



## REQUEST FOR PROPOSALS FOR PROFESSIONAL AND CONSULTING SERVICES TO PREPARE THE REPORTS REQUIRED UNDER ACT NO. 47-2021, IN COORDINATION WITH THE MINIMUM WAGE REVIEW COMMISSION

### I. General Information:

#### A. Introduction

The Minimum Wage Review Commission has the task to execute the public policy of the Commonwealth of Puerto Rico to adjust the minimum wage of workers, based on the principle that no worker should be below the poverty threshold, and that every worker should have sufficient income to cover their basic needs, to ensure progress and improve their living standards. This public policy is based on the fact that the adequacy of the minimum wage in Puerto Rico must be established based on measurable objective elements, in consultation with professionals from the field of economics, with the participation of all sectors, and without intervention from the political apparatus.

#### B. Legal basis

Act No. 47 of September 21, 2021, better known as *Puerto Rico Minimum Wage Act*<sup>1</sup>, created the Minimum Wage Review Commission within to the Department of Labor and Human Resources (hereinafter "Department"), and transferred the Commission the quasi-legislative powers originally delegated to the Department, by virtue of Act No. 180 of July 27, 1998, as amended, better known as the "*Puerto Rico Minimum Wage, Vacation and Sick Leave Act*", regarding the management of public policy on minimum wage in Puerto Rico.

The *Puerto Rico Minimum Wage Act, supra*, created the Minimum Wage Review Commission as an independent body with due expertise to fully study the basic living costs of the working class in Puerto Rico so that, based on these studies, it dictates the appropriate minimum wage to cover them. This legal provision also establishes that the Minimum Wage Review Commission will periodically review the state minimum wage to adjust it to the increase in the cost of living of workers.

To faithfully comply with this mandate, Section 2.09 (c) of *the Puerto Rico Minimum Wage Act, supra*, provided that the *Minimum Wage Review Commission* shall submit a comprehensive study on the cost of living and inflation in Puerto Rico, in accordance with the following:

- (c) It shall be the duty of the Commission to prepare or direct the preparation of an Annual Report on the prevailing wages, work schedules, benefits, compensation, and work conditions of the various industries in Puerto Rico. Said Report shall include a comprehensive analysis on the cost of living and inflation

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<sup>1</sup> (29 L.P.R.A. § 261)

in Puerto Rico, as well as specific recommendations on what the minimum wage should be for said calendar year. It shall also take into account the monetary value of public assistance programs vis-à-vis the current and proposed minimum wages as well as its interaction with work benefits or credit programs, including, but not limited to, the Earned Income Tax Credit (EITC) and the Child Tax Credit (CTC) based on their local application. In turn, it shall take into account Puerto Rico's labor market indicators, including, but not limited to, employment rate, unemployment rate, labor force participation rate, and wages. It shall also take into account Puerto Rico's economic development indicators, including, but not limited to, the economic activity index and the productivity index. The report shall further disclose in detail the methodology used to arrive at its conclusion so as to be peer reviewed. The annual report shall be available electronically through the Department of Labor and Human Resources webpage, downloadable in various electronic formats, generally used, and compliant with the open data standards.

Following the preparation and publication of the corresponding Annual Report on the Cost of Living and Inflation in Puerto Rico, the Commission will be responsible for approving mandatory decrees that, in accordance with the public policy outlined above, will dictate the minimum wage adequate to cover the basic living costs of workers<sup>2</sup>.

By virtue of the delegation and express authority in section 2.09, subparagraphs (i) and (k) of the *Puerto Rico Minimum Wage Act*, *id*, the Department announces that it will be receiving proposals for the provision of professional and consulting services, for the preparation of the economic reports that will serve as the basis for the various mandatory decrees required by law, in direct coordination with the Minimum Wage Review Commission in Puerto Rico.

