



COMMONWEALTH OF  
PUERTO RICO  
Puerto Rico Public-Private  
Partnerships Authority



COMMONWEALTH OF  
PUERTO RICO  
Puerto Rico Infrastructure  
Financing Authority

**REQUEST FOR QUALIFICATIONS (RFQ)**  
**RFQ NO: AFI-BP-14-15-AAPP**

**CONSTRUCTION AND INFRASTRUCTURE CONSERVATION SERVICES**  
**SCHOOL MODERNIZATION PROJECT**  
**PHASE II**



## TABLE OF CONTENTS

<b>Items</b>	<b>Page(s)</b>
1 Overview of RFQ and general guidelines	4
1.1 Introduction	4
1.2 Background to Puerto Rico's PPP Program	5
1.3 Function of this RFQ	5-7
1.4 Process and Schedule of Events	7-8
1.5 Deadline	8
1.6 Clarifications	8
1.7 Communications Protocol	8-9
1.8 Restricted Parties	9
1.9 Consortia	10-11
1.10 Applicability of Davis-Bacon Act	11
1.11 Minority Business Enterprises	12
2 Proponent Qualification Requirements and Evaluation Criteria	12
3 Evaluation Criteria	12
3.2 Experience and Performance	13
3.2.1 Experience - Minimum Requirements	13
3.2.2 Past Performance and Record of Integrity	13-14
3.2.3 Management	14
3.2.4 Financial Stability	14-15
3.2.5 Safety Performance	16
3.2.6 Organizational Capabilities	16
3.2.7 Technical Specialties and List of Sub-Contractors	16
3.2.8 Other provisions	16-17
4 SOQ Requirements and Procedure	17
4.1 SOQ Requirements	17
4.2 SOQ Submission	17
4.3 Format, Required Information And Submission Instruction for RFQ	18
4.3.1 Compliance with the RFQ	18

## TABLE OF CONTENTS

<b>Items</b>	<b>Page(s)</b>
4.3.2 Addenda to RFQ	18
4.3.3 Modifications or Withdrawal of SOQs	18
4.3.4 Reconsideration	18
4.3.5 Format of SOQ	18-19
4.4 SOQ Packaging and Delivery	19
5 Documentation to be Required from Qualified Respondents in RFP	20-22
6 Confidentiality of SOQ	22-23
7 Disclaimer	23-24
SOQ Checklist	25
Appendix A - Statement of Respondent Form	26-38
Appendix B - Respondent Certification Letter of Intent	39-40
Appendix C - Acknowledgement of Addenda Receipt	41
Appendix D - Insurance Company Letter of Intent	42
Appendix E - Bonding Letter of Intent	43
Exhibit F - Statement under Oath in Compliance with Law 428 Partnership	44-45
Exhibit F-1 - Statement under Oath in Compliance with Law 428 Corporation	46-47
Exhibit F-2 - Statement under Oath in Compliance with Law 428 Individual	48-49

## 1. Overview of RFQ and general guidelines

### 1.1 Introduction

The Commonwealth of Puerto Rico is interested in entering into agreements in connection with the provision of certain Construction and Infrastructure Conservation Services related to the second phase of the School Modernization Program in Puerto Rico, known as *Escuelas de Primera*<sup>1</sup>.

The Puerto Rico Public-Private Partnerships Authority, (the “Authority”), in collaboration with the Puerto Rico Infrastructure Financing Authority (“PRIFA”), is seeking to facilitate the execution of agreements with qualified private entities (each a “Proponent”) for the remodeling of existing schools and the construction of new schools in Puerto Rico (the “Project”). PRIFA is serving as procurement and technical advisor to the Authority and the PPP Committee in connection with this RFQ and the possible award of PPP Contracts, which would be structured as build and infrastructure conservation agreements.

More specifically, the Proponents will be required to:

- 1.1.1. build in accordance with the design and repair specifications, and
- 1.1.2. implement a one (1) year infrastructure conservation program.

This RFQ is issued under the Public Private-Partnerships Act, Act. No. 29 of June 8, 2009 (the “Act”) and the Regulation for the Procurement, Evaluation, Selection, Negotiation and Award of Public-Private Partnership contracts under Act No. 29 of June 8, 2009 (the “Regulation”). Respondents are encouraged to review the Act and the Regulation, which are available for download at the Authority’s website: <http://www.p3.gov.pr>. Pursuant to the above mentioned provisions, the Authority has determined that an RFQ is the appropriate method to establish the qualifications of the Respondents in order to distribute the RFP(s) and related addenda to those Respondents qualified through the RFQ process.

Through this RFQ and the statements of qualifications (“**SOQ**”) submitted in response to it, the Authority hopes to assess each Respondent Team’s financial, construction and infrastructure maintenance capabilities.

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<sup>1</sup> *Escuelas de Primera* is the second phase of The School Modernization Program that started in June of 2010, with the publication of the Desirability and Convenience Study (available for download at <http://www.p3.gov.pr>). The first phase of the program, known as “Schools for the 21<sup>st</sup> Century”, consisted in the design, remodeling and/or construction and conservation of eighty one (81) schools.

## 1.2 Background to Puerto Rico's PPP Program

The Act states that the public policy of the Commonwealth of Puerto Rico is to favor and promote the establishment of PPPs for the development of certain "Priority Projects," and among other things, to further the development and maintenance of infrastructure facilities, share with the private sector the risk involved in the development, operation and maintenance of such projects, improve the services rendered and the functions of the Commonwealth, encourage job creation and promote the Commonwealth's socio-economic development and competitiveness.

The Act created the Authority as a public corporation of the Commonwealth of Puerto Rico, affiliated to the Government Development Bank for Puerto Rico (the "GDB"). The Authority is designated as the sole government entity authorized and responsible for implementing the public policy on PPPs and for determining the purposes, services or facilities for which PPPs are to be established.

For each proposed PPP, the Authority must create a PPP Committee. The PPP Committee is responsible for the PPP qualification, evaluation and selection processes, for establishing the terms and conditions of the PPP Contract and reporting on the procedures followed.

A key issue to note for Respondents is that the PPP Committee has been vested with the power to negotiate the terms of the PPP Contract, and the Sponsors<sup>2</sup> have been vested with the power to approve the PPP Contract agreed to as a result of an RFP with a Proponent, subject to final approval by the Governor of the Commonwealth of Puerto Rico.

## 1.3 Purpose of this RFQ

- 1.1.3. This document is a Request for Qualifications (the "RFQ") to procure Statements of Qualifications (the "SOQs") from:

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<sup>2</sup> As used in this RFQ, the term "**Sponsors**" refers, collectively, to the Authority and any other governmental entity of the Commonwealth of Puerto Rico that would be deemed a Participating Governmental Entity under the ACT.

- 1.3.1.1 individuals,
  - 1.3.1.2 companies,
  - 1.3.1.3 joint ventures,
  - 1.3.1.4 or consortia of individuals and/or companies interested in providing construction and infrastructure conservation services for the Project.
- 1.1.4. This RFQ provides each interested Respondent with sufficient information to enable it to prepare and submit an SOQ for consideration and evaluation by the Authority. This RFQ contains instructions to Respondents and a Statement of Respondent Form which must be completed in its entirety and submitted to the Authority to be considered for qualification. The Statement of Respondent Form, together with all required Attachments, shall constitute the Respondent's SOQ. The Statement of Respondent Form is attached as Appendix A.
- 1.3.2 The Authority is issuing this RFQ because it has determined that:
- 1.3.2.1 the Project meets the requirements of Article 3 of the Act; and
  - 1.3.2.2 it is advisable to pursue the establishment of a PPP in connection with the Project.
- 1.3.3 This RFQ is being issued, in anticipation of one or more Request for Proposals (RFP) to be issued by the Authority for the Project, to identify the Respondents that meet the legal requirements imposed by the Act and the PPP Committee's standard of the minimum required:
- 1.3.3.1 Technical or Professional Ability and Experience, and
  - 1.3.3.2 Financial Condition and Bonding Capacity.
- 1.3.4 These standards are discussed in Sections 2 and 3 of this RFQ.
- 1.3.5 The objective of this RFQ is to help the PPP Committee qualify Respondents. The PPP Committee, in making its evaluation of the qualifications of a Respondent, may disqualify a Respondent if the Respondent:

- 1.3.5.1 may be treated as ineligible to submit a Proposal on one or more grounds specified in Section 6 of the Regulation;
- 1.3.5.2 fails to satisfy the standards established by the PPP Committee with respect to the Respondent's required financial condition, bonding capacity or technical or professional ability and experience (as discussed in Section 3 of this RFQ); or
- 1.3.5.3 fails to comply with the requirements of Articles 9(a) (Applicable Requirements and Conditions for those who wish to be considered as Proponents) and 9(d) (Consortia) of the Act, as applicable.
- 1.3.5.4 In addition, the PPP Committee reserves the right to qualify a limited number of Respondents.

