



Municipio Autónomo de San Juan

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**DEPARTAMENTO DE DISEÑO URBANO Y DESARROLLO DE PROYECTOS**

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# **INSTRUCCIONES A LICITADORES**

(INSTRUCTIONS TO BIDDERS)

**2024-005 AND CONSTRUCTION OF PADEL COURT IN “PARQUE  
CENTRAL” (DI# 168263)**



Municipio Autónomo de San Juan

INSTRUCCIONES A LICITADORES  
BID #: 2024-005

**GOBIERNO DE PUERTO RICO  
MUNICIPIO AUTÓNOMO DE SAN JUAN  
DEPARTAMENTO DE DISEÑO URBANO Y DESARROLLO DE PROYECTOS**

**INSTRUCTIONS TO BIDDERS**

**BID #: 2024-005**

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**SERVICES REQUESTED:**

**PROJECT: CONSTRUCTION OF PADEL COURT IN “PARQUE CENTRAL”  
(DI# 168263)**

**DUE DATE: August 24, 2023**

**LOCATION: Conference Room, Secretaría Municipal, 15th Floor,  
Torre de Gobierno Municipal, Carlos E. Chardón St.,  
Hato Rey.**

**ELIGIBLE BIDDERS: ANY BIDDER IN COMPLIANCE WITH THE MINIMUM  
ELIGIBILITY REQUIREMENTS ESTABLISHED IN SECTION III OF  
THIS BID REQUEST.**

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**I. INTRODUCTION, PURPOSE AND BACKGROUND**

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Pursuant to the rights, privileges and authority granted pursuant to Law No. 81 of August 30, 1991, as amended, known as the Autonomous Municipality Act of the Commonwealth of Puerto Rico of 1991 (hereafter, "Law 81-1991"), the Autonomous Municipality of San Juan (hereafter, the "Municipality") hereby issues this Bid Request with the purpose of identifying and selecting one or more entities with the experience and capability of providing construction services for the



2024-005 AND CONSTRUCTION OF PADEL COURT IN “PARQUE CENTRAL” (DI# 168263).

The issuing of this Bid Request by the Municipality, however, does not bind or require the Municipality to: (i) award the Bid; (ii) execute a contract or agreement; and/or (iii) reimburse any expense, of any nature, incurred by any bidder in the preparation and filing of their respective bidding documents, or during any negotiating process, if any, in relation to the terms and conditions of the contract. Participation in the bidding process denotes acceptance by the bidders of the terms and conditions of the Bid Request, as established herein or in any applicable law or regulation.

The Municipality proposes to make improvements to different facilities that have legal responsibility, where services are offered to the community facility, wan other entities. For such purposes, the Municipality wishes to acquire the construction services of experienced qualified companies at the best value possible, as provided herein.

## II. DEFINITIONS

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- a) "Agreement" – Refers to the written document signed by the Municipality and the Selected Bidder for the construction of the Project.
- b) "Applicable Law" – Shall mean any law, statute, ordinance, code, regulation, rule or order issued by a government entity which is in effect at the time of the awarding of the Agreement or is enacted from time to time, including any ordinance, resolution or regulatory requirement adopted by the Municipality. Shall also include the Puerto Rico Building Code.

Autonomous Municipality of San Juan's Bidders Registry – “Registro de Licitadores del Municipio Autónomo de San Juan”



- c) "Award" – Refers to the selection of a winning Bid(s) made by the Bid Board and notified through written communication, pursuant to the provisions of this Bid and Applicable Laws.
- d) "Bid" – Refers to the documents submitted by a Bidder pursuant to the terms and conditions provided herein and in the Construction Documents.
- e) "Bidder" – Refers to the person, natural or legal, who submits a Bid in compliance with the terms and conditions established herein.
- f) "Bid Board" – refers to the quasi-judicial organism created by Law 81-1991 for the evaluation and awarding of Bids by the Municipality (in Spanish, "Junta de Subastas").
- g) "Evaluation Committee or Committee" – Refers to the group of persons designated by the Bid Board or the director of the relevant administrative unit to provide counsel to the Bid Board in the evaluation of the Bids and to issue those recommendations it deems appropriate and necessary for the adequate awarding of the Bid.
- h) "Bidding Documents" – Refers to all documents and information provided by the Municipality in connection with the Bidding Process.
- i) "Bidding Process" – Refers to the process established in this Bid Request pursuant to the Regulation.
- j) "Bid Request" – Refers to this document and its appendices, which is published by the Municipality in order to establish the specifications, terms and conditions which shall govern the Bidding Process and the evaluation and awarding of a contract for the construction of the Project.



