

REQUEST FOR PROPOSALS

Contract for the **Out-of-State Confinement of Inmates**

RFP-17-007 Deadline: April 26, 2018

<http://ac.gobierno.pr/correccion/>
March 26, 2018



Initials: _____



**GOVERNMENT OF PUERTO RICO
DEPARTMENT OF CORRECTION AND REHABILITATION
OFFICE OF THE PROCUREMENT BOARD**

REQUEST FOR PROPOSALS #17-007

OUT OF STATE CONFINEMENT OF INMATES

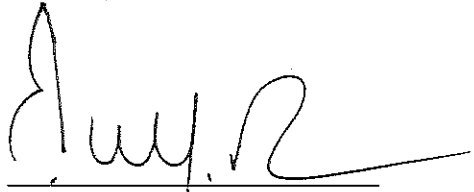
The Procurement Board of the Department of Corrections and Rehabilitation (the "Department") will receive proposals related to the Request for Proposals referred to above and attached hereto (the "RFP"), which shall be submitted, electronically or physically, on or prior to April 26, 2018 at 5:00pm pursuant to the terms of the RFP.

Electronic copies must be submitted to the attention of Wanda Vidal Figueroa at: wandavf@dcr.pr.gov

Physical copies must be submitted to the attention of Wanda Vidal Figueroa at:

Juan Calaf Street #34
Urb. Industrial Tres Monjitas,
Hato Rey, Puerto Rico

Date: March 21, 2018



Erik Y. Rolón Suárez
Secretary

IMPORTANT NOTICE: EACH PROPONENT SHALL BE RESPONSIBLE FOR READING ALL TERMS, CONDITIONS AND REQUIREMENTS INCLUDED IN THE RFP, AND SHALL SUBMIT, ALONG WITH ITS PROPOSAL, A COPY OF THE RFP INCLUDING THE PROPONENT'S INITIALS ON EACH PAGE. SUCH INITIALS SHALL SERVE AS EVIDENCE OF THE PROPONENT HAVING READ EACH PAGE OF THE RFP. PROPOSALS THAT HAVE BEEN ALTERED, CONTAIN DELETIONS, OR WHICH DO NOT INCLUDE THE PROPONENT'S INITIALS MAY BE REJECTED AT THE DISCRETION OF THE DEPARTMENT.

ACKNOWLEDGEMENT

Pursuant to and subject to all conditions established in the RFP, the undersigned hereby accepts and agrees to be bound by its proposal to the extent the same is accepted by the Department as provided in the RFP. The contents of the proposal prepared by the selected proponent, with any amendment approved by the Department, will become part of the agreement that will be executed with such proponent as a result of this RFP process.

The undersigned hereby accepts all terms and conditions contained in the RFP and certifies that he or she is duly authorized to sign the proposal.

PROPONENT: _____ EMPLOYER IDENTIFICATION NO. _____

Name of the authorized representative: _____

By: _____ TITLE: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

TELEPHONE: _____

FAX: _____

E-MAIL: _____

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REQUEST FOR PROPOSALS

The Puerto Rico Department of Corrections and Rehabilitation (the "Department") is seeking proposals from qualified firms to provide services in connection with the transfer, confinement and supervision of inmates in out-of-state facilities (the "Services").

The Department is issuing this request for proposals ("RFP") to contract with a firm that shall undertake the Services. Only firms that meet all requirements of the Government of Puerto Rico ("Government") and the Department should respond to this RFP.

The proponent selected under this RFP (the "Selected Proponent") will be required to be free of any real or perceived conflict of interest. Submissions may be made either physically or electronically.

RFP Due Date: April 26, 2018 at 4:00 P.M. (PR Time)

Please submit electronic copies to the attention of Wanda Vidal Figueroa at:

wandavf@dcr.pr.gov

Please submit physical copies to the attention of Wanda Vidal Figueroa at:

Juan Calaf Street #34
Urb. Industrial Tres Monjitas,
Hato Rey, Puerto Rico

Please refrain from submitting general marketing materials that do not explicitly respond to the content and questions contained in this RFP



INTRODUCTION

1.1 Puerto Rico Department of Corrections and Rehabilitation

The Department is a dependency of the Commonwealth of Puerto Rico. Pursuant to Reorganization Plan Number 2 of 2011, as amended (the "Act"), the Department was created for the purpose of supervising and implementing all aspects of the confinement of persons found guilty of criminal offenses. This RFP is issued pursuant to Section 23.11 of Regulation No. 6470 dated June 4, 2002, as amended.

