

**Request for Proposal of a Public Private Partnership for the Operation of Hotel Parador  
Hacienda Gripiñas in Jayuya**

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## **ABSTRACT**

This applied investigation envisions the creation of a public-private partnership between an autonomous municipality in Puerto Rico and a private entity through the issuance of a Request for Proposal (RFP). The main objective of this applied investigation is to gather pertinent data to help the municipal government of Jayuya decide if they should issue a Request for Proposal under the dispositions of Puerto Rico Law 29 of 2009, also known as the Public Private Partnerships Law, or under the dispositions of Puerto Rico Law 81 of 1991, also known as the Autonomous Municipalities Law. This will create the opportunity to establish a public private partnership for the administration of the Hotel Parador Hacienda Gripiñas. This investigation focuses, in part, in exploring the necessary conditions for a deal with a private investor for the operation of the Hotel Parador Hacienda Gripiñas in the context of a public transaction. Second, it provides information to the municipal government of Jayuya to aid in deciding whether to issue an RFP through the Public Private Partnership Authority or by the dispositions of the Autonomous Municipalities Law. They decided to issue the RFP according to the dispositions of the Autonomous Municipalities Law, and we developed procedures and documentation for a public announcement to attract potential investors, and recommended a scoring matrix for the evaluation of the proposals submitted by bidders.

## **RESUMEN**

Este proyecto especial prevé la creación de una alianza público privada entre un municipio autónomo en Puerto Rico y una entidad privada mediante la emisión de una Requisición de Propuestas (RFP, por sus siglas en inglés). El objetivo principal de esta investigación es el de recopilar data pertinente que le permita al gobierno municipal de Jayuya, decidir si ellos deberían emitir la Requisición de Propuestas mediante las disposiciones de la Ley de Puerto Rico número 29 de 2009, también conocida como la Ley de Alianzas Público Privadas, o bajo las disposiciones de la Ley de Puerto Rico número 81 de 1991, también conocida como la Ley de Municipios Autónomos. Esto creará la oportunidad de establecer una alianza público privada para la administración del Hotel Parador Hacienda Gripiñas. Parte del enfoque de esta investigación se basa en explorar las condiciones necesarias para poder establecer un acuerdo en el contexto de una transacción pública. De igual forma, provee información al gobierno municipal de Jayuya para asistir en la decisión de si debe emitir la Requisición de Propuestas a través de la Autoridad de las Alianzas Publico Privadas de Puerto Rico o por la Ley de Municipios Autónomos de Puerto Rico. La administración municipal decidió emitir la Requisición de Propuestas de acuerdo a la Ley de Municipios Autónomos. Por consiguiente, desarrollamos los procedimientos y la documentación necesaria para emitir la Requisición de Propuestas para identificar inversionistas potenciales y recomendamos una matriz de puntuación para evaluar las propuestas recibidas por los proponentes.

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## **DEDICATION**

To my mother, Carmen Maria Barreto Perez, for guiding me through the good path of life and leading by example.

To my wife, Iris Lorainne Roman Traverso, for always believing in me and your unconditional support for almost half of our lives.

To my daughter Amaia Perez-Roman, hoping that our Creator lets me hold the book of your life while you write one of the best stories ever told.

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## GLOSSARY

1. **Applied Investigation** – An applied investigation, also referred as an applied research, is a systematic inquiry involving the practical application of science focused on the solution of practical problems. (Roll-Hansen, 2009).
2. **Autonomous Municipality; Municipality.** An autonomous municipality is a geographic demarcation subdivided by wards, distinguished by a particular name, and governed by a local government with a Legislative branch and an Executive branch. (Puerto Rico Law 81, August 30, 1991)
3. **Auction Board.** The Auction Board is responsible for auctions of the autonomous municipality's goods and services as well as its real and personal property and non-professional services. (Puerto Rico Law 81, August 30, 1991)
4. **Employee.** An employee is any person who holds a position of employment in the municipal government that is not invested by part of the sovereignty of the municipal government. This category includes regular, irregular, trustworthy employees, those with temporary appointments, and those who are in their probationary period. (Puerto Rico Law 81, August 30, 1991)
5. **Legislature.** The legislature is the body with lawmaking authority regarding municipal issues. It is also referred to as "Municipal Legislature." (Puerto Rico Law 81, August 30, 1991)
6. **Mayor.** The mayor is the First Executive of a municipal government. (Puerto Rico Law 81, August 30, 1991)

7. **Municipal Enterprise.** A municipal enterprise is an instrumentality or corporate, for-profit entity whose intention is to promote novel enterprises while increasing the autonomous municipality's funds. (Puerto Rico Law 81 of August 30, 1991)
8. **Participant Government Entity.** The participant government entity has direct influence over an alliance contract. (Puerto Rico Law 29 of June 8, 2009)
9. **Partnership Contract.** The partnership contract is an agreement between the selected proponent and the participating government entity to establish a relationship. This may include the delegation of a roles, the provision of one or more services, or the design, construction, financing, maintenance, or operation of installations. (Puerto Rico Law 29 of June 8, 2009)
10. **Permanent Committee for Small Scale Projects.** This committee is established by law to evaluate small scale projects, to determine who may participate in the process, to select the proponents of a partnership, and to establish the terms and conditions for the corresponding partnership contract. (Puerto Rico Law 29 of June 8, 2009)
11. **Public-Private Partnership.** A public-private partnership, also known as a "PPP," is any agreement between a government entity and one or more persons, subject to the public policy established in the law. A partnership contract provides terms for the delegation of operations, functions, services or responsibilities of any government entity, as well as for the design, development, financing, maintenance or operation of one or more facilities. (Puerto Rico Law 29 of June 8, 2009)
12. **Public-Private Partnership Authority.** The Public Private Partnership Authority was created by Puerto Rico Law 29 (June 8, 2009). It is also known as "PPPA".

13. **Request for Proposals.** A request for proposals is a solicitation for certain services or assets in which proponents are invited to enter into negotiations. (Jaworski, 2006)
14. **Small Scale Projects.** A small-scale project is one submitted by a government entity for developing an installation, service or function whose estimated cost at the time of does not exceed fifty-five million dollars (\$ 55,000,000). (Puerto Rico Law 29, June 8, 2009)

## **INTRODUCTION**

### **Introduction**

This applied investigation focuses on gathering data that would allow an autonomous municipality in Puerto Rico determine, according to their needs, the best way to issue a Request for Proposals (RFP) as part of a Public Private Partnership (PPP) agreement. This chapter consists of an introduction to the topic. It includes a justification for the applied investigation, the objectives and the importance of the applied investigation, and how it has been organized.

### **Justification**

Historically, autonomous municipalities have been dependent on the central government to promote economic development and invest in infrastructure. However, given the current insolvency of the central government, autonomous municipalities must find alternatives to finance their economic development projects (Deloitte, 2013). The Autonomous Municipality of Jayuya Municipalities have a limited income base, consisting of about \$8.6 million (Puerto Rico Comptroller, 2016). To better their economic position, Jayuya's response has been to create municipal enterprises, including Hotel Parador Hacienda Gripiñas. These enterprises attract tourists to the town in order to encourage the growth of private sector enterprises catering to both tourists and residents (Gonzalez, 2017). Although it has been generally successful in maintaining one of the lowest unemployment rates in the region, with 15.1% for the 2014-15 fiscal year, some of Jayuya's ventures have been more successful than others given the complexities of public administration and market demands.

The municipal government's executive team believes that establishing a public private partnership (PPP) will be an opportunity to make the Hotel Parador Hacienda Gripiñas a profitable venture for both entities involved: a qualified proponent can benefit from the goodwill that the

landmark represents while also creating a positive economic shift for the Hotel Parador Hacienda Gripiñas. This financial agreement may improve municipal resources by providing a constant source of revenue and eliminating several expenditures. This would allow the administration to invest in other municipal enterprises.

Hotel Parador Hacienda Gripiñas currently employs 21 full time employees (González, 2016). This represents 7.3% of the autonomous municipality's total employees (Puerto Rico Comptroller, 2016). Payroll expenses are a significant burden on the autonomous municipality's finances; they constitute 31.8% of the autonomous municipality total expenditures (Puerto Rico Comptroller, 2016). According to Mayor Jorge L. González Otero (2016), the administration of the lodging facility has "only represented expenses," meaning that it has not been profitable for the autonomous municipality. According to the administration, the Hotel Parador Hacienda Gripiñas have incurred in net losses in two of the last three years, totaling \$57,875 for 2014 and \$2,202 for 2016. For year 2015, it recorded a net income of \$7,677.

