Quantity received
  - 6) Total number of receipts issued that month
  - 7) Total amount for the month (dollar value involved)
- f. In those agencies in which the Official Receiver has to supervise Assistant Receiver:
  - 1) Copy of the Monthly Report of each Assistant Receiver
  - 2) His certification of verification and approval of such reports

PART IV: TEMPORARY MEASURES AND FINAL PROVISIONS

ARTICLE 36: RECEIVERS UNDER PRIOR REGULATIONS

A grace period of ninety (90) days is hereby given, starting the date of the approval of these regulations, within which the heads of agencies shall submit their candidates. Once such period has passed, if no candidate has been received from the agency, it shall be assumed that the agency has no interest or need for the appointment of a Receiver for said agency.

Incumbents on the date these regulations become effective, can be considered Receivers with temporary appointment, the only ones to be recognized as such under the provisions of these regulations, Under these appointment no receival shall take place ninety (90) days subsequent to the date in which these regulations come into effect.

ARTICLE 37: RECORDS

1. Creation of New Records

Any irregularity in the reception procedure pointed out to the Receiver prior to the legal effect of these regulations, shall be eliminated from the record and will not affect in any way the Receiver's future record, or his possibilities for recognition or awards as a Receiver.

2. New Records Content

The Administration shall have in the Area a record of each person to which an appointment as Receiver has been issued.

It shall contain the following:

- a. Documents pertaining to the appointment or designation including:

- 1) Receiver Requisition
  - 2) Recommendation
  - 3) Certifications
  - 4) Appointment
- b. Copy of the Monthly Reports
  - c. Any other communication between the Area and the Receiver
  - d. Auditing reports
  - e. Reports of Irregularities
  - f. Records of receipts received
    - 1) This information shall be entered in a special form designated for it, in which the following information shall be included:
      - a) Date of receipt
      - b) Number of receipt
      - c) Number of purchase order against which the receipt is issued
  - g. All other documents related with the Receiver
  - h. Any other information that the Administrator understands should be included:

### 3. Disposal

Any Receiver's file prior to these regulations, may be disposed off in agreement with regulations in effect covered by the Public Documents Administration, Public Law Number 5 of December 8, 1955, as ammended.

### ARTICLE 38: INCENTIVES AND AWARDS PROGRAM

An awards and incentives program is created and established in

the Administration, to annually recognize the efficient labor performed by Government Receivers. The Assistant Administrator shall be in charge of the implementation of such program.

ARTICLE 39: VIOLATIONS AND PENALTIES

Any particular person, official or employee of the Government submitting incorrect or fraudulent information with the purpose of being issued an appointment as Receiver; any Receiver lending or disposing negligently of his identification to any other person; or lending his authorization with the purpose of having the other person identify himself as a government employee without being so; or being one, the Receiver or other person to whom he facilitates his identification utilize it to gain access to documents or to persuade any agent of the public order to act in his favor; or to third person so they may goods deliver to him, shall be subject to having any one of the penalties established in these regulations applied to him.

Any person that, following an investigation to such effect, the Administrator determines, has incurred in a violation of any one of the provisions of these regulations, shall be subject to one or more of the following penalties:

1. May be indicted as established in Article 32 of Public Law 164 of the 23rd of July, 1974, as ammended, known as the "General Services Administration Act".

a. Said Article provides in its second paragraph that any person infringing any one of the regulations issued under said Law, shall incurr in a misdemeanor and if convicted, shall be sentenced to pay a fine of no less than \$50.00 and no greater than \$250.00; or imprisonment for a term of no less than one (1) month nor

greater than six (6) months or both penalties, at the discretion of the Court.

2. His appointment as Receiver may be suspended or revoked.
3. The case may be referred to the head of the agency where the person works, so that at his discretion, he may proceed to choose one of the sanctions authorized by Article 6 of Public Law Number 5 of October 14, 1975, as amended, known as "The Public Service Personnel Act of Puerto Rico".

ARTICLE 40: DEROGATIONS

Any rule contained in regulations, administrative orders, circular letters, or any other official document concerning the matter or object of these regulations and in the effect on the date of approval of these regulations are hereby repealed.

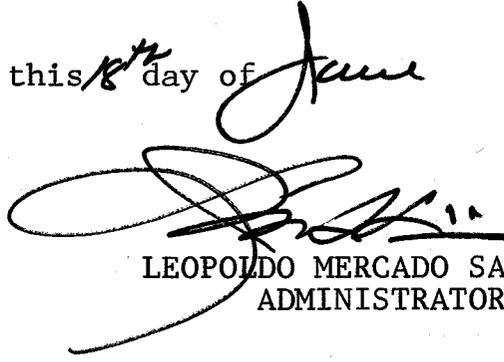
ARTICLE 41: TEMPORARY EFFECTIVENESS OF PROCEDURES AND DOCUMENTS

All forms, documents and procedures related to the substance of these regulations, even if they have been approved, under other regulations repealed by these, shall maintain their effect until new forms have been issued and new procedures approved.

ARTICLE 42: EFFECTIVENESS

This Regulation shall take effect thirty (30) days after its filing with the State Department of the Commonwealth of Puerto Rico in accordance with the provisions of Act Number 112 of June 30, 1957 as amended.

San Juan, Puerto Rico at this <sup>18<sup>th</sup></sup> day of *June*  
1979.



LEOPOLDO MERCADO SANTINI  
ADMINISTRATOR