Due to the precarious fiscal situation of the Government, the Department is seeking to manage more efficiently its resources. The Department has identified that the transfer, confinement and supervision of certain inmates to out-of-state facilities will allow it to achieve such goal in part, while ensuring that inmates who are transferred receive equal or better standards of supervision and care.

This RFP seeks responses from firms capable of delivering the Services, as described in Section 2.1 of this RFP. Proponents should demonstrate their capacity to complete the required tasks and develop a productive relationship with the Department.

This RFP does not commit the Department to award a contract or to pay any costs incurred in the preparation of a proposal in response to this request. The Department reserves the right to award contracts to more than one qualified firm, to accept or reject any or all proposals received as a result of this RFP, to negotiate with any qualified firm or to modify or cancel the RFP in part or in its entirety. See Section 4.1 for further disclaimers and reservation of rights by the Department.



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2.0 DESCRIPTION OF THE ENGAGEMENT

2.1 Purpose of RFP; Scope of Work

The Department is seeking proposals to provide for the confinement and supervision of up to 3,200 inmates in one or more out of state facilities. All inmates participating in the program will be adult males classified as minimum, medium, and maximum custody offenders under the Department's classification system. The Department expects to implement the program in four stages throughout the next four (4) years, beginning with approximately 1,300 inmates during the first stage. For this initial stage, the Department is requesting proposals for approximately 1,300 inmates, distributed as follows among the different custody levels: 700 minimum custody, 500 medium custody and 100 maximum custody. The final determination of the total number of inmates and the distribution of such inmates among the various custody levels during this initial stage may vary according to the proposals received and the Department's administrative discretion. The contract will have a term of at least five years, conditioned on available funding and the discretion of the Government. The services will include the following scope of work (the "Services"):

- Enrollment and orientation programs for inmates and their relatives;
- Transfer of inmates to and from the out-of-state facility;
- Care, incarceration and access to services for inmates, including necessary food, clothing, appropriate housing, commissary and all necessary routine medical, mental health and dental care;
- Safe and supervised confinement services;
- Educational, vocational, recreational, training, work assignments, and treatment programs for inmates at the facility;
- Visual and oral communication services for inmates and their relatives through video-visitation or other similar means, and installation of computers or other necessary equipment in Puerto Rico prisons to be used by inmates' relatives for such purposes;
- Closed circuit television or other remote access to videocamera footage of the facilities by the Department and the Puerto Rico Parole Board (the "**Parole Board**"), and capabilities for visual and oral communications between the inmates and personnel of the Department and the Parole Board;
- Effective disciplinary and grievances processes; and
- Adequate resources to provide healthcare services to inmates in accordance with all legal requirements, orders and stipulations applicable to the Department.



3.0 PROPOSAL SUBMISSION

3.1 Submission Requirements

All proposals may be submitted electronically or physically and must meet the requirements stated in this RFP. Proposals that are to be submitted physically should be printed on 8 ½" x 11" paper, one sided. There is a page limit of 15 pages for the proposal. Such 15-page limit includes only the cover letter and the specific responses to items 3.2 through 3.7 below. The Rate/Fee Structure page(s) will not be counted toward the 15-page limit. Exhibits, including visuals, may also be presented and will not be included in the 15-page maximum.

The proposal shall be submitted no later than **April 26, 2018 at 5:00 P.M. (Puerto Rico Time) ("Proposal Due Date")**. Proposals may be delivered at any time, provided that the proposal is delivered no later than the Proposal Due Date and time. The time of delivery shall be the time set forth in the electronic communication received by the Department, in the case of proposals submitted electronically, and the time at which the proposal's receipt is acknowledged by or on behalf of the person identified on page 2 hereof, in the case of proposals submitted physically.

Any proposal that is delivered after the Proposal Due Date shall be considered late, rejected and returned unopened to the proponent. The Department assumes no responsibility for deliveries made or attempted outside of the times specified above, late deliveries or the method of delivery chosen by the proponent.

PROPOSALS SHALL BE VALID FOR A PERIOD OF NINETY (90) DAYS AFTER THE PROPOSAL DUE DATE.

The proposal shall be prepared in English. All prices shall be quoted in United States dollars. The proposal shall be submitted electronically via e-mail or physically to the addresses set forth on the first page of this RFP. The Department shall not accept proposals or modifications of proposals submitted by any other means.