In addition, Hacienda Gripiñas must be operated according to the Commonwealth of Puerto Rico's Autonomous Municipalities Law (Law Number 81, August 30, 1991) while it remains under municipal management. This law outlines the processes that the autonomous municipality must use for making most purchase orders for supplies, materials or equipment, as well as many capital improvements. In order to make a purchase, the autonomous municipality must first identify the need for a product or a service and make sure that the intended order is not extravagant, excessive or unnecessary (Puerto Rico Comptroller, 2007). The autonomous municipality must then make a requisition and follow the required guidelines to determine if the product or service will be acquired in the open market, or via an informal or formal auction. The requisition must contain information about the specific use of the goods or services along with their physical

characteristics or specifications, functionality, quality and required date of delivery (Puerto Rico Comptroller, 2007). Once the requisition is approved, the autonomous municipality must request and receive no less than three quotes (Law Number 81, August 30, 1991). Once the best quote is selected, the autonomous municipality will issue a purchase order, or an equivalent written, official document that may serve to acquire goods and services. This document must contain specifics about the product being purchased, price, delivery terms, penalties for breach of contract, and possible discounts for early liquidation (Puerto Rico Comptroller, 2007). Most purchases will need to be approved by the municipal legislature. These bureaucratic requirements create inefficiencies in the administration of the tourist complex, which limits its income-generating potential (Medina, 2016).

This venture presents an opportunity to obtain a constant source of revenue and bringing outside expertise that will not be subject to a bureaucratic procurement process. It also promotes the sharing of risks underlying to the operation of the hotel, and the opportunity to relocate the autonomous municipality's human capital into other departments. Based on these arguments, the municipal administration is evaluating the possibility of entering into a public-private partnership (PPP) to operate the Hotel Parador Hacienda Gripiñas. This applied investigation may also be useful for other governmental entities that may be going through similar scenarios. It sets a framework in which several autonomous municipalities can reference when trying to boost their respective local economies. The creation of public private partnerships in Puerto Rico at the autonomous municipality level can create a shift in their local economies.

### **The Autonomous Municipality of Jayuya**

The municipal government of Jayuya, Puerto Rico, and its mayor, Honorable Jorge L. González Otero, have created an economic development plan for the town. Part of this plan



focuses on finding new ways to increase tourism within the autonomous municipality. Some of the city's tourist attractions are administered as municipal enterprises. Currently, Jayuya celebrates five cultural festivals throughout the year, and the town has several museums and places to sightsee. The municipal administration had installed a helium balloon to complement the Piedra Escrita tourist attraction (see Figure 1). The intention of this attraction is to provide visitors the opportunity to contemplate the scenic views of the Puerto Rican Central Mountain Region while flying over 4,000 feet above sea level (Municipal Government of Jayuya, 2016). Ultimately, this touristic municipal venture will promote the local economy through the creation of new jobs within the Central Mountain Region.



*Figure 1. “Piedra Escrita” rock engraved by Taino indigenous tribe in Puerto Rico.*  
*Source:*[http://www2.pr.gov/municipio/jayuya/turismo/Lugaresinteres/PublishingImages/piedra\\_escrita.jpg](http://www2.pr.gov/municipio/jayuya/turismo/Lugaresinteres/PublishingImages/piedra_escrita.jpg)

The administration has already contracted for the construction of the site and the helium balloon itself (González, 2016). At optimal capacity, the balloon can operate for 2,214 hours and carry 504,792 persons per year. This project has been named the Agro Touristic Project of the High Land, (see Figure 2). Upon completion, the autonomous municipality envisions that this project will be surrounded by additional attractions, including excursions to farming facilities; a coffee farm and a small processing plant; a petting zoo; a recreational area; and eco-friendly vacation cottage rentals. (Municipal Government of Jayuya, 2016).



*Figure 2.* Artist concept of the Tierra Alta balloon. Source: Municipal Government of Jayuya

The balloon project is predicted to boost tourism activity within the autonomous municipality, therefore creating a market for the hospitality sector. Current municipal enterprises including the “Tu Bolera Jayuya” bowling alley, the Adrian Padua Sanchez family park, the “Casa Canales” and “Cemi” museums and the iconic Hotel Parador Gripiñas are among the possible beneficiaries of this increased tourism (González, J., 2016).

Hacienda Gripiñas was at the center of the coffee industry of the Central Mountain Region of Puerto Rico during the 1800s (see Figure 3). It originally belonged to Eusebio Perez del Castillo, who also founded the town of Jayuya. The municipal government acquired Gripiñas in 2006 for \$1.2 million dollars (González, H., 2016). The small country inn has a maximum capacity of about 64 people. The complex consists of 18 rooms and 5 separate cottages, along with a restaurant called Don Pedro that specializes in traditional Puerto Rican cuisine. It has a maximum seating capacity of 40 people. The hotel also has two separate activities lounges that can accommodate 100 and 300 people. According to González Otero, the whole complex sits on about 10 acres of land with plenty of undeveloped space. Nevertheless, the Hacienda Gripiñas complex is generating losses for the autonomous municipality and is currently being subsidized by more

lucrative endeavors. As a consequence, the autonomous municipality is looking for ways to divest resources from the hotel and move into more productive financial investments (González, 2016).



*Figure 3.* Main Entrance of Hacienda Gripiñas. Photo by Melvin Perez Barreto

### **Objectives**

The fundamental objective of this applied investigation is to gather pertinent data to help the municipal government of Jayuya decide if they should issue a RFP under the dispositions of Puerto Rico Law 29 of 2009, also known as the Public Private Partnerships Law, or under the dispositions of Puerto Rico Law 81 of 1991, also known as the Autonomous Municipalities Law. This RFP is intended to be used towards the establishment of a PPP for the Hotel Parador Hacienda Gripiñas in Jayuya. Specific objectives include the following:

1. Explore the requirements to develop a deal with a private investor for operating the Gripiñas hotel in the context of a public transaction;
2. Provide sufficient information to the municipal government of Jayuya to help with deciding whether to issue the RFP through mechanisms implemented by the Public-

Private Partnership Authority, as established in Puerto Rico Law 29 of 2009, or under the dispositions of the Puerto Rico Law 81 of 1991, known as the Autonomous Municipality Law. Should the administration decide on issuing the RFP under the dispositions of Puerto Rico Law 81 of 1991, then we would;

3. Develop appropriate procedures for a public announcement to attract potential investors; and
4. Recommend a scoring instrument and methodology for the proper evaluation of investment proposals submitted by bidders.

### **Importance of the Project**

This applied investigation emphasizes the acquisition and analysis of data regarding an autonomous municipality's implementation of a public-private partnership. The applied investigation will include recommendations for the Autonomous Municipality of Jayuya in their implementation of a public-private partnership for the operation of the Hotel Parador Hacienda Gripiñas. This set of recommendations can be used by other municipalities in Puerto Rico, which could contribute to the financial growth of local governments and the wellbeing of their constituents.

### **Organization of the Project**

This applied investigation has been organized into five sections. It consists of an introduction, a literature review, a methodology section, an analysis of the results, and a conclusion. The introduction describes the main goal of the applied investigation and its importance, it also presents a background of the autonomous municipality at the center of this applied investigation. In the literature review, we analyze the laws that govern autonomous municipalities in Puerto Rico as well as regulations governing the creation of public-private

partnerships in Puerto Rico. It also contains a discussion of scholarly articles, books, and other published writings. The methodology section describes the instruments used to complete the applied investigation. The analysis section provides an interpretation of the methodology, and the conclusion includes a set of recommendations for implementing a public-private partnership for the administration of the Hotel Parador Hacienda Gripiñas.

## **LITERATURE REVIEW**

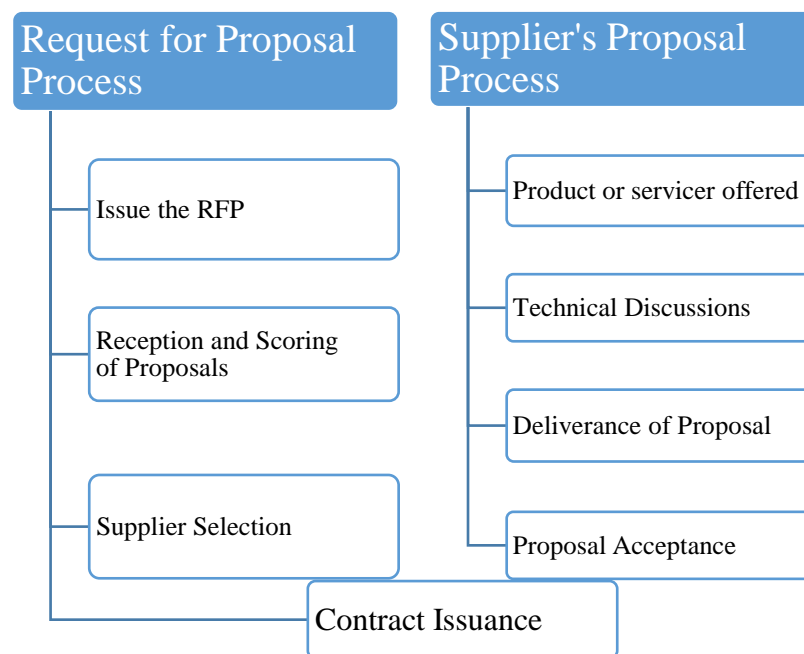
### **Introduction**

This chapter further explores topics presented on the first chapter. It discusses the governmental procurement process and the implementation of public-private partnerships. Of particular interest in this chapter are the ways in which issuing RFPs complements the governmental procurement process, as well as the impact that the implementation of PPPs has on the administration of local governments. This chapter also discusses the Triangulation Method as a tool of better understanding qualitative data and help to interpret the results obtained in order to draw verifiable conclusions and recommendations.

