



GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC-PRIVATE PARTNERSHIPS AUTHORITY

REQUEST FOR QUALIFICATIONS
List of Qualified Advisors - 2021

for

PUERTO RICO PUBLIC-PRIVATE PARTNERSHIPS AUTHORITY
Issue Date: July 7, 2021
RFQ Number: 2021-01

Submission:

Responses to be received at advisors@p3.pr.gov
Documents will only be received electronically.
Hand delivery and physically mailed documents will not be accepted.

Contact Person:

Fermín E. Fontanés Gómez
Executive Director
Puerto Rico Public-Private Partnerships Authority

No telephone inquiries

Questions or comments will be answered and must be notified to the Puerto Rico Public-Private Partnerships Authority via formal email to advisors@p3.pr.gov.

I. INTRODUCTION

A. THE PUERTO RICO PUBLIC-PRIVATE PARTNERSHIPS AUTHORITY

The Puerto Rico Public-Private Partnerships Authority (“P3A”) was created by the Public- Private Partnerships Act, Act No. 29-2009, as amended (“Act”), for the purpose of implementing the public policy of the Government of Puerto Rico (the “Government”) of favoring the establishment of public-private partnerships (“PPPs”) in Puerto Rico. The Act sets forth the public policy framework to establish PPPs for the completion of priority projects in alliance with the Puerto Rico Fiscal Agency and Financial Advisory Authority (“FAFAA”). The aim of the Act is to enhance the development and maintenance of infrastructure facilities, to allocate risks between the Government and potential proponents, to improve Government services and functions, to foster job creation, and to promote the social and economic development, and competitiveness of Puerto Rico.

The Authority encourages all qualified advisors to evaluate this Request for Qualifications (“RFQ”) and, in accordance with the Executive Order 2021-029 (“EO 2021-029”), submit a proposal as specified therein. Keep in mind that in accordance with the EO 2021-029 all the advisors shall submit the proposal enclosing evidence of the Registration in the Sole Registry of Professional Service Providers of the General Service Administration of Puerto Rico¹ (Registro Único de proveedores de servicios profesionales de la Administración de Servicios Generales, as known in Spanish), as it is requested by Act 73-2019, as amended, known as the General Services Administration Act for the Centralization of Purchases of the Government of Puerto Rico 2019.

B. BACKGROUND

1. PUERTO RICO’S CURRENT FISCAL SITUATION

Puerto Rico faces unprecedented fiscal and economic challenges and the administration believes that PPPs will form the cornerstone of the island’s

¹ For more information related to the Sole Registry of Professional Service Providers of the General Service Administration of Puerto Rico, please visit the following internet address: <https://rup.asg.pr.gov>.

economic development. As part of the proposed Fiscal Plan prepared pursuant to the requirements of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), the administration’s economic development plans heavily depend on the establishment of PPPs for a many of government services and the delivery of new infrastructure.

With Act 1-2017, which amends the Act, the Government positioned the PPP model as the primary path to achieve infrastructure and government right-sizing. Amongst many changes, Act 1-2017 improves the ability of the P3A to evaluate, analyze and develop projects submitted through unsolicited proposals and provides the P3A with the authority to establish pre-development agreements.

II. QUALIFICATIONS AND SCOPE OF WORK

A. PURPOSE

The purpose of this Request for Qualifications (“RFQ”) is to update the List of Qualified Advisors (the “List”) available to the P3A. The List’s principal purpose is to facilitate the identification and engagement of suitably qualified providers of advisory services for occasions when such services are required.

B. TYPE OF CONTRACT

This RFQ does not constitute either an offer or a promise to enter into a contract or engagement with any qualified advisor to the P3A that results from this RFQ. Hence, no contract will directly result from this RFQ.

C. ACTIVITIES AND ASSIGNMENTS

The scope of activities and assignments will be determined at the time the parties negotiate the contract and will be included in any future agreement with the P3A.