This request for proposals is made pursuant to the powers granted to the Secretary of the Puerto Rico Department of Labor by Act No. 15 of April 14, 1931, as amended, Section 3 (3 L.P.R.A. §306) known as the *Organic Act of the Department of Labor and Human Resources of Puerto Rico*, subsection (h)(13). This contracting of professional services will comply with the applicable provisions prescribed in Act No. 237-2004, as amended, and in compliance with the parameters established in circular letter No. 013-2021 "*Measures to ensure transparency and fiscal responsibility in government contracting of professional services*" issued on June 7, 2021 by the Office of Management and Budget of the Government of Puerto Rico, Part V, Section A, B (i) to (III); and Executive Order No. 2021-029, that establishes the requirements for submitting a proposal for professional services. Any person wishing to contract with the Government of Puerto Rico must comply with the provisions of Act No. 2-2018, as amended, known as the *Anti-Corruption Code for the New Puerto Rico* and any other applicable law or regulation.

### **C. Description of the services to be provided**

The selected entity, entities or consultant will assist the Puerto Rico Minimum Wage Review Commission in the preparation of the Annual Report on the minimum wage in Puerto Rico, as well as other special reports, pursuant to section 2.09 (c) of the Puerto Rico *Minimum Wage Act*, *supra*,

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<sup>2</sup> 29 L.P.R.A. § 262h (d).

and any related task assigned by the Commission, in compliance with Act 47-2021, *supra*. For this, the selected consultant or consultants must consist of a multidisciplinary team or possess a professional background with expertise or qualifications in the following areas: Economics; Statistics; Data Analysis; and any other related field or relevant experience and qualifications needed to conduct a proper analysis of the minimum wage in Puerto Rico, and draft the reports required by Act No. 47-2021.

The professional and consulting services shall be provided in the manner required by the Minimum Wage Review Commission. These services may include, but are not limited to: provide technical assistance; gather information; conduct research; analyze data; draft reports; provide expert guidance to assist the Commission with the powers conferred by the *Puerto Rico Minimum Wage Act, supra*; etc.

## **II. General instructions:**

### **A. Scope of Work**

The purpose of this RFP is to evaluate qualified entities or individuals willing and able to assist the Minimum Wage Review Commission in its powers and duties, pursuant to the *Puerto Rico Minimum Wage Act*. Those entities or individuals would present proposals for any or all the following services: drafting the annual report to establish the minimum wage, drafting the report upon which the mandatory decree for agricultural sector will be based, drafting the report upon which the mandatory decree for tip employees will be based, and/or drafting the report upon which the mandatory decree for professional employees will be based.

In general, the selected party or parties will have the following tasks:

1. Hold an initial meeting with the Minimum Wage Review Commission, to discuss priorities, studies, research, and data analysis required for the commission of the Annual Report and mandatory decrees, pursuant to section 2.09 of the *Puerto Rico Minimum Wage Act*.
2. Hold monthly meetings with the Minimum Wage Review Commission to report on the development of the work, including, but not limited to: provide statistical updates of research and studies been conducted; and provide drafts of the reports date.
3. Draft the reports, pursuant to section 2.09 of the *Puerto Rico Minimum Wage Act*, in coordination with the Commission, taking into account Puerto Rico's labor market indicators, including, but not limited to, employment rate, unemployment rate, labor force participation rate, and wages. It shall also take into account Puerto Rico's economic development indicators, including, but not limited to, the economic activity index and the productivity index.
4. Reports must disclose in detail the methodology used to arrive to its conclusion; including spreadsheets, raw data, approach, constraints, and sources.

In addition, the selected party or parties will have the following tasks depending on the services proposed:

