

Commonwealth of Puerto Rico  
**OFFICE OF THE COMPTROLLER**  
San Juan, Puerto Rico

## REGULATION 33

### **REGISTRY OF CONTRACTS, OF THE OFFICE OF THE COMPTROLLER OF THE COMMONWEALTH OF PUERTO RICO**



January \_\_\_\_, 2024

Commonwealth of Puerto Rico  
OFFICE OF THE CONTROLLER  
San Juan, Puerto Rico

REGISTRY OF CONTRACTS, OFFICE OF THE COMPTROLLER OF  
THE COMMONWEALTH OF PUERTO RICO

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33-00-04

**REGISTRY OF CONTRACTS OF THE OFFICE OF THE  
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**Article 1.     LEGAL BASIS**

This *Regulation* is enacted in accordance with the requirements of Article 3 of *Act No. 18 of October 30, 1975 (Act 18)*, as amended. Article 1 of *Act 18* requires all entities of the Commonwealth of Puerto Rico to keep a registry of all contracts entered into, including their amendments. In addition, a copy must be forwarded to the Office in a timely manner and in accordance with the conditions set forth in *Act 18*.

**Article 2.     PURPOSE**

This *Regulation* is implemented to establish the rules and procedures by which all entities must abide to ensure compliance with the provisions of *Act 18*, including the rules and procedures of the Office as to the management of its Registry, the verification of registered data, and the issuance of certified copies in accordance with legal requirements.

**Article 3.     SCOPE**

The *Regulation* apply, with no exception, to the entities of the three branches of the Commonwealth of Puerto Rico, that is, the executive, legislative, and judicial branches, including public corporations and their subsidiaries, municipalities, special municipal corporations, and labor development areas, among others.



The Registry of Contracts is an indispensable mechanism to ensure transparency in government contracting and to encourage citizen oversight.

**Article 4. DEFINITIONS**

For purposes of the *Regulation*, the following terms are defined:

Application:	Electronic register of contracts created by the Office to allow entities to register and forward their contracts.
Comptroller:	Comptroller of the Commonwealth of Puerto Rico.
Contract:	Written document in which one or more persons or entities consent to provide something or some service related to public funds or public property. A contract also includes deeds, agreements, amendments, supporting documents, contract terminations, and any other document whose registration is required by the Comptroller.
Exempt contract:	Contract whose copy does not need to be forwarded to the Office. Its registration is still required, as set forth in the <i>Regulation</i> .
Interagency contract:	Contract between entities that agree to provide something or some service in relation to public funds or public property.
Entity:	Includes government entities and municipalities.

Government entity:	Includes any department, agency, instrumentality, board, commission, administration, office, and any other entity of the Commonwealth of Puerto Rico, as well as any public corporation, its subsidiaries, or any government entity that has its own legal responsibility, created by law or to be created in the future, with no exception whatsoever.
Municipal entity:	Refers to the municipalities of the Commonwealth of Puerto Rico (including special municipal corporations) and the labor development areas, or any entity that may be created in the future, with no exception whatsoever.
Date of execution:	Day, month, and year of signature by the last signatory.
Public funds:	Monies, securities, bonds or obligations, stamps, internal revenue or outstanding debt statements, and any other assets of the same nature belonging to or held in trust by any agency, corporate entity, or legislative body. This includes all allocations of funds from the federal government.
Principal officer:	Officer occupying the highest hierarchical position in the entity's management.
Just cause:	Circumstance or set of circumstances that justify an act that departs from—or may even enter into conflict with—a standard provision.

Memorandum of understanding:	Agreement between public or private entities to establish common goals and create binding but not legally enforceable commitments between the parties.  *This definition is an interpretation provided by Office to be exclusively used in matters pertaining to the Registry of Contracts.
OCR:	Optical Character Recognition (text scanning including automatic character identification).
Liaison officer:	Public officer or public employee designated by the principal officer to register and forward contracts to the Office.
Office:	Office of the Comptroller of the Commonwealth of Puerto Rico.
Public property	All personal and real property owned by the entities and acquired by donation, confiscation, purchase, transfer, assignment, or other means.
Extension:	Additional term requested by an entity to register a contract, including any term granted by the Comptroller for just cause.
Register:	To enter the data required in the application.
Registry of Contracts:	The Office's Registry of Contracts, which is of public nature.
To forward:	To submit a digital copy of a contract to the Office through the application.

Objections:	Electronic notification to the liaison officer that a contract was registered and forwarded using incorrect or incomplete information.
Professional service:	Services centered on intellectual, creative, or artistic work, or on highly technical or specialized skills.
Term:	Term between the start date and termination date of the contract. The start date cannot precede the date of execution.