### **A Request for Proposals**

A request for proposals (RFP) is a solicitation for certain services or assets, an offer for proponents to enter into negotiations. A proponent who is chosen will then have an opportunity to engage in negotiations with the issuer of the RFP (Jaworski, 2006). The request contains the preliminary requirements for those interested in applying, as well as the expected operational results after the contract is completed. Often, the request also contains a set of instructions that must be followed in order to be considered. This process is designed to bring transparency to the selection. The RFP process is lengthy by design and can often take months to conclude. This process is an ongoing negotiation between the needs of the requestor and the supplier's proposal. From the issuers' perspective, the RFP process consist of a four stages process, and a five stages process from the suppliers' perspective. From the issuer side, the first stage consists of the issuance of the RFP itself. At the time of issuance and within the RFP document, there are instructions regarding the deadline and the format of the documents that are being requested. After a previously specified amount of time, the proposals are received and evaluated. This constitutes the second

step of the issuer's RFP process. The next step involves the supplier selection. This step is embedded with a negotiation phase between the issuer and the most qualified proponents. If both, the issuer and the proponent agree on such negotiations, a contract is issued and a partnership is formed. The supplier's side of the RFP process starts after analyzing the RFP, when the supplier must realize whether it can supply the needs for which the RFP was issued on the first place. Then, technical discussions take place to address how the issuer's needs can be sufficed, and it proceeds with the deliverance of the proposal, which is basically the response to the RFP. From then on, the RFP process consists of a joint effort, between both the issuer and supplier, in order to finally issue the partnership contract. Figure 4 helps to visualize a successful RFP process from the perspective of both, the issuer and the supplier.



*Figure 4. The RFP process, issuer and proponent*

Source: Nippon Telegraph and Telephone Corporation, 2013

It is important to note that this process can be halted at any stage from either side. From the issuer's perspective, different circumstances can arise resulting in no proponent's responses to the RFP, or deficient proposals received, as well as not being able to reach a final agreement during the negotiations phase, hence preventing the contract issuance. The same can happen from the proponent's side, whether it could be that the company cannot supply the goods or services being requested, or failure or unwillingness to participate of the RFP process at all. It can also happen that the issuer responds and it is not among the most qualified, therefore not being called to a negotiation's phase.

The main goal of an RFP is to clearly identify the objectives of the project while providing some flexibility so that proponents can provide their respective interpretations of how to meet those needs (Koulopoulos, 1993). Once proposals are received, the decision process begins. The final decision is often made by an established board that bases its decision either in internal discussions or by using a scoring model.

### **Scoring the Proposals**

The scoring of the proposals received will help determine which of the proponents, if any, best suits the issuers' needs. The success of the scoring system being used to evaluate proposals begins with a detailed set of instructions issued with the request. At the time of issuance (see Figure 4), the RFP should include information about how to submit proposals: number of copies to submit, the required format, the protocol for questions about the RFP, and the deadline (date and time) for submitting proposals (Stocks, 2001). Including clear instructions helps to safeguard the issuing entity from future legal problems. Such problems can arise if for example, specific instructions



are not present in the proposal about possible changes in the price of the products or services to be rendered.

The two most commonly used systems are basic and weighted scoring. For basic scoring, an equal value is assigned to each criterion and the results are totaled. Negotiations will usually begin with the proponent with the highest score. In weighted scoring matrix (see Table 1), the Rating Factors are assigned a value or a percentage of the whole score. The weight is a measurement of the relative importance of each criterion to the organization requesting the proposals (Porter-Roth, B., 1999).

Table 1 shows a weighted scoring matrix for a single evaluator to evaluate multiple proponents. The proponents are being identified as Vendor A, Vendor B, and Vendor C. The Rating Factor consists of the criteria being weighted by the evaluator. Next to it is the Weight, or the percentage of importance that the Rating Factor has in comparison with all the other factors. For a weighted scoring matrix, the weights are presented as decimal points, distributed among all the rating factors, and whose sum of all of the weights must total 1. The Score column shows the value assigned by the evaluator to a particular factor. To establish a proper evaluation system, the Score should be delimited with minimum and maximum values, and each value must signify a level of relevance to the Rating Factor. As part of the evaluation, the Score rating is later computed by its respective weight, hence providing the Weighted Score.

Table 1

*Sample weighted scoring matrix*

Rating Factor	Weight	Respondent Name							
		Vendor A		Vendor B		Vendor C			
		Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Price Proposal	0.15	3	0.45	3	0.45	5	0.75		0.00
Prior Experience - e.g., history, review of clients and references	0.20	4	0.80	3	0.60	3	0.60		0.00
Quality of Service - e.g., delivery, granularity of billing increments, ease of transition, added services	0.30	5	1.50	5	1.50	2	0.60		0.00
Quality of Product - nutritional value, customer acceptability, packaging	0.35	4	1.40	3	1.05	2	0.70		0.00
	1.00		4.15		3.60		2.65		0.00

Source: Department of Administrative Services, State of Connecticut

Prior to scoring the proposals, the issuer should define the criteria that will be subject to evaluation. Once those criteria have been defined, it is important to understand the ways in which the evaluations can be conducted. Requestors can score their proposals either manually or via automated (computer) systems. Using manual scoring eliminates the need for specialized software and is recommended for entities that do not issue RFPs on a regular basis. Because manual scoring

can quickly produce an overload of work and may allow the introduction of human error, automated scoring is recommended when an entity often issues RFPs (Spady, 2016).

### **RFPs and Their Role in Governmental Procurement**

Request for proposals are widely used among government entities. The rules for RFPs can be found at the federal level within the Code of Federal Regulations Title 48, Section 15.203. In addition, most states and major municipalities within the United States have their own rules and regulations regarding the RFP process, which means that a proponent should be familiar with local, state, and federal guidelines prior to submitting a proposal. Successful RFPs have three important characteristics: a high level of transparency in the issuing body to ensure an open and competitive process; a clear set of guidelines to help with the implementation of the RFP; and the ability to negotiate each agreement to obtain the best offer available (Shediac, et al, 2008). These components will help to create a profitable venture that satisfies the infrastructure or service requirements of the population (Shediac, et al, 2008). Since the issuer of the proposals have preset a common format, it is easier to compare the proposals received. Most of the success of an RFP relies on the planning stage, long before its publication. During this stage, technical personnel work to ensure that the issuance of the RFP will be made according with all applicable regulations.

Generally speaking, an RFP is used when it is not best to select a bidder solely for the lowest price. The goal of the RFP process is to identify the proponent whose offer would provide the best outcome for the issuer, whether designing, planning, or completing a project or task (Connecticut, 2006). Several factors are often taken into consideration prior to deciding on which offer to take. In some instances, prior experience dealing with specific situations, manufacturing certain products, or facilitating certain services are key factors that will outweigh others like price or quantity.

## **A Public Private Partnership**

Public-private partnerships (also known as P3 or PPP) are contracted business ventures between a governmental entity and at least one private sector company. Public-private partnerships can be a valuable tool for local governments to use in order to deliver certain services to its constituents. If the partnership to be entered consists in the provisions of goods or services that are not charged to a specific individual, then the cost of the partnerships will be incurred by the taxpayers. PPPs serve as a way of contracting for several goods and services, and they help to bring the expertise and innovation of the private sector along with delivering cash flow to municipal coffers (Shediac et al, 2008). In exchange, the government may offer certain benefits to the private company, such as capital and revenue subsidies, tax breaks, or guaranteed annual revenues. These partnerships, when implemented with due diligence, may improve service provision and facilitate economic growth (Shediac et al, 2008). While public enterprise relies on the proprietary interest of the government (Paul, 1999). A public private partnership's success is driven by the interest of all the parties involved in the transaction.

One of the major factors that drives the development of public-private partnerships is the sharing of risks (see Table 2). There are seven major types of risks involving public goods. Upon creation of a PPP agreement, the risks associated with fluctuations in demand for a product or service are distributed between all the agreed upon parties. In addition, several risks are fully transferred to the private entity, such as the design, construction, operational, and maintenance risks. In addition, the financial risk is also transferred to the private entity, as it is the responsible for maintaining and keeping the venture in a profitable state. On the other hand, the public entity will still be responsible for the legal, political, and environmental risks. The public entity can still be held accountable in a court of law, as well as face political repercussions due to the venture,

and will be the responsible, in last resort, for any environmental impact that may arise from the venture.

Table 2

*Typical risk allocation between different PPP parties*

Type of Risk	Public	Private
Demand and Revenue Risks	X	X
Design and Construction Risks		X
Operating and Maintenance Risks		X
Financial Risks		X
Legal Risks	X	
Political Risks	X	
Environmental Risks	X	

Source: Shediak, et al (2008)

### **Types of Public Private Partnerships in Puerto Rico**

The establishment of public private partnerships (PPP) in Puerto Rico are governed by public law. On June 8, 2009, Puerto Rico Senate Bill 469 was approved and became known as the Public Private Partnerships Law. The purpose of this law was to state that the promotion of public private partnerships was public policy in cornerstone projects and infrastructure maintenance. The aim of these partnerships is to enhance government functions and promote job creation, competition and socioeconomic development. In Puerto Rico, public private partnerships are becoming quite common. The Puerto Rico Public Private Partnerships Authority (PPPA), (Act 29 June 8, 2009) “is the only authorized governmental entity responsible for implementing public policy on public-private partnerships at the state government level”. The partnerships are lined

with a high degree of public interest; that is to say, that the government does not resigns nor yields its rights to receive efficient services, nor does it resign to the ownership of the public assets included in the Partnership Contract.