1.4 Process and Schedule of Events

- 1.4.1 A summary schedule of the major activities associated with the procurement process is presented in Table 1. The dates and activities are subject to change and may be revised through the issuance of addenda to this RFQ.
- 1.4.2 The Authority expects to adhere to the following schedule for the qualification of prospective Proponents:

<b>TABLE 1: RFQ SCHEDULE</b>		
<b>Activity</b>	<b>Date</b>	<b>Hour</b>
Public Notice (RFQ issued by the Authority)	September 20, 2013	***
Questions Due Date	September 25, 2013	Until 4:00 p.m.
SOQs due at (the "SOQ Submittal Due Date for Contractors")	October 8, 2013	PRIFA no later than 3:00 p.m. local time
Notification to Qualified Proponents	October 21, 2013	***

- 1.4.3 The PPP Committee reserves the right to reject any and all SOQs, to waive technical defects, irregularities or any informality in SOQs, and to accept or reject any SOQs at its discretion. The PPP Committee also reserves the right to postpone the date on which SOQs are required to be submitted, or to take any other action it may deem in the best interests of the Sponsors.
- 1.4.4 Respondents that are qualified will also be required to sign a Confidentiality and Process Agreement before they are permitted access to, or participation in, any of the above. A form of this will be provided upon announcement of qualified Respondents.

- 1.4.5 Following this process, final, binding proposals will be requested in accordance with procedures to be provided to the qualified Respondents in the RFP. A more detailed description of the negotiation and bidding process for qualified Respondents, together with a more detailed timetable, will be provided in the RFP.
- 1.5 SOQs Deadline
  - 1.5.1 Those interested in participating in the RFP process for the Project must respond to this RFQ by submitting their SOQs no **later than 3:00 PM (local time) on October 8, 2013**. SOQs received after the deadline will not be considered and will be returned unopened.
- 1.6 Clarifications
  - 1.6.1 Respondents may request explanation or interpretation through a Request for Clarification or Information ("RFC" or "RFI") of any matter contained in this RFQ.
  - 1.6.2 Any such RFC/RFI must be submitted via email at: [edp2013@afi.pr.gov](mailto:edp2013@afi.pr.gov) on or before **September 25, 2013 (4:00 PM local time)**.
  - 1.6.3 **If the Authority provides any clarification or additional information as a result of an RFC/RFI, it will provide such clarification(s) by means of an addendum to be posted on the Authority's website (as required by the Regulation) at <http://www.p3.gov.pr> and will make reasonable efforts to deliver each addendum to all such interested parties. The Authority makes no guarantee of timely delivery of any addenda to any person or firm.**
  - 1.6.4 Respondents are encouraged to review the Authority's web page regularly.
  - 1.6.5 Respondents shall consider only those clarifications and interpretations that the Authority issues in the manner set forth above. Interpretations or clarifications in any other form, including oral statements, will not be binding on the Authority and should not be relied on.
- 1.7 Communications Protocol
  - 1.7.1 Respondents that anticipate responding to this RFQ shall so indicate as soon as possible by providing contact information via e-mail at [edp2013@afi.pr.gov](mailto:edp2013@afi.pr.gov). Also, all RFCs/RFIs regarding this RFQ should be addressed at the same e-mail.

1.7.2 The Sponsors are committed to a fair, open process for Respondents to receive information about the competitive solicitation process. Respondents and any Team Members will not discuss or communicate, directly or indirectly, with any other Respondent or any director, officer, employee, consultant, advisor, agent or representative of any other Respondent, including any Team Member of such other Respondent regarding the preparation, content or representation of their SOQs. SOQs will be submitted without any connection (i.e., arising through an equity interest [other than an equity interest that does not represent a controlling interest in an entity, as determined by the Authority from time to time] in or of a Respondent), knowledge, comparison of information, or arrangement, with any other Respondents or any director, officer, employee, consultant, advisor, agent or representative of any other Respondent, including any Team Member of such other Respondent.

## 1.8 Restricted Parties

1.8.1 Restricted Parties (as defined below), their respective directors, officers, partners, employees and person or legal entities Related to them are not eligible to participate as Team Members, or advise any Team Member, directly or indirectly, or participate in any way as an employee, advisor, or consultant or otherwise in connection with any Respondent.

1.8.2 Each Respondent will ensure that each Team Member does not use, consult, include or seek advice from any Restricted Party.

1.8.3 The following Restricted Parties have been identified:

- 1.8.3.1 UNIPRO Engineers, Architects and Planners
- 1.8.3.2 Fielding/Nair International
- 1.8.3.3 Caribbean Project Management (CPM)
- 1.8.3.4 Pietrantonio Méndez & Álvarez LLP
- 1.8.3.5 Hage Consulting Group, PSC
- 1.8.3.6 Bufete Luis A. Rivera Cabrera, PSC
- 1.8.3.7 CPA Armando A. Suárez
- 1.8.3.8 Or a subsidiary of the above mentioned companies

1.8.4 Moreover, Respondents must comply at all times during the procurement process with the Authority's Guidelines for the Evaluation of Conflicts of Interest and Unfair Advantages in the Procurement of Public-Private Partnership Contracts (the "Ethics Guidelines"). Respondents should review the Ethics Guidelines, which are available for download on the Authority's website: <http://www.p3.gov.pr>.

## 1.9 Consortia

- 1.9.1 To the extent that any Respondent has formed or proposes to form a consortium to participate --if qualified-- in the RFP for this Project, such Respondent should respond to this RFQ jointly setting out the identity and capabilities of all Team Members.
- 1.9.2 Additional rules with respect to consortia:
- 1.9.3 For the purposes of this RFQ, the following definitions will apply:
- 1.9.3.1 "Team" or "Respondent" means a(n) (i) individual, (ii) company, (iii) joint venture, or (iv) consortium of individuals and/or companies formed (whether formally or informally) to undertake the Project and enter into the PPP Contract;
- 1.9.3.2 Team Member means a member of a Team or Respondent. For the purpose of the Project, Team Members shall include each of the following with respect to a Team or Respondent:
- 1.9.3.2.1 Construction Firm
- 1.9.3.2.2 Infrastructure Conservation Firm
- 1.9.3.2.3 Each Key Subcontractor (Electrical, Mechanical, Construction, etc.)
- 1.9.3.2.4 "Key Subcontractor" means each person or legal entity which will be principally responsible for undertaking the construction or infrastructure conservation work of the Project.
- 1.9.3.3 Please note the following with respect to Teams:
- 1.9.3.3.1 No person or legal entity may join or participate with, directly or indirectly, as a Team Member in more than one Team or Respondent.
- 1.9.3.3.2 Each person or legal entity who participates as a Team Member must ensure that each other person or legal entity which is related to it does not join or participate with, directly or indirectly, as a Team Member in any other Team or Respondent without the prior written consent of the PPP Committee.
- 1.9.3.3.3 A person or company is "related" to another person or legal entity if:
- 1.9.3.3.3.1 one may exercise Control over the other; or
- 1.9.3.3.3.2 each is under the direct or indirect Control of the same ultimate person or legal entity.

1.9.3.3.4 A person or legal entity exercises "Control" of another if it has the capacity to determine the outcome of decisions about the other's financial and operating policies (whether formally or informally).

1.9.3.4 Without limiting any other right it may have, the PPP Committee reserves the right to disqualify a Proponent or Team from the procurement if, in the PPP Committee's sole opinion, a change to a Respondent or Team would render the Respondent or Team materially different for the Respondent or Team that was originally qualified.

1.9.3.5 The Authority shall be entitled to condition the selection of certain Respondents or Teams to having such Respondents or Teams join other qualified Respondents when, based on the qualifications of individual Respondents or Teams, the Authority determines that:

1.9.3.5.1 such action better serves the public interest; or

1.9.3.5.2 the evaluation criteria set forth in Article 9(c) of the Act are better met if such action is taken.

## 1.10 Applicability of Davis-Bacon Act

1.10.1 Respondents should note that the Project will be funded in whole or in part through certain tax-credit bonds authorized under the American Recovery and Reinvestment Act of 2009 (ARRA). The Respondent shall comply with the Federal Requirements under ARRA's Act. Such funding will require that the PPP Contracts, expected to be entered into by successful Proponents, include provisions requiring the Contractors to comply with the prevailing wage requirements of the Davis-Bacon Act (Title 40, Chapter 31, Subchapter IV of the United States Code) (the "DBA"). It is expected that the PPP Contracts will include certain provisions relating to the applicability of and compliance with the DBA, including as set forth in 29 CFR Part 5.5. A further explanation of these requirements and their applicability to the PPP Contracts will be set forth in the RFP.

1.10.2 Accordingly, each Respondent should familiarize itself with the requirements of the DBA, and in particular 29 CFR Part 5.5. Each Respondent will be required to certify in its SOQ that it has reviewed these requirements and, if qualified, following the issuance of the RFP is selected as a successful Proposer, it can and will comply with the requirements of the DBA in undertaking the Project.

### 1.11 Minority Business Enterprises

- 1.11.1 The Authority hereby notifies all Respondents that it will affirmatively ensure that Minority Business Enterprises will be afforded full opportunity to submit qualifications in response to this invitation and will not be discriminated against on the grounds of age, race, color, sex, creed, sexual orientation, national origin, or disability.

## 2. Proponent Qualification Requirements

- 2.1 This RFQ is available for Respondents who desire to participate in the RFP for the Project. All SOQs will be reviewed based on the requirements set forth in Section 3 of this RFQ.
- 2.2 The Regulation states that: the PPP Committee reserves the right to qualify a limited number of prospective proponents in order to arrive at a short list for a particular project; provided that such right is contemplated in the applicable RFQ or RFP.
- 2.3 The Authority hereby notifies Respondents of its right to limit the number of Respondents who will be qualified. The Authority will do so if this would be in the interests of the Authority in achieving its objectives.

