



Project Implementation Services

Building Resilient Infrastructure in Communities (BRIC)

EMN-2022-BR-008

Request for Proposal

RFP Issuance Date: March 4, 2025

RFP Deadline: March 19, 2025

RFP Number: RFP-BRIC-001-2025

Please submit one (1) electronic copy to rfp@ogp.pr.gov.

Documents will only be received electronically.

Telephone inquiries will not be accepted.

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Confidentiality Clause:

All information, data, documents, and materials provided or disclosed by the Puerto Rico Office of Management and Budget (OMB) during the Request for Proposals (RFP) process, including but not limited to the RFP document itself, evaluation criteria, and any subsequent discussions or communications, shall be treated as confidential and proprietary.

Proponents shall not disclose, reproduce, distribute, or use any of the confidential information for any purpose other than preparing their proposal in response to this RFP. This obligation of confidentiality shall remain in effect indefinitely, even if the Proponent's proposal is not selected, or the RFP process is terminated.

Proponents shall take all necessary measures to prevent the unauthorized disclosure of confidential information and shall ensure that their employees, agents, or subcontractors adhere to this confidentiality clause.

The OMB reserves the right to request the return or destruction of any confidential information provided to the Proponents at any time during or after the RFP process.

By submitting a proposal in response to this RFP, Proponents acknowledge and agree to abide by the terms and conditions of this confidentiality clause.

1. Objective

The Puerto Rico Office of Management and Budget (OMB) seeks a Proponent which can provide Project Management Services, as defined in Section 3.1 of this RFP, for the following program:

- Building Resilient Infrastructure in Communities (BRIC)
 - EMN-2022-BR-008
 - \$2,000,000¹

The Selected Proponent Shall:

- Work with the OMB and any other personnel on all matters that may arise in connection with the engagement as per the terms of this RFQ and the contract to be executed between the parties.
- Refrain from assigning, transferring, conveying, or otherwise disposing of the contract, or its rights, titles, or interest therein, or its power to execute such agreement, to any other person, firm, partnership, company or corporation without the prior consent and approval in writing of the OMB.
- Comply with applicable federal, state, Commonwealth and foreign laws and regulations governing projects initiated or supported by the Commonwealth and/or the US Government.

2. Background

2.1. Federal Services and Resources Planning Office

The OMB has the responsibility of ensuring compliance and adequate management of federal funds by government agencies. Currently, federal funds represent 40% of PR's FY2023 Consolidated Budget. The OMB aims to mitigate the macroeconomic impact of changes in PR's demographics and expedite the path to recovery of the economy and infrastructure after significant disruptive events.

¹ The amount included in this section represents the total budget amount for the project (including the federal and state matching portions) for the project as a whole. The amount should not be understood to be the total amount available for this procurement process.

To carry out these objectives, the OMB established the Federal Services and Resources Planning Office (FSRPO). This new division provides guidance and technical assistance to agencies and municipalities with the management of their federal funds and programs. Through these initiatives, the FSRPO addresses prevalent issues as well as assess and manage risks in areas such as compliance, unspent funds, and losses of opportunities. The main goal of the FSRPO is to design and implement a government-wide framework that ensures the maximization of grants by its recipients.

2.2. Building Resilient Infrastructure in Communities (BRIC) – Federal Emergency Management Agency (FEMA)

The purpose of the Building Resilient Infrastructure and Communities (BRIC) grant program is to provide grants to States and Indian Tribal government or territory that, in turn, provide Subawards to local governments for cost-effective mitigation activities. On the 21st of November of 2023, the Central Office for Recovery, Reconstruction and Resiliency (COR3) received a notice from FEMA indicating that their application for financial assistance submitted under the Fiscal Year 2022 Building Resilient Infrastructure and Communities funding opportunity had been approved.