#### **i. Drafting the Annual Report to establish the minimum wage:**

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- a. Draft a report that includes a comprehensive analysis of the effects of increasing the minimum wage in Puerto Rico to \$10.50 in July 2024, in accordance with Act No. 47-2021's public policy.
  - b. Assist the Minimum Wage Review Commission in collecting, organizing, classifying statistics on the approved decrees, wages, work schedules, work conditions, and cost of living, for the drafting of statistical reports, and economic and social profiles on Puerto Rico's jobs and workers, as well as for other studies that are deemed pertinent or commissioned thereto.
  - c. Assist the Commission with the yearly mandatory decrees to fix an appropriate minimum wage to cover workers' cost of living based on the aforementioned Annual Report on Puerto Rico's cost of living and inflation rate, as well as the mandatory decrees set forth in section 2.11 of the *Puerto Rico Minimum Wage Act*.
  - d. Include a comparison of minimum wages in the various jurisdictions of the United States.
  - e. Provide specific recommendations for the minimum wage in Puerto Rico.
- ii. Drafting the report upon which the mandatory decree for agricultural sector will be based:**
- a. Draft a report that includes a comprehensive analysis of the effects of increasing the minimum wage of agricultural sector in Puerto Rico, in accordance with Act No. 47-2021's public policy.
  - b. Take into consideration the federal and states laws and regulations in the United States regarding this labor sector. Include a comparison of agricultural sector wages in the various jurisdictions of the United States.
  - c. Provide specific recommendations for the minimum wage for agricultural sector in Puerto Rico.
- iii. Drafting the report upon which the mandatory decree for tip employees will be based:**
- a. Draft a report that includes a comprehensive analysis of the effects of increasing the minimum wage of tip employees in Puerto Rico, in accordance with Act No. 47-2021's public policy.
  - b. Take into consideration the federal and states laws and regulations in the United States regarding this labor sector. Include a comparison of tipped employee wages in the various jurisdictions of the United States.
  - c. Provide specific recommendations for the minimum wage for tip employee in Puerto Rico.
- iv. Drafting the report upon which the mandatory decree for professional employees will be based:**
- a. Draft a report that includes a comprehensive analysis of the effects of increasing the minimum wage of professional employees in Puerto Rico, in accordance with Act No. 47-2021's public policy.
  - b. Take into consideration the federal and states laws and regulations in the United States regarding this labor sector. Include a comparison of professional employees' salaries in the various jurisdictions of the United States.

- c. Provide specific recommendations for the minimum wage for professional employees in Puerto Rico.

**B. Procedure**

**1. Public Notice**

A Notice of this Request for Proposal has been duly posted on [www.trabajo.pr.gov](http://www.trabajo.pr.gov), in two (2) newspaper of general circulation in Puerto Rico, and on social medias (Facebook, Twitter, LinkedIn and Instagram), informing the public of the need for services, and calling on interested parties to submit their proposal.

**2. Requirements for Legal Entities**

Proposers who are corporations based in Puerto Rico, limited liability companies, partnerships, joint ventures or any other legal entity, must be duly organized and / or registered in accordance with the applicable laws of Puerto Rico. Such entities must demonstrate that they are in "Good Standing" before the Department of State, at the time of submission of the proposal, as well as a Certificate of Existence issued by the Department of State of Puerto Rico. A resolution or agreement, notarized, delegating the signing authority to appear on this request for proposal must be delivered. Professional entities must be provided by the type of entities allowed by law to do so.

**3. Amendments to the Instructions**

The Department reserves the right to amend these instructions at any time up to five (5) business days prior to the date established for the submission of proposals in Table 1. In such case, the Department undertakes to notify any amendments to the individuals or entities that have submitted their proposal at that time. However, it will be the responsibility of any party interested in participating in this process, to follow up on their electronic correspondence.

**4. Itinerary**

<b>Table 1: Itinerary for Submission of Proposals</b>	
Public Notice	October 10, 2023
Availability of Instructions	October 10, 2023
Deadline for Submitting Questions	October 20, 2023, at 11:59 PM. Via email: <a href="mailto:comisionsalario@trabajo.pr.gov">comisionsalario@trabajo.pr.gov</a>
Deadline for Answers to Questions	October 27, 2023.
Deadline for Submission of Proposals	November 9, 2023, at 11:59 PM. Via email: <a href="mailto:comisionsalario@trabajo.pr.gov">comisionsalario@trabajo.pr.gov</a>

<b>Table 1: Itinerary for Submission of Proposals</b>	
Date (Expected) to Issue Notice of Award	November 17, 2023
Date (Expected) for signing the Agreement	November 30, 2023

**5. Period for Submitting Questions**

Parties interested in submitting proposals may direct requests for clarification of the guidelines set out in these instructions on or before the date set out in Table 1. Questions will be directed to the following email address: [comisionsalario@trabajo.pr.gov](mailto:comisionsalario@trabajo.pr.gov). Emails must be properly identified in the **Subject**, including individual or company name, and the phrase Professional Services for the Minimum Wage Review Commission. The final date for answering questions will be as set out in Table 1. These questions and answers will be circulated on the date indicated in Table 1.