## 3. Evaluation Criteria

- 3.1 Respondents who submit a response to this RFQ will be evaluated on the basis of the following three sets of criteria:
- 3.1.1 The Respondent shall make available evidence of such corporate or equity capital or securities or other financial resources that, in the judgment of the Authority and the PPP Committee, are necessary for the proper construction/renovation and infrastructure conservation of the Project;
- 3.1.2 The Respondent shall have a good reputation and the managerial, organizational and technical capacities, as well as the experience, to develop and administer the Project;

### 3.1.3

3.1.4 The Respondent shall certify that neither he or she, and in the case of a legal entity, its directors or officers, and in the case of a private corporation, the stockholders with direct or substantial control over the corporate policy, and in the case of a partnership, its partners, and in the case of natural persons or legal entities, any other natural person or legal entity that is the alter ego or the passive economic agent thereof, have been formally convicted for acts of corruption, including any of the crimes listed in Act No. 458 of December 29, 2000, as amended, whether in Puerto Rico or in any jurisdiction of the United States of America or in any foreign country. The Respondent shall certify that it complies and shall continue to comply at all times with laws which prohibit corruption or regulate crimes against public functions or funds, as may apply to the Respondent, whether federal or state statutes, including the Foreign Corrupt Practices Act.

## 3.2 Experience and Performance

### 3.2.1 Experience – Minimum Requirements

3.2.1.1 The criteria set forth in this section will be evaluated as minimum requirements on an “acceptable/not acceptable” basis.

3.2.1.2 All other evaluation criteria will not be evaluated on a “pass/fail” basis, but upon the relative strengths and weaknesses of the Respondent’s responses.

3.2.1.3 In order to qualify for consideration for the participation in the RFP, the Respondent shall have:

3.2.1.3.1 Two (2) or more institutional, commercial, or similar projects with a cost within the following ranges

3.2.1.3.2 Projects successfully completed within the past ten (10) years

3.2.1.3.2.1 Projects from four million dollars (\$4,000,000.00) to ten million dollars (\$10,000,000.00) each, and/or

3.2.1.3.2.2 Projects from ten million dollars (\$10,000,000.00) to twenty million dollars (\$20,000,000.00) each.

### 3.2.2 Past Performance and Record of Integrity

3.2.2.1 Past performance, experience, and the record of integrity of the Respondent shall be considered in the qualification process.

- 3.2.2.2 The Respondent shall provide precise information to verify its experience and past performance, including name and phone number of owner representative, inspector, Architects and Engineers.
- 3.2.2.3 The remodeling project will require exceptional coordination and execution skills.
- 3.2.2.4 Respondents will be evaluated on their ability to plan and execute complex implementation plans within environments where daily operations cannot be shutdown.
- 3.2.2.5 Respondents shall include specific experience in projects of similar complexity in the areas of construction and infrastructure conservation.
- 3.2.2.6 Due to the historical character of one of the schools to be remodeled, Respondents must also show experience in working with **historical buildings and permit requirements**.

### 3.2.3 Management

- 3.2.3.1 The Respondent shall identify the experience and provide a resumé for at least one (1) qualified construction supervisor to manage and supervise the Project, who has a minimum of:
  - 3.2.3.1.1 Five (5) years construction experience and
  - 3.2.3.1.2 Has supervised the completion of at least two (2) four million dollars (\$4,000,000.00) or more for institutional, commercial, or similar projects during the past ten (10) years.
  - 3.2.3.1.3 Eight (8) years construction experience and
  - 3.2.3.1.4 Has supervised the completion of at least two (2) ten million dollars (\$10,000,000.00) or more for institutional, commercial, or similar projects during the past ten (10) years to qualify for RFP packages over ten million dollars (\$10,000,000.00) to twenty million dollars (\$20,000,000.00) range.

### 3.2.4 Financial Stability

- 3.2.4.1 The Respondent shall submit a certificate by a surety agency qualified to do business under the laws of Puerto Rico, indicating that its organization is fiscally stable and is capable of obtaining sufficient bonding to cover a minimum of \$4,000,000.
- 3.2.4.2 The certificate shall indicate the maximum available bonding capacity that the construction firm within the Respondent group has. If more than one construction company will be part of the Respondent group the certification should reflect the combined available bonding capacity.

- 3.2.4.3 Submit at least two bank references (not older than three (3) months).
- 3.2.4.4 Submit name and best rating of bonding company, name and address of agent, certification of bonding capacity of bidder with insurer.
- 3.2.4.5 Include the last two fiscal years' audited financial statement, with certified public accountant (C.P.A.) auditors' report, containing an unqualified audit report, which should not be older than ten (10) months, prior to the bid opening date. It is mandatory that the audited and certified statement include the following:
  - 3.2.4.5.1 Auditor's report
  - 3.2.4.5.2 Balance Sheet Statement
  - 3.2.4.5.3 Statement of Revenue and Expenses
  - 3.2.4.5.4 Cash Flow Statement
  - 3.2.4.5.5 Financial Statements Notes (including accounting policies)
  - 3.2.4.5.6 Supplemental information as to Projects In-Process, Projects Completed and
  - 3.2.4.5.7 Backlog
- 3.2.4.6 The bidder who up to the bidding date, has been six (6) or more months in operation after the close of its previous financial year should provide financial statements (3.2.4.5.2), (3.2.4.5.3), (3.2.4.5.4) and (3.2.4.5.5) described above along with a compilation report from a certified public accountant as of the date, and for the period then ended, of the most recent accounting closing of the new fiscal year. For the remaining term until the date the bid proposal is submitted, should provide a copy of the current year balance sheet statement and statement of revenue and expenses and statement of cash flow duly sworn by the president or principal officer of the bidding entity. Bidders with less than six (6) months of operation after the close of its previous financial year should only provide a copy of the current year balance sheet, statement of revenue and expenses and statement of cash flow duly sworn by the president or principal officer of the bidding entity.
- 3.2.4.7 A statement by the president or principal officer of the bidding entity, as of the moment the bid proposal is submitted, of available credit lines and current borrowing, lending limits and terms including review and renewal dates (including overdrafts, loans, mortgages and any other liability).
- 3.2.4.8 Of the above borrowings, a detail of any creditors' terms that have been extended by agreement and therefore exceed normal contracted terms and conditions.
- 3.2.4.9 Any other documents sufficient to demonstrate the financial capacity with which they have to implement a timely and responsible work.

### 3.2.5 Safety Performance

3.2.5.1 The Respondent shall submit copies of the occupational safety and health administration (OSHA) 300 forms for the past three (3) years.

### 3.2.6 Organizational Capabilities

3.2.6.1 The Respondent shall have an organization capable of providing most of the services required for the Project, supplemented by a reasonable amount of subcontractors.

### 3.2.7 Technical Specialties and List of Sub-Contractors

3.2.7.1 The Respondent shall submit its previous experience in regards to the Technical Specialties' listed.

3.2.7.2 Also, the Respondent shall submit a list of the sub-contractors it intends to use and the experience of these sub-contractors in the following items:

3.2.7.2.1 Site preparation including, but not limited to soil improvement techniques, deep foundation installation, underground utilities and others.

3.2.7.2.2 Concrete and steel work including, but not limited to, reinforced concrete structures steel structures, and finishes.

3.2.7.2.3 Electrical work including, but not limited to, power distribution, lighting, alarm and communications systems.

3.2.7.2.4 Mechanical work including, but not limited to, HVAC and plumbing systems.

3.2.7.2.5 Site finishes like asphalt paved parking, roads, landscaping and others.

3.2.7.2.6 Interior finishes on institutional, commercial, or similar projects.

3.2.7.2.7 Infrastructure conservation of institutional, commercial, or similar facilities including but not limited to painting, equipment maintenance, roof protection, electrical and mechanical work.

3.2.7.3 The janitorial and landscaping services are not included in the infrastructure conservation services.

### 3.2.8 Other Provisions

3.2.8.1 SOQs shall not include any information regarding Respondent's fees, pricing or other compensation. Such information will be solicited from Respondents qualified by the PPP Committee to participate in the RFP phase.

3.2.8.2 By presenting an SOQ in response to this RFQ, Respondent accepts the evaluation process and acknowledges and accepts that the determination of the "most qualified"

Respondent(s) will require subjective judgments by the Authority, PRIFA and the PPP Committee.

3.2.8.3 By submitting its SOQ, the Respondent expressly warrants to the Authority that it has the ability and expertise to perform the required work and in so doing shall use the highest standard of professional workmanship.

#### **4. SOQ Requirements and Procedure**

##### **4.1 SOQ Requirement's**

- 4.1.1 The SOQ should comply with the format provided in Appendix A. Additional information not specifically related to the Project or this RFQ should not be included.
- 4.1.2 No Liability for Costs - The Sponsors, PRIFA and their advisors are not responsible for costs or damages incurred by Respondents, Teams, Team Members, subcontractors, or other interested parties in connection with the RFQ process, including but not limited to, costs associated with preparing responses, including the SOQ, qualifications, and proposals, and of participating in any conferences, oral presentations, or negotiations.
- 4.1.3 Modification and Termination Rights - The Sponsors reserve the right to modify or terminate the RFQ, to not initiate the RFP phase and to suspend or terminate either at any stage if the Sponsors determine such action to be in their best interests. The receipt of SOQ's or other documents at any stage of either the RFQ or the RFP process will in no way obligate the Sponsors to enter into any contract of any kind with any party.
- 4.1.4 Authorization for Further Investigation - By submitting a response to this RFQ, each Respondent specifically authorizes the Sponsors, PRIFA, the PPP Committee and their officers, employees and consultants to make any inquiry or investigation to verify the statements, documents, and information submitted in connection with this RFQ, and to seek clarification from the Respondent's officers, employers, advisers, accountants and clients regarding the same. The Authority reserves the right to inspect any facilities constructed or renovated by Respondent and may require presentations from the Respondent or other supplementary materials at Respondents expense.