As the subrecipient, the OMB will work in collaboration with COR3 to provide Capability and Capacity Building (C&CB) as well as Technical Assistance (TA) to Municipalities, State Government, and Participating Private Non-Profits (PNPs) to address the lack of knowledge across the different sectors on the island on the full cycle of grants management (from pre- to post- award), compliance and timeliness requirements of grants, project development, hazard mitigation opportunities, and overall disaster readiness. The initiative will also include developing a Partner database to facilitate the development of partnerships with the POCs of State Government, Municipalities, and participating PNPs, enabling partnerships among PR BRIC Readiness participants for future fundings rounds, and additional funding opportunities.

3. Scope of Work & Deliverables

3.1. Scope of Work (SOW)

The Government Parties are hereby seeking proposals from duly competent firms to execute the **PR BRIC Readiness Program**, and any other similar endeavor as reasonably required by the Government Parties. The selected firm will be responsible for managing and carrying out all implementation activities, ensuring the successful execution of project objectives in coordination with PROMB's Grants Management Office (GMO), COR3, and the **Project Manager**.

Scope of Work:

- **Project Execution & Management**
 - Oversee the end-to-end implementation of the PR BRIC Readiness Program, ensuring adherence to project timelines and deliverables.
 - Coordinate the execution of activities related to data collection, capacity-building, technical assistance, and grant readiness.
 - Manage all logistics, personnel, and resources required for the effective delivery of program objectives.
- **Database Development & Stakeholder Coordination**
 - Implement and maintain a POC database system to track participation across state agencies, municipalities, and non-profit organizations (PNPs).
 - Work closely with PROMB GMO, COR3, and other stakeholders to facilitate seamless communication and data sharing.
 - Ensure the integration of collected data into decision-making processes and project reporting.
- **Capacity-Building (C&CB) & Technical Assistance (TA) Implementation**
 - Develop and deploy C&CB and TA training sessions to improve BRIC readiness across government entities and PNPs.
 - Ensure uniform training and knowledge dissemination aligned with federal and local hazard mitigation guidelines.
 - Deliver customized support and guidance to agencies and municipalities based on assessed needs and risks.
- **Assessment & Mitigation Project Development**
 - Conduct comprehensive Needs and Resources Assessments for state agencies, municipalities, and COR3 to enhance BRIC readiness.

- Facilitate the identification and development of hazard mitigation projects in collaboration with the established partnership network.
- Support municipalities and agencies in preparing project proposals for the BRIC FY23-24 funding cycle.
- **Compliance & Reporting**
 - Ensure full compliance with federal and local regulations governing grant funding, procurement, and financial management, including any applicable requirements codified under the 2 C.F.R. Part 200, et seq., issued by the U.S. Government Office of Management and Budget.
 - Monitor project performance and provide regular status updates and reports to PROMB and COR3 leadership.
 - Identify and mitigate any risks that may impact the program's success.

3.2. Required Qualifications

- Proven experience in project implementation and management of federally funded initiatives.
- Expertise in hazard mitigation, disaster recovery, grant management, and capacity-building programs.
- Demonstrated experience in designing and delivering capability and capacity-building initiatives, including training, knowledge transfer, and institutional strengthening for government entities and PNPs.
- Strong capabilities in data management, stakeholder engagement, and inter-agency coordination.
- Demonstrated knowledge of federal and local compliance requirements related to grant funding.
- Ability to manage multiple teams and resources to ensure seamless project execution.
- Bilingual proficiency (Spanish and English) is required.

3.3. Deliverables

Deliverables shall be considered those tangibles and resulting work products which are to be delivered to the OMB, such as draft documents, data, meetings, presentations, and reports (collectively, the "Deliverables"). Deliverables shall include detailed narrative including assumptions and clarifications, and any other information or documentation that was used to reach the conclusions established in the corresponding Deliverables, which must also establish each resource that participated in their development.

Deliverables shall be in an editable format. All Deliverables and resulting work products from this RFP and/or related to the Scope of Work will become the property of the OMB.

Proponents shall certify the accuracy of its Deliverables to the OMB. Proponents shall outline the types of Deliverables and timelines they produce, in performing the services being procured through this RFP, as assigned by the OMB (through Task Orders, or otherwise, as applicable).