3.1.1 The proposal shall be organized in the following order:

- Cover Letter. The Cover Letter must be no more than one page and must be signed by the authorized contact representative. The Cover Letter must reference this RFP and confirm that all elements of the RFP have been read and understood and that the proponent takes no exception to the materials provided
- Specific response to Items 3.2-3.4 and 3.6-3.8 of this RFP
- Corporate Resolution authorizing the entity representative to submit the proposal
- Non-Collusive Affidavit (Included as Appendix I of this RFP)
- Eligibility Affidavit (Included as Appendix II of this RFP)



- Price Proposal
- A copy of this RFP, including the cover page, duly signed and including the Proponent's initials on each page

The proposal from any proponent that fails to pass the Department's determination regarding no conflict of interest, shall be deemed unacceptable and unresponsive, and shall be disqualified without further evaluation.

3.2 Key Personnel for Required Services and Availability of Resources

3.2.1 Key Personnel

Indicate key personnel who will be assigned to this project and give a brief description of the experience of each (including language skills) and their specific roles under the prospective Services. Key personnel are defined as those who will have supervisory roles in connection with the performance of the actual services or a substantial portion of them. Also indicate the location of the site where the Services will be performed and specifically whether certain personnel will be used on an "as needed basis".

If more than one firm is responding to this RFP, as a team, state the type of arrangement between the firms, the names and addresses of all firms, and the percentage of work to be performed by each. Indicate office locations at which the work will be performed and information required under Sections 3.2-3.4 and 3.6-3.8.

3.2.2 Availability of Resources and Services

Indicate available resources to be dedicated to the engagement. Available resources are the resources to be allocated to provide the Services. Such support includes qualified person(s) to cover the areas of expertise necessary to perform the Services or such other support anticipated to be required during the term of the engagement. Particularly, please provide a breakdown of the staffing of the site where the inmates would be confined.

Please elaborate as to following matters in connection with the provision of the Services:

- Location of the facility where the inmates will be transferred;
- Transportation arrangements from and to Puerto Rico;
- Information regarding your state's classification system, as well as laws and requirements for housing inmates from other states;
- Educational and vocational certificates available for the inmates;
- Flexibility to modify the facilities' meal programs;



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- Enrollment and orientation program for the inmates and their relatives;
- Restrictions on pre-existing health conditions, if any;
- Availability of video conferencing centers for family contact;
- Substance abuse treatment programs provided by certified counselors;
- Procedures to be followed in the case of the death of an inmate;
- On-site medical facilities and services; and
- Disaster management and recovery plans.

3.3 Qualifications, Experience and Compliance Record

Proponents are required to demonstrate that they possess technical capability and experience to successfully complete the Services. The proponent must show effective and substantive (relative to key objectives) experience in the provision of similar services under consideration.

Please list all of Proponent's certifications and accreditations in connection with the administration of correctional facilities, including without limitation, certification by the American Correctional Association ("ACA") and the National Commission on Correctional Health Care ("NCCCHC").

Proponent must demonstrate commitment and effectiveness in compliance with best practices and industry standards in the provision of services. Proponent must disclose any prior disbarment or prohibition to conduct business in any jurisdiction of the United States.

3.4 Approach to Scope of Work

Include a brief and specific description addressing the following topics (you may use tabular format if it facilitates the organization of the information):

- How would you approach the Services included in the Scope of Work set forth in this RFP? What particular approach sets your firm/team apart?
- Submit a preliminary work plan for an efficient start with the Services.
- Why is your firm/team best positioned for this engagement?

3.5 Interviews

Oral interviews may be conducted with proponents to aid in the short-listing of candidates to be selected or to clarify or expand upon specific items included in the proposals.

3.6 Rates / Fee Structure

Provide a full explanation of your pricing structure, which must contemplate the following items:



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- Cost of housing based on a tiered system determined by the inmate population (500-750 inmates, 751-1,000 inmates, 1,001-1,250 inmates, etc.), to include starting per diem rate as well as any inflationary costs during the life of the contract;
- Transportation of inmates to and from San Juan, Puerto Rico to your site;
- Offsite medical expenses allowance per occurrence, if any; and
- Any other costs and expenses, if any, that would be required to be paid by the Department.

3.7 Rehabilitation, Educational, Vocational and Spiritual Programs

Proponent must provide a detailed description of programs available to the inmate population geared towards their rehabilitation, including availability of formal educational and vocational programs. Proponent must also provide a description of psychological, substance abuse rehabilitation, spiritual and religious programs available to the inmate population.

