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COMMONWEALTH OF PUERTO RICO

GENERAL SERVICES ADMINISTRATION

REGULATIONS NUMBER 13

of the

REGULATORY BOARD

of the

General Services Administration

1979

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REGULATIONS NUMBER 13

OF THE

REGULATORY BOARD

To establish the functioning of the Regulatory Board; the procedures to be followed when preparing and reviewing specifications patterns that shall be applied uniformly in relation to conditions and scope, to every purchase of merchandise, materials, supplies, or equipment.

PART I: GENERAL RULES

SECTION A: INTRODUCTION

ARTICLE 1: REFERENCE TITLE

These regulations shall be known as the "Regulatory Board Regulations".

ARTICLE 2: SOURCES OF THE LAW

These Regulations are adopted by virtue of the power conferred upon the Administrator of the General Services Administration by Section 7 of Public Law 96 of June 29, 1954, as amended, and Title II, Article 14, Section h, of Public Law 164 of July 23rd, 1974, as amended.

ARTICLE 3: PURPOSE

These Regulations are adopted with the purpose of establishing the procedure to be followed in the preparation and revision of specifications patterns that shall be applied uniformly in relation to conditions and scope, to all purchases of merchandise, materials, supplies, or equipment.

ARTICLE 4: SCOPE

These Regulations shall apply to all officials or employees of the Administration or of any agency upon which the Administration delegates acquisition functions.

ARTICLE 5: JURISDICTION

The provisions of these Regulations shall apply to all acquisition transactions conducted in Government by any agency obligated by law to utilize the services of the Administration, and any other Government agency voluntarily using the services of the Administration.

ARTICLE 6: DEFINITION OF TERMS

1. Administration - General Services Administration.
2. Administrator - The Administrator of the General Services Administration.
3. Specifications - Clear, concise, and definite description of the technical, physical, functional, aesthetical, and quality characteristics of a material, equipment, product, work, or service.
4. Regulatory Board - Consultative body of the Administrator for the preparation and revision of specifications patterns established in Public Law 96 of June 29, 1954, as amended.
5. Specifications Patterns - Official Publication of the Regulatory Board containing specifications approved, to be utilized in each category or item, applicable to all bids conducted by the Administration, or by any agency conducting bids, by virtue of expressed delegation or authorization conferred upon it by the Administrator.
6. President - President of the Regulatory Board.

ARTICLE 7: FUNDS

1. Printed matter necessary for Board operation shall be produced by the Government Printing Press, charged against the obligation determined by the Administration Area Finance Division of the General Services Administration.

2. Publications required by the Board for references, orientations, educational programs, and others by direct purchase or subscription shall be handled by the Administration Area of the General Services Administration.
3. Transportation expenses, per diems, and travel expenses related to the functions of the Board, shall be defrayed by the Administration Area of the General Services Administration.
4. Expenses for consultation with laboratories or private technicians shall be handled through the Administration Area of the General Services Administration, subsequent to approval by the Administrator.

PART II: REGULATORY BOARD

SECTION A: BOARD COMPOSITION

ARTICLE 8: BOARD OFFICIALS

The Regulatory Board shall be composed of the Administrator or his authorized representative who shall be its President, and six (6) additional members appointed by the Administrator. Two (2) of the members appointed to said Board shall be officials of different Departments of the Commonwealth Government. The members of this Board shall not receive any remuneration for their service as such. The members shall choose among themselves a Vice-President, a Secretary, and a Sub-Secretary.

ARTICLE 9: CONSULTANTS AND TECHNICIANS

The Board may request the advice, help, and cooperation of the different agencies, laboratory services, or Government or private technicians.

SECTION B: POWERS AND FUNCTIONS

ARTICLE 10: OF THE BOARD

1. Adopt a seal.
2. Approve Specifications.
3. Consider, evaluate, and decide concerning petitions for the inclusion of new specifications, and revision of existing ones.
4. Give orientation to Government agencies concerning the application of Board provisions.

ARTICLE 11: OF THE PRESIDENT

1. Ensure compliance with rules.
2. Direct Board proceedings.
3. Represent the Board.
4. Preside over Board meetings.
5. Adopt as his own the Board members recommendations.
6. Faithfully discharge all the functions and duties inherent to his position.

ARTICLE 12: OF THE SECRETARY

1. Keep custody of the information contained in Board books, correspondence, files, and documents.
2. Maintain control of all correspondence received and sent by the Board.
3. Certify Board documents.
4. Draft, control, and maintain record of the proceedings for all Board meetings.
5. Faithfully discharge all functions and duties inherent to his position.

SECTION C: BOARD OPERATION

ARTICLE 13: ATTENDANCE

Members of the Board shall personally attend all Board meetings.

ARTICLE 14: QUORUM

Attendance by four (4) member shall constitute quorum.

ARTICLE 15: MEETINGS FREQUENCY

1. The Board shall meet as many times as needed to discharge its responsibilities, but never less than once every three (3) months.
2. The Board shall meet when called by the President, or when two (2) of its members request it in writing.
3. The Board shall meet during working hours unless the President indicates otherwise.
4. All meetings shall take place subsequent to a call or summon and there always shall be an Agenda.

ARTICLE 16: AGREEMENTS AND DECISIONS

1. All Board agreements and decisions shall be made by the unanimous vote of members present voting.
2. Board agreements and decisions may not be appealed before the Board of Review, but a reconsideration of these may be requested from the Regulatory Board, according to the procedure approved to such effect.
3. Documents

Results of Board meetings shall be recorded in the following documents:

a. Decisions

Decisions taken by the Board, concerning matters before its consideration, shall be adopted in writing in a document titled "Acceptance". The Acceptance shall contain three (3) parts: the Petition, the Evaluation, and the Decision.

b. Agreements

The decisions of the Board at meetings that do not entail Acceptance shall be recorded in a document entitled "Agreement".