4. RFP Process

4.1. RFP Schedule/Timeline Target Dates

Description	Date
Release of RFP	March 4, 2025
Deadline for Written Questions	March 7, 2025
Responses to Questions Provided	March 12, 2025
RFP Proposal Due	March 19, 2025
Interviews (if needed)	March 26, 2025

RFP Timeline and target dates may change subject to the sole discretion of the OMB.

4.2. Questions and Responses

Prospective Proponents may submit questions regarding this RFP by email to **rfp@ogp.pr.gov** with “BRIC Project Implementation RFP” in the email’s subject line. Any correspondence questions that do not comply with this requirement or are sent to any other email address will not receive a response. When submitting questions, please specify which section of the RFP you are referencing and quote the language that prompted the question. The OMB reserves the right to group similar questions when providing answers.

4.3. Blackout Period and Prohibited Communications

The Blackout Period is a specified period during a competitive procurement process in which any Proponent, bidder, or its employees, agents, or representatives are prohibited from communicating with any OMB employee or any OMB contractor involved in any step in the procurement process about this procurement. The Blackout Period applies not only to the OMB employees but also to any current contractors of the OMB. “Involvement” in the procurement process includes but may not be limited to project management, design, development, implementation, procurement management, development of specifications, and evaluation of proposals for a particular procurement. This solicitation designates the contact person, and all communications to and from potential Proponents and/or their representatives during the blackout period must be in accordance with this RFP’s defined method of communication with the RFP Coordinator. The Blackout Period begins when the OMB first issued a Public Notice of Intent to Issue this RFP. The blackout period will end when both parties sign a contract.

If a prospective Proponent is a current OMB contractor, OMB employees and the prospective Proponent may contact each other concerning their existing contract and duties only. Under no circumstances can OMB employees or current contractors discuss this RFP or the corresponding procurement process or status.

Any bidder, Proponent, or OMB contractor who violates the Blackout Period may be excluded from the awarding contract and/or may be liable to OMB in damages and/or subject to any other remedy allowed under law, including but not limited to a ban in participating in any procurements issued by or for OMB, or any entity of the Government of Puerto Rico, for a period of ten (10) years, if it is determined that such action results in violation of the Anticorruption Code, Puerto Rico Act 2-2018.

Communications with other representatives of the Government of Puerto Rico or relevant entities of the Federal Government regarding any matter related to the contents of this RFP are prohibited during the submission and selection processes. **Failure to comply with these communication restrictions will result in the rejection of the Proponent’s proposal.**

4.4. Proposal Submission Deadline

Proposals should be submitted via email by **11:59 pm** on **Wednesday, March 19th of 2025**. It is the sole responsibility of the submitting Proponent to ensure that its proposal is received before the submission deadline. Submitting Proponents shall

bear all risks associated with delays in delivery. Any proposals received after the scheduled closing date and time for receipt of proposals may not be accepted at OMB discretion.

4.5. Changes to Proposals

Should a Proponent choose to amend its submitted proposal, it may only do so by submitting, before the submission deadline, an entire revised proposal marked as “Amended Proposal.” The OMB will consider submitted amended proposals to replace and supersede all earlier submissions.

4.6. Proposal Evaluation Criteria

Proposals will be evaluated in accordance with the following evaluation criteria:

Criteria	Points (maximum points to be awarded to each category)
<i>Compliance with Proposal Structure</i> <ul style="list-style-type: none"> ○ <i>Formatting requirements</i> ○ <i>Margins</i> ○ <i>Font Size</i> ● <i>Number of pages</i> ● <i>Required components</i> 	10 Proponents who do not follow instructions will receive zero (0)
<i>Experience & Qualifications</i>	15 points
<i>Project Team & Key Personnel</i>	10 points
<i>Capacity & Capability-Building Expertise</i>	15 points
<i>Proposed Methodology & Work Plan</i>	20 points
<i>Compliance & Regulatory Knowledge</i>	15 points
<i>Cost Proposal & Budget</i>	10 points
<i>Local Parties</i>	Bonus of 10 pts.