Set forth below are areas of expertise that the P3A believes are relevant to the process of evaluation and selection of potential qualified P3A Advisors:

- **Public-Private Partnerships Procurement Design, Agreements and Contract Management**

- Desirability and convenience studies
- Pre-development agreement/reports
- Unsolicited Proposal review/reports
- Greenfield projects
- Brownfield projects, including monetization and operation and management projects
- Payment Structures, including availability payments, revenue share structures, asset swaps, hybrid structures and other innovative payment structures
- Others

- **Areas of Advisory**

- Legal
- Infrastructure
- Financial
- Technical
- General
- Strategic
- Policy
- Corporate
- Others

- **Industry of Expertise**

- Affordable Housing
- Education
- Energy/Renewable Energy
- Health
- Recreation
- Security
- Tourism
- Transportation
- Broadband

- o Smart Cities
 - o Solid Waste Management
 - o Parking
 - o Technology Implementation
 - o Asset Recycling
 - o Others
- **Role**
- o Contract Management
 - o Project Management
 - o Design Advisor
 - o Urban Planning
 - o Environmental Advisory
 - o Others

The P3A may modify the aforementioned categories, subcategories, and areas. Nevertheless, Respondents are encouraged to indicate the advisory services, specialization categories, and areas of expertise in which they wish to be included based on their experience, knowledge, and skills.

D. CONDITIONS OF ELIGIBILITY

Only interested individual firms or individuals may submit Responses to this RFQ. Advisors will be listed on an individual basis. Therefore, the Authority will not accept respondents that put forward the names of multiple candidates or submit qualifications as consortiums, joint-ventures or partnerships.

III. PREPARATION AND SUBMISSION OF RESPONSE

A. CALENDAR

The P3A will accept requests for clarifications on a time-to-time basis.

B. REQUEST FOR CLARIFICATIONS

Requests for clarifications need be to be submitted in PDF format to the following address: advisors@p3.pr.gov attention to Fermín E. Fontanés Gómez, Esq., Executive Director of the P3A. The P3A will publish on its webpage all clarifications provided to potential respondents at its sole discretion.

C. LANGUAGE

The response to the RFQ and all accompanying documents shall be in English.

D. FORMAT OF RESPONSE

The files submitted must be in PDF format.

The P3A does not expect the submitted RFQ responses to follow any pre-determined format. Nonetheless, the P3A expects all responses to cover, in the manner possible, all topics provided in the scope of the assignment and content of the RFQ response criteria as prescribed in both sections of this RFQ.

E. VALIDITY OF THE RESPONSE & MAINTENANCE OF THE LIST

The Authority may, at its sole discretion, and from time to time:

1. invite additional candidates to submit their qualifications;
2. classify candidates on the basis of their stated areas of expertise;
3. request or permit one or more candidates to submit updated or additional information, including fee information;
4. update the List based on revised eligibility criteria; and
5. update the List at any time by adding new advisors and removing advisors.

F. CONTENT OF THE RESPONSE TO THE REQUEST FOR QUALIFICATIONS

1. DESCRIPTION OF THE FIRM

Provide a brief overview of your firm and its primary areas of business.

2. EXPERIENCE AND QUALIFICATIONS RELATED TO THE SCOPE OF WORK AND REQUIRED EXPERTISE

Provide a summary of the firm's experience in the required areas of expertise listed above. Interested firms should also identify any other practice area or experience that the firm has and that may be helpful in assisting the P3A as advisor.

3. LISTING OF INDIVIDUALS TO BE ASSIGNED TO THE P3A AND PUBLIC CORPORATIONS' ACTIVITIES

Include a description of any relevant experience and work-history in Puerto Rico. Provide an organizational chart for your team with the designation of primary leadership and day-to-day professionals.

Responses to the RFQ should also contain a description of any prior work done for the Government of Puerto Rico or any of its public corporations during the past five years. Please provide information related to any involvement in litigation and/or investigations related to the Government in Puerto Rico, if any, including, without limitation, any investigation initiated pursuant to the Anti-Corruption Code for the New Puerto Rico, Act 2-2018, as amended, and its Code of Ethics for Vendors, Suppliers and Applicants for Economic Incentives from Puerto Rico's Government.