- k) "Construction Documents" – Refers to the technical specifications, drawings, special and general conditions, agreement and other documents provided with this Bid Request.
- l) "Government Entity" - Refers to any agency, department, instrumentality, corporation, division or bureau of the Government of the United States of America, the Government of the Commonwealth of Puerto Rico and its municipalities and political sub-division.
- m) "Minimum Eligibility Requirements" – Refers to those eligibility requirements identified in Section (III) with which all Bidders must comply in order to be able to compete in the Bidding Process.
- n) "Municipality" – Refers to the Autonomous Municipality of San Juan. Includes the Evaluation Committee and the Bid Board.
- o) "Municipality's Representative" – Refers to the person identified on Section (V)(2) who shall represent the Municipality during the Bidding Process.
- p) "Selected Bidder" – Refers to the Bidder selected by the Bid Board to provide the construction services requested through this Bid Request.
- q) "Project" – Refers to the work being procured by the Municipality in this Bidding Process for the CONSTRUCTION OF PADEL COURT IN “PARQUE CENTRAL” (DI# 168263).
- r) "Regulation" – Refers to the Bidding and Request for Proposal Regulation of the Municipality of San Juan, Chapter 23 of the Municipality's Administrative Code, Municipal Ordinance No. 23, Series 2001-2002, as amended.



### III. MINIMUM ELIGIBILITY REQUIREMENTS

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THE MUNICIPALITY WILL ONLY CONSIDER BIDS WHICH ARE IN COMPLIANCE WITH THE FOLLOWING MINIMUM ELIGIBILITY REQUIREMENTS (THE "MINIMUM ELIGIBILITY REQUIREMENTS"):

**A. Bidders must be registered with the Municipality of San Juan's Bidders Registry:**

All Bidders interested in submitting a Bid must be registered in the Autonomous Municipality of San Juan's Bidders Registry ("Registro de Licitadores del Municipio Autónomo de San Juan"). Bidders shall procure all documents required with sufficient time such that Bidder receives an Active Bidders Register Certificate ("Certificación Activa") prior to the date and time set forth for the Bid Opening.

**A copy of Bidder's Active Bidders Register Certificate ("Certificación Activa") shall be included with the Bid.** The Bid Board may disqualify any Bidder that fails to provide the requested document.

**B. Bidders must submit a Bid Bond compliant with the requested terms and using the form provided with this Bid Request:**

Each participating Bidder shall include with their respective Bid a Bid Bond in the amount of 5% of their total Bid price (note: the total Bid price shall be the sum of the base proposal price, all stated allowances and the maximum number of stated additive alternates), in order to guarantee their Bid. The Bid Bond shall be valid for a period of 180 calendar days minimum, calculated from the date and time of Bid Opening.

The Bid Bond can be procured in any of the following ways:



2.1 The Bid Bond can be supplied in the form of a cash, certified check, money order, Visa, Master Card, or Debit Card (ATH), at the Municipality's "Oficina de Recaudaciones/ Colecturía" (Office of Revenue), located on the 1st Floor of the "Torre de Gobierno Municipal", Carlos E. Chardón St., Hato Rey, between the hours of 8:00 a.m. and 4:00 p.m Monday thru Friday, excluding holidays.

The Bidder must obtain a Bid Bond Receipt at the "Oficina de Recaudaciones/ Colecturía", and such receipt must be included in the Bid.