4.7. Evaluation Process

The OMB will evaluate the proposals according to the criteria specified in Section 4.6 and Section 5. The OMB may select one Proponent or select a combination of Proponents (with or without interviews) or conduct interviews with Proponents consisting of those Proponents reasonably likely, in the opinion of the OMB, to be awarded the contract. Any interview may include discussions about services offered, conflicts of interest with other clients, fees/compensation amount or structure. Interviews may take place through written correspondence, telephone, video conference, and/or face-to-face interviews at OMB’s sole discretion.

The OMB reserves the right not to convene interviews or discussions and to make an award based on initial proposals received. References may be contacted at any point in the evaluation process.

After a Proponent has been selected, the OMB will negotiate a contract for execution. If a satisfactory contract cannot be negotiated, the OMB may, at its sole discretion, begin contract negotiations with the next qualified Proponent who submitted a proposal. Proponents are further notified that the OMB may disqualify any Proponent with whom the OMB cannot satisfactorily negotiate a contract.

Submitted proposals will be reviewed and evaluated for completeness and compliance with the requirements outlined in this RFP. Proposals will be evaluated by an Evaluation Committee, composed of OMB personnel and any additional members with technical expertise that may be required to evaluate the technical aspects of submitted proposals.

Members will review and score the proposals following the evaluation criteria described above. Point assignments for each criterion will be at the discretion of each Committee member and will be based on their knowledge, experience, expertise, and the rubric approved for this RFP.

5. Proposal Structure and Requirements

5.1. Submission Format

Proposals are to be no longer than 25 pages in length. Exhibits and resumes will not count towards the 25-page limit. Proposal font size shall not be less than 11 points, and pages shall have a 1-inch margin. Tables, charts, and other exhibit documents need not follow these size and margin guidelines but must be clearly legible.

5.2. Proposal Structure

1. **Cover Page (1 page):** Identify the name of the RFP, the Proponent name, the point of contact of the Proponent and associated contact information, and the date of submittal.
2. **Transmittal Letter (maximum of 2 pages):** Provide a brief overview of the key elements of the submitted proposal and reasons why the proposal should be selected. Include a statement certifying that they have read and understood

the requirements outlined in this RFP (and any addenda that may be released) and agree to comply with those requirements. This letter should be signed by an official with legal authority to bind the Proponent. The Proponent shall briefly describe their experience with such requirements and affirmatively represent and certify that they will adhere to any applicable federal and state requirements.

- 3. Proponent's Experience & Qualifications (maximum of 5 pages):** Proponent must provide a detailed account of the firm's experience and qualifications, with a strong emphasis on its expertise in capability and capacity-building initiatives for federally funded programs. Given that the PR BRIC Readiness Program focuses on enhancing the ability of municipalities, state agencies, and PNPs to effectively apply for and manage federal funding (with a strong emphasis on federal hazard mitigation programs), proponents must demonstrate a proven track record in designing and implementing programs that strengthen institutional capacity and improve grant readiness. The proposal should include concrete examples of how previous interventions have led to measurable improvements in institutional performance, grant compliance, and successful federal fund utilization.

The proposal must include specific case studies or examples that illustrate how the proponent has previously developed and implemented capability-building interventions, including training programs, technical assistance strategies, and policy development efforts that resulted in measurable improvements in institutional performance, grant compliance, and federal fund utilization. The proponent must also demonstrate experience in supporting agencies in navigating federal grant requirements, ensuring compliance with 2 CFR 200, FEMA regulations, and other applicable funding guidelines.

Additionally, the proposal must clearly articulate the proponent's understanding of Puerto Rico's federal funding landscape, highlighting the challenges faced by local municipalities and non-profits in securing and managing mitigation grants. The proponent must outline its experience working with Puerto Rican government agencies, demonstrating its ability to coordinate with multiple stakeholders, implement compliance frameworks, and deliver tailored technical assistance that aligns with local needs and federal grant management best practices. The proposal should further emphasize the proponent's ability to anticipate and mitigate compliance risks, ensuring

effective financial oversight, procurement integrity, and reporting accuracy to protect public funds and enhance program impact.