4. CONFLICT OF INTEREST

To allow the P3A to conduct an initial assessment of potential conflicts of interest, please provide a list of any other current or former advisory contracts your firm has/had with any public entity in Puerto Rico (including, without limitation, governmental agencies, and public corporations). Further, please provide a description of any recent historical or ongoing legal proceedings, interviews or investigations being conducted by any U.S. law enforcement agencies involving your firm that are related to transactions executed in or on behalf of the Government and/or its public corporations. In addition, please provide a brief description of any work you have performed on behalf of or for any creditors or guarantors of the Government of Puerto Rico or for creditors and/or guarantors of any other public corporation directly dealing with the collection and recovery of the debt. . Indicate whether this activity is ongoing, and if not, when the prior assignment concluded.

At some point in the selection process, the P3A may request information on the individual conflict of interests that either the professionals or the principals of the firms that are expected to work with the P3A may have. Also, the P3A may in the future request a list of all direct and/or indirect relationships that the firm or its professionals have with the officers of either the P3A, its Board Members, or the executives of other public corporations.

5. REFERENCES

Provide contact information for three (3) separate past advisory assignments that are directly related to the establishment of PPPs as the ones anticipated by the P3A.

III. REVIEW PROCESS

All responses to this RFQ will be reviewed by the P3A for completeness as per the information requested.

The Authority may, at its sole and absolute discretion:

- conduct reference checks;
- take into consideration information from other sources;
- seek clarification from any or all respondents; and
- request meetings with any or all respondents.

A. NOTIFICATION OF RESULTS

The Authority will make public the official List of Qualified Advisors to the P3A as notification to the respondents and the public, at its sole discretion.

B. USE OF THE LIST

The Authority may, at its discretion, and from time to time:

1. use the List to identify providers of advisory services with experience in specific projects or tasks;
2. use the List on behalf of other Government entities; or
3. make the List available to a participating Government entity in connection with a given PPP project, capital project, proposed

project, recovery project, and other distinct tasks concerning the work performed by the P3A. The retention and instruction of advisors in association with other Government entities will be at the discretion of the particular Government entity involved.

The Authority and the Participating Government Entity will have the right, at their discretion, to:

1. invite any or all qualified advisors on the List to participate in the selection processes for one or more projects;
2. develop and implement processes and criteria for identifying, classifying, and selecting qualified advisors from the List;
3. directly select qualified advisors from the List to enter into one or more agreements with the P3A;
4. not engage any qualified advisor in the List in connection with a project or task;
5. not utilize the List in any way whatsoever, including without limitation, by not selecting any qualified advisor to enter into, or by not inviting any qualified advisor to compete for any one or more contracts;
6. employ other means or mechanisms to identify prospective advisory services external to the List or otherwise engage advisory services external to the List, in connection with any PPP project, capital project, proposed project, distinct tasks in connection with P3A projects, or related policy development; and
7. screen qualified advisors for conflicts of interest or other relationships that require them to commit to strict confidentiality obligations.

There is no obligation whatsoever on the Authority or any other Government entity to:

1. contact any one or more qualified advisors on the List;
2. consider or invite any one or more qualified advisors to enter into, or compete to enter into, any contracts or engagements; and
3. to enter into one or more contracts or engagements.

The P3A would like to state that any assignment to a qualified advisor will be subject, but not limited to, the following Laws of Puerto Rico: Corruption Code for the New Puerto Rico, Act 2-2018, as amended, and Act 237-2014, as amended, to establish uniform parameters in the procedures for contracting professional or consulting services for the government.

C. WITHDRAWAL FROM THE LIST

Any qualified advisor may withdraw from the List by sending a formal request addressed to Fermín E. Fontanés Gómez, Executive Director, P3A to advisors@p3.pr.gov.

D. REJECTION OF RESPONSES

The P3A reserves the right, in its sole complete discretion, to reject any response received as a result of this RFQ, without further notice, explanation and/or clarification.

E. INCURRING COSTS

The P3A is not responsible for any expense incurred in preparing and submitting a response to this RFQ or taking any action in connection with the selection process, or for the costs of any services performed by any firm prior to the execution of a contract with the P3A. Moreover, each respondent acknowledges that it is solely responsible for all costs it incurs in preparing a response, including costs of providing information requested by the P3A, and for subsequent negotiations or competitions arising from, or in connection with, a contract, if any.

F. NO COLLUSION

Each potential qualified advisor is held responsible for ensuring that its participation in this RFQ process is conducted without collusion or fraud.