

**COMMONWEALTH OF PUERTO RICO
GENERAL SERVICES ADMINISTRATION**

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By: Laura L. de la Cruz
Assistant Secretary of State

OF

GENERAL SERVICES ADMINISTRATION

"OFFICIAL RECEIVERS REGULATIONS"

1984

OFFICIAL RECEIVERS REGULATIONS

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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 Administration by subsection "j" of article 14 and article 16 of Public Law 164 of July 23, 1974, as amended.

ARTICLE 3: PURPOSE

These regulations are approved to assure the official nature of the Receiver and acknowledge the need to identify receiving and accepting goods, works and services as acts related to the good administration of contracts and to have in one legal document all the general rules that regulate this activity.

ARTICLE 4: RELATIONSHIP WITH OTHER REGULATIONS

These regulations are not to be interpreted by themselves but rather in relation to other acquisition and fiscal regulations approved by the Administrator or the Secretary of Treasury.

ARTICLE 5: 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 use. In these regulations, words used in the present tense can be understood in the future tense; those used in the masculine gender may mean feminine or neuter unless such interpretation would be absurd singular number may include plural and so forth.

2. In particular

a. Abbreviations and Definitions

The following words and phrases are defined as stated below:

1) Administration - The General Services Administration

2) Administrator - The General Services Administrator

3) Assistant Administrator - The Assistant Administrator for Purchasing Services and Supplies Area or his authorized representative.

4) Acquisition - Each of the means used by the Government for the Procurement of all goods, works and services necessary in order to perform its functions; such as but not limited to purchase lease, donation and others.

- 5) Agency - Any Government branch dependency including the Administration
- 6) Area - The Purchase, Services and Supplies Area of the Administration
- 7) Goods - Chattels, movable property, fungible or not such as but not limited to the following: medicines, food, office material and equipment; construction material and equipment; land, air or water transportation means; its parts and accessories and materials for its maintenance and repairs: printing or reproduction equipment, machinery and materials: data processing and microfilming equipment machinery and materials; educational, medical and scientific equipment, machinery and materials and any other equipment machinery or material necessary for the Government functioning.
- 8) Purchaser - Any Government official authorized to buy in the Government's name to whom has been issued a designation of Purchaser or Delegate Purchaser.
- 9) Contractor - Any natural or legal person who has a contract with the

Government to Supply goods, make works or render services.

- 10) Branch Office - Units within an agency that its size, volume or physical location will make its work harder if it would depend on central actions for the receipt of goods.
- 11) Day - Natural day
- 12) Government - The Executive Branch of the Commonwealth of Puerto Rico except public corporations, municipalities, and any other agency which in the corresponding programs is exempt from acquiring its goods, works and services through the Administration
- 13) Bidder - Any natural or legal person who meets the requirements to contract with the Government and who is in the Bidders Register, is invited to bid or appears motu proprio to offer prices.
- 14) Works - Any work of construction, reconstruction, alteration, enlargement, improvement, repair conservation or maintenance of any structure or building.

15) Receiver - Any Government functionary or employee to whom the Administrator has appointed official or assistant Receiver

16) Services - All the non-professional services and those professional services that who ever is going to render them is required to have a university degree and sometimes license to practice it. These services must be related with the Administration programs such as: data processing, microfilming, public relations which include publications services, publication or communications, administration of transportation purchased and others.

17) Supplies - Chattels

ARTICLE 6: Scope

These regulations will apply to all Government employee whom the Administrator has appointed Official or Assistant Receiver or whom the Administrator in letter contract clause has expressly authorized to receive on a specific case.

SECTION B: FUNCTIONS AND OBLIGATIONS

ARTICLE 7: OBLIGATIONS OF THE ADMINISTRATION

The Administration has the obligations to see that the work of the Receivers be done efficiently. For this purpose, it must:

1. Train the Receiver candidates about the functions that are to be carried out before appointing them.
2. Offer guidance, when necessary to explain how to carry out new regulations, procedures and forms; refresh knowledge, correct errors, and discuss problems through seminars or written communications.
3. Issue by itself or in coordination with the Department of Treasury as many decrees and communications as necessary to insure an effective work on part of the Receivers.
4. Establish the necessary means to supervise the Receivers works.