4. **Project Team & Key Personnel (Maximum of 5):** Proponent must provide a detailed description of the firm's key personnel, specifying their roles and responsibilities within the program. The proposal must highlight the relevant experience, technical skills, and past performance of each team member, particularly in areas related to project implementation, grant management, and compliance oversight.

To further demonstrate the firm's capacity, resumes for all key personnel must be included as annexes. Resumes should provide a full account of each team member's qualifications, work history, and relevant experience. Additionally, the firm should describe its ability to operate in both Spanish and English, ensuring that project activities are accessible to all stakeholders.

5. **Proposed Methodology & Work Plan (maximum of 7 pages):** Proponent must provide A clear and detailed methodology is essential to evaluating how the firm intends to implement the PR BRIC Readiness Program. This section must outline the firm's overall project approach, describing how it will ensure the successful execution of program activities in coordination with PROMB GMO, COR3, and other stakeholders. The methodology should explain how the firm will engage with key partners, coordinate efforts across multiple agencies, and address potential implementation challenges.

A key component of this section should be a comprehensive Capacity-Building (C&CB) and Technical Assistance (TA) Plan, which details how the firm will design and deliver training and technical assistance to municipalities, state agencies, and PNPs. The plan should include strategies for strengthening institutional capacity, ensuring compliance with BRIC program guidelines, and improving grant readiness.

The methodology should also describe how the proponent will conduct needs and resource assessments across various government entities to identify gaps in federal grants management and hazard mitigation readiness. The proposal must explain how assessment data will be used to inform decision-making and refine technical assistance efforts.

Additionally, this section must include the firm's plan for implementing and maintaining a centralized database to track Points of Contact (POC) and facilitate stakeholder coordination. The firm should describe how the database will be used to support data-driven decision-making and improve program efficiency.

The work plan must present a detailed project timeline, outlining key milestones and deliverables for the duration of the contract. This timeline should provide a clear roadmap for achieving program objectives in a timely and efficient manner.

The methodology and work plan should be adaptable based on any recommendations provided by OMB, COR3, or the

6. **Cost Proposal & Budget (maximum of 3 pages):** The Proponent must provide a detailed cost proposal must be submitted, detailing all expenses associated with the implementation of the PR BRIC Readiness Program. This section should provide a comprehensive breakdown of costs, including personnel salaries, hourly rates, estimated labor hours, project-related travel, materials, data management, and any other direct costs:
 - o If a teaming arrangement is proposed, teaming partner or subcontractor costs should be broken out separately.
 - o If any discounts or downward adjustments are made available, the proponent should describe the conditions for such discounts. This should include the conditions or criteria for qualifying for such discounts, providing transparency and clarity regarding potential cost savings. The compensation structure can include (i) fixed price or (ii) hourly rates, in which case the Proponent must specify the rate increments for each professional who will or is expected to perform the services outlined herein and a not-to-exceed amount.

7. **Local Parties (maximum of 2 pages):** To promote and foster the participation of local parties in providing professional services and local expertise, explain their expected role and how they will add value to the work and team proposed. Should the Proponent involve local parties, they should identify local parties involved and provide further information on the expected level of participation

in the activities and interactions included as part of the proposed work approach.

For the purposes of this RFP, local parties will be defined as domestic entities which are duly registered as such with the Department of State. Points may vary depending on the amount of participation that the entities will have in the implementation of the project. Points may be deducted for the bonus scoring if a significant portion of the activities are to be conducted by foreign entities.

6. Grant Terms and Conditions

6.1. Conflict of Interest

Proponents are required to review all applicable conflict of interest laws. You may not contact or receive information outside of this RFP process. If it is discovered that the Proponent contacted and received information from anyone other than the email address specified above and under the process specified herein regarding this solicitation, the OMB may, in its sole discretion, disqualify your proposal from further consideration. All contact regarding this RFP or any matter relating to it must be in writing and may be emailed to **rfp@ogp.pr.gov** with the words “BRIC Project Implementation RFP” in the email’s subject line.