**6. Prohibited Communications**

With the exception of requests for clarification of the guidelines above mentioned, any and all other communications between proponents and employees of the Department or any members of the Minimum Wage Review Commission related to the process of application and submission of proposals and their eventual award is prohibited. Failure to adhere to this provision will result in an automatic refusal.

**7. Delivery Deadline**

As indicated in Table 1, the application deadline will be November 9, 2023, at 11:59 PM, delivering the proposal with the required information to the following email: [comisionsalario@trabajo.pr.gov](mailto:comisionsalario@trabajo.pr.gov). Emails must be properly identified in the **Subject**, including company name, and the phrase Professional Services for the Minimum Wage Review Commission. Applications that are incomplete or submitted after the time and date indicated without distinction will not be awarded.

**8. Amendment and Withdrawal of Proposals.**

Any entity interested in submitting its application and proposal, may amend it, up to a maximum of one (1) occasion, as long as it delivers the amended document on or before the deadline set out in Table 1 (Deadline for Submission of Proposals). The way to amend the application will be by submitting a new email, with the title "Amended Proposal", according to B-8, so that this is the proposal that will be evaluated by the Evaluation Committee.

Similarly, any party may withdraw its request and proposal to the extent that it submits a written request to that effect, on or before the deadline for submitting proposals, set out in Table 1. After the submission date shown in Table 1, no modifications or withdrawal of proposals will be accepted.

## **9. Evaluation and Notification.**

The Secretary of the Puerto Rico Department of Labor and Human Resources will select between (3) and five (5) individuals who will compose the Evaluation Committee for this “RFP” under the initiative Minimum Wage Review Commission of Puerto Rico, created pursuant to Act No. 47-2021. The responsible entity, whose proposal is responsive and well qualified, will be considered, provided that it offers reasonable costs. The reasonableness of costs is subject to the entity being able to execute the expected scope of work within the estimated budget for this type of service.

The Evaluation Committee will first determine whether the participating entities comply with the mandatory requirements. Only entities that meet the mandatory requirements will be evaluated (and scored) for their Experience and Qualifications, Work Approach, and Cost Reasonableness. Participating entities that obtain fifty-six (56) points or more in their qualifications, will be evaluated for their cost reasonability. The Evaluation Committee can enter into a negotiation process, with all entities scoring more than seventy-five (75) points to obtain from them the best and final offer (BAFO) on Program Delivery Costs. The negotiation must offer equal opportunity and conditions to all qualified participants who reach this stage of the process.

Once the Evaluation Committee has evaluated all the applications and their respective proposals, following the rubric adopted, it will refer to the Secretary the results and a recommendation. The Secretary, with the approval of the Minimum Wage Review Commission, will award the “RFP”.

Notifications shall be submitted to all parties who have participated in the proceedings, indicating the successful and non-graced parties. Based on Executive Order No. 2021-029, this process should not be construed as a bid award that triggers any rights, warranties and terms contained in Act No. 38-2017, as amended.

## **10. Warnings**

- a. Cancellation of Request for Proposals: The Department reserves the right to cancel partially or totally this process, regardless of the phase in which it is, provided that it is before formalizing the contract, when it serves the best interests of the Government of Puerto Rico.
- b. Quality of Information: Providing any false or fraudulent information or documentation as part of the RFP submitted for this RFP will be sufficient cause to disqualify or reject any proposal from any participant, as well as to cancel or terminate any purchase order or contract granted hereunder.
- c. Any person who, in his relationship with the agencies and other instrumentalities of the Government of Puerto Rico, participates with the interest of receiving this grant, or is interested in perfecting contracts with the Department, will have the obligation to disclose all the necessary information, including waivers, to evaluate in detail the transactions and make correct and informed determinations.