The majority of public entities in Puerto Rico have to establish the PPP agreements in accordance with Law 29 of 2009, also known as the Public Private Partnerships' Law. However, that is not the case for autonomous municipalities, as they can opt to enter into a PPP agreement under the dispositions of Puerto Rico Law 81 of 1991, also known as the Autonomous Municipalities' Law.

We begin the discussion with the dispositions of the Public Private Partnerships' Law. This law exposes the belief that PPP's provide "an efficient mechanism to reinforce and contribute to our economy". One of the main purposes of Law 29 is to create a legal framework and public policy to facilitate the construction, operation and finance of infrastructure, while liberating financial resources from the government, while, under adequate control, find a better skilled entity to manage such resources. In Article 3 of Law 29, it states that it is considered public policy to favor and promote the creation of PPP agreements that are designated as "priority projects". Said projects have been categorized in 10 different types, ranging from utility services management, such as electricity, water, and waste management, as well as transportation services, education, security, technology, and health services. Law 29 also creates the Public Private Partnerships' Authority, or PPPA, while delimiting its functions. The PPPA plays a major role in the establishment of PPP agreements, as it serves as an intermediary on behalf of the Participant Governmental Entity, while also generating costs for the entity interested in forming a PPP. Article 6 of Law 29 states that a Participant Governmental Entity dealing with the PPPA will be responsible for paying between .5% and 3% of the total estimated aggregated price of the project,

or an amount that can fluctuate between 105% and 115% of all the expenses incurred by the PPPA. These costs are to be paid even if the project will not be completed. Law 29 also states that any project whose total cost is less than \$55 million would be considered a small scale project. The decisions to be made regarding Small Scale Projects will rely upon a committee constituted by five members, one of which is designated by the Participant Governmental Entity. Article 8 of Law 29 also states that a simple majority will constitute quorum for all effects, in disregard if the representative of the autonomous municipality is present. One of the tasks the PPPA can interfere in, is the power to decide upon changes in the charges of goods and services that the contractor will offer, in situations where there is no agreement between the Participant Government Entity and the contractor, as has been designated by Article 10 of Law 29. This law also offers an attractive market for contractors, as they will benefit from 10% fixed income tax rate on net gains from the operations derived from the Agreement. However, and even when the PPPA serves as an intermediary and in some instances, an influential decisional role, and this law does not offer protections for the Participant Government Entity against legal actions surging from the creation of the agreement.

On the other hand, the Autonomous Municipality of Jayuya can opt to create a PPP agreement under the dispositions of Puerto Rico Law 81 of 1991. Most acquisitions of goods and services within an autonomous municipality have to be done following a bidding process. The issuance of an RFP at the autonomous municipality level has been validated by the Puerto Rico Supreme Court as an alternative to the bidding process. Law 81 states that the autonomous municipality's auction board would be responsible for the decision making and the issuance of the partnership contract resulting from the issuance of the RFP. Law 81 gives the authority to the Auction Board to reject any bid whose cost can be considered as irrational and when the proposal

does not result in the best interest of the citizens. The auction board is constituted by five members, all of which are designated by the Mayor of the autonomous municipality, but it gives the administration a wider decisional power, as four of the five members are current employees to the autonomous municipality. Law 81 also gives the authority to the autonomous municipality auction board to contract those professional, technical and consulting services they deem reasonable, in order to help the auction board fulfill their duties. Article 10 of Law 81 mandates that every agreement whose total exceeds \$45,000 must be made after following the established procedures to create a public bid. If the autonomous municipality intend to develop the PPP under Puerto Rico Law 81 of 1991, then it would be the administration's responsibility to issue the RFP according to the applicable law and regulations. For the bid to be valid, Law 81, states that the autonomous municipality should receive at least three responses to the request. In addition, Law 81 states that as a general rule, the bidder with the lowest offer should prevail, even though in the case of an RFP, several of the best bidders can be selected for further negotiation prior to making a final determination regarding the agreement.

### **Multiple Triangulation Method**

Triangulation refers to using more than one data source in order to provide a more comprehensive understanding of a situation being analyzed through a qualitative research (Carter, et al. 2014). This method can also be used to confirm or cross-validate, and corroborate findings (Jonsen, et al, 2009). It encompasses the use of multiple research methodologies to assess a single issue (Denzin, 1970). Triangulation is based on the use of several approaches to study a particular case. It can involve interviews, observations and note taking, as well the evaluation of different data sources, investigative works and theory analysis. Triangulation helps the researcher to develop an ampler perspective while facilitating the development of new statements.



There are five different types of triangulation: 1) data triangulation, 2) investigator triangulation, 3) theory triangulation, 4) methodological triangulation, and 5) multiple triangulation (Jack, et al., 2006). Data triangulation uses the analysis of several data sources in order to validate the research assertion. Investigator triangulation focuses on the assertion and approach utilized by multiple persons in relation to a single issue (Carter, et al., 2014). Theory triangulation focuses on the analysis of different theories to either validate one of them or to develop a new theory regarding a particular topic (Patton, 1999). Methodological triangulation refers to the use of multiple qualitative and quantitative data sources for a single research (Carter, et al., 2014). Finally, multiple triangulation focuses on using more than one of the other types of research, which is, multiple investigators, sources of data, analysis of theories and different methods (Jack, et al. 2006). In order to present an ample and diverse perspective, triangulation has been used in this applied investigation.

## **METHODOLOGY**

### **Introduction**

This chapter outlines the methodological approach used to determine how the autonomous municipality of Jayuya should issue an RFP for establishing a PPP for the administration of the Hotel Parador Hacienda Gripiñas. Among the instruments and approaches used to understand the problem, a literature review, the analysis of the applicable laws and a series of interviews were conducted to gather data from the autonomous municipality personnel and public employees from different agencies and municipalities who have been involved in the creation of public-private partnerships and the issuance of RFPs. The SWOT decisional analysis tool and a multiple triangulation approach was then used for the analysis of data contained in the several scholarly papers, books and the news articles reviewed, the interviews conducted and the examination of

applicable laws influencing the possible decisions at hand established as main and secondary objectives of this investigation.

## Methodology

The research's conceptual framework is shown on Figure 5 below, it helps to illustrate how the defined objectives, the methodology applied, and the decisions taken interact with each other. The diagram summarizes the possible alternatives that the autonomous municipality has regarding the issuance of the RFP, the main and secondary objectives, the methodology used and a brief descriptions of the results that will be discussed in the next chapter.

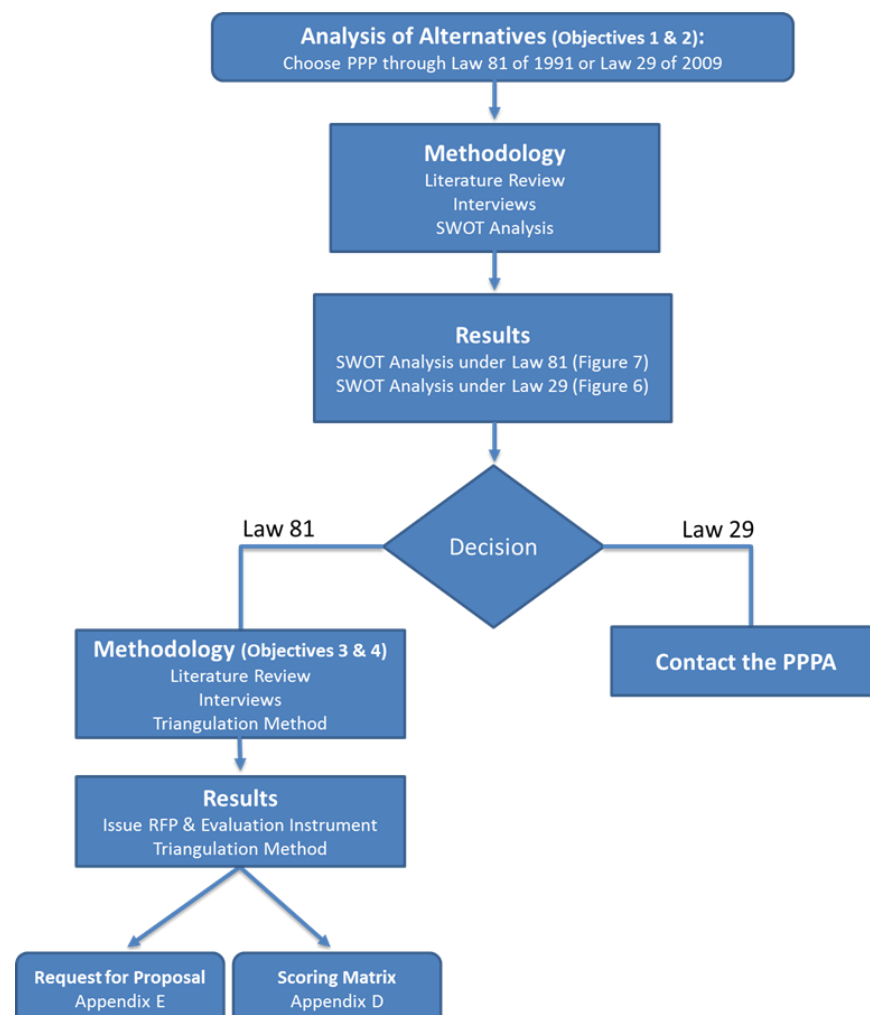


Figure 5: *Conceptual Framework for the Applied Investigation.*

Illustration by: Melvin Perez Barreto, © 2017

The diagram intends to align the seven steps followed to achieve the project objectives that include:

**Step 1)** A meeting was arranged with the mayor and its executive team;

**Step 2)** A thorough examination of the laws applicable to an autonomous municipality in Puerto Rico in regards to the establishment of a PPP agreement conducted;

**Step 3)** To validate the information from the research, interviews were conducted with personnel from another autonomous municipality and with personnel from the Puerto Rico Public Private Partnerships Authority (PPPA);

**Step 4)** The findings from steps 2 and 3 were presented to the municipal administration of Jayuya for a determination, and they decided to pursue the establishment of the PPP through the dispositions of Law 81 of 1991;

**Step 5)** Follow up interviews were conducted to the Autonomous Municipality of Jayuya executive team to delimit the deliverables of the Request For Proposal (RFP), the criteria to be evaluated in the Scoring Matrix, and their respective weight for those criteria;

**Step 6)** A scoring matrix was developed that would assist the autonomous municipality in selecting the proposal that best suits its objectives; and

**Step 7)** Developed a model RFP for the autonomous municipality to issue as a first step to establish a PPP for the leasing and operation of Hotel Parador Hacienda Gripiñas.

During the first step of the methodology, a meeting was arranged with representatives from the autonomous municipality: Danira Diaz, Administrator for the Developmental Enterprises of the High Land; Hernan Gonzalez, President of Hernan Gonzalez and Associates, PSC and

consultant to the Autonomous Municipality of Jayuya; Maria Medina Montes, Director of the Finances Department of the autonomous municipality; and the Honorable Jorge L. Mendez Otero, Mayor of Jayuya. This meeting provided a foundation for the development of the applied investigation while fostering an understanding of the different aspects of the administration of the autonomous municipality. The deteriorating finances of the Hacienda Gripiñas venture were discussed, as well as upcoming endeavors in Jayuya's municipal enterprises. The administration provided several indications as to why were they determined to establish a PPP for the Hotel Parador Hacienda Gripiñas. The major contributing factors for that decision were that the administration did not intend to sell the asset, they wanted to profit from the asset, and they wanted the installations to remain operational.

The second step of the methodology consisted of the identification and analysis of the laws governing the establishment of PPP's in Puerto Rico. Regarding an autonomous municipality, two laws were identified as alternatives for the autonomous municipality administration to issue an RFP to establish the PPP. Said laws are: Puerto Rico Law 81 of 1991, also known as the Autonomous Municipality Law; and Puerto Rico Law 29 of 2009, also known as the Public Private Partnerships Law. Both laws were analyzed thoroughly for its possible benefits or constraints for the establishment of the PPP through the issuance of an RFP. The findings of such analysis was compiled and presented as a Strength, Weaknesses, Opportunities and Threat (SWOT) analysis. SWOT analysis is designed to evaluate qualitative factors, and it helps to address a company's risk assessment (Chernov, et al. 2016). It is best used in the early stages of the decisional process, and it focuses on positive and negative factors, both internal, and external, or outside the control of (Popescu, et al. 2015). It is intended to show the advantages and disadvantages of the different

choices. The results of this analysis have been identified as Table 3 and Table 4 of the Decision section of the Analysis and Results chapter.

For the next step, interviews were conducted in order to validate our initial conclusions regarding the analysis of Law 29 of 2009 and Law 81 of 1991. These interviews formed part of the methodological triangulation approach. Before those interviews were conducted, it was necessary to obtain approval from the Institutional Review Board at the University of Puerto Rico in Mayaguez. Once the request was analyzed, the research was properly authorized. The authorization can be found in Appendix A. A general interview guide was designed and can be found in Appendix B. The main purpose of this interview guide is to center the discussion of the interviews but provides flexibility to probe other topics as the conversation evolved. It consists of 25 questions divided into five categories. Said categories are identified as: Organizational Environment, Project Viability, Requests for Proposals, Scoring Instruments, and Success Factors. A consent sheet was provided to each of the persons interviewed prior to the interview and can be found in Appendix C.

The interviews conducted helped to widen the perspective of establishing a PPP and the insight from both, the PPPA and an autonomous municipality. The first interview was made to an employee of the Puerto Rico PPPA and the second one was conducted to personnel of the Autonomous Municipality of Dorado, who had been identified as a municipality that had previously entered negotiations for a PPP through the PPPA. The results of those interviews can be found in the Interviews section in the Analysis and Results chapter.

The fourth step involved the disclosure of the findings to the administration of Jayuya so they could determine whether to pursue the establishment of a PPP through the mechanisms of the Autonomous Municipality Law, or through the Public Private Partnerships Law. The

administration decided they would rather issue the RFP through the mechanisms offered in the Autonomous Municipalities Law than with the Public Private Partnership Law. After this was decided, objectives 3 and 4, and steps five through seven of the methodology of the applied investigation were pursued.

Step five of the methodological approach consisted on a follow up interview to several members of the autonomous municipality's executive team. The results were later discussed in a panel reunion. The purpose of the interviews were to delimit the deliverables of the RFP, the criteria to be evaluated in the Scoring Matrix, and their respective weight for those criteria, in order for the proposals received to be properly scored. The interview results are detailed in the Scoring Matrix Section of the Analysis and Results chapter. Steps six and seven comprehend the creation of a Scoring Matrix and a draft for the Request for Proposal, respectively. These were developed with information derived from the interviews conducted and data compiled from the literature review. The information gathered from the interviews conducted, and the literature review, which includes the impact of the possible applicable laws, was used in a method triangulation as means to provide accurate observations and recommendations.

In regards to the first objective, which consists in exploring the requirements to develop a deal with a private investor for operating the Hotel Parador Hacienda Gripiñas, the triangulation approach was used by the analysis of several data sources focused in the needs of the issuer. To fulfill the second objective, which was to provide sufficient information, to the municipal government of Jayuya to help with deciding whether to issue the RFP through mechanisms implemented by Puerto Rico Law 29 of 2009, or under the dispositions of the Puerto Rico Law 81 of 1991, the triangulation method was used through the interviews conducted and an extensive analysis of the laws applicable in Puerto Rico that relates to public private partnerships. Data

triangulation was also used to determine the appropriate procedures for a public announcement to attract potential investors; and to recommend a scoring instrument and methodology for the proper evaluation of investment proposals submitted by bidders.

## **ANALISYS AND RESULTS**

### **Introduction**

This chapter examines the results of the applied investigation. It contains the responses obtained from the interviews and information compiled from the literature review. These responses, along with the analysis of the applicable laws, have been used to develop a strategy to establish a public private partnership for the leasing and operation of Hotel Parador Hacienda Gripiñas. This chapter is followed by the conclusion of the applied investigation.