6.2. Contract Conditions

The contents of the proposal prepared by the Selected Proponent, with any amendment approved by the OMB, will become part of the agreement that could be executed with such Proponent because of this RFP process.

The contract will include those clauses required when contracting services similar to those procured under this RFP and those included in contracts with the Government, such as contractual provisions requiring:

- Sole Registry of Professional Services Providers Certification (“RUP”, for its Spanish acronym), issued by ASG pursuant to the Regulation for Sole Registry of Professional Services Providers, Regulation No. 9302E, issued on August 26, 2021.
- All data generated and systems used during the rendering of the Project Management Services, must comply with the public policies of data and

technology issued by the Puerto Rico Innovation and Technology Service (“PRITS”), pursuant to Act No. 75-2019.

- Original certifications demonstrating that respondent has complied with its responsibility in the filing of tax returns and payment of its taxes, including sale and use tax as applicable, to the Commonwealth of Puerto Rico, to the US Government, and to the state or jurisdiction where its base of operations resides, to the extent applicable.
- Registration on www.sam.gov with an active status and assigned a Unique Entity Identifier (UEI).
- Proponents should not be debarred or suspended by the federal government.
- Proponents should not be registered on the Office of the Inspector General’s list of excluded individuals/entities.
- Commercial Registration Certification, issued by the Puerto Rico Department of Treasury (i.e., ‘Departamento de Hacienda’).
- Certification of Compliance issued by the Puerto Rico 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 amounts owed for child support.
- Sworn statement, signed by the President or Chief Executive Office authorized to act on behalf of respondent, indicating that respondent, its subsidiaries, affiliates and/or parent companies, and their respective shareholders, directors, partners, officers, executives, or principals have neither been convicted nor has probable cause for their arrest been found against any of them, nor are they being investigated under any administrative, judicial or legislative procedure, whether within or outside of Puerto Rico, or any other legal provision penalizing crimes against the treasury and the public trust, and that the person signing the statement has not been investigated, arrested, convicted, or found guilty or sentenced as a result of said criminal conduct.
- Certification 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 Puerto Rico 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. • 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.

- No debt Certification and copy of current policy issued by the Puerto Rico State Insurance Fund.
- Certification of Existence or Certification of Authorization to do business in Puerto Rico. The Certification of Existence indicates that the applicant is incorporated under the laws of Puerto Rico and is issued by Puerto Rico's State Department. The Certification of authorization to do business in Puerto Rico applies to foreign companies. It indicates that the applicant is authorized to do business in Puerto Rico and is issued by the Puerto Rico State Department. The certification indicates the date of issuance and authorization to do business in Puerto Rico.

All certifications must be current, that is, issued within thirty (30) days from the date the Selected Proponent executes the corresponding agreement with OMB. The Selected Proponent will be contractually required to abide by the laws of Puerto Rico as governing laws under the agreement. The OMB shall reserve the right to terminate any contract entered into as a result of this RFP at any time, provided that written notice has been given at least thirty (30) days prior to such proposed termination date.

6.3. Federal Funds Requirements

The OMB anticipates that some or all the costs incurred under the contract that could be awarded pursuant to this RFP could be funded, partially and/or in whole, with federal funds. Consequently, any contract executed in relation to this RFP shall be governed by certain federal terms and conditions for federal grants, including any applicable circulars issued by the US Government Office of Management and Budget ("US-OMB").

Moreover, in the event any federal funding is used in the contract that could be awarded pursuant to this RFP, this procurement process is intended to be conducted in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as codified under 2 C.F.R. Part 200, et seq., issued by the US-OMB pursuant to the authority granted under 31 U.S.C. 503 ("Federal Uniform Administrative Requirements"), which outlines the methods of procurement to be followed by non-federal entities, among other things.

Furthermore, said potential contract shall be also governed by any specific terms and conditions set forth by the awarding federal agency.