2.2 Participating Bidders must supply their bonds through an insurance company authorized to do business in Puerto Rico, of reputable economic solvency, with a minimum of "A-" Rating and Financial Size Category of at least "V" according to (as rated by) AM Best Insurance Report, for the purposes of acceptance by the Municipality. If the bond submitted is from an insurance company with less than the parameters stated herein, the Bid Board may reject the Bidder's proposal.

**C. Each participating Bidder must submit a Bid Proposal Form, using the form included with this Bid Request, duly completed, and signed by an authorized representative of the Bidder.** Bidder's authorized representative shall be the person stated in the "Registro de Licitadores del Municipio Autónomo de San Juan" as "Persona Autorizada a Firmar Contratos" or the representative authorized by Bidder's Corporate Resolution, or Authorization Letter by Owner or Principal Partner of Bidders that are not incorporated, using the form included with this Bid Request.

**D. Each participating Bidder must submit Financial Information:** The Financial Information requested in this article will serve as tool to the Municipality for the evaluation of the Bidder's economic responsibility, capability, and



solvency necessary to provide the construction services of this Bid Request. The Bidder shall demonstrate that the entity has liquid cash or balance available in a credit line to fulfill the initial obligations of the project, without considering the entity's prior obligations or obligations arising from additional projects.

**Bidders that wish to keep their Financial Information confidential must request it in writing by means of a letter duly signed by the Bidders representative. The written request of confidentiality shall be included along with the documents required in this article inside a sealed envelope labeled “Financial Information – Confidential”. This Financial Information envelope shall be included inside the Bid envelope as per Instruction to Bidders section (V) (G - Bid Submittal).**

Bidders shall submit the following documents, as part of their Bid Proposal to evaluate its financial capability. **The required financial information constitutes a mandatory requirement of the Bid, so failure to comply with these requirements will result in the disqualification of the Bidder.**

- a) Financial Statements- Audited or reviewed financial statements for the last two years of operations issued by a Certified Public Accountant (CPA) and prepared in accordance with US Generally Accepted Accounting Principles (US GAAP). The financial statements must include Balance Sheet, Statement of Operations, Statement of Cash Flows, and notes to the financial statements.

The financial statement shall not be more than fifteen (15) months from the closing of the books until the Bid Submittal Date. If the Bidder has been eight (8) months or more in operation after the close of the corporate year to the Bid Submittal Date, it must submit a revised financial statement, certified by a CPA, up to six (6) months after the closing of the books.





In addition to the mandatory documents requested, the Bidder has the option of supplementing its economic condition with recent financial information before the date of submission of the Bid Proposal to the Municipality. In this case, the Bidder must submit documentation evidencing the available balance of its bank credit lines, or bank accounts. That information shall not be more than thirty (30) days from the Bid Submittal Date. Credit lines provided by suppliers, documents that have an issue date of more than thirty (30) days prior the Bid Submittal Date, nor documents from banks indicating that the granting of a line of credit will be evaluated if the bid is awarded, will not be accepted.

#### **IV. OTHER DOCUMENTS TO BE SUBMITTED WITH THE BID**

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THESE DOCUMENTS ARE NOT MINIMUM ELEGIBILITY REQUIREMENTS, HOWEVER, THE BID BOARD MAY DISQUALIFY ANY BIDDER THAT FAILS TO COMPLY WITH THE INFORMATION REQUESTED.

- A. Bidder's Corporate Resolution, or Authorization Letter by Owner or Principal Partner of Bidders that are not incorporated, authorizing the person signing the Bid, using the form included with this Bid Request. The Bid Board may disqualify any Bidder that fails to provide the document requested. If the Bidder or Bidders is submitting a Bid as a "Joint Venture" the "Joint Venture Agreement".
- B. Certificate of Good Standing issued by the Puerto Rico Department of State. The Bid Board may disqualify any Bidder that fails to provide the document requested.
- C. Notarized Statement of Bidders Qualifications, using the form provided with this Bid Request. The Bid Board may disqualify any Bidder that fails to provide the document requested.