##### **4.2 SOQ Submission**

- 4.2.1 SOQ Contents - The SOQ shall consist of a complete and executed Statement of Respondent, together with all required attachments thereto and additional company information.
- 4.2.2 The Statement of Respondent form shall identify the person that will serve as the contact for all communications from the Authority, PRIFA or the PPP Committee with respect to the SOQ

and RFQ (the “**Respondent Contact**”) including such person’s name, title, company, address, telephone number, facsimile number and E-mail address.

- 4.2.3 A duly authorized representative of the Respondent must sign the Statement of Respondent Form in blue ink and seal it with the Respondent’s corporate seal, if applicable. Evidence of such authorization must be included in the response.
- 4.2.4 Unsigned submissions will not be considered.
- 4.2.5 The Respondent should refer to the checklist provided at the beginning of the Statement of Respondent Form to insure that all required documentation has been included in order that its SOQ may be properly evaluated.
- 4.2.6 The Statement of Respondent Form shall be executed and dated as closely as possible to the SOQ due date.

#### 4.3 Format, Required Information and Submission Instruction for RFQ

- 4.3.1 Compliance with the RFQ - The Respondent shall comply with the SOQ requirements described below and in Sections 2 and 3, in order for the Authority to evaluate its SOQ. The Authority reserves the right to reject any SOQ not in compliance with the RFQ.
- 4.3.2 Addenda to RFQ - The Authority reserves the right to amend this RFQ at any time.
  - 4.3.2.1 Any amendments to this RFQ shall be described in written Addenda.
  - 4.3.2.2 Copies of each Addendum shall be available at the Authority’s website: <http://www.p3.gov.pr>. Respondents are encouraged to review the Authority’s web page regularly. All Addenda will become part of this RFQ.
  - 4.3.2.3 The Respondent shall acknowledge receipt of each Addendum in the Statement of Respondent. It is the sole responsibility of the Respondent to ensure that it has obtained the entire RFQ.
- 4.3.3 Modifications or Withdrawal of SOQs - A Respondent may modify or withdraw and SOQ by delivering to the Authority, prior to the SOQ due date, at the address for delivery of SOQ’s set forth in Section 4.4, a written request for modification or withdrawal that is executed by the Respondent Contact.
  - 4.3.3.1 Fax, telephone or verbal modifications or withdrawals will not be accepted.
- 4.3.4 Reconsideration
  - 4.3.4.1 Review regarding the selection and award process for qualifications must be pursued in accordance with Section 20 – Judicial Review Procedures of the Act.

#### 4.3.5 Format of SOQ

- 4.3.5.1 The SOQ shall be prepared in Spanish or English.
- 4.3.5.2 All requested information must be included in the SOQ, either by completing the Statement of Respondent Form or by attaching the required documents thereto.
- 4.3.5.3 At the Respondent's option, pre-printed brochures may be provided as additional information, but may not be in substitution for the required information.
- 4.3.5.4 All pages forming the Statement of Respondent Form, including all attachments, are to be bound into a single document.
- 4.3.5.5 The Respondent shall submit one (1) originally executed SOQ, with signatures in blue ink, and (5) copies along with one copy in portable document format (PDF) on a CD. The SOQ containing original signatures shall be marked as "Originals".
- 4.3.5.6 The SOQ documents shall be organized following the SOQ's checklist. Documents shall be subdivided using number tabs (on the right side of the documents) that correlate to the SOQ's Checklist order.

#### 4.4 SOQ Packaging and Delivery

The address on the envelopes of SOQ shall be labeled as follows:

Confidential: Magda L. Aguiar Serrano, Esq.  
Schools Public-Private Partnership Committee  
Puerto Rico Public-Private Partnership Authority  
Submitted By: (Respondent's name and address)  
Project: Construction & Infrastructure Conservation Services  
School Modernization Project Phase II - *Escuelas de Primera*

The SOQ packages shall be delivered to:

Puerto Rico Infrastructure Financing Authority (PRIFA)  
World Plaza Building  
268 Muñoz Rivera Avenue, 4th Floor  
Hato Rey, Puerto Rico 00918  
Attn: Magda L. Aguiar Serrano, Esq.

- 4.4.1 PRIFA shall date-time stamp all SOQs upon receipt.
- 4.4.2 PRIFA will reject any SOQ without a date-time stamp or a date-time stamped after the SOQ due date and time set forth in Sections 1.4 and 1.5
- 4.4.3 The Authority and PRIFA will not accept any SOQ delivered by telephonic, electronic or facsimile means.

## 5. Documentation to be Required from Qualified Respondents in RFP

5.1 Respondents are advised that the Authority will require during the RFP phase of the process, the submittal of the following documents, among others:

- 5.1.1 Certificate of filing of income tax returns issued by the Department of the Treasury for the last five (5) years preceding the contract (Model SC-6088). If the tax return for any of the said five (5) years was not filed, Model SC 2781 indicating the reasons for not filing must also be included. If Model SC-6088 indicates "Information not available submits evidence," the group will have to submit a copy of the first page of the tax return with a stamp acknowledging receipt by the Department of the Treasury. If the contractor and Operator is a corporation, Model SC 2888 is required (Manual Correction of Certification of Filing of Tax Return).
- 5.1.2 No tax debt certificate issued by the Department of the Treasury or certification of existing payment plan being met. (Form SC-6096).
- 5.1.3 No Tax Debt Certificate issued by the Internal Revenue Service (I.R.S.)
- 5.1.4 No Debt on Immovable Property Certificate.
- 5.1.5 Certificate of Filing of Movable Property Tax Returns for the last five (5) tax years issued by the Municipal Revenue Collection Center ("CRIM"). If the certification indicates failure to file for any of the years, the formalization of the contract will not be possible until the tax situation is clarified. If the contractor and operator does not own movable property, and does not appear in the CRIM system as having filed a return, said contractor will have to submit a sworn statement containing the information required. This certification must include the following:
  - 5.1.5.1 That the income is derived and paid for professional services (explain nature of the same).
  - 5.1.5.2 That during the last five (5) years, or since the contractor and operator began providing professional services (explain years), he has not had a business nor taxable or movable property as of the 1st of January of each year.
  - 5.1.5.3 That as a result of the foregoing, he does not have the obligation to file a movable property tax return as provided by Article 6.03 of Law 83 of August 1991, as amended, known as the Municipal Property Tax Act.
  - 5.1.5.4 That due to the above he does not have a tax file in the mechanized system of CRIM for the filing of movable property tax returns for the last five (5) years, or since he began providing professional services.
- 5.1.6 No Debt Certificate for All Items indicating that the contractor does not have any debts for any of the items with CRIM, and another No Debt Certification for Movable Property Taxes. In

the event that the contractor does not have movable or immovable property, instead of a no debt certification, a Certification of No Movable Property or Immovable Property will be issued. The number of certifications will vary based on the types of properties owned by each contractor. For example:

- 5.1.6.1 If both are possessed, Movable and Immovable property, only the No Debt Certificate for all items must be issued;
- 5.1.6.2 If only one type of property is possessed (immovable or movable), both certifications shall be submitted (Certificate of No Movable or Immovable Property, whichever the case may be, and No Debt Certificate for All Items).
- 5.1.7 Certificate of State of Compliance issued by the Child Support Administration (ASUME). Corporations must file their request for said certification with the Employer Unit of ASUME. The same indicates that the employer complies with the orders issued in his name as employer to retain the salary of employees as a result of owed child support.
- 5.1.8 Sworn statement, signed by the President or high executive authorized to represent the same, indicating that the Respondent, its subsidiaries, affiliates and/or parent companies, and/or its respective shareholders, directors, partners, officers, officials, executives, principals and/or employees, have neither been convicted nor has probable cause for their arrest been found against them, nor are they being investigated under any administrative, judicial or legislative procedure, whether within or outside of Puerto Rico, as a result of any crime constituting fraud, embezzlement or misappropriation of public funds, as provided in Law No. 458 enacted on December 29, 2000, as amended, or any other legal provision penalizing crimes against the treasury and the public trust, and I, the Declarant, have not been investigated, arrested, convicted, or found guilty or sentenced as a result of said criminal conduct.
- 5.1.9 Certificate of Employer Registration and of Debt in Respect of Unemployment Insurance and Disability Insurance issued by the Workplace Safety Bureau, Tax Division, Collection Unit of the Department of Labor and Human Resources. The same shall indicate that the contractor does not have a debt with the Disability Insurance and Unemployment Insurance Programs. If the person is not an employer, it shall indicate that the person is not registered as an Employer and therefore does not have any debt.
- 5.1.10 Certification of Employer Registration and of Debt in Respect of Driver's Insurance issued by the Persons with Non-Occupational Disabilities and Driver's Insurance Bureau of the Department of Labor and Human Resources. The same shall indicate that the contractor does not have a debt with the Non-Occupational Disability Insurance and Driver's Insurance Programs. If the person is not an employer, it shall indicate that the person is not registered as an Employer and therefore does not have any debt.
- 5.1.11 No debt Certificate and Copy of Current Policy issued by the State Insurance Fund.