**Article 5. NON-DISCRIMINATION CLAUSE**

The Office’s policies prohibit any type of discrimination prohibited by law. For the purposes of this *Regulation*, any term used to refer to a person or position shall be understood to be devoid of any reference to gender.

**Article 6. RESPONSIBILITIES OF THE PRINCIPAL OFFICER**

The principal officer is responsible for all contracts entered into by the entity, even if this responsibility is delegated to an authorized representative. The principal officer must ensure that contracts:

- a. comply with all legal requirements;
- b. are in written format;
- c. are entered into the internal registry of the entity; and,
- d. are registered and a copy forwarded to the Office, as provided in *Act 18*.

The principal officer is also responsible of forwarding to the Office an annual sworn certification stating that, during the fiscal year that ended, they complied



with the provisions of *Act 18*. They must also forward any other certification required by circular letter.

In addition, the principal officer is responsible for designating in writing one or several liaison officers and providing notice thereof to the Office, through the means established by the Comptroller. They must inform the Office of any changes pertaining to liaison officers. The designation of a liaison officer does not release the responsibilities as a principal officer.

**Article 7.      RESPONSIBILITIES OF THE LIAISON OFFICER**

The liaison officer is responsible for registering and forwarding contracts through the application. In addition, they resolve any contract objections in coordination with the principal officer or their authorized representative and address any other related matters.

**Article 8.      REGISTRY OF CONTRACTS**

The Office created the Registry of Contracts application for entities to register and forward their contracts, ensuring transparency in government contracting and promoting citizen oversight. Contracts are available to the general public on the Office's website.

**8.1.      Data to be registered**

The liaison officer must register the following data through the application:

- a. Contract Number: This number consists of the four digits of the fiscal year of the contract start date, followed by the sequential number in ascending order, starting with number one. Amendments bear the same year and registry number assigned to the contract and are identified with one letter, starting with the letter A. The Comptroller,

or her authorized representative, may authorize a different numbering method if circumstances require it.

- b. Contractor's name and email address.
- c. Social Security or Employer Identification Number: Nine-digit number.
- d. Date of execution: Day, month, and year of signature by the last signatory.
- e. Term: Includes the start date and termination date of the contract. Contracts with automatic renewal or an indefinite term are not accepted.
- f. Amount: Includes the total amount to be paid or received as set forth in the contract. Contracts that do not specify an exact amount, because services or goods are contingent in nature or quantity cannot be determined require an estimated amount for registration purposes as well as an amendment, at the Comptroller's discretion.
- g. Budget line: Account from which disbursements will be made, including the source of funds (state, federal, proprietary or pooled).
- h. Category and type of service: Type and manner in which the contracted services are described.<sup>1</sup>
- i. Prior approval or waiver: Whether approval, authorization, or waiver is required from any government entity, prior to its execution.

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<sup>1</sup> [https://contraloriadigital.ocpr.gov.pr/assets/pdf/Codigos\\_Categoria\\_Tipo\\_Servicios\\_Rev.pdf](https://contraloriadigital.ocpr.gov.pr/assets/pdf/Codigos_Categoria_Tipo_Servicios_Rev.pdf).

- j. Contracting form: Manner in which contractor was selected: competitive bid process, request for proposal, request for quotation, or any other option.
- k. Any other information that the Comptroller requires to be registered.

## **8.2. Documents to be registered and forwarded**

All contracts, unless expressly exempted, and any amendment, agreement, decision, certification, or terminating action, must be registered in the entity's Registry of Contracts. This includes contracts listed in the *Regulation* as exempt from being forwarded to the Office.

The Registry of Contracts must be a reflection of the entity's Registry of Contracts. Entities forward true and accurate copies of all contracts, which must contain the signatures of the parties. Contracts entered must be fully written using a word processing program, except in extraordinary situations, at the Comptroller's discretion. In addition, the contract to be forwarded must be scanned through an OCR tool and converted into PDF.

Among others, the following documents are registered and forwarded:

- a. Change orders for projects and construction works. These are registered as amendments.
- b. Interagency contracts, as provided in the *Regulation*.
- c. Deeds for the acquisition or disposal of real estate.
- d. Any other document included in the contract.