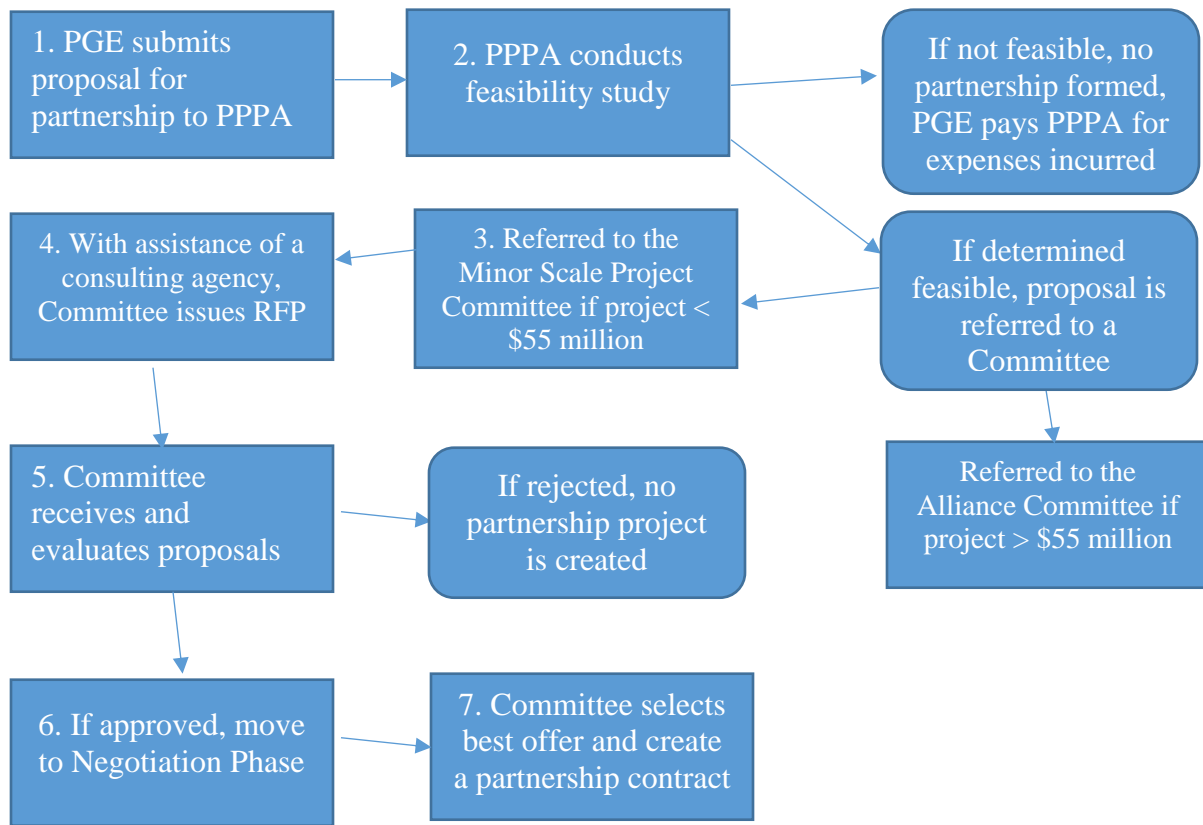
### **Applicable Laws**

Part of the methodological approach consisted in a research of Puerto Rico Law 29 of 2009, also known as the Public Private Partnerships Law, and Puerto Rico Law 81 of 1991, also known as the Autonomous Municipality Law. This was conducted to provide sufficient information to the municipal government of Jayuya to help them decide whether to issue the Request for Proposal (RFP) for the public private partnership (PPP) for the Hotel Parador Hacienda Gripiñas through the mechanisms implemented by any of these laws.

Under the dispositions of Law 29 of 2009, the establishment of a PPP can be described as a seven steps process. The process starts when the autonomous municipality, or a Participant Government Entity (PGE) submits their proposal for a PPP to the PPPA. Then the PPPA, with the assistance of a consulting agency, will conduct a feasibility study for the project submitted by the

PGE. The feasibility study will focus on “the type of project, function, service, or installation that is intended to participate in a partnership agreement. If the results of the study are unfavorable, the proposal is rejected, no partnership is formed and the PGE is responsible to pay between .5% and 3% of the total price of the project, or an amount that can fluctuate between 105% and 115% of all the expenses incurred by the PPPA. The total amount is to be determined by the committee that the prospect project is assigned to. These costs are to be paid even if the project is not be completed. If the project is deemed feasible, it is then assigned to a committee. Depending on the total estimated costs of the project, it will be assigned to either the Alliance Committee, or to the Permanent Committee for Minor Scale Projects. Projects whose total estimated costs are less than \$55 million are directed to the Permanent Committee for Minor Scale Projects. This committee will consist of five members, and they are: the Secretary of the Economic Development Department, the Secretary of the Department of Public Works and Transportation, the Executive Director of the Authority for Infrastructure Development, the Commissioner of Municipal Affairs, and the principal executive of the PGE. All of the aforementioned persons can designate a member to represent them in the committee. For all matters that the committee will attend, a simple majority will constitute quorum, in disregard if the principal executive, or authorized designee from the PGE is present. This committee will be in charge of contracting with a consulting agency that will prepare the RFP for the intended PPP project. The next steps consist on the issuance of the RFP and the evaluation of the proposals received. The committee will then evaluate the proposals received. The proposals that, based on the committee’s criteria, pass the qualifications required on the RFP, will move to the negotiations phase. After the negotiation phase, the committee can select the best offer received and issue a partnership contract. Figure 5 shows a representation of the PPP process under the dispositions of the Puerto Rico Public Private Partnerships Law.

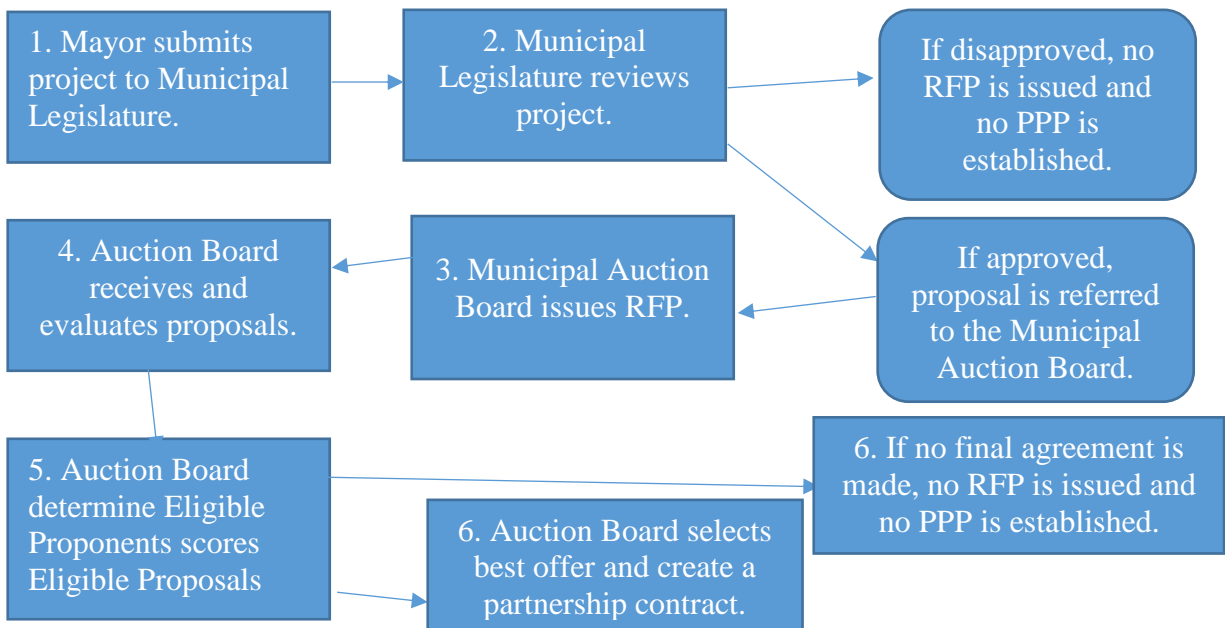




*Figure 6. PPP process for Minor Scale Projects, according to Puerto Rico Law 29 of 2009.*  
Illustration by: Melvin Perez Barreto, © 2017.

However, the autonomous municipality of Jayuya can also decide to issue the RFP under the dispositions of Puerto Rico Law 81 of 1991, also known as the Autonomous Municipality Law. Under Law 81 of 1991, the establishment of a PPP can be described as a six steps process. It starts when the Mayor of the Autonomous Municipality submits a project to the municipal legislature. If after review, the municipal legislature approves the project, it is referred to the auction board of the municipality. From that point forward, the auction board is the entity responsible for establishing the PPP. The auction board announces the RFP by the means of a Public Notice, at least 10 days before the issuance, then issue the RFP and sets a due date for interested proponents to respond. After the due date, the board members will review the proposals, to then determine the proponents' eligibility. If a proposal is deemed eligible, it is later scored by the board members,

where the best proposal should be selected for negotiations and establish the PPP. Figure 6 shows a representation of the PPP process under the Puerto Rico Autonomous Municipality Law.



*Figure 7. PPP process according to Puerto Rico Law 81 of 1991.*  
Illustration by: Melvin Perez Barreto, © 2017.

## Interviews

The interviews conducted form part of the triangulation method approach used in this applied investigation. They were useful in cross-checking some of the data gathered from the literature review and the dispositions of the applicable laws governing the implementation of public private partnerships in Puerto Rico. The interviews conducted provided an insight of the role that the Puerto Rico's Public-Private Partnership Administration, or PPPA, plays in the creation of public-private partnerships at the municipal level. They also provided an insight how the process of working with the PPPA from the perspective of a representative from a Participant Government Entity. In addition, the interviews serve to better know the determinant factors for the administration of the autonomous municipality of Jayuya to take a decision. These interviews

showed different perspectives of the benefits and constraints that an association with the PPPA could give to the creation of a PPP. The PPPA's legal advisor stated that the main function of the PPPA is to serve as an intermediary between the participant government entity (PGE) and the private contractor. This mediation takes place as part of a fee-based interagency agreement that outlines the functions of the PPPA. This statement serves as a corroboration of what is stipulated in Article 6 of Law 29 of 2009. According to the PPPA, the PGE will be subject to two different surcharges: a percentage fee in excess of the fees charged by a separate consulting agency, and a nominal fee imposed by the PPPA. The nominal fee will be used to address any expenses that the PPPA have incurred on behalf of the PGE. The PPPA representative was asked about the amount of such fees and he responded that they are not predetermined, and they are due whether or not the PPP is finalized. The PPPA representative was asked about the functionality of the Minor Scale Projects Committee. He stated that the Minor Scale Projects Committee determines if it's recommended for a project to form part of a PPP. He further stated that the different professional backgrounds of the members of the Committee, helps in the decision making process towards the successful creation of a PPP. Regarding the establishment of PPP's, and according to both, Law 29 of 2009, and the interviewee, only projects that pass a feasibility study conducted by the separate consulting agency, will move on to the RFP phase. The consulting agency is selected from a predetermined list of consultants. According to the PPPA, all projects that are successfully agreed upon, will be advertised through the PPPA means of promotion.