3.8 Financial Soundness and Stability

Proponents are required to demonstrate financial capability and soundness to conduct operations and provide the expected quality of the contracted services to the inmate population. Evidence of said financial soundness must be submitted, including, at a minimum, audited financial statements for the most recent five fiscal years. Proponent must disclose any foreseeable strategic transaction, contingency or litigation (whether asserted or threatened) that may impair proponent's ability to provide the contracted services for the required term.

3.9 Selection

Proposals will be evaluated by the Department taking into consideration the following factors:

- General qualifications (members of the team, experience in providing the services required under this RFP, proven track record);
- Quality of the incarcerated environment, including but not limited to, access to treatment services, medical services, meal programs, etc.;
- The distance and travel accessibility of the facility to the Commonwealth of Puerto Rico;
- If the facility is accredited by the ACA, the NCCHC or any other pertinent industry association. If not accredited, if it can demonstrate standards of compliance;
- Approach to the engagement (i.e. initial work plan, compliance tools, organization of team and functions, etc);
- Timeliness and resources (i.e. capability to establish a monitoring platform in an accelerated schedule, and resources to be dedicated to the engagement);



- Proposed fee and fee structure;
- Proponent's financial and operational stability; and
- Compliance with legal requirements, orders and stipulations applicable to the Department.



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The evaluation criteria for this RFP will be as follows:

3.2	Key Personnel for Required Services and Availability of Resources and Services	10%
3.3	Qualifications, Experience and Compliance Record	20
3.4	Approach of Scope of Services	10
3.5	Interviews	5
3.6	Rates/Fee Structure	25
3.7	Rehabilitation, Educational, Vocational and Spiritual Programs	20
3.8	Financial Soundness	10
Total		100%

All proposals, evaluations and the content of any discussions shall be kept strictly confidential throughout the evaluation and award process. Only the Secretary of the Department and members of the Department's procurement board (the "**Procurement Board**"), consultants, attorneys and employees of the Department approved by the above and with a legitimate need to know, shall have access to the proposals and the evaluation results. The Procurement Board shall obtain technical and legal support from Department employees, its consultants and attorneys, as needed. The contract shall be granted to the proponent whose proposals is found to be technically sufficient, acceptable and most advantageous to the Department.

The Procurement Board shall first review and determine if each proposal complies with all requirements as to format and content. Proposals that are not disqualified will be evaluated as to their the substantive material, *provided however that*, in addition to the rights reserved in Section 4.1 below, the Department reserves the right to waive any defect or technicality in any proposals received, and modify or postpone or terminate the RFP process in its entirety or with respect to any proponent, at any time, for any reason or no reason.

The Department, by means of the Procurement Board, may request a proponent to clarify a proposal in the event that ambiguities or uncertainties are presented in the proposal or to obtain more information necessary for the Procurement Board to make a comprehensive evaluation.

Price is only a factor to be considered and the Department, and the Procurement Board is not legally bound to award to the lowest priced proposal. The Department may enter into simultaneous or subsequent negotiations with proponents to determine the selected proponent. The Department reserves the right to interview key personnel of the proponent at the facility to which the inmates would be transferred, to visit the facility and to perform additional due diligence with respect to the facility before the award of the contract. The Department reserves the right to conduct discussions with each and every proponent and to request that proponents submit a revised experience and technical proposal and/or price proposal. The Department shall award the contract to the proponent that submits the most advantageous proposal found to be technically sufficient and acceptable. The acceptance of a particular proposal by the Department does not imply that every element of that proposal has been accepted.



3.10 Further Contract Conditions

The contents of the proposal prepared by the Selected Proponent, with any amendment approved by the Department, will become part of the agreement that will be executed with such proponent as a result of this RFP process.