- 5.1.12 Certificate of Existence or Certificate of Authorization to do business in Puerto Rico. The Certificate of Existence indicates that the applicant is incorporated under the laws of the Commonwealth of Puerto Rico and is obtained in the Archive Section of the Corporation Registry of the Department of State.
- 5.1.13 The Certificate to do business in Puerto Rico applies to foreign companies and is obtained in the Unique Service Center; it indicates that the applicant is authorized to do business in Puerto Rico. It must be current, indicate the dates of issuance and incorporation or of authorization to do business in Puerto Rico, and must be issued by the Department of State.
- 5.1.14 Certificate of Good Standing. It guarantees that the corporation complied with its obligation to send its annual corporate reports to the Department of State and that it is up to date in its affairs. It must be current, issued by the Department of State and indicate the date of issuance. It is obtained in the Annual Report Section of the Corporation Registry of the Department of State.
- 5.1.15 Copy of Merchant Registration.
- 5.1.16 Certificate that Respondent is listed in the *Registro Único de Licitadores ("RUL")* of the General Services Administration

## 6. Confidentiality of SOQ

- 6.1 All SOQs shall become the property of the Authority, except for documents or information submitted by Respondents which are trade secrets, proprietary information or privileged or confidential information of the Respondents. Respondents are advised to familiarize themselves with the confidentiality and publication provisions contained in Articles 9(i) and 9(j) of the Act and Section 9.3 of the Regulation to ensure that documents identified by Respondents as "confidential" or "proprietary" will not be subject to disclosure under the Act.
- 6.2 If a Respondent has special concerns about confidential or proprietary information that it would desire to make available to the PPP Committee prior to filing its SOQ, such Respondent may wish to:
  - 6.2.1 Make a written request to the PPP Committee for a meeting to specify and justify proposed confidential or proprietary documents.
  - 6.2.2 Make an oral presentation to the PPP Committee staff and legal counsel.
  - 6.2.3 Receive written notification from the PPP Committee accepting or rejecting confidentiality requests.
- 6.3 Failure to take such precautions prior to filing an SOQ may subject confidential or proprietary information to disclosure under Articles 9(i) and 9(j) of the Act and/or Regulation.

- 6.4 The Authority will endeavor to maintain the confidentiality of any information that a Respondent indicates to be proprietary or a trade secret, or that must otherwise be protected from publication according to law, except as required by law or by a court order. The PPP Committee shall determine whether or not the requested materials are exempt from disclosure. In the event that the PPP Committee elects to disclose the requested materials, it will provide the Respondent notice of its intent to disclose. In no event shall the Commonwealth of Puerto Rico, the Sponsors, the PPP Committee or PRIFA be liable to a Respondent for the disclosure required by law or a court order of all or a portion of an SOQ filed with the Authority.
- 6.5 Upon execution of the PPP Contract, the PPP Committee is required to make public its report regarding the procurement process, which shall contain the information related to the qualification, procurement, selection and negotiation process, and the information contained in the SOQ, except trade secrets, proprietary or privileged information of the Respondent clearly identified as such by the Respondent, or information that must otherwise be protected from publication according to law, unless otherwise ordered by a court order.

## **7. Disclaimer**

- 7.1 The information provided in this RFQ, or any other written or oral information provided by the Authority, PRIFA, the PPP Committee, its employees and consultants in connection with the Project or the selection process is provided for the convenience of the Respondents only. The Respondents shall make their own conclusions as to such information. Oral explanations or instructions from officials, employees or consultants of the Authority, PRIFA, the PPP Committee or any Puerto Rico public agency shall not be considered binding on the Authority, PRIFA or the PPP Committee. The Sponsors, PRIFA, the PPP Committee, employees and consultants make no representation as to such information, the accuracy and completeness of such information is not warranted by any of them and none of them shall have any liability in connection with such information or the selection process, all of which liability is expressly waived by the Respondents.
- 7.2 In connection with this proposed Project, the Authority and PRIFA reserve all rights (which rights shall be exercisable by the Authority and PRIFA in their sole discretion) available to them under applicable laws and regulations, including, without limitation, with or without cause and with or without notice, the right to:
- 7.2.1 Modify the procurement process to address applicable law and/or the best interests of the Sponsors, PRIFA, GDB and the Commonwealth of Puerto Rico.
  - 7.2.2 Cancel the procurement process, as applicable, in whole or in part, at any time prior to the execution by PRIFA of an agreement, without incurring any cost obligations or liabilities.
  - 7.2.3 Issue a new RFQ after withdrawal of this RFQ.
  - 7.2.4 Reject any and all submittals and responses received at any time.
  - 7.2.5 Modify all dates set or projected in this RFQ.

- 7.2.6 Terminate evaluations of responses received at any time.
  - 7.2.7 Exclude any Respondent from submitting any response to the RFQ, as the case may be, based on failure to comply with any requirements.
  - 7.2.8 Issue addenda, supplements and modifications to this RFQ.
  - 7.2.9 Require confirmation of information furnished by a Respondent, require additional information from a Respondent concerning its response and require additional evidence of qualifications to perform the work described in this RFQ.
  - 7.2.10 Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
  - 7.2.11 Add or delete Respondent responsibilities from the information contained in this RFQ or any subsequent process instruments.
  - 7.2.12 Waive deficiencies in a response to the RFQ or permit clarifications or supplements to a response to the RFQ.
  - 7.2.13 Add or eliminate facility expansion to or from the Project.
  - 7.2.14 Modify the Project described in the RFQ.
  - 7.2.15 Not issue an RFP after the RFQ process.
  - 7.2.16 Exercise any other right reserved or afforded to the Authority and PRIFA under the Act, the Regulation or this RFQ.
- 7.3 This RFQ does not commit PRIFA to enter into a contract or proceed with the Project as described herein. The Sponsors, PRIFA, GDB, and the Commonwealth of Puerto Rico assume no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ, or in considering or making any submission. All of such costs shall be borne solely by each Respondent.
- 7.4 In no event shall the Authority or PRIFA be bound by, or liable for, any obligations with respect to the PPP Contract until such time (if at all) as a contract, in form and substance satisfactory to the Authority, PRIFA and the Governor, has been executed and authorized by PRIFA and, then, only to the extent set forth therein.

End of Request for Qualifications

### SOQ CHECKLIST

**Instructions:** Upon completion of the RFQ, please complete the following checklist to assure the submission of all required items. To simplify the evaluation of the SOQ, please provide the documents in the order provided in the checklist. The Respondent shall place his/her initials in blue ink on the left side of each item confirming its inclusion in the SOQ Package.

Respondents Initials	Item No.	Appendix No.	Document Description
	1.		SOQ Checklist
	2.		SOQ Cover Letter and Company Profile
<b>Appendix</b>			
	3.	A	Statement of Respondent Form
	4.	B	Respondent Certification Letter of Intent
	5.	C	Acknowledgment of Receipt of Addenda
	6.	D	Insurance Company Letter of Intent
	7.	E	Bonding Letter of Intent
	8.	F, F-1, F-2	Sworn Statement in Compliance with Law 428
<b>Other Documents</b>			
	9.		RUL ( <i>Certificado Registro Único de Licitadores</i> )
	10.		Financial Statement Past Two (2) years (as per Section 3.2.4)
	11.		Credit Line Certification (as per Section 3.2.4)
	12.		Two (2) Bank References (as per Section 3.2.4)
	13.		Respondent Representative Authorization (Corporate Resolution)
	14.		Certificate of Good Standing (only for Corporations)
	15.		Quality Control Plan
	16.		Resumes and Organizational Chart
	17.		Resume(s) Construction Supervisor
	18.		OSHA 300 Past Three (3) years
	19.		Two license (The Engineers License for CIAPR and the Commonwealth Department of State Licence)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign

**APPENDIX A**  
**STATEMENT OF RESPONDENT**  
*(To Be Completed by the Respondent)*

To: Construction and Infrastructure Conservation Services  
School Modernization Project Phase II - *Escuelas de Primera*  
(Puerto Rico Infrastructure Financing Authority (PRIFA))  
World Plaza Building  
268 Muñoz Rivera Avenue, 4th Floor  
Hato Rey, Puerto Rico 00918

From: (Respondent - Name and Address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Respondent Data

1.1. Date Respondent's Business established: \_\_\_\_\_

1.2. If the Respondent has been in business under the present business name for less than five (5) years, provide the prior business name of the Respondent or Team Members information (or its principals) and the number of years it was in business:

Prior Business /Team member Name: \_\_\_\_\_;  
in business for \_\_\_\_\_ years.

Prior Business / Team member Name: \_\_\_\_\_;  
in business for \_\_\_\_\_ years

Prior Business / Team member Name: \_\_\_\_\_;  
in business for \_\_\_\_\_ years.