## **Article 9. CONTRACT REGISTRATION AND FORWARDING PERIOD**

Registration and forwarding must take place within 15 consecutive days upon execution of the contract or amendment, subject to the following exceptions:



- a. The period of 15 consecutive days is extended to 30 consecutive days if the contract is executed outside Puerto Rico. The contract will be understood to have been executed outside Puerto Rico when it is signed by all the appearing parties or by the last signatory outside Puerto Rico.
- b. The Comptroller or her authorized representative may extend the period of 15 consecutive days or 30 consecutive days, whichever applies, for an additional 15 consecutive days if an entity requests an extension and demonstrates just cause. The request must be submitted within the contract forwarding period, either 15 or 30 days, whichever applies.
- c. In the event of an extraordinary situation, the Comptroller or her authorized representative may extend the contract registration and forwarding period without prior request from any party. Please note that these circumstances must be such that they may delay the forwarding of contracts and may not be attributed to the entity.
- d. Contracts entered by municipalities to allocate contributions to nonprofit corporations pursuant to Article 5.016 of *Act 107-2020, Puerto Rico Municipal Code*, as amended, are both registered and forwarded within 30 days after they are signed.

Periods of 15 or 30 days, whichever applies, ending on a Saturday, Sunday, or holiday, will be extended until the next working day.

These periods do not affect the contract term, so the contractor may provide services from the beginning of the term. However, no services may be paid for until the contract is registered and forwarded to the Office.

#### **Article 10. CONTENTS OF CONTRACT FILES**

Entities must keep the following in their official files, as applicable:



- a. Original contract.
- b. Copies of any other accompanying documents or referenced documents, including any documentation evidencing auctions, conditions, plans, and specifications.
- c. Copies of communications confirming prior approval or waiver when these are required in order to certify the legal transaction.
- d. Copies of the documents legally required from contractors, including those issued or required by the following entities: the Department of the Treasury, the Municipal Revenue Collection Center (CRIM), the Department of Labor and Human Resources, the Department of State, the Child Support Administration, the State Insurance Fund Corporation, and the General Services Administration (GSA).
- e. Affidavit in accordance with the provisions of *Act 2-2018, Anti-Corruption Code for the New Puerto Rico*, as amended, or any other provision required by law.
- f. Public Liability Policy or any other insurance policy required.
- g. Bid, performance, and payment bonds.
- h. Corporate Resolution.
- i. Document certifying that the professional is in compliance with the requirements of their profession, if applicable, issued by the entity in charge of regulating the profession to which they belong.

**Article 11. CONSERVATION OF CONTRACT FILES**

Entities are required to conserve contract files for a period of six years starting at the end of the contract term. Notwithstanding the foregoing, nothing in the

*Regulation* relieves entities of their obligations under any law requiring a longer retention period than the period provided herein.

**Article 12. CONTRACT REGISTRY NOTIFICATION**

Upon registration and forwarding of the contract, the application automatically emails a registry notice to the liaison officer and the contractor.

**Article 13. CONTRACTS EXEMPT FROM BEING FORWARDED**

- a. Contracts that require registration but do not require a copy to be forwarded to the Office:
  1. Professional health and medical service contracts entered by entities whose main purpose, as established in their organic law, is to provide medical services. This excludes ambulance and laboratory services, which must be forwarded.
  2. Contracts from federally funded low-income rental housing programs.
  3. Any other contract at the Comptroller's discretion, upon written request by the entity, if there is just cause. In these cases, the entity issues, through the Registry of Contracts application, a copy of the communication from the Comptroller authorizing the exemption from forwarding a copy of the contract.
- b. Contracts exempt from forwarding a copy must be available at the entities to be audited by the Office.

**Article 14. CONFIDENTIAL AGREEMENTS**

Agreements granted by the Department of Justice, the Puerto Rico Police Bureau, or the Bureau of Special Investigations to obtain confidential

information related to criminal activities, whose disclosure may adversely affect the management or security of service providers, are not required to be registered or forwarded to the Office. The entity registers these agreements in a separate internal registry, but they must be available to be audited by the Office.

**Article 15. INTERAGENCY CONTRACTS**

The entity responsible for the disbursement of funds is required to register and forward the contract to the Office. If the contract does not involve a disbursement of funds, then the first party to the contract is responsible for its registration in the Registry of Contracts, as provided in this *Regulation*. Both entities must register the contract in the internal registry of their entity.

**Article 16. MEMORANDUMS OF UNDERSTANDING**

In drafting a memorandum of understanding, government entities must carefully analyze and evaluate whether the document entails a disbursement of funds or the creation of legally binding obligations. If so, the document must be considered a contract and not a memorandum of understanding.

Memorandums of understanding do not involve the disbursement of funds and are not considered interagency contracts. Therefore, need not be registered nor forwarded.

**Article 17. CONTRACT DATA VERIFICATION**

The principal officer is responsible for the registered data to be truthful, legal, and accurate. The Office does not validate or qualify contracts; however, it may, by random selection, verify the data of the contracts in the Registry of Contracts. If any discrepancies are identified, a pending issue is notified.