- i. Experience – Bidders shall have a minimum of three (3) years of experience in the construction industry and, at least, two (2) previous projects of similar type, complexity and scope. Bidders are required to provide evidence of experience completing and notarizing the Statement of Bidder's Qualifications form. Bidders are also required to provide an organization chart, along with the Curriculum Vitae of each representative assigned to work on the Project.
  - i. If the Bidder has less than three (3) years of experience, evidence of background and experience in the construction industry including a list of previous projects of similar type, complexity and scope performed by Bidder's current principal members and personnel, including the officers, shall be submitted for Evaluation. An organization chart, along with the Curriculum Vitae of each representative assigned to work on the Project shall be submitted.
- D. Notarized Sworn Statement of Bidder's compliance with the requirements set forth, as amended, using the form "Declaración Jurada Ley 2-2018 (20-abr-22)" included with this Bid Request. The Bid Board may disqualify any Bidder that fails to provide the document requested.
- E. Bidder's Non-Collusion affidavit using the form included with this Bid Request. The Bid Board may disqualify any Bidder that fails to provide the document requested.
- F. Bidder's Site Visit Affidavit using the form included with this Bid Request. The Bid Board may disqualify any Bidder that fails to provide the document requested.



- G. Most Recent Interim Financial Statement- This may not be more than sixty (60) days before the Bid Submittal Date.
- H. Bidders must submit a Work on Hand List that shows the current projects and awarded contracts that have not yet started. The list must include the project name, start date, completion date, cost of the contract, percentage of completion, and client's name. This document must have current information on the Bid Submittal Date.
- I. "Joint Venture Agreement", if the Bidder or Bidders is/are submitting a Bid as a "Joint Venture". If the "Joint Venture Agreement" does not state and describe what kind of "Joint Venture" the individuals or corporations have entered into, including whether the "Joint Venture" is a "Joint Venture Corporation" as contemplated in Article 9.03 of Puerto Rico's General Corporations Act (14 L.P.R.A. § 3703) or if it has been created, formed or organized pursuant to any other statutes or regulations, either in the Commonwealth of Puerto Rico or in any other jurisdiction, such information must be included in an Affidavit to be submitted with the "Joint Venture Agreement". Subject to the nature of the "Joint Venture" all partners to said "Joint Venture" may have to comply and submit the information and documents required in Article III and subdivisions A through H of this Article IV.

## V. PROJECT DESCRIPTION

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The Project consist of the rehabilitation for the tennis court surfaces and construction of 4 padel court in the "Parque Central" as per Bid Documents for 2024-005.

Bidding and Request for Proposal Regulation of the Municipality of San Juan



A. This Bid is issued and undertaken pursuant to the provisions of the Regulation and any other Applicable Law. The Municipality reserves the right to disqualify and reject any Bid which is not in compliance with the requirements established in this Bid Request, the Regulation or any other Applicable Law. The Municipality also reserves the right to cancel or suspend the Bidding Process at any time prior to the execution of an Agreement and reject any Bid if it deems it in the best interest of the Municipality.

B. Municipality's Representative

The Municipality's Representative shall be the Municipality's exclusive representative during the entire Bidding Process. Any communication between the Municipality and the Bidder shall be addressed to or from the Municipality's Representative and made in writing and sent via e-mail to the following addresses:

Name: **Sra. Ivonne Del Carmen Rodríguez**  
Email address: **subastas@sanjuan.pr**

Any other method of communication shall be considered unofficial and shall not be binding against the Municipality and/or the Bidders. Bidders shall include the term "2024-005" on the email's subject line followed by the subject of the email.

The information and documents provided by each Bidder shall be based exclusively on the following: (i) the information contained in the Bidding Documents, including any *addenda*; (ii) the information provided by the Bid Board; and (iii) written communication issued by the Municipality's Representative, if any.