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

- Original certifications evidencing that the proponent has complied with its responsibility in the filing of tax returns and payment of its taxes, including sale and use tax as applicable, to the Commonwealth of Puerto Rico, to the Federal Government, and to the state or jurisdiction where its base of operations resides.
- Commercial Registration Certification, issued by the Department of Treasury.
- Certification of Compliance issued by the Child Support Administration (ASUME). Corporations must file their request for said certification with the Employer Unit of ASUME. The same indicates that the employer complies with the orders issued in his name as employer to retain the salary of employees as a result of amounts owed for child support.
- Sworn statement, signed by the President or chief executive authorized to represent the proponent, indicating that the proponent, its subsidiaries, affiliates and/or parent companies, and their respective shareholders, directors, partners, officers, executives, or principals have neither been convicted nor has probable cause for their arrest been found against any of them, nor are they being investigated under any administrative, judicial or legislative procedure, whether within or outside of Puerto Rico, as a result of any crime constituting fraud, embezzlement or misappropriation of public funds, as provided in Act No. 2 of January 4, 2018, as amended, or any other legal provision penalizing crimes against the treasury and the public trust, and that the person signing the statement has not been investigated, arrested, convicted, or found guilty or sentenced as a result of said criminal conduct.
- Certification of Employer Registration and of Debt in Respect of Unemployment Insurance and Disability Insurance issued by the Workplace Safety Bureau, Tax Division, Collection Unit of the Department of Labor and Human Resources. The same shall indicate that the contractor does not have a debt with the Disability Insurance and Unemployment Insurance Programs. If the person is not an employer, it shall indicate that the person is not registered as an Employer and therefore does not have any debt.
- Certification of Employer Registration and of Debt in Respect of Driver's Insurance issued by the Persons with Non-Occupational Disabilities and Driver's Insurance Bureau of the Department of Labor and Human Resources. The same shall indicate that the contractor does not have a debt with the Non-Occupational Disability Insurance and Driver's Insurance Programs. If the person is not an employer, it shall indicate that the person is not registered as an Employer and therefore does not have any debt.



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

All certifications must be current, that is, issued within thirty (30) days from the date the Selected Proponent executes the contract with the Department.

The Selected Proponent will be contractually required to abide by the laws of Puerto Rico as governing laws under the agreement. Any disputes must be resolved accordingly. Exclusive venue shall be the courts of Puerto Rico.

The Department shall reserve the right to terminate any contract entered into as a result of this RFP at any time, provided that written notice has been given at least thirty (30) days prior to such proposed termination date.

The selected proponent may be required to provide a performance bond before the effective date of the contract. The performance bond may be in the form of a surety bond from a company qualified to do business in Puerto Rico. More information regarding bond requirements will be provided during contract negotiations.

Furthermore, the selected proponent shall:

1. Work with the Department and any other personnel on all matters that may arise in connection with the engagement as per the terms of this RFP and the contract to be executed between the parties;
2. Assume sole responsibility for the complete effort required to provide the services;
3. Refrain from assigning, transferring, conveying, or otherwise disposing of the contract, or its rights, titles or interest therein, or its power to execute such agreement, to any other person, firm, partnership, company or corporation without the prior consent and approval in writing of the Department; and
4. Comply with applicable federal, state, Commonwealth and foreign laws and regulations governing projects initiated or supported by the Government of Puerto Rico.
5. Comply with all reporting requirements set forth in the contract so that the Department is in a position to ascertain that all procedures and safeguards for the inmates' well-being are being correctly implemented.

3.11 Schedule



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A summary schedule of the major activities associated with the procurement process is presented below, through the completion of this RFP process. The post-proposal schedule may vary from the schedule indicated below. In such case, proponents shall be notified to their email of record.

Date	Activity
March 26, 2018	Issue RFP
April 3, 2018	Last date for submission of questions or requests for clarifications to the RFP
April 9, 2018**	Bidders Conference
April 26, 2018	Proposals due to the Department
May 17, 2018**	Complete evaluation of Proposals and Issue notices to selected Respondents

**Subject to change.

3.12 Communications Protocol

The Department is committed to a fair, open process for interested parties to receive information about the competitive solicitation process. As such, communications shall be conducted in accordance with this RFP.

No interpretation or clarification of the meaning of any part of the RFP will be made orally by the Department to any potential proponent. All questions and communications concerning this procurement process must be directed in writing to the Department, via email (contact person and email address shown below), no later than the date specified in the RFP schedule.

All questions concerning this RFP should be directed ***IN WRITING*** to:

Puerto Rico Department of Corrections and Rehabilitation
 Attention: Wanda Vidal Figueroa
 Re: Out of State Confinement of Inmates RFP

wandavf@dcr.pr.gov

With copies to: Puerto Rico Department of Corrections and Rehabilitation
 Attention: Wanda Vidal Figueroa

P.O. Box 71308. San Juan, PR 00936

Re: Out of State Confinement of Inmates RFP

Where appropriate, responses to formal questions will be distributed by email to all proponents on our record as having received a copy of this RFP. In each case, the Department will determine whether a response is appropriate or necessary.