ARTICLE 8: OBLIGATIONS OF THE AGENCIES

The agencies must:

1. Provide the internal means needed by the Receivers to comply with the function of receiving and delivery;
2. Provide adequate places that offer security so that what is received can be well guarded, and not be liable to be robbed, deteriorated or damaged.

3. Establish internal rules for the protection of what is received;
4. Provide the Official Receivers with adequate means that will enable them to supervise the Auxiliary Receivers

SECTION C: RECEIVERS

ARTICLE 9: OFFICIAL RECEIVER

1. Creation

The Official Receiver figure is hereby established with the functions, duties and authority stated in these regulations.

2. Purpose

The Official Receiver is created with the purpose of delegating the receiving of all those goods works or services acquired through any authorized means in one or more persons specially trained; and to insure a uniform and constant administration of the Government Contracts.

3. Who is the Official Receiver

The Official Receiver is he who occupies a career position in any Government Agency, and who has been authorized by the Administrator to receive goods, works and services in the name of the Government.

4. Designation

The Official Receiver designation will be conferred upon that career functionary or employee nominated by each agency's head and evaluated, trained and appointed by the Administrator if the nominee complies with the minimum requisites established in these

- regulations and passes the basic training
5. Only one Official Receiver will be appointed in each branch office.

6. Duties of the Receivers

The Receivers must:

- a. Know and perform all the regulations and procedures related to receiving and accepting goods, works and services
- b. Receive only those goods, works and services authorized when his appointment was issued
- c. Fill all forms required in the procedures of receiving and accepting; issue receipts; certify invoices; sign suppliers delivery document
- d. Prepare all reports required for a good administration of contracts
- e. Check the goods received with the documents that state what was requested and proceed immediately to dispatch and deliver to the units or personell who requested them
- f. The Auxiliary Receivers must submit a report to the Area each semester;
- g. Keep an inventory of what he has received during the year
- h. Notify the person in charge of the property of all equipment received to insure its

control and registry;

- i. Notify the Purchase who issued the purchase order of any irregularity or error

ARTICLE 10: ASSISTANT RECEIVER

1. Who is the Assistant Receiver

The Assistant Receiver will be that one appointed in any agency branch in addition to an Official Receiver

2. Purpose

The Assistant Receiver is appointed to help the Official Receiver in his work. If the agency head deems it so, he may substitute the Official Receiver.

3. Restrictions

There are no limits as to how many Assistant Receivers are appointed in an agency branch, except that Official Receiver must be in office.

ARTICLE 11: REQUIREMENTS

1. Official Receiver

A person will be eligible for an Official Receiver appointment if he complies with the following requirements

- a. Completion of High School senior year
- b. Occupy a regular position in the civil service

c. Approve the basic training

2. Assistant Receiver

To be eligible for an Assistant Receiver appointment the person must have the same requirements as an Official Receiver

ARTICLE 12: GUIDELINES TO DETERMINE IF RECEIVER APPOINTMENT IS REQUIRED

Each agency will determine the need to appoint a Receiver. To do this, an evaluation of the need to receive goods, works and services will be made taking into consideration the cost and value of what is received, its amount and frequency and in the case of goods storage and care time and use to be given to them.

1. Goods received from the Administration Warehouses

The employee who receives goods in the Administration Warehouses to transport them to his agency needs no Receiver appointment. In each agency, the employee who receives these goods needs Receiver appointment.

2. Special Goods, Works or Services

Only the Administration employees authorized by the Administrator, can receive office equipment (which price exceeds \$1,000) construction equipment, machinery computes and their accessories in excess of \$8,000, micrographic equipment and their accessories in

excess of \$1,000 means of transportation and their accessories, printing equipment machinery in excess of \$1,000 all works; all professional services related with the Administrations programs.

3. Exceptions

The works, goods and services mentioned in the previous paragraph 2 may be received at the agencies if the Program Director at the Administration recomends it to the Administrator. In these cases the functionaries authorized by the Administrator need not a Receiver Appointment. Authorization may be given in special letter or by approving or signing a contract which includes a clause stating 80.

4. Non-Professional Services Rendered by Annual Contracts to Chattels and other Non-Professional Services

The employees who have under their direct use or control any chattel to which service will be given under the provisions of an annual contract or a special contract of the Administrator, will certify in writing that the service has been rendered. For this a Receive Appointment is not needed. The functionary in charge of coordinating the non-professional

services in each agency will certify the invoices, unless the specific case is to be treated differently in accordance to provisions of the Treasury Secretary.