7. Disclosures

7.1. Reservation of Rights

This RFP is a solicitation for proposals only. It is not intended as an offer to enter into a contract or a promise to engage in any formal competitive bidding or negotiations. At its sole discretion, the OMB may accept or reject any or all proposals submitted in response to this RFP. The OMB may also, in its sole discretion and at any moment, make no award for this RFP, vacate, or cancel this RFP in its entirety. In addition, the OMB may, at its sole discretion, only elect to proceed with contract negotiations for some of the services included in the proposal. The OMB further reserves its right to waive minor errors and omissions in proposals, request additional information or revisions to offers, and negotiate with any or all Proponents.

The OMB shall not be liable for any costs incurred by the Proponent in connection with the preparation and submission of any proposal and/or any other action undertaken by the Proponent. The OMB reserves the right to waive inconsequential disparities in a submitted proposal. The OMB has the right to amend the RFP, in whole or in part, by written addendum at any time. The OMB is responsible only for what is expressly stated in the solicitation document and any authorized written addenda. Such an addendum shall be made available to each Proponent, whose records indicate the OMB has received this RFP. Should such an addendum require additional information not previously requested, failure to address the requirements of such an addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of the OMB. The OMB is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf. The OMB has the right to reissue the RFP at a future date.

7.2. Confidentiality and Public Records

Responses to this RFP shall become the exclusive property of the OMB. The recommended Proponent's proposal will become a matter of public record when contract negotiations are complete, and an agreement is executed by the OMB. Exceptions to disclosure may be available to those parts or portions of proposals that

are justifiably and reasonably defined as business or trade secrets and marked by the Proponent as "Trade Secret," "Confidential," or "Proprietary." The OMB shall not, in any way, be liable or responsible for disclosing any such record or any parts thereof if disclosure is required or permitted by law.

In the event the OMB receives an information request for any of the aforementioned documents, information, records, and/or contents of a proposal marked "Confidential," "Trade Secrets," or "Proprietary," Proponent agrees to defend and indemnify the OMB from all costs and expenses, including reasonable attorneys' fees, incurred in connection with any action, proceedings, or liability arising in connection with the information request.

A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of an information request exemption, and a Proponent who indiscriminately and without justification identifies most or all of its proposal as exempt from disclosure or submits a redacted copy may be deemed non-responsive.

A Proponent's failure to request confidential treatment of material according to this section and the relevant laws will be deemed by the OMB as a waiver of any right to confidentiality that the Proponent may have had, and the OMB shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof.

7.3. Right of Reconsideration and Judicial Review

Petition for Reconsideration

In accordance with Section 3.19 of the Puerto Rico Uniform Administrative Procedure Act, Act No. 38-2017, 3 LPRA § 9659, as amended, any Proponent adversely affected by the selection may file a reconsideration before the OMB within ten (10) days after receiving notification of non-selection.

Motions for reconsideration shall be sent to **rfp@ogp.pr.gov**.

The OMB authorized representative shall adjudicate petitions for reconsideration within ten (10) days after receipt. The final adjudication of any petition for reconsideration, protest, or request for review shall constitute the final determination of the OMB for purposes of the Proponent's right to seek judicial review and the term to request judicial review shall begin to lapse on the date in which notice of the final determination was sent by electronic mail. Suppose the OMB does not resolve, address, or otherwise resolve the petition for reconsideration, protest, or request for review, respectively, within the corresponding term provided above. In that case, the

same shall be considered rejected, and the term for requesting judicial review before the Puerto Rico Court of Appeals shall begin to lapse upon that date.

Any party adversely affected by a final decision or order by the OMB may seek judicial review before the Puerto Rico Court of Appeals within twenty (20) days from the date on which a copy of the notice of the final decision of the OMB is filed. Filing an appeal for judicial review will not paralyze or stay the award of the contested RFP.

All the documents used and produced for and during the evaluation of the companies and Proponents are considered public documents and are available for public review. Please submit a letter requesting access to them at OMB.