**Article 18. CONTRACT WITH OBJECTIONS**

- a. The liaison officer is notified of any contract objections. The contract is included in the Office's Registry of Contracts with the objection classification until the issue is resolved.
- b. Entities have 30 consecutive days to resolve the objection as of the date of the email notification.
- c. After a formal audit, entities that fail to address or resolve the objections may be subject to findings. In the case of repetitive situations, the principal officer may be referred to the Office of Government Ethics of Puerto Rico, among others, due to failure to comply with their responsibility.

**Article 19. EXECUTED CONTRACTS ANNUAL CERTIFICATION**

At the close of each fiscal year, by August 31, the principal officer of each entity must issue, through the *Annual Certifications of the Office of the Comptroller* application, a sworn certification of the total number of contracts awarded during that year and of their compliance with the provisions of *Act 18*.

In addition, the principal officer must comply with any other certification that may be required by circular letter.

**Article 20. REQUEST FOR CERTIFIED COPIES**

At the request of an interested party, the Comptroller, or her authorized representative, issues a certified copy of any contract forwarded to the Registry of Contracts. The request may be made by letter, email, or in person. All certifications require the payment of internal revenue stamps, based on the number of pages requested, calculated in accordance with the provisions of the *Law of March 12, 1908*<sup>2</sup>, as amended.

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<sup>2</sup> This law was not enumerated when it was passed.



When a state, federal, or municipal government official or court requests a certified copy for official use, the tariff is waived.

**Article 21. GENERAL PROVISIONS**

- a. Contracts subject to registration at the Office must clearly and conspicuously state the following: "No benefit or consideration under this contract may be required until it is submitted for registration at the Office of the Comptroller, pursuant to the provisions of *Act No. 18 of October 30, 1975*, as amended."
- b. No contract may be amended after its expiration. All amendments must be approved before the contract expires and will be prospective in nature.
- c. Entities are prohibited from making any contract payment without first forwarding the contract to the Office.
- d. In compliance with *Act 243-2006* and Section 6109 of Title 26 of the *United States Code*, the Office may not disseminate, display, or disclose, for purposes not permitted by law, the Social Security Number and Employer Identification Number included in the contracts forwarded to the Registry of Contracts. Such numbers shall be made illegible if copies of the contracts are provided to any natural person or legal entity<sup>3</sup>.
- e. Contracts not considered subject to registration and forwarding to the Office:
  1. Those related to personnel transactions, such as: appointments (including fixed-term appointments), promotions, demotions, temporary transfers, interim appointments, and the granting of wages differentials, as well as any other transactions related to the mobility or remuneration of public officials or public employees.

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<sup>3</sup> All entities must comply with these laws by making the federal Social Security Number and the Employer Identification Number illegible when issuing copies of contracts registered in their entities.

2. Purchase orders.
  3. Tax exemption decrees.
- f. The acceptance of digital signatures and electronic signatures in government contracting processes is subject to the regulations approved for such purposes by the *Puerto Rico Innovation and Technology Service (PRITS)* in accordance with the authority conferred by Articles 17 and 20 of *Act 148-2006, Electronic Transactions Act*, as amended.

**Article 22. CIRCULAR LETTERS**

From time to time, the Comptroller enacts circular letters to ensure proper compliance and implementation of the provisions of *Act 18* and to clarify or establish additional requirements to those contained in this *Regulation*. These must be complied with no exception whatsoever.

**Article 23. SEVERABILITY CLAUSES**

- If a court of competent jurisdiction renders any article, provision, or sentence of the *Regulation* null and void, all other provisions set forth therein shall remain in force.
- The provisions of the *Regulation* shall amend any rule or instruction included in the manuals, standards, procedures, or instructions previously approved by this Office if they are inconsistent with these newly approved provisions, until such time as they are revised.

**Article 24. REPEAL**

The provisions of this *Regulation* repeal *Regulation 33: Registry of Contracts of the Office of the Comptroller of the Commonwealth of Puerto Rico*, dated December 8, 2020, approved by the Department of State on December 9, 2020, under registry number 9239.

**Article 25. EFFECTIVE DATE**

This *Regulation* shall become effective 30 consecutive days from the date of their filing with the Department of State, pursuant to the provisions of *Act 38-2017, Uniform Administrative Procedure Act of the Government of Puerto Rico*, as amended.

Approved in San Juan, Puerto Rico, this January \_\_\_\_, 2024.

Yesmín M. Valdivieso  
Comptroller