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- d. The Department is not responsible for any costs incurred in preparing proposals to apply for this grant.
- e. Mere participation in this process does not provide guarantees that you will be awarded a contract.
- f. Any allocation in subsequent years is subject to certification of availability of funds.
- g. Once the proposals have been submitted, they and their appendixes will become the property of the Department and will not be returned.
- h. While the proposals are being evaluated, any negotiations that arise between the Department and the proponents will be kept strictly confidential about such negotiations.
- i. As soon as this process concludes, the file will be public, including the tenders and their annexes. If a proposer does not want a trade secret, or protected information, to be published, he must label such information as "Business Secret and Protected Information". In such cases, the selected proposer must provide an explanation for why this information qualifies as "Business Secret and Protected Information".
- j. The Documents, Exhibits, or Appendixes, included in this proposal must be completed by the participating entities and must be submitted with the proposals. Proposers are responsible for addressing any amendments that arise in the course of this request for proposals.
- k. The selected proposer is responsible for having up to date their certifications of no debt with government entities such as the Department of the Treasury, the Municipal Tax Collection Center (CRIM), the Administration for the Support of Minors (ASUME) and any other that is required to do business with the Government of Puerto Rico.
- l. Cancellation for Cause: If the selected entity refuses to provide the contracted service, the contract may be canceled and granted to another entity. In addition, the Department will apply the corresponding sanctions here stated as well as in and those agreed in the contract.
- m. Cancellation for Convenience: The Department may terminate any contract when it deems appropriate, notifying at least thirty (30) days prior to such a determination. The Department may impose any legal remedy or sanction it deems necessary in case of breach of contract.
- n. Moral Solvency: The Department will not award any contract for the performance of services or the sale or delivery of goods, to a natural or legal person (including its members or stockholders, officers or directors) who has been convicted or has pleaded guilty in the state or federal forum, in any other jurisdiction of the United States of America or in any other country, for crimes constituting fraud, embezzlement or illegal appropriation of public funds listed in Act No. 2-2018, as amended. Nor is it allowed to award to entities whose officers, members, shareholders, employees or person in any way related has a conflict of interest, apparent or actual, with the Department, the members of the Minimum Wage Review Commission, or its employees.



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- o. The selected entity will collaborate with any monitoring or audit process of the Department, the Office of the Inspector General (OIG) of Puerto Rico, the Office of the Comptroller of Puerto Rico and any other entity with investigative authority related to public funds used for this program.
- p. Anti-Discrimination Clause: The Department does not discriminate on the basis of race, color, gender, social origin or status, political or religious views, age, national origin, being a victim or perceived victim of domestic violence, sexual assault or stalking, veteran status, real or perceived sexual identity or orientation, physical, mental or sensory impairment. Any subrecipient, supplier or contractor of the Department must certify that their entity does not discriminate on the basis of race, color, gender, social origin or status, political or religious views, age, nationality, being a victim or perceived victim of domestic violence, sexual assault or stalking, veteran status, real or perceived sexual identity or orientation, physical, mental, or sensory impairment.
- q. Any disagreement over the contractual clauses will be addressed in the Courts of Puerto Rico.
- r. Contract Registration: Government contracts will not be considered completed until a copy of the contract is registered with the Comptroller's Office. Not registering the contract is not cause for nullity, but, however, the consideration of this cannot be demanded until it is registered.
- s. This document has been published in English and Spanish. In case of inconsistencies, the provisions established in the Spanish version will prevail.
- t. The selected party or parties must register in the Unique Registry of Professional Service Providers (RUP) of the General Services Administration of the Government of Puerto Rico.

**III. Specific instructions for completing the Request for Proposal for Services.**

The evaluation of the proposal will consist of three parts: A) Mandatory Requirements; B) Experience and Qualifications; C) Work Approach, and D) Cost Reasonableness.

**Table 2: Proposal Scoring**

<b>Criteria</b>	<b>Maximum Points</b>
Mandatory Requirements	Pass/Fail
Experience and Qualifications	<b>30 Points</b>
Work Approach	<b>40 Points</b>
Costs Reasonableness	<b>30 Points</b>
<b>Maximum Total Proposal Score</b>	<b>100 Points</b>

## **A. Mandatory requirements.**

First, compliance with mandatory requirements will be evaluated. The assessment of these requirements will be to determine whether it "meets" or "does not comply". The proposals and their attachments may be submitted in English or Spanish.