5. Construction Materials and Equipment for the General Services Administration and the Department of Transportation and Public Works

The foreman of each works with authorization of the Regional Director of the General Services Administration, or the Department of Transportation and Public Works may receive construction materials and equipment for the projects. The cost of these equipments must not exceed twenty five dollars (\$25) and must be in use at two (2) years or more.

These employees needs no designation as Receiver but the Regional Director must certify their signature in each receipt.

The employee who receives materials for storage and dispatch to the projects must have a Receiver's Appointment.

6. Materials and Equipment which requires Receiver Appointment for their receipt

Receiver appointment will be required for the receipt of office goods, materials and equipment, cleaning materials and equipment,

general construction materials or equipment, kitchen material or equipment and food, or any other equipment material or supplies related to the functions of the agency which are to be received at the agencies directly from the supplies without the Administrator intervention.

ARTICLE 13: APPOINTMENT

If after studying the standards established, the heads of agencies under the jurisdiction of the Administration determine they need one or more Receives appointed will request it using the form provided for said purposes.

The Administrator will issue Official or Assistant Receives appointments according to the procedures established for said purposes.

1. Term

The Receiver appointment will be in force as long as the branch office for which it was appointed needs it. The appointment will be in effective if the employee ceases in his functions, is transfered to another agency or resigns.

2. Annulment

The Administrator may annul the Receiver appointments of any person who doesn't comply with the regulations ruling his activities on his own or if the agency head so requests it.

3. Duplicates

The Assistant Administrator may issue copies of the documents accrediting the appointment, in accordance to the procedures thus established.

SECTION D

TEMPORARY MEASURES AND FINAL PROVISIONS

ARTICLE 14: RECEIVING FUNCTIONS PRIOR TO THESE REGULATIONS

1. Those functionaries and employees who are acting as Receivers when these regulations enter in force will continue on those activities until the Receivers under the regulations are appointed.
2. The new receivers must be nominated by the agency heads within thirty (30) days of these regulations entering into effect.
3. If the nominees pass the training they will be appointed not later than one hundred twenty (120) days after their naming.

ARTICLE 15: RECORD

The Area will keep record of all Receivers appointed.

ARTICLE 16: TRANSGRESSIONS AND PENALTIES

Any non-governmental individual, government functionary or employee may be subject to the penalties established in these regulation if he submits incorrect or fraudulent information with the purpose of receiving a Receiver appointment; any Receiver who lends his identification to any person; who lends his identification so that another person identifies himself as a Government employee; or who uses lends his identification to another person to have access to documents or to convince a public order agent to act on his favor; or who shows it to third parties so that they will give him goods.

Any person who after an investigation is found by the Administrator to have violated the provisions of these regulations, rules and procedures of the Receivers, is liable to one or more of the following penalties:

1. Can be subject to the procedures established in article 32 of Act No. 164 of July 23, 1974, as amended, known as the "General Services Administration Act".
 - a. This article establishes in its second paragraph that any person who violates any of the regulations approved under this law's dispositions may commit a misdemeanor and if found guilty is subject to penalty of fifty (\$50) to two hundred fifty (\$250) dollars or jail from one (1) to six (6) months at the court discretion.
2. May have his Receivers appointment suspended or cancelled.
3. The case may be referred to his agency head so that at his discretion, he may proceed to impose one of the sanctions authorized by article 6 of Act No. 5 of October 14, 1975, as amended, known as the "Public Service Personnel Act of Puerto Rico".

ARTICLE 17: TEMPORARY USE OF DOCUMENTS AND PROCEDURES

All the forms, documents, and procedures in use when these regulations enter into effect will remain in effect until new rules, forms and procedures are approved.

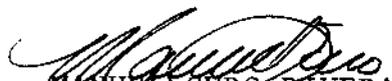
ARTICLE 18: REPEAL

Regulations No. 8 of the General Services Administration approved on June 18, 1979, known as the "Official Receivers Regulations" is hereby repealed.

ARTICLE 19: EFFECTIVENESS

These regulations will enter into effect thirty (30) days after its filing at the Department of State of the Commonwealth of Puerto Rico according to the provisions of Act No. 112 of June 30, 1957 known as "Regulations Act of 1958".

In SAN JUAN, PUERTO RICO, this 19th day of october of 1984.


MANUEL SURO RIVERA
ADMINISTRATOR