PART III: PUBLICATIONS

SECTION A: SPECIFICATIONS PATTERS

ARTICLE 17: FORMS

1. Types

There shall be two (2) types of publications:

- a. Specifications Index
- b. Model Specifications

2. Specifications Index

Specifications Index shall be a book containing the following:

- a. Preamble
- b. Instructions
- c. An alphabetical listing of material, equipment, products, works, and services.
- d. Reference number identifying the specification.

Said identification number shall mean as follows:

- 1) The first two letters (2) P.R., mean Puerto Rico.
- 2) The next four figures (4), signify the progressive number assigned to the model specification.
- 3) A letter between parenthesis, shall identify the type of specification as follows:
  - a) (M) - material
  - b) (P) - product

- c) (E) - equipment
  - d) (S) - service
  - e) (O) - work
- 4) The next letter between parenthesis, shall establish if the specification has been subject to revision. The letter (A) shall be assigned to the original specification; first revision shall be noted by the letter (B) and thus successively.
- 5) The next six (6) figures shall establish the date in which the specification or its revision was approved including the day, month, and year.

3. Model Specifications

Model specifications shall be published separately, and the Regulatory Board shall be responsible for its distribution.

a. Application

After its adoption by the Regulatory Board, up and until its elimination, each model specification shall be applied uniformly in relation to conditions and scope, to all purchases of merchandise, material, supplies, or equipment; and shall be available for inspection, by any interested supplier.

SECTION B: PROCEDURE

ARTICLE 18: SPECIFICATIONS ADOPTION

The adoption of specifications may proceed in the following manner:

1. By adoption of Federal Specifications,
2. By approval of Specifications that have been in use within the purchase system of the Government,
3. By approval of Specifications submitted for Board consideration,
4. By creation of the Board itself,
5. By any other way agreed upon by the Board.

ARTICLE 19: ACTIONS

An appearance before the Regulatory Board shall be in order concerning one of the following matters:

1. Inclusion of a Model Specification in the Specifications Patterns;
2. Revision of a Model Specification.

ARTICLE 20: PERSONS ALLOWED TO APPEAR BEFORE THE BOARD

Any manufacturer or his authorized representative, constructors, service firms, technicians, or experts in charge of designing specifications for agencies or private businesses, and any Government agency may file any appeal, herein established for any material, product, equipment, services, or works, of the kind acquired by the Government.

ARTICLE 21: PETITION FOR INCLUSION OR REVISION OF MARGINAL SPECIFICATIONS IN THE SPECIFICATIONS PATTERNS

1. Procedure

- a. The interested party shall submit before the Secretary of the Board, personally or by certified mail with return receipt requested, a formal Written Petition indicating the action filed.
- b. All petition must be accompanied with additional documentation establishing the capacity of the petitioner to request the action before the Board.

2. Evaluation of Petition

a. Term

The Board shall evaluate and decide on the petition, within a term that shall not exceed three (3) months from the date the petition was filed.

b. Study

The Board shall not pass judgement on a petition, until it has conducted a conscientious study on the article or service involved in the same. Said study shall include, when the Board so determines, the opinion of its technicians and consultants.

c. Evaluation

Once said study has been concluded, the Board shall meet to make its decision on the petition.

3. Decisions

a. Rejection

- 1) When the decision of the Board involves the rejection of a specification or of a revision of a specification, it shall notify it officially to the

interested party, no later than five (5) calendar days after handing its decision.

- 2) The Official notification shall be made through certified mail, return receipt requested.

b. Approval

- 1) When the Board approves a specification or the revision of a specification, the following procedure shall be in order:

a) Specification

- (1) An identification number shall be assigned to the specification and it shall be included in the Specifications Index.
- (2) An inclusion addendum shall be issued and sent to the recipients of the Specifications Index.
- (3) Publication of Model Specifications shall be ordered and pertinent distribution of the same shall be effected.
- (4) The petitioner shall be officially notified.

b) Specification Revision

- (1) Identification number in Specifications Index shall be amended.
- (2) A numbering change addendum shall be issued and sent to the recipients of the Specifications Index.

- (3) Shall order the publication of Revised Model Specifications and pertinent distribution of the same.
- (4) Shall officially notify the Petitioner.

PART IV: TEMPORARY MEASURES AND FINAL PROVISIONS

ARTICLE 22: RESTRICTIONS

No official or employee of the Government intervening in Board proceedings may have economic interest in said proceedings.

ARTICLE 23: PENALTIES

Anyone violating these Regulations may be subject to the penalties established in Article 32 of Act 164 of July 23rd, 1974, as amended.

ARTICLE 24: TEMPORARY PROVISIONS

1. Specifications in use within the Government purchases system shall remain in use, until these Regulations come into effect.
2. When these Regulations come into effect, all Specifications shall maintain effectiveness, but the Board must review them to determine if they remain, are rejected, or revised.

ARTICLE 25: EFFECTIVENESS

These Regulations shall enter into effect thirty (30) days after their submittal to the State Department, according to the provisions of Public Law Number 112 of June 30, 1957, as amended, known as the "Regulations Act".

Approved on the *18<sup>th</sup>* day of *June* of 1979 in San Juan, Puerto Rico.

  
LEOPOLDO MERCADO SANTINI  
ADMINISTRATOR