- 1.3. Contact Person: \_\_\_\_\_
- 1.4. Title: \_\_\_\_\_
- 1.5. Business telephone: \_\_\_\_\_
- 1.6. Facsimile number: \_\_\_\_\_
- 1.7. e-mail address: \_\_\_\_\_
- 1.8. Postal Address: \_\_\_\_\_
- 1.9. Federal tax identification number: \_\_\_\_\_

1.10. Current number of employees:

Sole Proprietorship \_\_\_\_\_ Corporation \_\_\_\_\_  
 Partnership \_\_\_\_\_ Other (Specify) \_\_\_\_\_

1.10.1. If the Respondent is a subsidiary corporation, provide all data required in items 1 (i) through (vii), above, and items 1 (xi) and 1 (xiii), below, for its parent company.

1.10.2. Respondent's present headquarters office:

\_\_\_\_\_  
 \_\_\_\_\_

**Table 2 - Team Members Information.** Please indicate the name, address, person of contact of each member of the Respondent group:

Name	Address	Person of Contact (each member)

1.10.3. The following named person(s) are hereby authorized to bind the Respondent in matters relating to the SOQ and the Contract:

\_\_\_\_\_ (name, title)  
 \_\_\_\_\_ (name, title)

**Table 3** Provide two (2) or more Construction Projects of educational building projects or similar type facilities completed in the last ten years (10) or currently in progress.

Project Name /	Year Completed	Description of the Work	Contract Amount <sup>1</sup>	Name, Address, Telephone, Fax, E-mail of Owner / Reference	Green Practices Design <sup>2</sup>

**Table 3** Provide two (2) or more Construction Projects of educational building projects or similar type facilities completed in the last ten years (10) or currently in progress.

Project Name /	Year Completed	Description of the Work	Contract Amount <sup>1</sup>	Name, Address, Telephone, Fax, E-mail of Owner / Reference	Green Practices Design <sup>2</sup>

<sup>1</sup> If acting as a sub-contractor, state the exact subcontract amount.

<sup>2</sup> Please check if project includes green practices design.

**Table 4** Provide at least three(3) examples of projects under which a **post tensioned structural system** was used

Project Name /	Year Completed	Description of the Work	Contract Amount <sup>1</sup>	Name, Address, Telephone, Fax, E-mail of Owner / Reference

**Table 5**List at least two (2) **Infrastructure Conservation Projects**

Project Name	Year Completed	Description of the Work	Contract Amount <sup>1</sup>	Name, Address, Telephone, Fax, E-mail of Owner / Reference

<sup>1</sup> If acting as a sub-contractor, state the exact subcontract amount.

<b>Table 6 List Historical Building Projects</b>				
<b>Project Name</b>	<b>Year Completed</b>	<b>Description of the Work</b>	<b>Contract Amount<sup>1</sup></b>	<b>Name, Address, Telephone, Fax, E-mail of Owner / Reference</b>

<sup>1</sup> If acting as a sub-contractor, state the exact subcontract amount.

<b>Table 7 Provide a list of Sub-Contractors, that the Respondent intends to use.</b>				
<b>Company Name</b>	<b>Contact Person</b>	<b>Address, Telephone, Fax, E-mail</b>	<b>Years in the Company</b>	<b>Years of Experience in Position</b>

- 1.1. Provide a list of educational building projects or similar type facilities that the sub-contractor has completed in the last five years (5) or currently has in progress.
- 1.2. Provide information about sub-contractors experience in the terms described in Section 3.2.7.

<b>Table 8 Provide a list of projects the Sub Contractors worked together with the general contractor.</b>			
<b>Project Name</b>	<b>Year Completed</b>	<b>Description of the Work</b>	<b>Contract Amount<sup>1</sup></b>

2. Quality Control

2.1. The Contractor must submit the Quality Control Plan of the company as an Exhibit of its SOQ along with a description of the Contractor’s proposed quality control organization.

<b>Table 9 Provide credentials of the key personnel in charge of the quality control during construction.</b>				
<b>Name of Key Personnel</b>	<b>Position</b>	<b>Certifications, Credentials, Licenses</b>	<b>Years in the Company</b>	<b>Years of Experience in Position</b>

<b>Table 10 Provide Contractor’s Administration Structure</b>				
<b>Name of Key Personnel</b>	<b>Position</b>	<b>Certifications, Credentials, Licenses</b>	<b>Years in the Company</b>	<b>Years of Experience in Position</b>

2.2. Provide the information requested of all personnel who will be committed to the Project.

2.2.1. Provide an organizational chart, including resumes of all personnel who will be committed to this Project.

<b>Table 11</b> Provide specific information as to their experience on projects similar to this one.				
<b>Name of Key Personnel</b>	<b>Position</b>	<b>Certifications, Credentials, Licenses</b>	<b>Years in the Company</b>	<b>Years of Experience in Position</b>

<b>Table 12</b> Provide the Respondent's Employees Statistical Data, including the following information		
<b>Position</b>	<b>Number of Employees</b>	<b>Average of Years in the Company</b>
<b>Engineers</b>		
<b>Safety Officer</b>		
<b>Clerical</b>		
<b>Carpenter</b>		
<b>Rebar Wokers</b>		
<b>Auxiliary</b>		
<b>Mason</b>		
<b>Electrician</b>		
<b>Plumber</b>		
<b>Heavy Equipment Operators</b>		
<b>Truck Drivers</b>		

3. Record of Performance and Integrity

- 3.1. Has the Respondent (including Team Members and key subcontractors) had a contract that has been terminated for default within the past seven (7) years? \_\_\_\_\_

Or has a judgment has been rendered against the Respondent (including Team Members and key subcontractors) in any court, during the seven (7) year period prior to the date of issuance of the RFQ? \_\_\_\_\_

If the answer to either question is "yes", include for each such contract Client / Owner's name, address, name of contact person, title, telephone, number and FAX number, the nature of work, contract amount, reason for default, and date of the termination or judgment: (additional sheets may be provided if necessary).

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- 3.2. Has the Respondent (including Team Members and key subcontractors) been involved in any criminal, civil or administrative suits, actions, investigations or proceedings that were commenced, pending, settled, threatened, resolved or concluded during the seven (7) year period prior to the date of issuance of the RFQ? \_\_\_\_\_.

If the answer to this question is "yes", state the date of the suit, action, investigation or proceeding (or time period involved); the specific nature of the suit, action, investigation or proceeding; the amount of funds involved, if any; the names of the parties; the names and complete addresses of the courts and law enforcements agencies involved; the title and file number of the suit, action, investigation or proceeding; the disposition or current status; and any sentence, fine or other penalty imposed.

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- 3.3. Has the Respondent (including Team Members and key subcontractors) been involved with any projects on which damages for errors and/or omissions have been assessed during the seven (7) year period prior to the date of issuance of the RFQ? \_\_\_\_\_.

If the answer to this question is "yes", submit a description of the projects involved, the contract time for each project, the total amount of damages assessed on each such project, and an explanation of the reasons for the assessment of damages in each case. (*additional sheets may be provided if necessary*).

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- 3.4. Has the Respondent (including Team Members and key subcontractors) failed to complete in accordance with a contract a construction or infrastructure conservation project during the seven (7) year period to the date of issuance of the RFQ? \_\_\_\_\_.

If the answer is "yes", include for each such contract Client/Owner's name, address, name of contact person, title, telephone number and FAX number, the nature of the project, and the reason for not completing the work (*additional sheets may be provided if necessary*).

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- 3.5. Include a description of any other lines of business that the Respondent (including Team Members and key subcontractors) has a financial interest in.

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#### 4. Experience of Construction Supervisor

- 4.1. Provide the name(s) and attach a copy of the Resume of the construction supervisor(s) who will manage and supervise the Work.

Name(s): \_\_\_\_\_  
\_\_\_\_\_

- 4.2. Provide the name and attach a copy of the Resume of a certified green building professional such as a LEED AP from the US Green Building Council if applicable.

Name: \_\_\_\_\_

#### 5. Financial Stability And Capacity

- 5.1. Provide the name, address, telephone number, facsimile number, and officer's name of at least two banks or financial institutions that may be contacted regarding the financial responsibility of the Respondent (including Team Members and key subcontractors).

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5.2. Provide the last two fiscal years' audited financial statements as requested in Sections 3.2.4.5 and 3.2.4.6.

5.3. Provide the certification on Bonding Capacity as requested in Sections 3.2.4.1 and 3.2.4.2.

5.4. Please provide the name and best rating of Bonding Company, lawfully authorized to do business and having jurisdiction in the Commonwealth of Puerto Rico, as requested in Section 3.2.4.4.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Available Bonding Capacity \_\_\_\_\_

5.5. Provide a certification from a bank or financial institution of available credit lines and current borrowing, lending limits and terms as requested in Sections 3.2.4.7 and 3.2.4.8.