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4.0 DISCLOSURES

4.1 General Disclosures, Rights, Options and Disclaimers

The issuance of this RFP, submission of a response by any firm/team, and the acceptance of such response by the Department does not obligate the Department. Proponent shall only be bound by its proposal for the period of 90 days required in this RFP. Legal obligations will only arise upon the execution of a formal agreement between the Department and the selected firm/team.

By responding to this RFP, proponents acknowledge and consent to the following conditions relative to the procurement process. The Department is not bound to accept any proposals if proponents do not meet the Department's requirements. Without limitation and in addition to other rights reserved by the Department in this RFP, the Department reserves and holds, at its sole discretion, the following rights and options:

- To accept or reject any and all submittals, in whole or in part.
- To discuss, with any or all proponents, different or additional terms to those included in this RFP or received in any response.
- To cancel this RFP in whole or in part, at any time, with or without substitution of another RFP if such cancellation is determined to be in the best interest of the Department.
- To supplement, amend, or otherwise modify this RFP prior to the date of submission of the proposals.
- To receive written questions concerning this RFP from Proponents and to provide such questions, and Department responses, to all Proponents that received a copy of the RFP.
- To require additional information from one or more Respondents to supplement or clarify the proposals submitted.
- To conduct further investigations with respect to the qualifications and experience of each Respondent.
- To visit and contact the proponent's client in any of the projects or engagements referenced in the proposals to obtain direct information regarding proponent's performance in such engagements.
- To waive any defect or technicality in any proposals received.
- To eliminate any proponents that submits a nonconforming, non-responsive, incomplete, inadequate or conditional proposal.
- To investigate the technical and financial qualifications and capacities of proponents using sources in addition to what was included in the proposals.

All costs and expenses incurred by the proponents in the preparation and delivery of a proposal will be the sole responsibility of the proponents. The Department will not be liable for any amounts to any proponent in any manner, under any circumstances, including without limitation, as a result of a cancellation of the RFP process. The proponents cannot make any claims whatsoever for reimbursement from the Department for the costs and expenses associated with the process.

Proponents should submit their best proposals initially.

The laws of Puerto Rico shall govern this RFP process. Any disputes relating to this RFP must be



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resolved accordingly. Exclusive venue for a judicial challenge is the Appeals Court of Puerto Rico as provided for by the laws of Puerto Rico.

4.2 Accuracy of RFP and Related Documents

The Department assumes no responsibility for the completeness or the accuracy of specified technical and background information presented in this RFP, or otherwise distributed or made available during this RFP process. Without limiting the generality of the foregoing, the Department will not be bound by or be responsible for any explanation or interpretation of the RFP documents other than those given by it in writing. In no event may a proponent to this RFP rely on any oral statement by the Department's agents, advisors, or consultants.

5.3 Confidential or Proprietary Information

One copy of each proposal will be retained for the Department's files and will not be returned. If a proponent considers that its proposal contains material that is confidential and/or proprietary, the proponent must clearly note or mark each section of material as confidential and/or proprietary. The Department will determine whether such material meets the requirements for an exemption from disclosure. If so, that information will not be disclosed pursuant to a request for public documents. If the Department does not consider such material to meet the requirements for exemption from disclosure, the material will be made available to the public, regardless of the notation or markings. It is the responsibility of proponents to be thoroughly informed and familiar with the requirements of disclosure of public documents.

Furthermore, by responding to this RFP, proponents acknowledge and agree that the Department will not be responsible or liable in any way for any losses that the proponent may suffer from the disclosure of information or materials to third parties. It is the responsibility of the Proponent, as the real party in interest, to object any disclosure and defend any action that may be necessary to protect its confidential information



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APPENDIX I

NON-COLLUSION AFFIDAVIT

I, _____, of legal age and resident of _____, certify for myself and for my organization _____, under oath and subject to the consequences and penalties or perjury, that to the best of my knowledge and belief:

i. The prices presented in this proposal have been arrived at independently without collusion, consultation, communication, or agreement with any other proponent or with any competitor for the purpose of restricting competition.

ii. No attempt has been made or will be made by myself or any member of my organization or associates to induce any other person or organization to submit or not to submit a proposal for the Project, or otherwise take any action in restraint of free competitive proposals for the Project.

Proponent Contact Signature

Proponent Contact Name and Title

AFFIDAVIT NO. _____

Sworn and subscribed before me by _____, of the personal circumstances set forth above, personally known to me, in _____, Puerto Rico, on this ___ day of _____, 2018.

Notary Public

Note: Providing false information may result in immediate disqualification of proponent criminal prosecution or administrative sanctions.



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