According to the PPPA, the authority maintains an inventory of the projects they have dealt with. This inventory can be accessed through the PPPA website at [www.app.gobierno.pr](http://www.app.gobierno.pr). While researching the PPPA's website, on the 2015 Project's Inventory records showed that another autonomous municipality, Dorado, had sought to create a PPP to operate a hotel like the one in

Jayuya. An interview was scheduled with officials from Dorado. The City Planner was contacted and stated that the Director of Federal Programs for the autonomous municipality was the person who could provide the best insight regarding the negotiations, since he was the designated official to interact with the PPPA. The Director was asked about the project that was proposed to the PPPA and he stated that the autonomous municipality of Dorado intended to establish a PPP for the construction and operation of a 53-room hotel within the municipality. The autonomous municipality of Dorado had successfully submitted a proposal to the PPPA. The proposal had undergone a feasibility study that was deemed favorable and the project had been assigned to the Permanent Committee for Small Scale Projects for further evaluation. During the interview, he stated that a final partnership contract could not be reached. The Director also stated, and described as a drawback, that part of the agreement between the PGE and the PPPA includes a reimbursement to the PPPA for expenses incurred, even though if the project is not completed. The interviewee was asked about any future plans for the construction and operation of the hotel and he stated that the municipality intended to issue an RFP around December of 2017 and that it will be issued according to the dispositions of the Autonomous Municipality Law, being the major factors to determine this action the ability to interact in a more direct manner with the members of the municipal auction board and the avoidance of excess, third party fees.

In addition, interviews were conducted to personnel from the autonomous municipality of Jayuya. Honorable Jorge L. Gonzalez Otero and his decisional team participated on this interview. The purpose of this interview was to help determine the criteria in which the establishment of the PPP should be based. This interview will be useful no matter the way in which the autonomous municipality of Jayuya decide to implement the PPP. If the autonomous municipality of Jayuya decide to establish the PPP through the dispositions of Law 29, the results of this interview will

serve as a reference point for the designated official of the municipality for the Minor Scale Projects Committee. Likewise, if the autonomous municipality of Jayuya decide to establish the PPP through the dispositions of Law 81, the results from this interview can be utilized to create the scoring matrix and the RFP draft. The interviewees were asked about the willingness of the municipality of transferring the title of ownership of the hotel venue at the end of the partnership agreement, and all seven participants stated that they are not willing to transfer the ownership. They were also asked about the length, in terms of years, that the partnership agreement should last, among the responses, five years turned to be the shortest amount of time and 40 years turned out to be as the longest amount of time. In addition, they were asked about the desirability in the way that the municipality wants to establish a profit sharing system for the PPP, the interviewees responded that they would be interested in a combination of methods that would include a fixed payment on a yearly basis and a percentage of the net income. Furthermore, the interviewees were asked about what number would be a reasonable number of permanent jobs created as a result from the PPP venture. The least acceptable number of jobs created resulted in 15 and a maximum of 75. With the aforementioned statements, the research conducted and the literature reviewed we could determine that there is substantial information to present to the autonomous municipality of Jayuya so they could make a determination for the way in which they should issue the RFP for the Hotel Parador Hacienda Gripiñas.

## **Decision**

Jayuya's municipal administration had previously determined that it did want to establish a public-private partnership to operate the Hotel Parador Hacienda Gripiñas. As explained on the Methodology chapter, the major contributing factors for that decision were that the administration did not intend to sell the asset, they wanted to profit from the asset, and they wanted the installations to remain operational. Its next step was to decide whether to establish the PPP by using the tools and resources provided by the Puerto Rico PPPA, that is, under the dispositions of Law 29 of 2009, the Public Private Partnerships Law, or by engaging in a public-private partnership as an alternative to a bidding process as established in Law 81 of 1991, the Autonomous Municipalities Law. In order to help decide the optimal course of action for the autonomous municipality of Jayuya, a structural planning method was developed based on the analysis conducted of the applicable laws and the interviews conducted. It consists on the Strengths, Weaknesses, Opportunities and Threats of the decisions of either establishing the PPP through the dispositions of Puerto Rico Law 29 of 2009, or Puerto Rico Law 81 of 1991. This is known as a SWOT analysis and the results of the analysis for each of Jayuya's possible decisions can be seen in Table 3 and Table 4.

Table 3

*SWOT analysis for establishing a PPP through the Puerto Rico PPPA*

By Melvin Perez Barreto, 2017.

Strengths	Weaknesses
<ol style="list-style-type: none"> <li>1. The PGE will participate in an environment proven successful with other PPP agreements.</li> <li>2. According to the PPPA Legal Advisor, the different professional backgrounds of the members of the Minor Scale Projects Committee, helps in the decision making process towards the successful creation of a PPP</li> </ol>	<ol style="list-style-type: none"> <li>1. Article 6 dictates that, the PGE will have to pay between .5% and 3% of the total price of the project, or between 105% and 115% of all the expenses incurred by the PPPA. These costs are to be paid even if the project is not be completed.</li> <li>2. Article 8 determines that three of the five members of the Permanent Committee for Minor Scale Projects, will constitute a quorum for all effects, and that a majority vote will decide in all matters, whether the only representative of the PGE is present or not.</li> <li>3. Article 10 establishes that the PPPA will have the power to decide upon changes in the charges of goods and services that the contractor will offer, in situations where there is no agreement between the Participant Government Entity and the contractor.</li> <li>4. Incur in expenses related to a viability study, to be conducted by a separate contractor.</li> </ol>
Opportunities	Threats
<ol style="list-style-type: none"> <li>1. The opportunity to expand its base of possible proponents as the RFP promotion would be channeled through the Public Private Partnership Administration.</li> <li>2. The opportunity to outsource the expertise regarding such types of agreements.</li> </ol>	<ol style="list-style-type: none"> <li>1. Based on Article 15 of the Law, and Contrary to other PGE's, Municipal Entities can still be sued for matters regarding the Agreement.</li> <li>2. The inability to know beforehand the amount to pay for consulting fees.</li> <li>3. The inability to negotiate, without intermediaries with any consulting or legal firm in any stage from the issuance of the RFP to the completion of the project.</li> </ol>

Table 4

*SWOT analysis for establishing a PPP under the Autonomous Municipality Law*

By Melvin Perez Barreto, 2017.

Strengths	Weaknesses
<ol style="list-style-type: none"> <li>1. Having the opportunity to establish the PPP through an RFP, as part of a bidding process, as validated by the Puerto Rico Supreme Court. (Caribbean Communication Solutions v. Policia de Puerto Rico, 2009)</li> <li>2. The avoidance of paying third-party service fees.</li> <li>3. The ability to negotiate, without intermediaries, with consulting and legal firms that would help the autonomous municipality through the agreement process.</li> <li>4. Does not require a feasibility study prior to the issuance of the RFP.</li> </ol>	<ol style="list-style-type: none"> <li>1. Being responsible to issue the Request for Proposal in harmony with Puerto Rico Law 81 of August 30, 1991.</li> <li>2. Develop a mechanism to ensure that the Best Possible Offer is selected for the agreement.</li> <li>3. No previous expertise from the administration in dealing with Public-Private Partnership agreements.</li> <li>4. No previous expertise in the issuance of Request for Proposals for public private partnerships.</li> <li>5. Major decisions would be made by the municipality's Auction Board.</li> </ol>
Opportunities	Threats
<ol style="list-style-type: none"> <li>1. To establish an effective source of constant income while incurring in lower out-of-pocket costs.</li> <li>2. Having the opportunity to negotiate to the contractor, regarding taxes payable to the autonomous municipality, such as the Municipal Patents, and other municipal taxes.</li> <li>3. According to personnel from the autonomous municipality of Dorado, being able to interact in a more direct way with personnel from the municipal Auction Board, instead of a committee that may be oblivious to the municipal affairs.</li> </ol>	<ol style="list-style-type: none"> <li>1. Not being able to properly handle the issues that may arrive as part of the implementation of the agreement.</li> <li>2. Due to lack of previous expertise, not being able to select the Best Offer from the proposals received.</li> </ol>



According to Honorable Jorge L. Gonzalez Otero, they want to establish the public private partnership agreement “in the most cost effective way possible”, avoiding the payment of third party fees and surcharges. They would also prefer to retain absolute authority while the venture is implemented. After examining the possible outcomes of both situations, based on the findings of the literature review, the interviews conducted and the elements provided in the SWOT analysis, it is recommended that the autonomous municipality of Jayuya establish a public-private partnership without the assistance of the Puerto Rico Public Private Partnership Authority (PPPA). This recommendation was presented to the municipal administration and was agreed upon. If the autonomous municipality decides to enter into an agreement with a proponent under the dispositions of the Autonomous Municipality Law, the decisions should be approved by the municipal legislature and managed by an auction board. This would give the autonomous municipality absolute authority regarding the project. On the other hand, if the administration decides to implement the public-private partnership under the guidelines of the PPPA, only one of the five members of the Small Scale Projects Board will be appointed by the mayor of Jayuya. Since Law 29 states that a simple majority will constitute quorum for all effects, and that a simple majority of the quorum can take decisions. In other words, the board could make decisions regarding a PGE even without the designated member of the PGE being present at the time of the voting. In addition, while working the agreement independently, the autonomous municipality can incur in savings by avoiding the excess fees that adding a third party will bring to the equation.