C. Pre-Bid Meeting

The Municipality will hold a Pre-Bid Meeting during which the Municipality, its representatives and the Designer shall discuss with the Bidders details regarding various aspects of the Project. **Attendance to the Pre-Bid Meeting isn't mandatory.**

All communications shall be addressed to the Municipality's Representative, as provided in Section (V) (D). All questions must be made in writing and sent via e-mail to the Municipality's Representative. The Municipality will not entertain or address any questions made through telephone or outside the time period set forth below.

D. Schedule

<b>Pre-Bid Meeting:</b>	<b>August 24, 2023, 10:00am</b> Conference Room, Secretaría Municipal, 15th Floor, Centro de Gobierno Municipal, Carlos E. Chardón St., Hato Rey.
<b>Close of Q&amp;A Period:</b>	<b>September 7, 2023, 4:00 pm</b>
<b>Due Date for Submitting Bids:</b>	<b>September 14, 2023, 10:00 am</b> Oficina de Compras y Subastas 15th Floor, Centro de Gobierno Municipal, Carlos E. Chardón St., Hato Rey.
<b>Date and Time of Bid Opening:</b>	<b>September 14, 2023, 10:00 am</b> Oficina de Compras y Subastas 15th Floor, Centro de Gobierno Municipal, Carlos E. Chardón St., Hato Rey.

The Municipality reserves the right to review and amend the Bidding Process schedule from time to time as deemed necessary. The Municipality shall



notify Bidders of any change in the Schedule through e-mail. Failure of a Bidder to receive notice of any change in the Schedule shall not relieve such Bidder from its responsibility to comply with the Schedule. Bidders are expected to exercise due diligence in ensuring compliance with the Schedule.

E. Addenda

Addenda will be emailed to all Bidders. It is recommended that Bidders provide an email address that has the capability to receive a file attachment of ten (10) Mega Bytes (MB) per email message. No addenda will be issued later than four (4) days prior to Due Date for Submitting Bids, except an Addendum withdrawing the request for Bids, one which includes postponement of the Due Date for Submitting Bids, one which represents minor changes to the Bid Request and/or any Addenda that the Municipality deems necessary in order to clarify information that was previously available to the Bidders.

F. Acceptance of the Terms and Conditions

Submittal of a Bid shall be construed as an acceptance by the Bidder of the terms and conditions of the Bidding Process, including all procedures, terms, conditions and instructions provided during the Bidding Process.

G. Bid Submittal

- a) **The Municipality will only accept one (1) Bid per Bidder. Bidders must submit their Bids in one (1) original, one (1) hard copy and two (2) electronic copies in a Universal Serial Bus (USB) flash drive. The Bid shall be submitted in a sealed envelope (Bid envelope) which must contain all applicable documents as required in this Instructions to Bidders.** Bidders that wish to keep their Financial Information confidential shall



submit a separate sealed envelope inside the Bid envelope as per Section (IV)(G) of these Instructions to Bidders.

The Bid envelope must be identified with the following information on its front side:

- Name of the Project
- Bid Number
- Text stating the following: "OFERTA DEL LICITADOR"
- Date and Time of Bid Opening
- Bidder's Name
- Physical Address
- Mailing Address
- Telephone Number
- Email Address
- **Name of Bidder's Contact Person, including title and contact information (telephone number and email address).**

NOTE: The digital copies requested shall be provided in USB- flash drive format and must be included inside the Bid envelope. Each digital disc or pen drive must be identified with the following: Name of the Project, Bid Number and Bidder's Name. The digital copies must include all documents requested in Adobe Acrobat Reader format (PDF) scanned in full color, with a minimum resolution of 300DPI.

b) Date and Place for Submitting Bids

All Bids must be sealed and delivered on or before the Date of Submittal of the Bid identified in Section (V)(D). Bids shall be delivered to the following address:

**Sra. Ivonne Rodríguez Gutierrez**



**Directora Auxiliar  
Oficina de Compras y Subastas  
15th Floor, Torre de Gobierno Municipal, Carlos E. Chardón St., Hato  
Rey.**

c) Defective Submittal

Bids submitted by e-mail or fax shall be automatically rejected by the Municipality. Furthermore, Bids received at "Compras y Subastas" after the time set forth in Section (V)(D) shall be rejected and returned to the Bidder, except if no other Bidder submits a Bid by the time of close of the Date of Submittal.

d) Opening of Bids

The opening of Bids shall be made on the date identified in Section (V)(D). The designated representative by the Bid Board, the "Oficina de Compras" Representative designated by its Director and/or the Evaluation Committee will open the envelopes containing the Bid and they will be read in public. Once opened, all Bids submitted by the Bidders, including all documents and information contained therein, shall become property of the Municipality.

e) Insurance and Payment and Performance Bond

In addition to the Bid Bond required in this Bid Request, Bidders must be able to provide and comply with the insurance and bond requirements set forth in the Special Conditions included with Bid Request, including a Payment and Performance Bond in an amount equal to 100% of the proposed bid amount. The Payment and Performance Bond and all other insurance requirements shall be issued from an insurance





company authorized to do business in Puerto Rico, of reputable economic solvency, with a minimum of “A-“Rating and Financial Size Category of at least “V” according to (as rated by) AM Best Insurance Report, for the purposes of acceptance by the Municipality.

f) Effectiveness of Bids

All Bids shall remain in effect during a period no less than one hundred twenty (120) days, beginning on the “Due Date of Submitting Bids”. The Selected Bidder's Bid must remain in effect an additional ninety (90) days after the date in which the Bidder is notified of the award until the contract is executed.

g) Evaluation

Bids shall be evaluated by the Evaluation Committee. The Committee shall evaluate compliance of each Bid with the requirements provided herein and in the Construction Documents. The Municipality may request Bidders to provide additional information in order to allow the Municipality to adequately evaluate each Bid. The Municipality may waive any of the general or special conditions, terms and instructions to bidders, and/or request documents requested and not submitted by the Bidder that do not modify the Bid, if the Municipality deems it necessary for the better protection of the public interest.

The specifications included in this Bid Request will serve as guides for the description of the products and services requested. These instructions shall not be interpreted in a restrictive manner. The evaluation of specifications will be in total compliance with the dispositions include in the Bidding and Request for Proposal Regulation of the Municipality of San Juan, Chapter 22 of the Municipality's Administrative Code,



Municipal Ordinance No. 23, Series 2001-2002, as amended, on the article 22.48 “Desviación de las Especificaciones Establecidas”.

h) Evaluation Criteria

Once a Bidder has been duly qualified by the Evaluation Committee, the Committee shall evaluate each Bid pursuant to the following criteria: (i) Price; (ii) Bidder's compliance with the request for information in the Bid Form, the Statement of Bidder's Qualifications, and in any other Bidding Document; (iii) experience with similar Projects; (iv) Bidder's financial capabilities; and (v) Bidder's reputation and completion of previous projects. The Municipality reserves the right to add or eliminate any evaluation criteria it deems necessary in order to protect the public interest.

i) Award

After the Evaluation Committee has issued its report, the Bid Board may award the Bid to the Bidder who better serves the Municipality's needs and interests, as determined by the Evaluation Committee in the evaluation of the Bids pursuant to the evaluation criteria. The Municipality shall not be obliged to award the Bid to the Bidder who offers the lowest price if the Municipality, at its discretion, determines that there are other Bids which provide a better value to the Municipality.

The Municipality shall have the right to waive informalities or irregularities in a bid received and to accept the Bid which in the Municipality's judgement is in the Municipality's best interest.

The Municipality shall have the right to accept requested Alternates in any order or combination and to determine the low Bidder on the basis of the sum of the Base Bid, Stated Allowances and requested Alternates



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accepted as required in the Bid Proposal Form included with this Bid Request.

j) Notice of Award

The Bid Board shall notify the awarding of the Bid through written resolution to be sent to all participating Bidders via certified mail.

**END OF DOCUMENT**