6. Representations, Certification and Acknowledgements of the Respondent.

6.1. The Respondent hereby acknowledges receipt of the following Addenda:

Addendum	Date
_____	_____
_____	_____

<b>Table 13</b>	
Addendum Number	Date

6.2. The undersigned represents warrants and certifies on behalf of the Respondent that:

- 6.2.1. The information contained in the SOQ is true and complete.
- 6.2.2. The SOQ has been duly and properly authorized for submission by the Respondent.
- 6.2.3. In its preparation and development of the SOQ, the Respondent has not, directly or indirectly, solicited or received any advice, assistance or information concerning the RFQ from any representative of the Authority, PRIFA, the Sponsors or their agents or contractors, which was not equally available to other Respondent and which might contribute to an actual or potential competitive advantage for the Respondent.
- 6.2.4. The undersigned acknowledges on behalf of the Respondent that the Authority's receipt or discussion of any information (including information contained in the SOQ) shall not impose any obligation whatsoever on any Sponsor, PRIFA, the GDB or the Commonwealth of Puerto Rico, or entitle the Respondent to any compensation therefore or reimbursement of cost incurred in the preparation and submittal of an SOQ, except to the extent specifically provided in such written agreement as may be entered into between the Authority and the Respondent. Any information given to the Authority before, with or after the submission of the SOQ, either orally or in writing, except as noted below, may be used or disclosed to others for any purpose at any time without obligation and compensation and without liability of any kind whatsoever. Any statement which is inconsistent with the terms of this paragraph, whether made as part of or in connection with any information received from the Respondent or made at any other time in any fashion, shall be void and of no effect. The SOQ is not intended, however, to grant to the Authority the right to use any matter which is the subject of validly existing or pending patents.
- 6.2.5. The undersigned certifies for himself and for the Respondent, under penalty of perjury, that to the best of my knowledge and belief:
  - 6.2.5.1. The Respondent's sole proprietorship, partnership, corporation or other legal entity is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
  - 6.2.5.2. The Respondent's sole proprietorship, partnership, corporation or other legal entity has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past five (5) years;
  - 6.2.5.3. The Respondent's sole proprietorship, partnership, corporation or other legal entity has not been indicated, convicted nor had a civil judgment rendered against by a court of a competent jurisdiction in any matter involving fraud or official misconduct within the past five (5) years.
- 6.2.6. Any exceptions to the above representations are set forth as an attachment to this Proposal Form. (*The Respondent should indicate on attached sheets all exceptions to*

*each of the above representations, indicating for each to whom it applies, the initiating agency, and dates of action)*<sup>3</sup>.

IN WITNESS THEREOF, the Respondent has executed this Statement of Respondent Form this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

*When Respondent is an individual:*

By: \_\_\_\_\_  
(Signature of Individual)

\_\_\_\_\_  
(Printed Name of Individual)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

*When a Respondent is a sole proprietorship or operates under a trade name:*

\_\_\_\_\_  
(Printed Name of Firm)

By: \_\_\_\_\_  
(Signature of Individual)

\_\_\_\_\_  
(Printed Name of Individual)

<sup>3</sup> Exceptions will not necessarily result in denial of qualification, but will be considered in determining Respondent responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

*When Respondent is a partnership or joint venture:* (A general or limited partner must sign)

\_\_\_\_\_  
(Printed Name of Partnership or Joint Venture)

By: \_\_\_\_\_  
(Signature of Partner)

\_\_\_\_\_  
(Printed Name of Partner)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

*When Respondent is a corporation:*

\_\_\_\_\_  
(Corporate Name)  
\_\_\_\_\_  
\_\_\_\_\_

(Corporate Address)

By: \_\_\_\_\_

(Signature of Officer)

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

(Secretary)

(CORPORATE SEAL)

\_\_\_\_\_

(Jurisdiction)

## **APPENDIX B:**

### **RESPONDENTS CERTIFICATION LETTER OF INTENT** *[Letterhead of each Respondent and Respondent Member]*

Construction and Infrastructure Conservation Services  
School Modernization Project Phase II - *Escuelas de Primera*  
(Puerto Rico Infrastructure Financing Authority (PRIFA))  
World Plaza Building  
268 Muñoz Rivera Avenue, 4th Floor  
Hato Rey, Puerto Rico 00918

Dear PPP Committee,

We have carefully reviewed the Request for Qualifications dated [MONTH DAY], 2013 (“**RFQ**”) issued by the Puerto Rico Public-Private Partnerships Authority and any other documents accompanying or made a part of the RFQ. Capitalized terms used in this certificate have the meanings given to them in the RFQ.

We acknowledge and agree to comply with all terms and conditions of the RFQ, the attached Statement of Qualifications and all enclosures thereto. Without limitation, we specifically acknowledge the disclaimer contained in Section 7 of the RFQ.

We certify that the information contained in the attached Statement of Qualifications is truthful. We further certify that the individual who has signed and delivered this certification is duly authorized to submit the attached Statement of Qualifications on behalf of the Respondent/Team Member as its acts and deed and that the Respondent/Team Member is ready, willing and able to perform if awarded the PPP Contract.

In particular, we further certify that if qualified in the RFP process and awarded a PPP Contract, the Respondent/Team Member is ready, willing and able to comply with the prevailing-wage requirements of the Davis-Bacon Act as they may be applicable to the Project and included in the PPP Contract.

We further certify that neither we, nor any of our officers, directors, controlling stockholders or partners, as the case may be, have been formally convicted for acts of corruption, including any of the crimes listed in Act No. 458 approved by the Legislative Assembly of Puerto Rico on December 29, 2000, as amended, whether in Puerto Rico or in any jurisdiction of the United States of America or in any foreign country.

We further certify that we comply and shall continue to comply at all times with laws which prohibit corruption or regulate crimes against public functions or funds, as may apply to the Respondent, whether Federal, state or Puerto Rico statutes, including the Foreign Corrupt Practices Act.

We further certify that no officer or employee of the Sponsors, PRIFA, the PPP Committee or any other public agency of Puerto Rico who participates in the selection process described in, or negotiations in connection with, the RFQ (nor any member of their families) has an economic interest in or is connected with the Respondent, and no officer or employees of the Sponsors, PRIFA, PPP Committee or any other public agency of Puerto Rico (nor any member of their families) has directly or indirectly participated with the Respondent in the preparation of its SOQ.

We further certify that we are in compliance with the provisions of Act No. 84 approved by the Legislative Assembly of Puerto Rico on June 18, 2002, also known as the Code of Ethics for Contractors, Suppliers and Applicants for Economic Incentives of the Executive Agencies of the Commonwealth of Puerto Rico, a copy of which is available at the Authority's website: <http://www.p3.gov.pr>.

We further certify that we are in compliance with the provisions of the Authority's Guidelines for the Evaluation of Conflicts of Interest and Unfair Advantages in the Procurement of Public-Private Partnership Contracts, a copy of which is available at the Authority's website: <http://www.p3.gov.pr>.

We further certify that the Statement of Qualifications is made without prior understanding, agreement, connection, discussion or collusion with any other person, firm or corporation submitting separate Statement of Qualifications or any officer, employee or agent of the Sponsors, PRIFA or the PPP Committee; and that the undersigned executed this Respondent's Certification with full knowledge and understanding of the matters herein contained and was duly authorized to do so.

The attached Statement of Qualifications shall be governed by and construed in all respects according to the laws of Puerto Rico and the terms of the RFQ.

Our business address is:  
*[Insert business address]*

Yours faithfully,

*[Insert appropriate signature block for signature by a person duly authorized to bind the Respondent or Team Member]*

Date: \_\_\_\_\_

**APPENDIX C:**

**ACKNOWLEDGEMENT FOR RECEIPT OF ADDENDA**  
*[Letterhead of each Respondent and Respondent Member]*

Construction and Infrastructure Conservation Services  
School Modernization Project Phase II - *Escuelas de Primera*  
(Puerto Rico Infrastructure Financing Authority (PRIFA))  
World Plaza Building  
268 Muñoz Rivera Avenue, 4th Floor  
Hato Rey, Puerto Rico 00918

Dear PPP Committee,

I, [Name of Respondent Representative] in my capacity as [Title\_\_\_\_\_] of [Name of the Respondent\_\_\_\_\_], acknowledge that our Company was able to access the Puerto Rico Public-Private Partnership Authority (the Authority) web site and downloaded the following documents regarding the Request for Qualifications for Building and Infrastructure Conservation Services for the Second Phase of the School Modernization Project: *Escuelas de Primera* for the Puerto Rico Infrastructure Financing Authority, issued on [Date\_\_\_\_\_] by the Authority.

<u>Document/File Title</u>	<u>Date Received/Downloaded</u>
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Signature

**APPENDIX D**

**INSURANCE COMPANY LETTER OF INTENT**

*[Letterhead of each Design Firm within the Respondent]*

Construction and Infrastructure Conservation Services  
School Modernization Project Phase II - *Escuelas de Primera*  
(Puerto Rico Infrastructure Financing Authority (PRIFA))  
World Plaza Building  
268 Muñoz Rivera Avenue, 4th Floor  
Hato Rey, Puerto Rico 00918

Dear PPP Committee,

[Name of Respondent\_\_\_\_\_] has submitted herewith a Statement of Qualifications in response to the Request for Qualifications (the RFQ) for Building and Infrastructure Conservation Services for the School Modernization Project: Schools for the 21st Century for the Puerto Rico Infrastructure Financing Authority, issued by the Puerto Rico Public-Private Partnership Authority (the Authority) on [DATE\_\_\_\_\_].

The Insurance Company hereby certifies that it intends to provide all required insurance set forth in the RFQ in the event the Respondent is selected by the Authority for approval and execution of an Agreement in response to the future Request for Proposals.