Participating entities that do not meet a mandatory requirement will be disqualified. Mandatory requirements are divided into: 1) required documentation and 2) signatures of authorized representatives.

### **1. Required Documentation**

- a. Cover Letter to the members of the Minimum Wage Review Commission (Cover Letter).
- b. Proposal, following this outline and as defined in Part III (B):
  - i. Experience and qualifications. (You may attach Curriculum Vitae to your proposal);
  - ii. Proposed work plan, theoretical approach, and methodology to be used; and
  - iii. Costs and billing method.
- c. Certification of No Conflict of Interest/Law No. 2-2018, as amended (Appendix B).
- d. In the case of Legal Entities, include a copy of the Certificate of "Good Standing" and Certificate of Existence Issued by the Department of State.

### **2. Signatures**

The signatures of participants shall be in indelible blue ink. In the case of legal entities, a corporate resolution (or managing member certification in the case of limited liability companies) is required where an official representative is appointed. In the case of joint venture, authorized representatives from each entity must appear and sign.

## **B. Experience and Qualifications**

Please provide a statement of qualifications, that includes the following:

- a. Professional Profile (Curriculum Vitae). Provide a biographical summary of key individuals in the entity. Greater weight will be given to entities with specialized personnel in economics, statistics, and data analysis with longer service time, academic degrees, and professional certifications.
- b. Organizational Structure (Staff Responsibilities). Greater weight will be given to entities that have a multidisciplinary team of economists, statisticians, data analysts, and any other professionals that enable the proper development of assigned tasks within a reasonable timeframe. Additionally, it will be necessary to describe the role of each of these professionals in the project.

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- c. Comparable Projects (Previous Experience). Greater weight will be given to entities that have worked on similar nature economic studies related to labor, economics, and cost of living in Puerto Rico.
- d. Reputation (Reference Letters). The proponent must provide at least three (3) references. Greater weight will be given to entities whose references are predominantly positive. The Department reserves the right to contact each provided reference and verify the information provided.

### **C. Work Approach**

A narrative description of the Proposer's approach to the general administration and coordination of the efforts for the development of the project under the Minimum Wage Review Commission. It should not exceed ten (10) pages.

- a. Explain how you propose to divide and subdivide the tasks required to meet the scope of work, as defined in Part II (a).
- b. Explain briefly what measures, references, statistics, studies, surveys must be considered or applied to complete the scope of the work.
- c. Explain how and when you propose to complete the required work.

### **D. Cost Reasonableness**

The reasonableness of costs is subject to the entity being able to carry out the expected scope of work within the budget provided for this type of service. The proposer will establish an overall cost estimate and an hourly cost estimate for the resources, based on the proposed estimated hours to complete the work. Preference will be given to the proposal with the most reasonable cost.

## **IV. Additional instructions**

The proposal and its appendixes may be submitted in either English or Spanish.

The proposal must be completed in its entirety following the instructions and accompanied by the requested documents to support it.

The following format is suggested, although it is not required:

- 1. Font: Times New Roman; font size 12; double-spaced.
- 2. Margins of 1 inch on each side of the paper.
- 3. Number each page at the bottom, indicating the project title/proponent's name.

The Evaluation Committee reserves the right, after evaluating the proposals, to call the proponents for an interview.

**V. Jurisdiction, Reconsideration and Judicial Review**

The laws of Puerto Rico shall govern this RFP process. Any disputes related to this RFP must be resolved accordingly. The exclusive venue for a judicial challenge is the Puerto Rico Court of Appeals, as provided for by the laws of Puerto Rico.

Any person, party, or entity that considers itself adversely affected by an award determination made by the review board, in relation to this RFP, may file a petition for reconsideration to the review board within the established twenty (20) days from the date on which a copy of the Award Notice is duly notified, in accordance with section 3.19 of Act 238-2017, as amended. The Department shall consider the motion for reconsideration within ten (10) working days from the date of filing. If a determination is made upon consideration, the period to file for judicial review will begin from the date the notice of the Department's decision resolving the motion for reconsideration is filed in the record. If the filing date in the record of the notice of the order or resolution differs from the date of deposit in regular mail or sending by electronic means of said notice, the period shall be calculated from the date of deposit in regular mail or sending by electronic means, as appropriate. If the Department fails to take any action regarding the motion for reconsideration within ten (10) days of filing, it shall be deemed to have been rejected outright, and the period for judicial review shall commence from that date.

If the Department accepts the request for reconsideration within the provided period, it shall issue the reconsideration resolution within thirty (30) days following the filing of the motion for reconsideration. If the Department accepts the motion for reconsideration but fails to take any action regarding the motion within thirty (30) days of its filing, it shall lose jurisdiction over it, and the period to request judicial review shall begin from the expiration of the thirty (30) day period. The Department may extend this period only once, before it ends, for an additional term of fifteen (15) days.

Once remedies with the Department have been exhausted, the party adversely affected may file a request for judicial review before the Court of Appeals within a period of twenty (20) days, counted from the filing of the copy of the final determination in the record.

The mere filing of a petition for reconsideration before the Puerto Rico review board or filing of a judicial review petition before the Puerto Rico Court of Appeals will not have the effect of halting the contested award.

**VI. Appendixes**

The following appendixes are part of these Instructions:

**A. Proposal Format**

**B. Certification No Conflict of Interest/Law No. 2-2018, as amended.**

These documents must be completed and submitted or used as a reference in the preparation of the proposal.

# ANNEX A

## PROPOSAL OUTLINE

### I. INSTRUCTIONS:

The Proposal must be submitted to all parties following the instructions in Section II and accompanied by the documents requested to support it.

All proposals will be submitted in PDF format, to the following email: [comisionsalario@trabajo.pr.gov](mailto:comisionsalario@trabajo.pr.gov). Remember to place the name of the entity and the phrase "RPF Minimum Wage Evaluation Commission" in the section titled "Subject" of the email. The delivery date shall be as set out in the RFP instructions.

### II. STRUCTURE OF THE PROPOSAL

#### A. Abstract

Provide an abstract of no more than one (1) page, including the name of the project, name of the proposer, mailing address, contact telephone numbers, email address and web address if available. Also include a synopsis of the project and why the proposing entity understands that it has the capacity to administer it.

#### B. Proposal

1. Introduction (no more than two (2) pages)
2. Experience and Qualifications (No more than five (5) pages)
3. Work Approach (No more than ten (10) pages)
4. Cost Reasonableness (No more than five (5) pages)

#### C. Supporting Documents

1. In the case of Legal Entities, include a copy of the "Good Standing" certificate and certificate of Existence Issued by the Department of State.
2. In the case of Legal Persons, include resolution or agreement, affirmed before a Notary, where the delegation of representation to the person signing the proposal is authorized.
3. Certification of No Conflict of Interest/Law No. 2-2018, as amended (Annex B).

# ANNEX B

## CERTIFICATION OF NO CONFLICT OF INTEREST ACT NO. 2-2018, AS AMENDED

I, \_\_\_\_\_, of legal age, marital status (married/single), and resident of \_\_\_\_\_ . By virtue of the interest of the proposer to participate in the request for proposals in reference, and aware that the Minimum Wage Evaluation Commission is highly committed to achieving an administration of excellence and promoting the effective use of government resources for the benefit of Puerto Rico, and therefore support and comply with Act 2-2018, known as the Anti-Corruption Code for New Puerto Rico, as amended, including Title III, Code of Ethics for Contractors, Suppliers and Applicants of Economic Incentives of the Government of Puerto Rico, I certify that:

1. No public servant or employee of the Minimum Wage Evaluation Commission has a pecuniary interest with any of the Proponents participating in this Procurement Process, nor have they had one -directly or indirectly- in the last four (4) years.
2. No public servant or employee of the Minimum Wage Evaluation Commission has requested or accepted, directly or indirectly, by any person or entity with an interest in this Acquisition Process, including the Proposer, goods of any economic value - including gifts, tips, favors, services, donations, loans and / or anything else of monetary value- for himself and / or for any member of his immediate family and / or relatives and / or for any other person, as a payment mechanism for carrying out the duties and responsibilities of their position related to this Procurement Process.
3. No public servant or employee of the Minimum Wage Evaluation Commission has requested or accepted, directly or indirectly, by any person or entity, including the Proposer, goods of any economic value -including gifts, tips, favors, services, donations, loans and / or anything else of monetary value- for himself and/or for any member of his immediate family and/or relatives and/or for any other person, in exchange for his actions influencing the final result of this Acquisition Process.
4. I do not have a relationship of kinship within the fourth (4th) degree of consanguinity and / or second (2nd) of affinity, with any public servant or employee of the Minimum Wage Evaluation Commission that participates or influences -or has the capacity to do so- in the institutional decisions of the Minimum Wage Evaluation Commission.
5. In the event that the Proponent discloses to the Minimum Wage Evaluation Commission an apparent, potential or actual conflict of interest, the Minimum Wage Evaluation Commission will take appropriate steps to address disclosure by taking the following steps, including, but not limited to, eliminating, mitigating or neutralizing the apparent, potential or actual conflict, where applicable, Through means such as ensuring a balance of views, disclosure with appropriate disclaimers, restricting or modifying the work to be done to avoid or reduce apparent, potential or actual conflict.

Proposer's Initials: \_\_\_\_\_

6. If the Proponent discovers an apparent, potential or actual conflict of interest after the Procurement Process is concluded, it shall make full disclosure in writing to the Minimum Wage Evaluation Commission. This disclosure shall include a description of the actions the Proponent has taken or intends to take to avoid, mitigate or neutralize the apparent, potential or actual conflict of interest.
7. The Proponent has no present or currently planned interests (financial, contractual, organizational or otherwise) related to the contract or task order that may result from this Procurement Process that would create any apparent, actual or potential conflict of interest (including conflicts of interest for immediate family members: spouses, parents, children) that would affect their ability to be impartial, technically sound and objective assistance or advice, or that would result in being given an unfair competitive advantage.
8. The Proponent has exercised, and will continue to exercise, due diligence to avoid, identify, eliminate or mitigate any apparent, potential or actual conflict of interest to the satisfaction of the Minimum Wage Evaluation Commission.
9. The proposer states that his offer is genuine and not collusive or false; and that he has not conspired, colluded, or agreed, directly or indirectly, with any other bidder or person, to submit a false tender, or to refrain from bidding and has not sought in any matter, directly or indirectly, by agreement or collusion, communication or conference, with any person, to fix the bid price of the declarant or any other tenderer, or to fix any general, profit, or cost element of such bid price, or that of any other bidder, or to secure any advantage against the Minimum Wage Evaluation Commission.

By virtue of the foregoing, I, as the Proposer's Authorized Representative, also certify that:

"I am committed to complying with the applicable provisions of Act 2-2018, known as the Anti-Corruption Code for New Puerto Rico, as amended, including Title III, Code of Ethics for Contractors, Suppliers and Applicants of Economic Incentives of the Government of Puerto Rico and we recognize that this acceptance is an essential and indispensable condition for transactions to be made or agreements to be established with the Salary Evaluation Commission. Minimal.

The above stated is the truth and nothing more than the truth to be recorded by my own and personal knowledge. And for the record, I sign this in \_\_\_\_\_, Puerto Rico to \_\_\_\_\_  
\_\_\_\_\_ 2023.

Name of the applicant entity:  
Signature of the Authorized  
Representative:  
Name in block letter:  
Employer social security number:

Proposer's initials: \_\_\_\_\_  
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Affidavitt. No. \_\_\_\_\_

Sworn and subscribed before me by \_\_\_\_\_, whose personal circumstances have been previously stated, and whom I give faith to know personally/have identified by means of \_\_\_\_\_.

In \_\_\_\_\_, Puerto Rico as of \_\_\_\_\_ (month) 2023.

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Notary Public