



CERTIFICATE AS TO RESOLUTION

I, **JANICE V. ORTIZ VALENTÍN**, Assistant Secretary of the Board of Directors of the Puerto Rico Public-Private Partnerships Authority (“Authority”), **DO HEREBY CERTIFY** that attached hereto is a true, correct and complete copy of **Resolution 2022-54** which was duly adopted by the Board of Directors of this Authority at a meeting duly called and held on November 15, 2022 at which a quorum was present and acting throughout. Said Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect.

RESOLUTION 2022-54

AUTHORIZATION TO ADOPT THE PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY AUTHORITY (“AAFAF”, BY ITS SPANISH ACRONYM) REGULATION FOR THE ACQUISITION OF GOODS AND SERVICES (“AAFAF REGULATION”)

WHEREAS, pursuant to the provisions set forth in Act 29-2009, as amended (“Act 29”), the Puerto Rico Public-Private Partnerships Authority (“Authority”) is the government entity in charge of implementing the public policy that seeks to promote the establishment of public-private partnerships;

WHEREAS, through the enactment of Act No. 95-2017, the Authority was constituted as a public corporation attached to AAFAF;

WHEREAS, Article 6(a)(iii), (a)(v), (a)(viii), (a)(x) of Act 29, respectively, empowers the Authority to: (1) adopt and approve rules and regulations to govern its internal affairs; (2) assess the nature and need of all its expenses and the manner in which these are to be incurred; (3) execute any kind of contract as may be necessary and convenient to assist the Authority in the execution of its responsibilities; and to (4) acquire any property by any legal means;

WHEREAS, the General Services Administration Act for the Centralization of Purchases of the Government of Puerto Rico 2019, Act 73-2019 (“Act 73”), designated the Authority as an “Exempt Entity” for purposes of the act and as such, the Authority is not obliged to acquire its goods, works and non-professional services through the General Services Administration (“GSA”). As an Exempt Entity, the Authority, however, must adopt a regulation incorporating the bidding and exceptional purchase methods provided under Act 73 and the GSA’s Regulation for the purchases and bids of goods, works and non-professional services for the GSA, adopted on November 18, 2020 (“Regulation 9230”);

WHEREAS, on October 27, 2021, and in accordance with Act 73, Regulation 9230, and Administrative Bulletin No. OE-2020-082 issued by former Governor of Puerto Rico, Hon. Wanda Vázquez Garced, AAFAF enacted its Regulation, to adopt its guidelines on government contracting and procedures related to the contracting and the acquisition of goods and services as an Exempt Entity. AAFAF's Regulation has been reviewed and approved by the Fiscal Oversight and Management Board ("FOMB"), and GSA, who determined that the Regulation complied with the requirements set forth in Act 73 and Regulation 9230;

WHEREAS, in pursuit of sound public governance, the Authority's Management deems appropriate and recommends adopting AAFAF's Regulation –attached as Appendix A in English and Spanish— in order to establish the standards that will serve as the basis for the acquisition of goods and services by the Authority and conform them with Act 73 and Regulation 9230;

WHEREAS, the adoption of AAFAF's Regulation, eliminates or reduces unneeded duplication of tasks, unnecessary costs, and administrative burden. The adoption of the AAFAF Regulation is consistent with prior practices of the Authority, and represents an adequate measure that is aligned with the best practices of public administration, which is adequate to comply with the Government fiscal adjustments;

WHEREAS, on November 3, 2022, Authority's Management submitted a letter to GSA requesting its review and approval on the Authority's petition to adopt AAFAF's Regulation for purposes of complying with the applicable provisions of Act 73, to which the GSA consented via letter dated November 15, 2022;

WHEREAS, in consideration of the foregoing, the Authority's Management requests this Board of Directors to authorize and adopt AAFAF's Regulation as proposed in Appendix A, with the exceptions contemplated in Article 19 of Act 29, including, without limitation, the inapplicability of the Uniform Administrative Procedural Act to the Authority's processes.

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Puerto Rico Public-Private Partnerships Authority to authorize and adopt AAFAF's Regulation included as Appendix A, with the exceptions contemplated in Article 19 of Act 29, including, without limitation, the inapplicability of the Uniform Administrative Procedural Act to the Authority's processes.

BE IT FURTHER RESOLVED, by the Board of Directors of the Puerto Rico Public-Private Partnerships Authority that the officially approved Regulation is in the Spanish language, provided that should any discrepancy arise between the English and Spanish language versions, the Spanish version shall prevail.

BE IT FURTHER RESOLVED, by the Board of Directors of the Puerto Rico Public-Private Partnerships Authority to authorize the Executive Director or his delegate to approve any measure necessary for the adoption and implementation of the Regulation.

BE IT FURTHER RESOLVED, by the Board of Directors of the Puerto Rico Public-Private Partnerships Authority that the Regulation will be enacted after receiving the approval by: (1) FOMB, pursuant to the Puerto Rico Oversight, Management, and Economic Stability Act, Public Law 114-187, 48 U.S.C. § 2101, et seq., and (2) GSA, pursuant to the applicable provisions of Act 73. None of the above limits the faculties and powers of the Authority established by law or in corporate bylaws, which includes the adoption of future regulations, as an exempt entity under the provisions of the aforementioned Act 73.

This Resolution shall be effective immediately upon its approval.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Puerto Rico Public-Private Partnerships Authority, this 17th day of November, 2022.



JANICE V. ORTIZ VALENTÍN
ASSISTANT SECRETARY

(SEAL)