\_\_\_\_\_  
Name of Insurance Company

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**APPENDIX E**

**BONDING LETTER OF INTENT**

*[Letterhead of each and combined Construction company within prospective]*

Construction and Infrastructure Conservation Services  
School Modernization Project Phase II - *Escuelas de Primera*  
(Puerto Rico Infrastructure Financing Authority (PRIFA))  
World Plaza Building  
268 Muñoz Rivera Avenue, 4th Floor  
Hato Rey, Puerto Rico 00918

Dear PPP Committee,

This is to advise that [legal name of Surety\_\_\_\_\_], who is authorized to do business in Puerto Rico, is prepared to provide a Performance Bond as described in the Request for Qualifications issued by the Puerto Rico Public-Private Partnership Authority (the Authority) on [DATE\_\_\_\_\_] for Building and Infrastructure Conservation Services for the School Modernization Project: Schools for the 21st Century for the Puerto Rico Infrastructure Financing Authority, should [Name of the Respondent\_\_\_\_\_] be awarded a Public-Private Partnership Contract pursuant to a future Request for Proposals for the Project.

The maximum available bonding capacity for the Respondent is\_\_\_\_\_.

\_\_\_\_\_  
Name of Surety Company

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**APPENDIX F**  
**STATEMENT UNDER OATH IN COMPLIANCE WITH LAW 428**  
**(PARTNERSHIPS)**  
**CONSTRUCTION AND INFRASTRUCTURE CONSERVATION SERVICES**  
**SCHOOL MODERNIZATION PROJECT PHASE II**  
**RFQ No. AFI-BP-14-15-AAPP**

I, \_\_\_\_\_ (first name, including last names), of  
legal age, \_\_\_\_\_ (marital status), \_\_\_\_\_  
(profession) and resident of \_\_\_\_\_, Puerto Rico, under a formal oath, state:

1. My personal circumstances are as stated.
2. The employer identification number with the IRS is \_\_\_\_\_
3. My domicile and residence are in \_\_\_\_\_
4. My position is \_\_\_\_\_ the partnership \_\_\_\_\_.
5. The partnership physical address is \_\_\_\_\_ and the postal address is \_\_\_\_\_.
6. Law 458 of December 20, 2000, as amended by Law 428 of September 22, 2004, demands that any natural or legal person who wants to do business with the Commonwealth of Puerto Rico, certify under oath that he/she/it has not been convicted or pleaded guilty of the offenses listed in Article 3 of the Act, as detailed below:
  - a. illegal appropriation, in all its forms;
  - b. extortion,
  - c. construction fraud,
  - d. fraud in the execution of construction work,
  - e. fraud in the delivery of things,
  - f. undue interference in the procurement process, auction or government operations,
  - g. bribery, in all its forms,
  - h. aggravated bribery,
  - i. bribery offer,
  - j. undue influence,
  - k. crimes against public funds,
  - l. false written preparation,
  - m. false written presentation,
  - n. document falsification,
  - o. possession and transfer of forged documents.

7. In order to meet with the above provisions, I hereby CERTIFY that neither the Partnership nor I have been accused, convicted, nor have we been found guilty in any of the offenses listed in Article 3 of Act No. 458, supra, in Puerto Rico, the United States of America or any other Country under any legislative, judicial or administrative procedure. Nor are we under administrative, judicial or legislative investigation by any offense listed under the Act referred to above.
8. I swear and endorse this affidavit with no intention to defraud, but with the purpose of informing the relevant authorities of these facts.
9. I make this affidavit for legal purposes.
10. What I have said is the truth and nothing but the truth.

FOR THE RECORD, I sign this in the city of \_\_\_\_\_, Puerto Rico, today, \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name  
Employer Social Security Number

AFFIDAVIT NO. \_\_\_\_\_

Sworn and subscribed before me by \_\_\_\_\_, of legal age and  
resident of \_\_\_\_\_, personally known to me or identified by means of  
\_\_\_\_\_ in \_\_\_\_\_, Puerto Rico, in \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**APPENDIX F-1**  
**STATEMENT UNDER OATH IN COMPLIANCE WITH LAW 428**  
**[FOR CORPORATIONS AND LIMITED LIABILITY COMPANIES]**  
**REQUEST FOR QUALIFICATIONS**  
**CONSTRUCTION AND INFRASTRUCTURE CONSERVATION SERVICES**  
**SCHOOL MODERNIZATION PROJECT PHASE II**  
**RFQ No. AFI-BP-14-15-AAPP**

I, \_\_\_\_\_ (first name, including last names), of legal age, \_\_\_\_\_ (marital status), \_\_\_\_\_ (profession), \_\_\_\_\_ (corporation position) of the corporation \_\_\_\_\_ (Corporation name, as Incorporation Certification), and resident of \_\_\_\_\_, Puerto Rico, under a formal oath, state:

1. My personal circumstances are as stated.
2. The employer identification number with the IRS is \_\_\_\_\_
3. My domicile and residence are in \_\_\_\_\_
4. My position is \_\_\_\_\_ of the corporation \_\_\_\_\_
5. The corporation physical address is \_\_\_\_\_ and the postal address is \_\_\_\_\_.
6. Law 458 of December 20, 2000, as amended by Law 428 of September 22, 2004, demands that any natural or legal person who wants to do business with the Government of Puerto Rico, certify under oath that he/she/it has not been convicted or pleaded guilty of the offenses listed in Article 3 of the Act, as detailed:
  1. illegal appropriation, in all its forms;
  2. extortion,
  3. construction fraud,
  4. fraud in the execution of construction work,
  5. fraud in the delivery of things,
  6. undue interference in the procurement process, auction or government operations,
  7. bribery, in all its forms,
  8. aggravated bribery,
  9. bribery offer,
  10. undue influence,
  11. crimes against public funds,
  12. false written preparation,
  13. false written presentation,

- 14. document falsification,
  - 15. possession and transfer of forged documents.
7. In order to meet with the above provisions, I hereby CERTIFY that I, nor in my personal capacity or as \_\_\_\_\_ of the corporation \_\_\_\_\_, nor the corporation \_\_\_\_\_ have been accused, convicted, nor have we been found guilty in any of the offenses listed in Article 3 of Act No. 458, supra, in Puerto Rico, the United States of America or any other Country under any legislative, judicial or administrative procedure. Nor are under administrative, judicial or legislative investigation by any offense listed under the Act referred to above.
8. I swear and endorse this affidavit with no intention to defraud, but with the purpose of informing the relevant authorities about these facts.
9. I make this affidavit for legal purposes.
10. What I have said is the truth and nothing but the truth.

FOR THE RECORD, I sign this in the city of \_\_\_\_\_, Puerto Rico, today, \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Name  
Social Security

AFFIDAVIT NO. \_\_\_\_\_

Sworn and subscribed before me by \_\_\_\_\_, of legal age and resident of \_\_\_\_\_, personally known to me or identified by means of \_\_\_\_\_ in \_\_\_\_\_, Puerto Rico, in \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**APPENDIX F-2**  
**STATEMENT UNDER OATH IN COMPLIANCE WITH LAW 428 [FOR INDIVIDUALS]**  
**REQUEST FOR QUALIFICATIONS**  
**CONSTRUCTION AND INFRASTRUCTURE CONSERVATION SERVICES**  
**SCHOOL MODERNIZATION PROJECT PHASE II**  
**RFQ No. AFI-BP-14-15-AAPP**

I, \_\_\_\_\_ (first name, including last name), of  
legal age, \_\_\_\_\_ (marital status), \_\_\_\_\_ (profession) and resident of  
\_\_\_\_\_, Puerto Rico, under a formal oath, state:

1. My personal circumstances are as stated.
2. My social security number is \_\_\_\_\_.
3. The employer identification number with the IRS is \_\_\_\_\_.
4. My domicile and residence are in \_\_\_\_\_.
5. Law 458 of December 20, 2000, as amended by Law 428 of September 22, 2004, demands that any natural or legal person who wants to do business with the Government of Puerto Rico, certify under oath that he/she/it has not been convicted or pleaded guilty of the offenses listed in Article 3 of the Act, as detailed:
  - a. illegal appropriation, in all its forms;
  - b. extortion,
  - c. construction fraud,
  - d. fraud in the execution of construction work,
  - e. fraud in the delivery of things,
  - f. undue interference in the procurement process, auction or government operations,
  - g. bribery, in all its forms,
  - h. aggravated bribery,
  - i. bribery offer,
  - j. undue influence,
  - k. crimes against public funds,
  - l. false written preparation,
  - m. false written presentation,
  - n. document falsification,
  - o. possession and transfer of forged documents.
6. In order to meet with the above provisions, I hereby CERTIFY that I have never been accused, convicted, nor have I been found guilty in any of the offenses listed in Article 3 of Act No. 458, supra, in Puerto Rico, the United States of America or any other Country under any legislative, judicial or administrative

procedure. Nor am I under administrative, judicial or legislative investigation by any offense listed under the Act referred to above.

7. I swear and endorse this affidavit with no intention to defraud, but with the purpose of informing the relevant authorities about these facts.
8. I make this affidavit for legal purposes.
9. What I have said is the truth and nothing but the truth.

FOR THE RECORD, I sign this in the city of \_\_\_\_\_, Puerto Rico, today,  
\_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Name  
Social Security

AFFIDAVIT NO. \_\_\_\_\_

Sworn and subscribed before me by \_\_\_\_\_, of legal age and resident of \_\_\_\_\_, personally known to me or identified by means of \_\_\_\_\_ in \_\_\_\_\_, Puerto Rico, in \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC