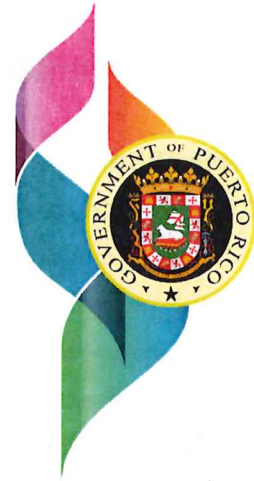


PUERTO RICO
**FISCAL AGENCY
& FINANCIAL ADVISORY**
AUTHORITY



**REQUEST FOR SEALED PROPOSALS
(RFSP)**

Number 2411-RFSP-003

**Replacement of Data Center Air Conditioning and
Ventilation Units and Data Center Renovation
(DCR)**

Proposal Release Date: November 27, 2024

Proposal Due Date: December 23, 2024 – 12:00 PM AST

AAFAF RESERVES THE RIGHT TO REJECT ANY AND ALL PROPOSALS, TO FURTHER NEGOTIATE ANY PROPOSAL AND TO WAIVE ANY IRREGULARITIES OR NON-COMPLIANCE WITH THE INSTRUCTIONS SET FORTH HEREIN, AT ITS SOLE DISCRETION. ALL PROPOSALS BECOME PROPERTY OF AAFAF UPON SUBMISSION. PLEASE BE ADVISED THAT ANY INFORMATION PROVIDED TO AAFAF MAY BE SUBJECT TO OPEN RECORDS REQUESTS.

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1.0 Introduction

1.1 Brief Description of the Issuing Agency

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”, by its Spanish acronym), is a component unit of the Commonwealth of Puerto Rico and an independent public corporation and governmental instrumentality with separate legal existence, and fiscal and administrative autonomy. Its main responsibility is to act as fiscal agent, financial advisor and reporting agent of the Government of Puerto Rico, its agencies, instrumentalities, subdivisions, public corporations, and municipalities.

AAFAF’s responsibilities include, among other things: (i) overseeing compliance with the certified budget and fiscal plan approved by the Financial Oversight and Management Board for Puerto Rico (“Oversight Board” or “FOMB”) pursuant to Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA); (ii) revising matters including, but not limited to, agreements, transactions, and regulations of the agencies and instrumentalities of the Government of Puerto Rico (the “Government”); (iii) entering into agreements with creditors and/or renegotiating or restructuring the public debt, in whole or in part, or any other debt issued by any Government body including, but not limited to, agencies, boards, commissions, instrumentalities, public corporations, or applicable political subdivisions.

1.2 Agency Background

As noted above, AAFAF’s main statutory responsibilities are to act as fiscal agent, financial advisor and reporting agent of the Government, its agencies, instrumentalities, subdivisions, public corporations, and municipalities. AAFAF is also an important liaison that facilitates collaboration and communication between the Government and the Oversight Board.

AAFAF is currently located at the Roberto Sánchez Vilella (Minillas) Government Center De Diego Ave. Stop 22 San Juan, PR 00907.

The Information Systems Department of AAFAF has the main responsibility of providing the entity’s users and clients with the technology needed along with their data in a safe, accessible and reliable manner. This includes maintaining the data center which houses a vast amount of AAFAF’s information that is frequently accessed by users.

1.3 Overview and Purpose of RFSP

AAFAF’s current data center air conditioning and ventilation units are outdated and have reached their “end of life”. These outdated units have frequent performance and mechanical breakdowns, which include malfunctions and downtime of the units. Furthermore, finding replacement parts for these outdated units has become more difficult and, when found, prices are higher than anticipated. Additionally, suppliers supporting these outdated units are increasingly scarce and difficult to find.

It is critical that these units are replaced with up-to-date units, which is essential for keeping the required environment for servers and electronic components that are located in the data center. New air conditioning and ventilation units are expected to be proposed by Bidders as part of their Proposals. The Bidders proposed replacement units shall comply with applicable regulations and green standards, for optimal energy efficiency and operating costs.

1.4 Requirements

AAFAF's primary objective and scope ("Requirements") for this RFSP is the replacement of the data center air conditioning and ventilation units and the data center renovation ("DCR"), including, but not limited to:

- new air conditioning and ventilation replacement units;
- demolition, removal and disposal of existing units to be replaced;
- wiring installation and refrigerant procedures;
- new units' installation, configuration and testing;
- clean-up;
- new units' functional knowledge transfer to data center personnel.

Bidder Proposal shall cover all Requirements, including Exhibit B "Data Center Requirements Specifications". Bidder shall refer to Exhibit B for further Requirements and details as listed in the following included exhibit sheets:

- Drawing No. MD-0.1 Ground Level Plan, Proposed Data Center Air Conditioning and Ventilation Demolition Layout;
- Drawing No. M-0.1 Ground Level Plan, Proposed Data Center Air Conditioning and Ventilation Layout;
- Drawing No. M-1.0 Data Center Floor Plan, Air Conditioning and Ventilation Layout;
- Drawing No. M-1.1 Data Center, Partition Elevation and Specifications;
- Drawing No. M-2.0 CRAC Units Piping Diagram;
- Drawing No. M-3.0 Schedules, General Notes and Legend;
- Drawing No. M-3.1 Notes.

Bidder shall thoroughly analyze the Requirements, including Exhibit B, in order to present a complete and responsive Proposal.

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2.0 Proposal Timeline, Process and Format

2.1 Proposal Timeline

Table 1 - Key Procurement Events presented below identify the primary activities, events and /or key milestones, and dates, that shall govern this sealed proposal process. These are described further within this document.

Table 1 – Key Procurement Events

Ref.	Activity / Event / Milestone	Due Date	Comments
1	Release of RFSP	Wednesday, November 27, 2024	
2	Pre-Scheduled Pre-Proposal Meeting: Vendor Orientation Meeting	Tuesday, December 3, 2024 10:00 AM AST	Mandatory attendance. To be held virtually. Refer to Section 2.2.2 (Pre-Proposal Meetings)
3	Letter of Intent	Wednesday, December 4, 2024 10:00 AM AST	Mandatory submission. Refer to Section 2.2.2 (Pre-Proposal Meetings)
4	Vendor Clarification Requests Due	Tuesday, December 17, 2024 10:00 AM AST	All requests for clarifications must be sent by email to the Single Point of Contact as indicated in Section 2.2.1 to the electronic mail address: subastas@aafaf.pr.gov
5	Publication of Written Responses	Friday, December 20, 2024	
6	Proposals Submission Due Date	Monday, December 23, 2024 12:00 PM AST	
7	Opening of Proposals	Monday, December 23, 2024 3:00 PM AST	To be held virtually. Link will be communicated via AAFAF's website*
8	Oral Presentations (at AAFAF's discretion)	Friday, January 24, 2025	Mandatory, if requested by AAFAF. Refer to Section 2.6 (Proposal Scoring and Final Award Recommendation)
9	BAFO Responses Due	Monday, January 27, 2025 3:00 PM AST	If requested by AAFAF. Refer to Section 2.4.2 (BAFO Package)
10	Evaluation of Submitted Proposals Completed	Friday, January 31, 2025	
11	Estimate Vendor Selection: Release of Notice of Intent to Award Contract	Friday, February 21, 2025	
12	Estimate Contract Execution Complete	Friday, March 21, 2025	

*<https://www.aafaf.pr.gov/administrative-document/rfps-rfqs>

AAFAF reserves the right to amend the dates presented in Table 1 above, without impacting the RFSP process.

Furthermore, AAFAF reserves the right to amend the RFSP as follows:

- If the amendment involves changes or additional requests that must be included in the sealed proposal:
 - Up to two (2) business days prior to the Due Date and time for *Proposals Submission Due Date*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.
- If the amendment does not affect the submission of the sealed proposals:

- One (1) business day prior to the Due Date and time for *Proposals Submission Due Date*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

The terms “business days”, “working days”, and “calendar days” purposely appear throughout this document. As it relates to business days and working days, both federal and local official holidays shall not be considered business days nor working days.

All amendments must be authorized by AAFAF’s Bid Board. AAFAF will notify the Notice of Amendment to the Bidders, and it will be published on AAFAF’s website. Therefore, all amendments will be part of the documents and Bidders will have to consider them when submitting their Proposals. No oral statements, explanations, or commitments by anyone will be in effect unless incorporated in the written addendum.

AAFAF reserves the right to order the partial or total cancellation of the RFSP at any moment during the process, even after the Opening of Proposals has taken place, as long as a contract has not been executed.

Issuance of this RFSP does not constitute a commitment to award a contract and the Award Notice shall not constitute the formal agreement between the parties. AAFAF reserves the right to accept or reject, in whole or in part, and without further explanation, any or all proposals submitted. AAFAF further reserves the right to reissue the RFSP or another version of it, if AAFAF deems that doing so is in the best interest of AAFAF and/or the Government.

AAFAF has the right to reject any or all proposals, to engage in further negotiations with any Bidder submitting a proposal, and/or to request additional information or clarification.

2.2 Proposal Process

2.2.1 Single Point of Contact

This RFSP is issued on behalf of AAFAF, who is the sole point of contact regarding this RFSP.

All questions and other communications regarding this RFSP shall be directed to the Single Point of Contact through the following:

Mailing Address:

Puerto Rico Fiscal Agency and Financial Advisory Authority
ATTN: Bid Board – RFSP Number 2411-RFSP-003
PO Box 42001, San Juan, PR 00940-2001

E-mail Address:

subastas@aafaf.pr.gov

Any information or public announcement related to this RFSP will be made by AAFAF through its website (<https://www.aafaf.pr.gov>). Any information or other public announcements related to this RFSP shall not be made by any party, including Bidders, without the prior written approval of AAFAF.

For the convenience of vendors that are not registered in the RUL, copies of the RFSP documents will be available at the following address until the *Vendor Orientation Meeting* on Monday, December 3, 2024, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

Physical Address:

Puerto Rico Fiscal Agency and Financial Advisory Authority
Roberto Sanchez Vilella (Minillas) Government Center
Diego Ave. Stop 22 San Juan, PR 00907
ATTN: Bid Board

AAFAP assumes no responsibility for representations or statements made by its officers or employees or by AAFAP's personnel prior to the execution of a contract unless such representations are explicitly expressed in this RFSP. Verbal discussions pertaining to modifications or clarifications of this RFSP shall not be considered part of the RFSP unless confirmed in writing. All such requests for clarification shall be submitted in writing. Any information provided verbally by a vendor shall not be considered part of that vendor's proposal.

2.2.2 Pre-Proposal Meetings

AAFAP may hold one (1) or more pre-proposal meetings to clarify doubts related to the RFSP, not less than five (5) working days before the Due Date and time for *Opening of Proposals Complete*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

The pre-scheduled pre-proposal meeting will be a vendor orientation meeting, which will take place on the date and time of the *Vendor Orientation Meeting* per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

Attendance to this pre-scheduled pre-proposal meeting is mandatory for all vendors. Vendors who wish to submit a Proposal shall submit a letter of intent ("Letter of Intent") before the Due Date and time for *Letter of Intent*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*. Any vendor that submits a Proposal but does not attend the pre-scheduled pre-proposal meeting will be disqualified.

The purpose of pre-proposal meetings is for AAFAP to clarify questions and concerns submitted by vendors related to this RFSP. Failure to attend the pre-scheduled pre-proposal meeting or failure to submit the mandatory Letter of Intent may result in disqualification. At AAFAP's discretion, additional pre-proposal meetings may be scheduled for clarification purposes, per Section 2.2.3, *Requests for Clarification*.

2.2.3 Requests for Clarification

Vendors may request clarification or interpretation regarding any Section of this RFSP as provided in Section 2.1, *Proposal Timeline*, *Table 1 – Key Procurement Events*, according to the following guidelines:

- The Single Point of Contact will not respond to verbal requests for clarification or interpretation regarding any Section of this RFSP.
- Vendors may request in writing to the Single Point of Contact a clarification or interpretation of any aspect or exception, as the case may be, of any Requirement established in the RFSP before five (5) days prior to the Due Date and time for *Proposals Submission Due Date*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.
- AAFAP will offer the corresponding answers, within a term of three (3) days, only to vendors complying with mandatory events 2 to 3, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.
- AAFAP will publish any pertinent clarification or interpretation on AAFAP's website. In addition, it will notify said clarification or interpretation individually to each vendor complying with mandatory events 2 to 3, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.
- At AAFAP's discretion, additional pre-proposal meetings may be scheduled for clarification purposes with the participation of vendors complying with mandatory events 2 to 3, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

AAFAP strongly encourages vendors to raise questions and/or concerns related to the Requirements, Proposal format, terms, and conditions set forth in the RFSP immediately after the Vendor Orientation

Meeting has taken place and **before** the Due Date and time *Vendor Clarification Requests Due*, both per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

Questions regarding the RFSP shall only be communicated to AAFAF's Single Point of Contact via the e-mail address specified in Section 2.2.1, *Single Point of Contact*, and within the timeline specified in Section 2.1, *Proposal Timeline*.

Unauthorized communications are defined as communications between an individual or firm and any person other than AAFAF's Single Point of Contact about this proposal process or RFSP and are explicitly prohibited.

From the issuance of this RFSP until the time an award is made, Bidders **shall not** in any way contact AAFAF, its personnel, or any contractor or consultant that assisted with the RFSP drafting and developing process, directly.

Questions regarding the RFSP shall only be communicated to AAFAF's Single Point of Contact via the e-mail address specified in Section 2.2.1, *Single Point of Contact*, and within the timeline specified in Section 2.1, *Proposal Timeline*. This includes in-person visits, phone calls, text messages, e-mails, or any other form of communication. Please do not call with questions as these will not be answered via phone.

Any vendor (or contractor, subcontractor, supplier, or individual acting on behalf of a vendor) who engages in discussion regarding this RFSP with a person other than AAFAF's Single Point of Contact may be disqualified or deemed ineligible for further consideration.

2.3 Proposal Format

Bidders (i.e. vendors that wish to participate) shall submit a sealed proposal ("Proposal") that conforms to the format and content as set forth in this RFSP. Failure to comply with the required format and content may result in disqualification and removal from further consideration. Submitted Proposals shall include all information required and be organized in a manner consistent with the specifications and Requirements of the RFSP.

Submitted Proposals that do not conform and comply with the format and content as set forth in this RFSP shall be deemed to be "Non-Responsive" and may be disqualified and removed from further consideration. All other submitted Proposals shall be deemed to be "Responsive".

AAFAF reserves the right to waive any informality or difference of minor importance in the terms and conditions if the purpose of the request is met and it is beneficial for AAFAF and/or the Government. The deviations may not substantially affect the quality, capacity, or essential characteristics of the requested articles or services.

2.3.1 Proposal Submission

Proposals shall be submitted to and received by the Single Point of Contact at AAFAF AND stamped as received by AAFAF's personnel ("Date and Time Stamp") on or before the indicated Due Date and time *Proposals Submission Due Date*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*. Proposals not complying with the required Date and Time Stamp will not be considered. No Proposals will be accepted after the date and time established for the submission of Proposals.

Bidders may select to submit their Proposals via one of the following:

Physical Delivery

If Bidder will use private courier, or mail and package delivery service, the Proposal shall be sent to:

AAFAF Data Center Renovation (DCR) RFSP

ATTN: Bid Board – Secretary of Bid Board
TO BE OPENED ONLY BY ADDRESSEE

Puerto Rico Fiscal Agency and Financial Advisory Authority
Roberto Sanchez Vilella (Minillas) Government Center
Central Building
Ground Floor Mailing Room
Diego Ave. Stop 22 San Juan, PR 00907

Mail

If Bidder will use regular mail, the Proposal shall be sent to:

AAFAF Data Center Renovation (DCR) RFSP
ATTN: Bid Board – Secretary of Bid Board
TO BE OPENED ONLY BY ADDRESSEE

Puerto Rico Fiscal Agency and Financial Advisory Authority
PO Box 42001
San Juan, PR 00940-2001

Bidders who mail a Proposal shall allow sufficient mail delivery time to ensure the Proposal is received by AAFAF on or before the Due Date and time.

No faxed or e-mail submission of Proposals will be accepted.

Any Proposal that is received without being identified as provided herein will be treated as ordinary correspondence. Under these circumstances, AAFAF will not be responsible for the sender losing the chance to submit the Proposal in a timely manner, nor may the person demand that the Proposal be acknowledged or allege that the Proposal had been disclosed or opened before it should have been.

All costs associated with the response to this RFSP are the sole responsibility of the Bidder.

Proposals must be endorsed (signed or initialed) by the Bidder who is registered in the RUL. If the Bidder is not registered in the RUL, the Proposal must be endorsed by the person who will submit all the required documents to the RUL.

When a Bidder who is not registered in the RUL appears in a RFSP process and submits a Proposal, the Bid Board shall not reject it due to the fact that said Bidder is not registered in the RUL and will give said Bidder five (5) working days from the *Opening of Proposals*, per *Table 1 – Key Procurement Events of*

Section 2.1, *Proposal Timeline*, to submit all the required documents to the RUL (<https://asg.pr.gov/>). Any Bidder that does not deliver the required documents will be disqualified.

Any Bidder registered in the RUL who has submitted a Proposal and is not eligible at the time of opening the proposals will be granted a non-extendable term of five (5) working days, counted from the *Opening of Proposals*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*, to submit the pertinent information or documents in the RUL. During said period, no award will be made. The Bid Board will be responsible for notifying the Bidder, by telephone and email, of the term granted to update the Bidder's record in the RUL. In the event that the Bidder does not update said records in the RUL during the term provided, the Bidder will be disqualified.

Submitted Proposals may only be amended or modified prior to the Due Date and time *Proposals Submission Due*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*, by written communication to the Single Point of Contact, duly identifying the following information: 1) Number of the RFSP, 2) Proposal Due Date, 3) Name and address of the Bidder, and 4) Information indicating the reason for the amendment or modification of the Proposal.

Amendments and modifications will be opened in conjunction with the related Proposal.

Corrections to Proposals due to errors must be endorsed by the Bidder with their signature or initials, otherwise the Proposal for the corresponding item or items will be invalidated.

Proposals may be withdrawn by Bidders via written request, addressed to AAFAF's Bid Board, and submitted at any time prior to time for *Opening of Proposals Complete*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*. Bidders will not be able to submit a substitute proposal once their Proposal has been withdrawn. No Bidder may withdraw their Proposal after the Due Date and time for *Opening of Proposals Complete*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

At AAFAF's Bid Board's discretion, Best and Final Offers ("BAFO") may be requested, which will allow the Bidder to submit their best offer intended to provide the most advantageous Proposal for AAFAF and the Government.

Upon submitting the Proposal, the Bidder certifies and affirms that, in the event of being awarded and contracted, they shall comply and adhere with all applicable laws and regulations, including, but not limited to, the required clauses of government contracting and the regulations and requirements associated thereto.

2.3.2 Proposal Packaging

Bidders shall submit paper and electronic copies of their Proposal, clearly identifying the Bidder as the owner/sender.

Bidders shall submit electronic copies via CD or DVD and ensure these contain all documents, signed forms, support materials and attachments found in the paper copies, accessible via Microsoft Office or Adobe Acrobat applications. Electronic copies will not be submitted via e-mail.

Any Bidder that fails to submit the Proposal in one of the two (2) ways required here may be disqualified.

Details about the required format and content of the submission package are specified below and in the following sections of this RFSP.

Proposal response package - One (1) original paper copy, clearly marked "ORIGINAL COPY"; three (3) paper copies, each clearly marked "COPY"; and one electronic copy, each with a label clearly identifying it "Data Center Renovation (DCR) RFSP - RESPONSE".

Failure to comply with the required number of copies may result in disqualification and removal from further consideration.

Bidders are encouraged to use environmentally preferred packaging materials. If the Proposal is delivered in more than one box or package, all boxes or packages shall be received before the specified Due Date and time. While the appearance and professional presentation of the Proposal is important, the use of non-recyclable or non-recycled glossy paper is discouraged. Bidders are encouraged to submit the Proposal using recycled paper, printed on both sides.

Original and copies shall include all administrative information, all materials, all pricing details, signed forms, detailed responses to the Requirements, written assurances and agreements, and related materials specified as part of the proposed solution response package in this RFSP (see Section 2.4.1, *Proposed DCR Response Package*). The outside cover of the package shall be marked as follows:

<BIDDER'S NAME>

AAFAF Data Center Renovation (DCR) RFSP-RESPONSE

PROPOSAL DUE DATE: Monday, December 23, 2024, at 12:00 PM AST (Local Time, San Juan, PR)

2.3.3 Proposal Signatures

In all instances where signature(s) are required, the signature(s) shall be in ink, signed by the Bidder or a duly authorized officer or representative of the Bidder. Such authorized officer or representative must be legally authorized to legally bind the Bidder to execute the performance obligation, as expressed in the Proposal and as defined in this RFSP.

Proposals shall be endorsed (signed or initialed) by the Bidder who is registered in the RUL. If the Bidder is not registered in the RUL, the Proposal must be endorsed by the person who will submit all the required documents to the RUL.

Proposals received without the duly authorized signatures and endorsements explained above may result in disqualification and removal from further consideration.

2.3.4 Proposal Binding

Bidders shall submit the Proposal in 3-ring binders with tabbed section dividers, as further described.

Proposal pages shall be numbered with page numbers appearing at the bottom of each page, centered. The font size used for all narrative descriptions shall be no smaller than eleven (11). Arial or Arial Narrow font is preferred. Bidders are encouraged to submit Proposal that are printed on both sides.

2.3.5 Transmittal Letter

Each Bidder shall submit a Transmittal Letter. The Transmittal Letter serves as a cover letter and shall be included in the Proposal. At a minimum, the Transmittal Letter shall:

- Be signed by an officer of the Bidder that is authorized to make the commitments and representations included in the Transmittal Letter and Proposal.
- Include contact information for persons authorized to act on behalf of the Bidder, including address, telephone number, and e-mail address.

2.3.6 Signature Page

The Signature Page Form (Exhibit A) shall be completed in its entirety and signed in ink by the Bidder or an officer of the Bidder legally authorized to bind the Bidder to the Proposal. A signature page shall be included in the Proposal, directly following the Transmittal Letter.

2.3.7 Restricted Parties

Certain persons/entities are considered "restricted parties" for purposes of this RFSP.

More specifically any person/entity, including its respective shareholders, owners, directors, officers, partners, employees, agents, representative, affiliates, and sub-contractors who (a) is or has in any way participated in the drafting of any aspect or matter relating to this RFSP or (b) has had any communications with any AAFAF entity related to (directly or indirectly) any aspect or matter of this RFSP and/or any of its attachments, is automatically prohibited from submitting a Proposal in response to this RFSP.

All Bidders shall accompany their Proposal with a sworn statement executed by an authorized representative of such Bidder that certifies their absolute and total compliance with this Section. If the sworn statement is untrue regarding any aspect, such Bidder's Proposal shall be invalid without exception.

2.4 Proposal Content

2.4.1 Proposed DCR Response Package

The response submitted as the Proposal shall include:

- A compilation of the Bidder's acknowledgements of and responses to all the bullets listed under each Response Tab (detailed below), including but not limited to, administrative, organizational, financial, legal, and contractual required responses. If Bidder fails to respond as required, the Proposal may be deemed non-responsive, may be rejected, and may receive no further consideration, at AAFAF's discretion.

It is the Bidders' responsibility to submit a competitive response as its Proposal with a competitive price. A "competitive price" is defined as the best and most advantageous price for AAFAF. Prices shall be exact; estimated prices will not be accepted.

The Proposal shall be submitted in accordance with the content, formatting and sequence described below:

- Transmittal Letter
- Signature Page
- Table of Contents

- Response: Tab 1 shall include:
 - *Point of Contact*: The Bidder shall provide one or more point of contact names, addresses, telephone numbers, and e-mail addresses of persons authorized to bind the Bidder and to respond to official questions made by AAFAF's Single Point of Contact.
 - *Subcontractors and Suppliers*: The Bidder shall provide the names, addresses, telephone numbers, and e-mail addresses of all subcontractors and suppliers expected to be contracted by the Bidder and individually specify which, if any are domiciled in Puerto Rico.
 - *Team Members*: The Bidder shall include a written statement confirming that the proposed team includes sufficient resources that are fluent in the Spanish language (preferably, Puerto Rican terminology).

- *Affirmation:* Statement affirming the validity of the Proposal's content and pricing for one (1) year (365 days) from the date of Release Notice of Intent to Award Contract, *per Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.
- *Debarment:* The Bidder shall provide a written statement assuring AAFAF the Bidder has not been notified of pending suspension or debarment and is not currently suspended or debarred from entering contracts with the Government.
- *Commitments:* The Bidder shall provide a written statement assuring AAFAF the Bidder has no current business engagements or commitments that could negatively impact or otherwise impede their ability to successfully execute the performance obligations set forth in their Proposal.
- Response: Tab 2 shall include:
 - *Dun and Bradstreet Comprehensive Report:* The Bidder shall demonstrate their financial stability and viability by submitting their most recent audited financial statements, and a current Dunn and Bradstreet Comprehensive Report that has been prepared using the Bidder's information, correspondingly, and not that of a parent corporation or other affiliated entity. Bidders must also provide this report for the subcontractors and suppliers identified in their Proposal.
 - *Financial Guarantee:* The Bidder shall provide evidence of insurability from a bond company with an A rating and a written statement indicating the Bidder is willing and able to provide the financial guarantee bond, as required.
- Response: Tab 3 shall include:
 - *Litigation:* The Bidder shall fully disclose any current and pending litigation, claims and assessments, and formal administrative protests or actions against itself and its subcontractors. Disclosures shall include any notice of default, and any notice of unsatisfactory performance pertaining to a state or federal government entity, private company or non-profit organization related to the performance of services similar to the ones required by this RFSP.
- Response: Tab 4 shall include:
 - *Contract Agreement:* Bidder shall submit as part of the Proposal a list of their terms and conditions for contract agreement. Failure to do so may result in disqualification and removal from further consideration, at AAFAF's discretion.
- Response: Tab 5 shall include:

Qualifications and Experience: Bidders shall provide evidence of their corporate qualifications for performing work similar to specified in this RFSP. Bidder shall describe capabilities, qualifications, and experience of its resources with similar implementations. Reference checks will be made as part of the evaluation process. Reference checks will not be limited to specific customer references cited in the Proposal but may include other contracts, past or current, with AAFAF, U.S. States and Territories, and other governmental entities. Bidders shall provide no less than three (3) references who can attest to their qualifications and experience. In this Tab, Bidders shall also describe the corporate capabilities of any proposed subcontractors and shall include three references for each subcontractor, who can speak to the subcontractor's qualifications and experience. Bidders shall provide evidence of each subcontractor's intent to participate as part of the Bidder's team.

- Response: Tab 6 shall include:
 - *Executive Summary:* The Bidder shall submit an executive summary that provides an overview of the Bidder's proposed DCR and describe the strengths of the Bidder and key features of its proposed DCR to meet the Requirements of this RFSP. The Bidder shall describe the approach and methodology to meet the Requirements. The proposed methodology shall clearly describe how the implementation will be tracked and monitored for purposes of providing AAFAF visibility and monitoring through the implementation project. Bidder shall clearly describe the quality control procedures.

- Response: Tab 7 shall include:
 - *Project Management, Organization and Staffing:* Bidders shall provide a proposed organization chart for the project that clearly defines how the Bidder shall organize, staff, and manage the implementation project. Bidders shall also include a discussion of the proposed lines of authority, and how the Bidder's project team shall be involved in the administration of the services, including but not limited to the coordination and communication of team members and subcontractors.

- Response: Tab 8 shall include:
 - *Project Team Resources:* Bidders shall provide detailed information, including resumes of key staff members proposed to this implementation project. The provided information shall include if the resource speaks fluent English and Spanish (preferably, Puerto Rican terminology). Bidder shall describe the proposed role per resource, including for example, project manager, technical lead, change control lead, among others. Bidder shall identify the resources to be subcontracted.

- Response: Tab 9 shall include:
 - *Narrative:* Bidders shall submit a narrative (in conjunction with explanatory charts, schedules, plans, among others) that shows, among others:
 - the Bidder clear understanding of the Requirements of the RFSP;
 - the timeline required for the DCR implementation, including a detailed implementation plan describing a per stage services/tasks to be performed;
 - the staffing model, including time/hours required per role from AAFAF resources and from Bidder resources;
 - Bidder tasks to assist in the implementation, configuration, and training processes;
 - Bidder strategy to keep the proposed DCR implementation project timeline;
 - Description on how to manage change control.

- Response: Tab 10 shall include:
 - *Requirements:* Bidders shall describe their acceptance of and indicate the level of compliance with the Requirements for the DCR including removing, demolishing, disposing and replacing the existing air conditioning and ventilation units to address AAFAF's primary objectives included, but not limited to, Section 1.4, *Requirements*, including Exhibit B.
 - Bidders shall recommend the use of new equipment with innovative technologies that will provide improved service and/or operational savings when formulating a response.
 - Bidder shall provide technical and functional information and supporting documentation of the proposed equipment for the DCR.
 - Bidder shall respond to each Requirement using the following guide:
 - (I)ncluded in the proposed DCR,
 - (N)ot included in the proposed DCR, it is excluded from the proposed DCR and will not be provided;

Aligned with Section 1.4, *Requirements*, responses N are expected to be at a minimum, if any. Bidder Proposal with N responses to requirements may result in being deemed as non-responsive and be disqualified and removed from further consideration, at AAFAF's discretion.

- Response: Tab 11 shall include:
 - Pricing shall detail all costs, such as:
 - new air conditioning and ventilation replacement units;
 - demolition, removal and disposal of existing units to be replaced;
 - wiring installation and refrigerant procedures;
 - new units' installation, configuration and testing;
 - clean-up;
 - new units' functional knowledge transfer to data center personnel.

Bidder shall present the total firm, fixed price to perform the work to address all the Requirements of this RFSP, including Exhibit B.

Pricing shall be binding for at least three hundred sixty-five (365) calendar days from the date AAFAF issues the Notice of Intent to Award Contract.

- Response: Tab 12 shall include:
 - *Exceptions to Requirements or Terms and Conditions:*

If applicable, a Bidder shall provide a written list of exceptions to the Requirements and terms and conditions set forth in this RFSP, in accordance with the guidelines described below.

Any Bidder who refuses to respond to a Requirement or condition by (a) stating a condition or caveat, (b) outlining an expectation, or (c) indicating in its Proposal the existence of limitations and qualifiers that affect the Bidder's ability to comply with the Requirements, technical specifications and terms and conditions set forth in this RFSP, shall include a clearly written explanation and a two-way cross-reference of the section of the RFSP and the section of the Proposal for which each exception applies.

Exception(s) to this RFSP shall ONLY be considered if they are minor and are not expected to materially alter the nature, scope, or quality of performance of the Bidder.

Bidder exceptions are subject to acceptance by AAFAF, who reserves the right in its sole discretion, to determine the materiality of each stated exception and whether to approve or deny the Bidder. The materiality of the proposed exceptions may result in disqualification and removal from further consideration.

2.4.2 BAFO Package

AAFAF's Bid Board may provide the Bidder with a reasonable opportunity to submit any modification of price or cost, technical aspects or any other aspect of their Proposal that may result from the discussions, once the best and final offer has been requested, per *Proposals Submission Due, Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

The BAFO shall be submitted in accordance with the following content, formatting and sequence described below:

- Transmittal Letter
- Signature Page

- Table of Contents
- BAFO Pricing

Pricing shall be binding for at least three hundred sixty-five (365) calendar days from the date AAFAF issues the Notice of Intent to Award Contract.

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2.5 Proposal Evaluation Process

2.5.1 Evaluation Committee

AAFAF's Bid Board will designate an Evaluation Committee which will:

- Assist in providing answers to questions submitted by potential Bidders.
- Evaluate the Proposals submitted and assess them in accordance with the terms and conditions set forth in this RFSP.
- Request and participate in onsite visits, pre-proposal meetings and/or oral presentations, if any; and
- Submit to AAFAF's Bid Board the evaluation of all eligible Proposals, including the recommendation for contract award.

2.5.2 Evaluation and Selection Criteria

The purpose of the evaluation process is to identify the Bidder that is best capable of meeting the needs of AAFAF by identifying the Proposal that:

- Meets or exceeds the detailed Requirements described in this document.
- Offers innovative/effective methods for meeting the management of performance and Requirements.
- Proposes skilled and experienced individuals for overall project functions.
- Demonstrates the corporate and team strength required to manage this project.

The Evaluation Committee will base its evaluation of Responsive Proposals on the content, formatting and completeness of the Proposal, including but not limited to the following criteria:

1. Company Corporate Records, Experience and References

Responses to Section 2.4.1, Tab 1 through Tab 5, including but not limited to:

- a. Bidder has relevant experience and a successful corporate track record installing new air conditioning and ventilation units in the Private and Public sector.
- b. Bidder proposed resources have the capabilities, qualifications and relevant experience with similar implementations.
- c. Proposed subcontractors, if any, have the capabilities, qualifications and relevant experience with similar implementations.
- d. Relevance of references provided (please provide references that are readily available to communicate with).

2. Approach and Methodology

Responses to Section 2.4.1, Tab 6 through Tab 7, including but not limited to:

- a. Bidder provides a clear overview of the proposed DCR.
- b. Bidder describes the approach and methodology to meet the Requirements.
- c. Proposed methodology clearly describes how the implementation will be tracked and monitored for purposes of providing AAFAF visibility and monitoring through the implementation project.
- d. Bidder clearly describes the quality control procedures.
- e. Proposed organization chart for the project clearly defines how the Bidder will organize, staff, and manage the implementation project.
- f. Bidders clearly described the proposed lines of authority, and how the project team will be involved in the administration of the services, including but not limited to the coordination and communication of team members and subcontractors.

3. Implementation Plan and Project Team

Responses to Section 2.4.1, Tab 8 through Tab 9, including but not limited to:

- a. Bidder proposes an implementation plan and timeline compatible with AAFAF's objectives and with the necessary stages, and strategy to manage the associated risks while allowing the project to be executed according to plan.
- b. Bidder describes the risks and potential mitigating solutions to manage the proposed implementation plan, including but not limited to how to keep the implementation project timeline.
- c. Bidder clearly described how to manage change control.
- d. Bidder demonstrates knowledge of the challenges that AAFAF will encounter over the course of this project and proposes an approach that allows for better management of resources and time.
- e. Bidder proposed implementation plan includes the necessary tasks.
- f. Bidder proposed team members information is provided, including among others, resume, proposed role and responsibilities, fluent speaking language, and if subcontracted.
- g. Bidder proposed a staffing model, including time/hours required per role from AAFAF resources and from Bidder resources.

4. Requirements

Responses to Section 2.4.1, Tab 10 and Tab 12, including but not limited to:

- a. Bidder described the acceptance of and indicate the level of compliance with the Requirements for the DCR including removing, demolishing, disposing and replacing the existing air conditioning and ventilation units to address AAFAF's primary objectives included, but not limited to, Section 1.4, *Requirements*, including Exhibit B.
- b. Bidders shall recommend the use of new equipment with innovative technologies that will provide improved service and/or operational savings when formulating a response.
- c. Bidder shall provide technical and functional information and supporting documentation of the proposed equipment for the DCR.
- d. Bidder responded to each Requirement using the following guide:
 - (I)ncluded in the proposed DCR,
 - (N)ot included in the proposed DCR, it is excluded from the proposed DCR and will not be provided.
- e. Bidder level of compliance with Requirements.
- f. Detailed exceptions to the Requirements.

5. Pricing

Responses to Section 2.4.1, Tab 11 and Tab 12, including but not limited to:

- a. Proposed pricing versus Requirements compliance.
- b. Pricing information provided in the requested format.
- c. Pricing clearly detailed.
- d. Detailed exceptions to Requirements and terms and conditions.

AAFAF's Bid Board reserves the right to waive any informality if it represents to be favorable and advantageous for AAFAF.

2.5.3 Registry of Proposals Received | Opening of Proposals

On the Due Date *Proposals Submission Due Date*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*, the Secretary of AAFAF's Bid Board will record the Proposals received in the Register of Proposals Received (hereinafter, the "Registry").

On the Due Date and time for the *Opening of Proposals*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*, AAFAF's Bid Board will open all Proposals received, as per the Registry.

The Opening of Proposals will be held virtually and be open to the public and any interested person may virtually attend. However, the contents of the Proposals will not be read in public and only the identity of the Bidders will be announced. The link to the virtual meeting room will be published on AAFAF's website.

AAFAF's Bid Board, or its authorized representative, will preside over the Opening of Proposals, and will be responsible for drawing up a record of all incidents within a reasonable period of time in which it will certify the veracity of the statement.

All proposals, evaluations, discussions, and negotiations will be kept confidential during the evaluation and negotiation process until the contract is signed. During that period, only the personnel authorized by AAFAF's Bid Board will have access to the Proposals and the evaluation results.

Proposals will be subject to evaluation by the Evaluation Committee considering the evaluation criteria established in this RFSP. Non-Responsive Proposals may be disqualified and removed from further consideration, at AAFAF's discretion.

AAFAF's Bid Board, with the help of the Evaluation Committee, may determine that one or more than one Proposal best serves the interests of AAFAF.

AAFAF's Bid Board, with the help of the Evaluation Committee, may hold discussions and negotiate with Bidders whose Proposals are within the established selection margins. A Proposal is within the established selection margin when it complies with the Requirements, terms, and conditions established in the RFSP.

If a single Proposal is received or selected, AAFAF's Bid Board, with the help of the Evaluation Committee, may negotiate the terms of the Proposal if it complies with the provisions established in the tender and it is determined that said negotiation would benefit AAFAF. Otherwise, the process will be canceled.

All information and documents provided and/or generated as part of this RFSP are confidential and intended solely for the use of the individual or entity to which they are addressed. Distributing and/or executing any actions while relying on this information is strictly prohibited.

AAFAF will not divulge information that is designated by the Bidder (for each instance explicitly stated in their Proposal) as *confidential, proprietary, or privileged because it is related to trade secrets, pricing, and proprietary or privileged information.*

Provision of any information marked as confidential or proprietary shall not prevent AAFAF from disclosing such information if required by law. The awarded contract(s) and all prices set forth therein shall not be considered confidential or proprietary, and such information may be made publicly available.

All materials submitted in response to this RFSP shall become the property of AAFAF. Selection or rejection of a Proposal does not affect this provision.

2.5.4 Evaluation of Proposals and Criteria:

Proposals will be evaluated for organization, content, completeness, and quality of information provided by the Bidder on its behalf, and on behalf of its subcontractors, suppliers, and other team members.

Proposals will be evaluated to determine whether a Bidder fully understands and agrees to meet or exceed all financial, legal, administrative requirements and the Requirements. Bidders who comply with Preferential Laws (as defined below) must present the required evidence.

AAFAF's Bid Board will faithfully comply with the public policy of preferential purchases ("Preference") as provided by the following laws ("Preferential Laws"):

1. Law No. 14 of January 8, 2004, as amended, known as the "Investment in Puerto Rican Industry Act". ("Law 14-2004"). To grant the Preference, the following conditions will be met:

- a. The Bidder will establish a Preference by submitting the Resolution of the Investment Board, together with the bid price documents;
 - b. In the Resolution, [the Bidder] must mark the line or lines which have been granted the Preference requested;
 - c. Preference requests that are not accompanied by the documents requested for Preference cases as established in the previous paragraphs will not be considered;
 - d. Preference requests will not be considered after the date and time established for the bid opening;
 - e. The Preference percent will be applied to the price offered for the product and the resulting price will be compared with the other prices to determine the lowest bids and the best value;
 - f. The Bid Board may hold exclusive formal bids for preferential groups protected under the provisions of Act 14-2004 to comply with the reserved preferential percentage established in said law;
2. Law No. 129-2005, as amended, known as the "Procurement Reserve Act of the Government of the Commonwealth of Puerto Rico" ("Law 129-2005"). AAFAF will assign a minimum of twenty percent (20%) of the total amount allocated to purchases of its general budget to be granted to micro, small and medium-sized companies, provided that the fiscal situation allows it, and it produces savings to the treasury. It will be observed that half of the aforementioned twenty percent (20%) be awarded to women entrepreneurs who own micro, small and medium-sized companies, provided that said award is beneficial to the treasury.

AAFAF's Bid Board may hold exclusive formal bids for the preferential groups protected under the provisions of Law 129-2005 to comply with the reserved preferential percentage (%) established in said law.

3. Law No. 253-2006, known as the "Law of Multiple Selection Contracts in Procurement Processes". The multiple selection contract will be adopted as one of the options and purchase contracts that will be available and may be used in the acquisition of goods and services.

The multiple selection contract will not mean that the good bid of a formal bid or proposal will be awarded to all the bidders or proponents participating in the process, but to the bidders or proponents that represent the best value for AAFAF. The multiple selection contract will be used when it is determined that this type of contract serves the best interests of AAFAF.

If the Evaluation Committee determines that a Bidder or a Proposal has failed to fully address and respond to or otherwise meet the financial, legal, administrative requirements, and the Requirements set forth in this RFSP, the Evaluation Committee may recommend the Proposal be rejected and removed from further consideration.

Bidders that do not comply with the minimum three (3) references requirement may be disqualified and eliminated from further consideration. If it is determined by the Evaluation Committee that a Bidder has submitted false information within its Proposal, the Bidder's Proposal shall be rejected and eliminated from further consideration.

Proposal evaluation will include:

- Clarity, completeness, and responsiveness of Bidder narrative and supporting materials.
- Information obtained as a result of contacts with references provided by the Bidder for itself, its subcontractors and other team members, specifically about past and current experience; quality of document deliverables, products, and services; and performance, including on-time delivery and sustainable, uninterrupted operations.
- Information obtained as a result of onsite visits and/or oral presentations, if required; and
- Bidder commitments to exceed the Requirements defined in the RFSP, i.e., expanded scope and increased level of service, higher standard of performance, expedited/prompt delivery, and more.
- Pricing competitiveness and adherence to the Requirements.

Failure of the Bidder to address, respond or otherwise meet any requirement of this RFSP shall result in a lower evaluation score and, upon joint review by the Evaluation Committee, may result in the rejection and disqualification of the Proposal from further consideration.

Failure to comply with the Requirements, considering the Bidder's scoring for the Proposal evaluation may result in a Proposal being deemed as Non-Responsive and be disqualified and removed from further consideration. Such disqualification may occur at any point following the Due Date and time for *Opening of Proposals Complete*, per *Table 1 – Key Procurement Events* of Section 2.1, *Proposal Timeline*.

2.6 Proposal Scoring and Final Award Recommendation

The Evaluation Committee may recommend AAFAF's Bid Board to proceed directly to the contract award, without conducting oral presentations or discussions or demos, and without the request for a BAFO, based on the final score of a Proposal, determined by the sum of all points awarded.

Evaluation of selection criteria, as per Section 2.5.2, *Evaluation and Selection Criteria*, will make up 100% of a Proposal's final score; pricing being 30% of the score.

The Evaluation Committee may recommend AAFAF's Bid Board to use individual negotiation regarding the terms, conditions, quality, solutions or prices, or combination of factors, to obtain what is most advantageous for AAFAF.

The negotiation phase shall not create a vested right between AAFAF and any Bidder.

The Evaluation Committee may elect to invite Bidders to present oral presentations and participate in discussions. Proposed project team members are expected to participate, not only Bidder's sales team members. The Evaluation Committee may alternatively request Bidders to accommodate an onsite visit to AAFAF's facilities for an onsite walk-through of the Proposed DCR. The Evaluation Committee may adjust, upward or downward, its scoring of a Bidder's Proposal based on the results of these activities.

If AAFAF's Bid Board elects to hold discussions and negotiations, these will be conducted following these procedures:

- 1) No statement made or action taken by AAFAF's Bid Board or the Evaluation Committee during said discussions and negotiations shall bind AAFAF in any way.
- 2) Each Bidder whose Proposal complies with the provisions established in this RFSP may be invited to attend one or more private meetings with AAFAF's Bid Board or the Evaluation Committee to discuss any element of their Proposal and answer any specific questions provided in said invitation.
 - a) The content and extent of the discussions between AAFAF's Bid Board and/or the Evaluation Committee and the Bidder will be determined by AAFAF's Bid Board and/or the Evaluation Committee based on the particular facts and circumstances of the Proposal.

- b) The purpose of each meeting will be to clarify and ensure understanding of the Requirements; improve the technical aspects of the Proposal in an effort to support Bidders in meeting the specifications and performance requirements and/or reduce the price; discuss the data that supports the price and the pertinent details to each Proposal that can improve it.
- 3) Bidders whose Proposals comply with the provisions established in the tender documents will be granted fair and equal treatment in terms of the opportunity to discuss and review the Proposals. However, as the information that is discussed in said meetings may vary in relation to each Bidder, the reviews or discussions will be based on facts and particular circumstances of each Proposal.
- 4) AAFAF's Bid Board, with the help of the Evaluation Committee, may: (a) establish the methods and itineraries to carry out and control the discussions; (b) guide the tenderer on deficiencies in the Proposal so that they have the opportunity to satisfy the Requirements; (c) attempt to clarify any uncertainties related to the Proposal, and otherwise refine the terms and conditions of the Proposal; (d) correct any errors that are deemed to exist, bringing them to the attention of the Bidder, as soon as possible, without publishing information related to other Proposals, or to the evaluation process; (e) provide the Bidder with a reasonable opportunity to submit any modification of price or cost, technical or other modification of any other nature to his Proposal that may result from the discussions; and (f) keep a record of the date, time, place, and purpose of the discussions and the people who attend them.
- 5) After each interview or meeting with any Bidder, the Evaluation Committee will draw up a minute that will include all the essential elements of the interview or meeting. The minute will be part of the record of the process.
- 6) The tenderer will put in writing any substantive verbal clarification to a Proposal.
- 7) Discussions and negotiations may be carried out in whole or in part through written communications without personal meetings or interviews at the discretion of AAFAF's Bid Board or the Evaluation Committee. They may also be carried out through any electronic platform.
- 8) Oral or written discussions will not be required in those cases in which it is determined, based on the existence of a complete and open competition, or based on previous experience regarding the cost of the product or service, that the acceptance without discussion of the most favorable initial Proposal will result in being the most advantageous for AAFAF, provided that all Bidders have been notified in this RFSP document about the possibility of the contract being awarded without discussions.
- 9) If discussions and negotiations take place, AAFAF's Bid Board may request the Bidders whose Proposals comply with the provisions established in the tender documents, to submit amendments to the Proposals that respond to the discussions and negotiations that take place.
- 10) AAFAF's Bid Board or the Evaluation Committee will keep all discussions and negotiations confidential. No information about the Proposals or their evaluations will be discussed with anyone other than the Bidder who submitted them before the contract award.

The Evaluation Committee may recommend AAFAF's Bid Board to request Bidders to submit a BAFO, after which the scoring may be adjusted upward or downward based on the BAFO responses.

The price will not necessarily be the most important factor in the award.

Once all evaluation activities are completed, the final recommendation to award the contract will be presented by the Evaluation Committee to AAFAF's Bid Board.

AAFAF's Bid Board shall issue a "Notice of Intent to Award Contract" to the responsive Bidder whose Proposal was deemed to be the most advantageous for AAFAF. The "Notice of Intent to Award Contract"

shall not constitute the formal written agreement between the parties. It shall be necessary for the pertinent contract to be executed in writing and signed by the authorized individuals from each party.

Once AAFAF's Bid Board makes the pertinent award, it will notify the final determination through an Award Notice or Resolution. The Award Notice or Resolution will be duly notified by U.S. certified return receipt requested mail or electronic mail to all the parties that have the right to challenge such determination, i.e., to all the Bidders participating in the process.

2.6.1 Procedure for Reconsideration and Administrative Review of Bids

Pursuant to Section 3.19 of Law 38-2017, as amended, known as the "Uniform Administrative Procedures Act of the Government of Puerto Rico" ("Law 38-2017") the party adversely affected by a decision in the tender process may file a request for administrative review to the PRGSA Bid Review Board within ten (10) days from the deposit in the U.S. Postal Service or the email notification, whichever occurs first, of the award of the bid. The PRGSA Bid Review Board shall determine whether it grants or not the request for administrative review within ten (10) calendar days of its filing. If within that period, the PRGSA Bid Review Board decides to grant the request, it will have thirty (30) additional calendar days to issue a decision on the request, counted from the expiration of the ten (10) calendar days it had to decide whether or not to grant it. The PRGSA Bid Review Board may extend the term of thirty (30) calendar days only once, for an additional term of fifteen (15) calendar days.

If any determination is made on the administrative review, the term to file a motion for judicial review before the Court of Appeals shall begin to run from the date on which a copy of the notice of the PRGSA Bid Review Board decision resolving the request for administrative review is deposited in the U.S. Postal Service or served by email, whichever occurs first. If the PRGSA Bid Review Board fails to take any action in connection with the request for administrative review within the above terms, it shall be deemed to have been denied outright, and the term for judicial review shall begin to run as of that date. Requesting administrative review before the PRGSA Bid Review Board will be a jurisdictional requirement prior to filing a motion for judicial review before the Court of Appeals.

2.6.2 Procedure for Judicial Review of Bids

In accordance with Sections 3.19 and 4.2 of Law 38-2017, in cases of bid challenges, the party adversely affected by an order or final resolution of the PRGSA Bid Review Board may seek judicial review before the Court of Appeals within twenty calendar (20) days—counted from the deposit in the U.S. Postal Service or emailing of the determination, whichever occurs first—either from the decision on the administrative review by the PRGSA Bid Review Board, or the expiration of the term that the PRGSA Bid Review Board had to determine whether or not to grant the request for administrative review. The mere submission of a request for review under Section 4.2 of Law 38-2017 will not have the effect of staying the adjudication of the contested bid.

2.7 AAFAF Approvals and FOMB Contract Review Policy

Contract approval and execution are contingent upon AAFAF approvals. Every effort will be made by AAFAF, both before and after selection, to facilitate rapid approval and an early or 'on schedule' start date for the contractor.

If applicable pursuant to the FOMB Policy: Review of Contracts ("FOMB's Policy"), all contracts resulting from this RFSP will be subject to review by the Oversight Board. Please refer to the FOMB's Policy available at: <https://juntasupervision.pr.gov/documentos/>.

2.8 Binding Offer

By submitting a Proposal, the Bidder affirms its acceptance of the terms and Requirements of this RFSP, including its attachments and exhibits. Furthermore, the Bidder affirms its Proposal is not contingent upon any exception, deletion, or qualification.

A Proposal submitted in response to this RFSP shall constitute a binding offer. Acknowledgment of this condition shall be indicated on the Signature Page and in the Transmittal Letter by the signature of the Bidder or an officer of the Bidder legally authorized to execute contractual obligations. It is assumed by the Bidder's response that it acknowledges all terms and conditions of this invitation for an offer. Bidders shall identify clearly and thoroughly any variations between its Proposal and AAFAF's RFSP. Failure to do so shall be deemed a waiver of any rights to subsequently modify the terms of performance, except as outlined or specified in the RFSP.

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2.9 Challenge to the Invitation and the Documents of the RFSP

Any actual or prospective Bidder who is aggrieved in connection with the invitation or with the specifications or with the award of a contract may submit a challenge to:

E-mail Address:

subastas@aafaf.pr.gov

Any Bidder interested in participating in the RFSP may challenge the Invitation to the competitive process, in writing, only when any of the procedures established in these Regulations have not been followed, or when it is considered that the term set to carry out the study and preparation of the Proposal and the date to file the Proposal is not enough. The writing must contain the basis for which the invitation is contested and must be signed by the bidder. The objection letter must be notified by the Bidder to the email address provided by AAFAF in the Invitation for the RFSP, within three (3) working days following the date on which AAFAF sends the invitation by email to the Bidders or from the date of publication of the Invitation on AAFAF's website. If the date of sending the invitation by email to the Bidders is different from the date of publication of the Invitation on AAFAF's website, the term will be counted from the date of publication of the Invitation on the website of AAFAF. The Bidder must, in addition, within the term set forth above, notify via email a copy of the appeal to the other Bidders invited to the formal bid. AAFAF will make the e-mails of said Bidders available in order to allow proper notification. Any written challenge filed outside the term established herein will be rejected outright. As a consequence of the submission of this appeal, the procedures in the challenged competitive procedure will be automatically paralyzed and the subsequent terms will be counted from the notification of the decision of AAFAF's Bid Board, the body that will evaluate and resolve the challenge on its merits within the term of fifteen (15) working days from the date it was received, extendable for just cause or when it is in the best interest of AAFAF.

As a result of the challenge, AAFAF's Bid Board may determine the following:

1. Dismiss the challenge and order that the procedures continue.
2. Amend the Invitation for the RFSP and issue a new one.
3. Cancel the Invitation for the RFSP.

The determination of AAFAF's Bid Board will be notified by email to the appellant and to the Bidders invited to the RFSP process. If the Bidder is not satisfied with this determination, he may request an administrative review, after notification of the award notice, in accordance with the provisions of Section 3.19 of Law 38-2017.

If a Bidder interested in participating in the RFSP does not agree with the final terms, instructions, specifications, or conditions established in the documents, he may contest them. The writing contesting the bidding documents must be notified by the Bidder to the email address provided by AAFAF in the documents, within three (3) working days following the date on which AAFAF made the bid documents available. The Bidder must, in addition, within the term set forth above, notify via email a copy of the appeal to the Bidders invited to the formal bid. Any objection document submitted outside the term established herein will be rejected outright.

The writing challenging the bidding documents must contain the following:

1. The number of the procedure of RFSP.
2. A detailed list indicating the specific parts, specifications and/or conditions established in the documents whose terms are being challenged.
3. The grounds on which the challenge is based and any evidence that supports the outlined argument.

4. A clear indication of the remedy or action sought.
5. The signature of the Bidder.

As a consequence of the submission of this appeal, the procedures in the contested process will be automatically paralyzed and the subsequent terms will be counted from the notification of the determination of AAFAF's Bid Board, the body that will evaluate and resolve the challenge on its merits within the term of fifteen (15) working days from the date it was received.

As a consequence of the challenge, AAFAF's Bid Board may determine the following:

1. Dismiss the challenge and order that the procedures continue.
2. Amend the documents or issue new ones.
3. Cancel the documents of the RFSP.

The determination of AAFAF's Bid Board will be notified to the appellant and to the Bidders invited to the competitive procedure by email. If the Bidder is not satisfied with this determination, he may request an administrative review, after notification of the award notice, in accordance with the provisions of Section 3.19 of Law 38-2017.

2.10 Cancellation of the RFSP

AAFAF's Bid Board may cancel the RFSP, subject to the following:

- 1) If any of the conditions that exempt AAFAF from the RFSP process arise (exceptional purchases).
- 2) As a result of a challenge.
- 3) For any just cause determined by AAFAF's Bid Board; or
- 4) When AAFAF's Bid Board determines that the cancellation of the RFSP is in the best interest of AAFAF.

The cancellation will be notified by e-mail to the Bidders who have obtained the documents. In addition, a cancellation notice will be posted on AAFAF's website.

2.11 Master Contracts

AAFAF's Bid Board may hold any procedure of the RFSP to award master contracts, under whose previously established terms and conditions purchase orders may be drawn up if the need described there is identified. Multi-year master contracts may be awarded.

The Executive Director of AAFAF or his authorized representative may authorize the amendment of master contracts to extend their validity for a maximum term of six (6) months. The amendments will be made in a writing titled "Amendment" and must bear the signatures of the parties.

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3.0 Exhibits

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Exhibit A – Signature Page Form

**RFSP: Data Center Renovation (DCR):
Data Center Air Conditioning and Ventilation Units**

Signature Page Form

On behalf of _____, I hereby submit the foregoing Proposal to the Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF, for its Spanish acronym) in response to the Request for Sealed Proposal (RFSP) Data Center Renovation (DCR): Data Center Air Conditioning and Ventilation Units.

This submittal is intended to comply with the Requirements of the referenced RFSP, and with the laws and regulations of the Commonwealth of Puerto Rico.

The information contained in this Proposal is true, correct, and accurate, in all respects.

Respectfully submitted.

In _____, _____, on [insert month and date], 2024.

[insert name of Company]

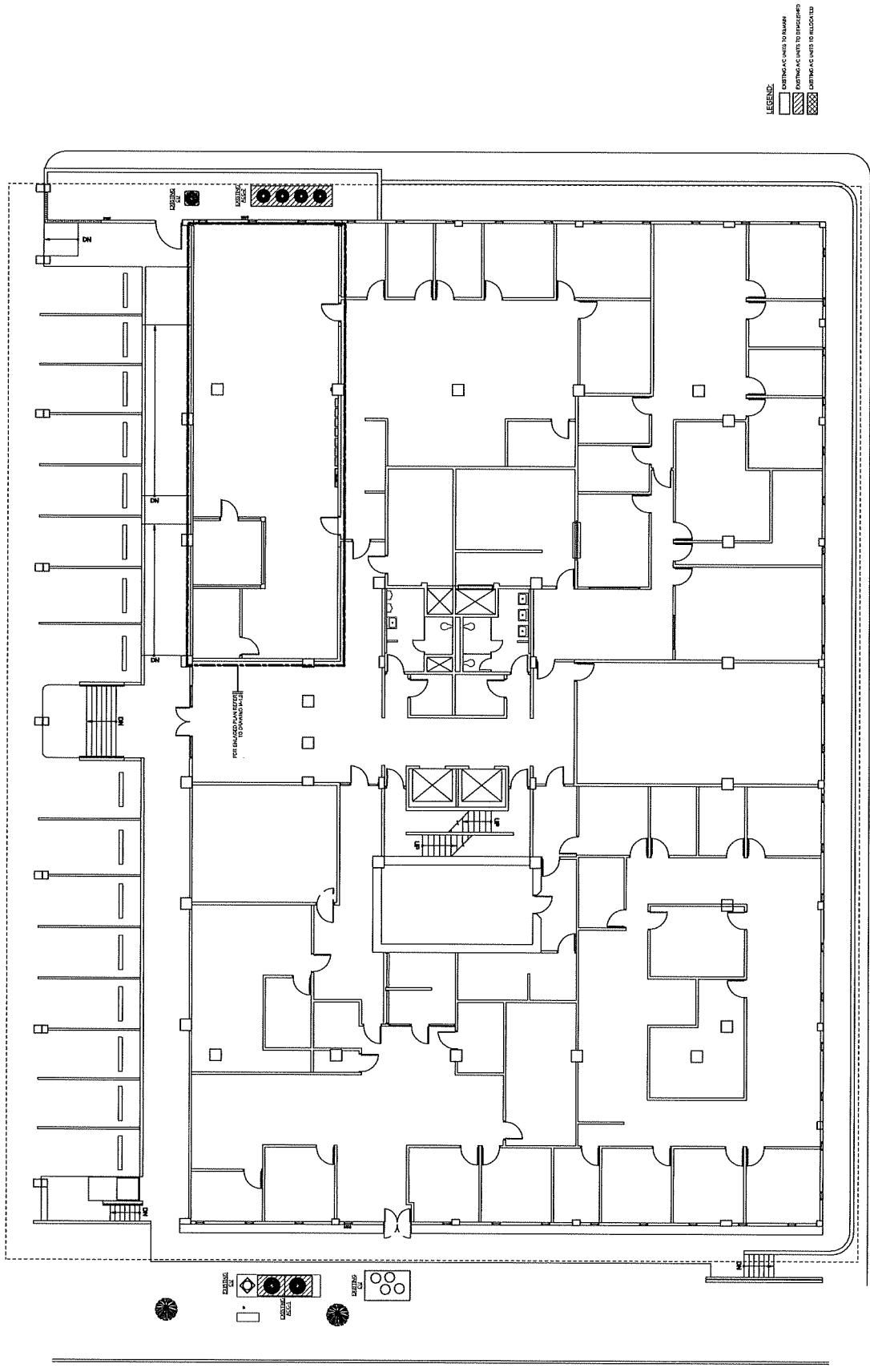
Name: _____

Title: _____

Exhibit B – Data Center Renovation Specifications

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NO.	REVISIONS	DESCRIPTION



1 GROUND LEVEL PLAN, PROPOSED DATA CENTER AIR CONDITIONING AND VENTILATION DEMOLITION LAYOUT
SCALE: 1/8" = 1'-0"

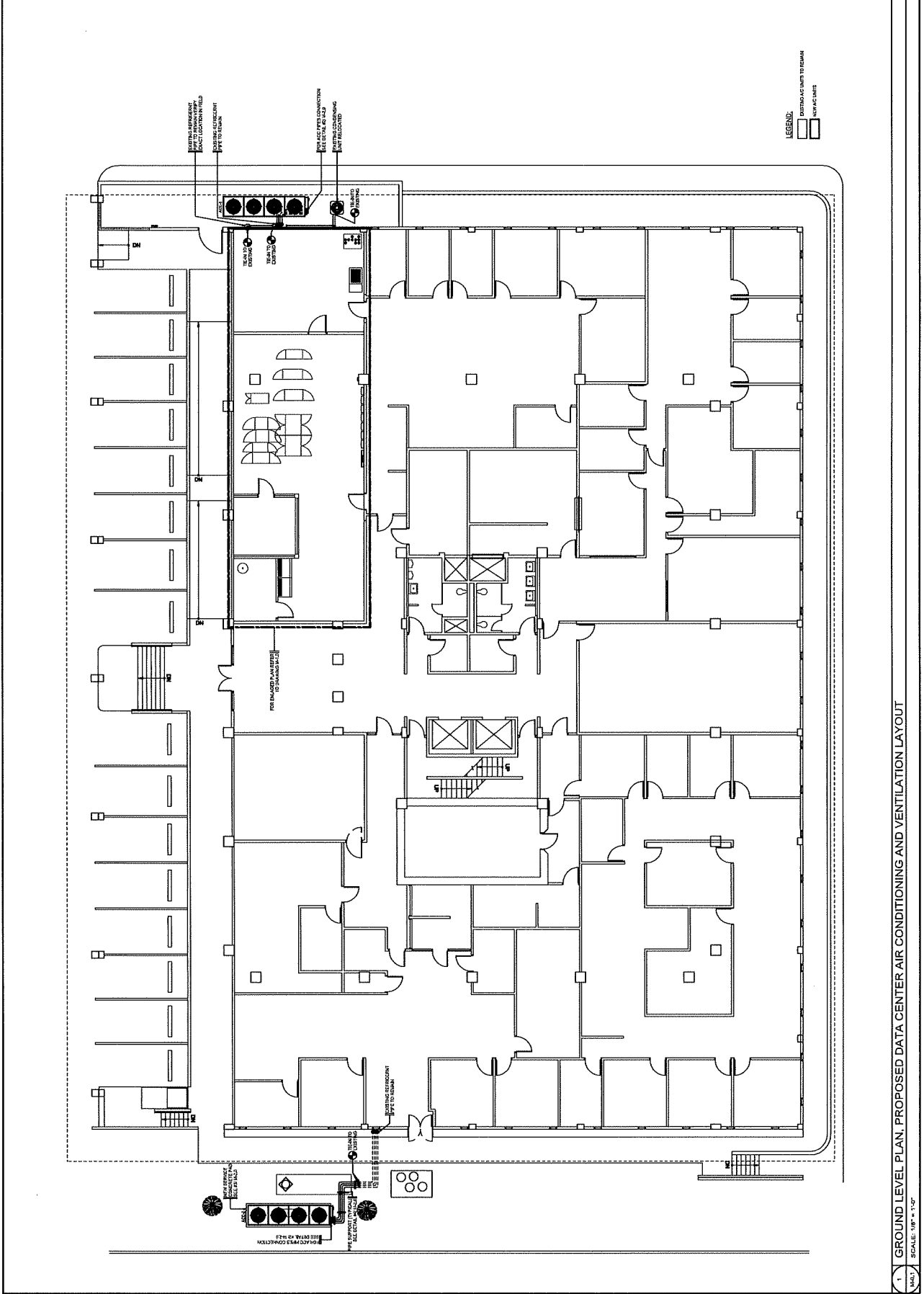
DRAWING NO. **M-0.1**
 PROJECT NAME
 SHEET TITLE
 PROJECT NO.

JORGE LEDON WEBSTER
 CONSULTING ENGINEER
 CENTRO INTERNATIONAL DE MEXICO
 5th FLOOR, SUITE 505
 500 CALIFORNIA AVENUE, ROOM NO. 28
 GUAYMAS P.R. 00969
 TEL: (787) 707-5300 / FAX: (787) 707-1330
 EMAIL: JLEDON@JLW.COM

DATA CENTER
RENOVATION
 MINILLA Bldg

PROPOSED DATA CENTER AIR CONDITIONING AND VENTILATION LAYOUT
 GROUND LEVEL PLAN

SHEET TITLE
 PROJECT NAME
 PROJECT NO.



1 GROUND LEVEL PLAN, PROPOSED DATA CENTER AIR CONDITIONING AND VENTILATION LAYOUT
 SCALE: 1/8" = 1'-0"

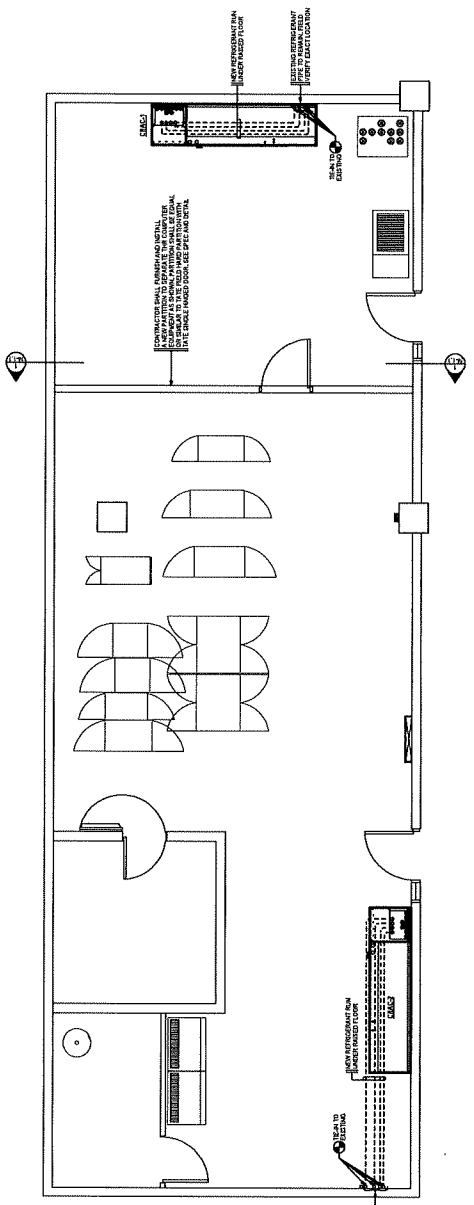
DATE	10/10/10
PROJECT NO.	M-1.0
CLIENT	CENTRO INTERNATIONAL DE INGENIERIA CONSULTING ENGINEER
PROJECT NAME	DATA CENTER RENOVATION
DESIGNER	JORGE LEON WEBSTER
SCALE	1/4" = 1'-0"

JORGE LEON WEBSTER
 CONSULTING ENGINEER
 CENTRO INTERNATIONAL DE INGENIERIA
 5th FLOOR SUITE 504
 LOS CAJOS AVE. & ROAD NO. 28
 SAN JOSE, COSTA RICA
 TEL: (506) 2201-1500 FAX: (506) 2201-1553
 E-MAIL: jwebster@jwebster.com

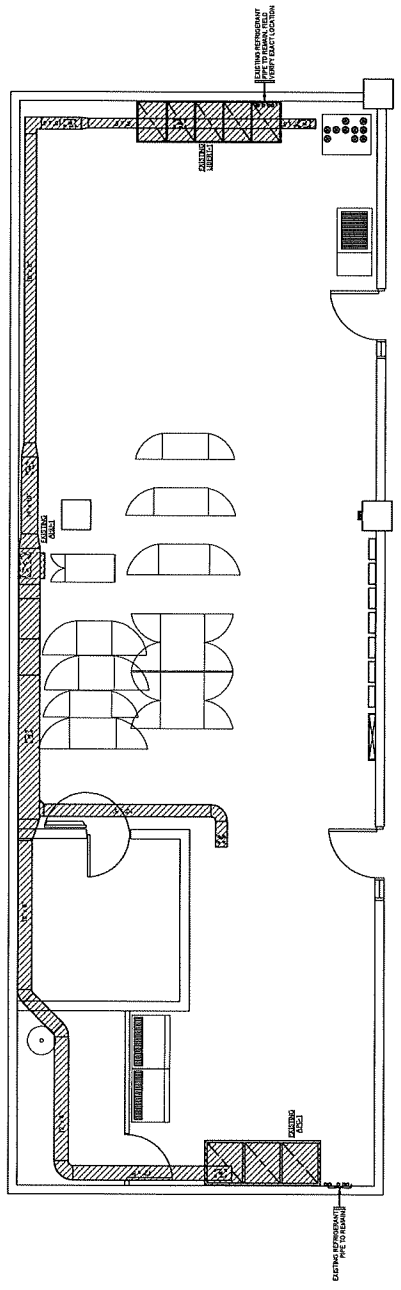
DATA CENTER RENOVATION
 PROJECT NAME
 MINILLA Bldg

DATA CENTER FLOOR PLAN, AIR CONDITIONING AND VENTILATION LAYOUT
 SHEET TITLE

REVISIONS	NO.	DESCRIPTION



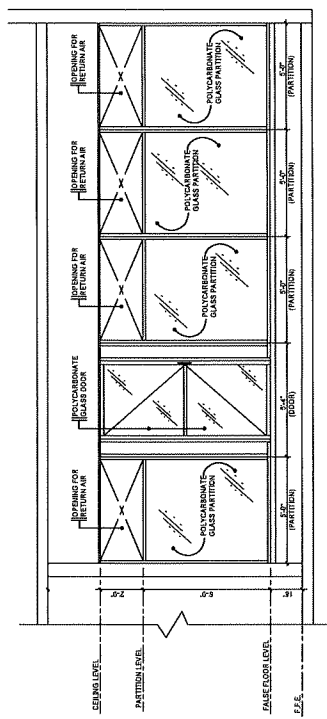
2 DATA CENTER PLAN, NEW AIR CONDITIONING AND VENTILATION PROPOSED LAYOUT
 SCALE: 1/4" = 1'-0"



1 DATA CENTER PLAN, AIR CONDITIONING AND VENTILATION DEMOLITION LAYOUT
 SCALE: 1/4" = 1'-0"

LEGEND:
 ▨ EXISTING STRUCTURE TO REMAIN
 ▩ EXISTING MECHANICAL AND ELECTRICAL NETWORKS TO DEMOLISH

DESIGNED BY: JORGE LEON WEBSTER
 CHECKED BY: JORGE LEON WEBSTER
 DATE: 10/10/10



1 DATA CENTER PLAN, NEW WALL PARTITIONS WITH SINGLE HINGED DOOR ELEVATION
 M-1.1 SCALE: 3/8" = 1'-0"

Combination Single Hinged Door Specifications:

- PART 1. GENERAL**
 1.1 SUMMARY
 A. This specification is for the Combination Single Hinged Door.
 1.2 SYSTEM DESCRIPTION
 A. Custom sized for each application.
 1.3 DESIGN REQUIREMENTS
 A. Provide a Single Hinged Door at the end of each HVAC/SCS. The single hinged door should be a single door, with left or right opening.
 1.4 WARRANTY
 A. The manufacturer shall be responsible for defects in materials and workmanship for a period of 12 months from shipment.

- PART 2. PRODUCTS**
 2.1 MANUFACTURERS
 A. Product specified in the data center plan shall be manufactured by Taha, Inc.
 2.2 GENERAL
 A. Single Hinged Door shall be right hinged or left hinged.
 B. Single Hinged Door system shall come pre-assembled with factory installed panels, hardware, and return air grilles, and have factory installed panels to meet fire, life, and sound transmission index (LSTI) requirements.
 C. Single Hinged Door system shall have appropriate hardware and return air grilles.
 D. Single Hinged Door shall be constructed from 6063-T5 alloy. Frames don't have any welds.
 E. Door shall be delivered fully assembled.

- 2.3 STRUCTURE**
 A. Structure shall be constructed of white, black, or gray painted aluminum.
 B. Single Hinged Door frame shall have a height of 5'-0" a width of 5'-0" and a depth no greater than 3.15".
 C. Single Hinged Door shall be constructed of white, black, or gray painted aluminum with edge casting panels and meeting UL-94-HB OR FRM thick semi-transparent multilayer polycarbonate with edge casting panels and meeting ASTM E-84, Class 1 and ASTM D-635, Class CCT OR 3mm thin opaque black and meeting ASTM E-84, Class 1 and ASTM D-635, Class CCT OR 3mm thin opaque black and meeting ASTM E-84, Class 1 and UL 94 V-0 Flame-Retardant non-combustible steel panel insert.
 D. Aluminum frame shall be constructed from 6063-T5 alloy. Frames don't have any welds.
 E. Single hinged doors with multilayer polycarbonate are listed in UL file SA44423.

- PART 3. EXECUTION**
 3.1 PREPARATION
 A. Cabinets to which doors are attached should be level and square and properly secured to the floor.
 B. Any obstructions need to be removed prior to installation of the door.
 3.2 INSTALLATION
 A. Install all wall maintenance doors using the manufacturer's shop drawings and within instructions.
 B. Hinged doors shall be fully hinged to base of adjacent cabinets or other supporting structure such as wall supported from the ceiling.
 C. Doors shall be square and level before permanently fastening in place.
 D. All doors shall be square and level before permanently fastening in place.
 E. All doors shall be square and level before permanently fastening in place.

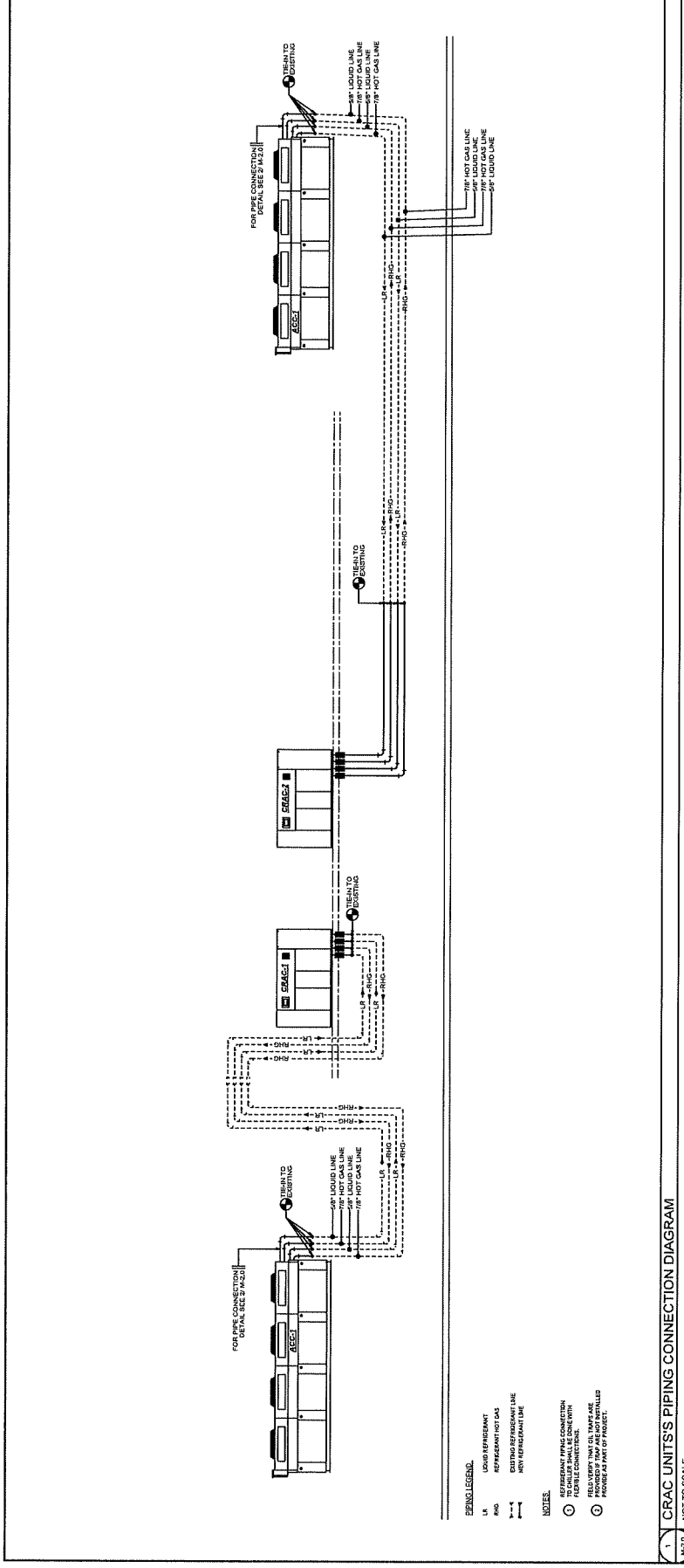
- 3.3 ADJUSTING AND CLEANING**
 A. Clean Single Hinged Door with mild soap and water solution as needed.
 B. Adjust doors for smooth operation.

2 DOOR SPECIFICATIONS
 M-1.1 NO TO SCALE

3 WALL PARTITION SPECIFICATIONS
 M-1.1 NO TO SCALE

- ABLE COMBINATION HINGED PARTITIONS**
PART 1. GENERAL
 1.1 SUMMARY
 A. Hinged Partitions used for either hot or cold aisle combination.
 1.2 SYSTEM DESCRIPTION
 A. Custom sized for each application.
 1.3 DESIGN REQUIREMENTS
 A. Provide Hinged Partitions with multilayer polycarbonate inserts.
 B. Panel multilayer inserts shall be Class A fire-rated material.
 1.4 WARRANTY
 A. Hinged Partitions shall be warranted against defects in materials and workmanship for a one-year period for the first 12 months.
PART 2. PRODUCTS
 2.1 MANUFACTURE
 A. Basis of Design: Product specified in the Combination Hinged Partition as manufactured by Taha, Inc.
 B. Substitutes: Proposed substitutions must be approved prior to bidding.
 2.2 GENERAL
 A. Hinged Partitions shall come packaged in pre-assembled sections with factory installed panels.
 B. Hinged Partitions shall be constructed from 6063-T5 alloy. Frames don't have any welds.
 C. Hinged Partitions shall be constructed of white, black, or gray painted aluminum with edge casting panels and meeting UL-94-HB OR FRM thick semi-transparent multilayer polycarbonate with edge casting panels and meeting ASTM E-84, Class 1 and UL 94 V-0 Flame-Retardant non-combustible steel panel insert.
 D. Aluminum frame shall be constructed from 6063-T5 alloy. Frames don't have any welds.
 E. Hinged Partitions with multilayer polycarbonate are listed in UL file SA44423.
PART 3. EXECUTION
 3.1 PREPARATION
 A. Cabinets to which doors are attached should be level and square and properly secured to the floor.
 3.2 INSTALLATION
 A. Hinged Partitions shall be installed in accordance with manufacturer's shop drawings and within instructions.
 B. Hinged Partitions shall be hinged from structural ceiling and secured with an angle bracket.
 C. Insulators shall provide appropriate insulation hardware as defined by local codes or the authority having jurisdiction.
 3.3 ADJUSTING AND CLEANING
 A. Clean Hinged Partitions with mild soap and water solution as needed.

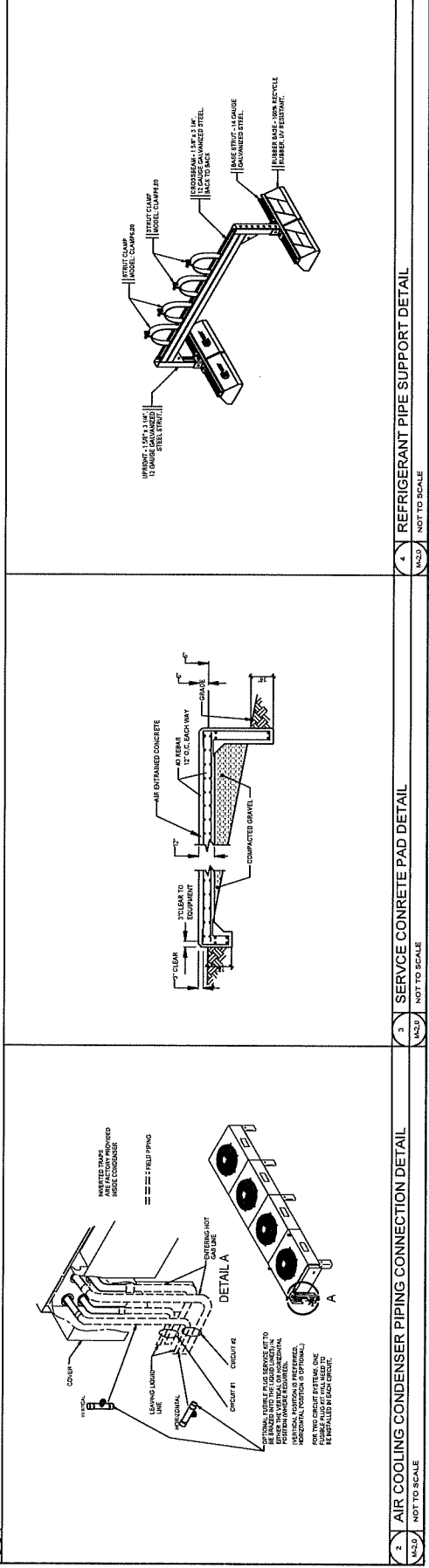
NO.	DATE	DESCRIPTION



REVISIONS
 NO. DATE DESCRIPTION

SYMBOL LEGEND
 LA LIQUID REFRIGERANT
 H/G HOT GAS
 P/LG PIPING TO LIQUID GAS
 P/HG PIPING TO HOT GAS
 P/LH PIPING TO LIQUID HOT GAS
 P/HH PIPING TO HOT HOT GAS

NOTES
 1. REFRIGERANT PIPING CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH THE REFRIGERANT MANUFACTURER'S RECOMMENDATIONS.
 2. FIELD SERVICE SHALL PROVIDE ALL NECESSARY FIELD SERVICE TOOLS AND EQUIPMENT.
 3. FIELD SERVICE SHALL PROVIDE ALL NECESSARY FIELD SERVICE TOOLS AND EQUIPMENT.



1. CRAC UNITS PIPING CONNECTION DIAGRAM

2. AIR COOLING CONDENSER PIPING CONNECTION DETAIL

3. SERVICE CONCRETE PAD DETAIL

4. REFRIGERANT PIPE SUPPORT DETAIL

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