### **Scoring Matrix**

The scoring matrix was developed as part of the third objective of this applied investigation. That is due to the decision of the municipality to establish the public private partnership under the dispositions provided by the Puerto Rico Law 81 of 1991, the Autonomous

Municipality Law. A decision matrix is a useful tool that helps actors to evaluate possible alternatives in order to determine a course of action.

This scoring matrix can be used to analyze different responses to a single event, and it also can be consolidated by averaging the results from different evaluators. Decision matrices are presented in table form, and they can be structured two ways. If the decision is being made by one rating individual, the matrix can be structured by criteria across the multiple alternatives, as shown in Table 5. If multiple evaluators are deciding, then the decision matrix should be presented as criteria across evaluators (see Table 6).

Table 5

*Single evaluator scoring matrix*

Criteria	Proponent 1	Proponent 2	Proponent 3
Criterion 1	Xx	xx	xx
Criterion 2	Xx	xx	xx
Criterion 3	Xx	xx	xx
Total	Xxx	xxx	xxx

Adapted from: Department of Administrative Services, State of Connecticut

Table 6

*Multiple evaluators scoring matrix*

Criteria	Reviewer 1	Reviewer 2	Reviewer 3	Average Score
Criterion 1	Xx	xx	xx	
Criterion 2	Xx	xx	xx	
Criterion 3	Xx	xx	xx	
Total	xxx	xxx	xxx	

Adapted from: Department of Administrative Services, State of Connecticut

The scoring matrix that will be used to evaluate the proposals received after the issuance of the request for proposal was developed utilizing information received from interviews conducted to Mayor Jorge L. Gonzalez Otero and his decisional team. This matrix will be designed as a weighted scoring matrix, as described in the Scoring the Proposals section of the Literature

Review chapter. First, seven interviewees were asked which criteria they would consider as determinant at the time to adjudicate value to a proposal. Based on the responses obtained from the interviews, six main criteria emerged on which the proposals will be evaluated. These are: 1) Experience of the proponent, 2) Length of venture; 3) the proposed profit sharing system; 4) the amount of jobs created or retained; 4) the proposed infrastructure improvements; and 6) the financial ability of the proponent to undertake the project. Then, the interviewees were asked to assign a numerical value to those criteria. This number represents the weight, that is, how important that criteria is to each evaluator. The total of the assigned values could not be more than 100, which represent the total value of the aggregate project's determinant criteria. The results can be seen in Table 7. The row named Interviewee Number identifies the persons being interviewed. The values of each row should total 100, which represents the value of the project as a whole. The Weighted Average row shows the result from the weight calculation, which is obtained by summing all the values obtained from the interviewees and dividing it between the persons interviewed.

Table 7

*Weighted valuation of features for PPP*

Interviewee Number	1	2	3	4	5	6	7	
Criteria								Weighted Average
Creation and Retention of jobs	20	15	25	30	30	15	25	22.86
Profit Sharing	30	15	20	20	20	15	30	21.43
Length of the Agreement	10	5	10	5	10	10	10	08.57
Proponent Experience	5	20	10	5	10	5	5	08.57
Proponent's Financial Position	10	35	15	20	20	30	15	20.71
Proposed Capital Investment	25	10	20	20	10	25	15	17.86
Total	100	100	100	100	100	100	100	100

Once the weighted values for the criteria have been set, the evaluator will assign a value ranging from 0 to 5 (see Table 8) for each of the applicable criteria. Having a numerical ratings system permits the establishment of levels of compliance, therefore allowing the evaluator to properly differentiate and better evaluate the proposals received (Porter-Roth, B., 1999). The values will use the following descriptions as seen on Table 8.

Table 8

*Values for decision-making criteria*

Value	Description
0	Fails to Meet Criteria
1	Barely Meets Criteria
2	Average fit to Criteria
3	Good fit to Criteria
4	Very Good fit to Criteria
5	Excellent fit to Criteria

Source: Porter-Roth, B. (1999)

None of the proposals received can be awarded more than 5 points. Each criteria will be weighted according to the percentage value shown on Table 7. The total value of each criteria will then be summed and divided between the numbers of evaluators. The final evaluation score will vary in decimal points from 0.0 to 5.0. In addition, there is some criteria that, instead of being scored, can constitute an automatic refusal of the proposal. These include failure to meet the proposal submission deadline and omitting or misstating facts in the proposal. A scoring matrix was developed in order to assist the autonomous municipality in properly evaluating the proposals, and it can be found in Appendix D. This document will be supplied to the autonomous municipality of Jayuya for them to use when evaluating the proposals received. The numbers showed on Appendix D does not represent actual calculations, but a sample scoring that was input to make sure that the preset calculations were working accordingly. The document has been prepared with preset instructions in order to make calculations based on the weight assigned to each of the criteria. Those values are later compared and averaged with the other evaluator's score and compared with the other proposals presented. The best offer received will be that one with the higher average score among all of the evaluators. The numbers and values inputted in the scoring matrix presented in Appendix D are there for the sole purpose of corroborating that the calculated

fields are working properly. This document will be provided to the administration of the autonomous municipality of Jayuya for their use in evaluating the Request for Proposals.

### **Drafting the Request for Proposals**

Since one of the main objectives of this applied investigation is to develop the appropriate procedures for a public announcement in order to attract potential investors, we developed a Request for Proposal for the Autonomous Municipality of Jayuya (see Appendix E). This RFP was created based on information obtained from a literature review, information obtained from the autonomous municipality of Jayuya, and through the examination of various others RFP issued by the Puerto Rico PPPA. This document was structured, in part, based on recommendations obtained from the literature review. It consists of the major components that most RFP's must contain (Michels, D., 2007), and components compiled from RFP's issued by the PPPA in regards to the School Modernization Programs and the Isla Grande Dry Dock and Mega Yacht Marina Program. The first part—Basic Project Overview, Goals, and Background of the autonomous municipality of Jayuya—will familiarize the proponent with the intent of the proposal. These sections were prepared with information obtained through the literature review. The next part contains the framework to which the proponents must agree: Legal Requirements, Scope of Work and Deliverables, and Eligibility Requirements. The Legal Requirements help to promote competition, compliance and adherence to public law. It also helps to assure that no proponent receives preferential treatment over any other proponent. The Scope of Work section was prepared based on the needs stated by the autonomous municipality administration. Such needs, as stated by Honorable Jorge L. Gonzalez, included the retention of the assets at the end of the partnership agreement and a partnership agreement that should not exceed 30 years. The administration also stated that they would prefer a partnership that would help the future development the High Land

Agro Touristic Project, and also envision the possible future expansion plans to the Hacienda Gripiñas complex, in terms of maximum occupancy levels, and the financial ability of the proponent to undertake the project. The Eligibility Requirements section was prepared with information provided by the Secretary of the Autonomous Municipality of Jayuya Auction Board. Proponents should comply with the regulations stated by the Auction Board in order to be considered as eligible proponents. The final part of the document consists of general information: Principal Point of Contact, the Timeline, Criteria for Selection and the format in which the proposals should be submitted. The Criteria for Selection was developed with the information received from the interviews conducted to the mayor of the autonomous municipality and his decisional team and discussed on the previous section. The autonomous municipality is responsible for completing the timeline, as the issue date of the proposal is currently unknown.

### **Observations and Recommendations**

The success of this project will depend on the level of transparency with which the selection process is conducted. It is therefore important to have multiple evaluators for every one of the proposals received. A signed non-disclosure agreement should also be obtained from the members of the auction board in order to diminish any possible filtering of proposal results. It is also extremely important to review any possible changes to the laws that govern both the autonomous municipality, but the RFP process and the PPP process itself.

## **CONCLUSION**

### **Introduction**

This chapter will describe the conclusions reached in the study of the implementation of the implementation of a public-private partnership in Jayuya, Puerto Rico. This is followed by the limitations of this study. The section ends with a series of recommendations for future projects.

### **Conclusion**

This applied investigation studied both of the possible courses of action that an autonomous municipality in Puerto Rico can take in order to establish a public private partnership (PPP). These were, whether to implement the PPP under the dispositions of the Autonomous Municipality Law of 1991 or the Public Private Partnership Law of 2009. Given the findings gathered from the literature review, the analysis of the applicable laws, the SWOT analysis, and the triangulation method, the study recommends the implementation of such an agreement for the Hotel Parador Hacienda Gripiñas under the dispositions of Puerto Rico Law 81 of 1991. Through a PPP, the hotel could become a source of revenue for both entities involved.

The study contained a literature review, legal research, interviews, and questionnaires that provided a framework for recommending that the autonomous municipality seek the opportunity to engage in a PPP agreement using its own resources. This investigation made it possible to develop a draft of the RFP, which will help the autonomous municipality to ensure that the most qualified candidates interested in the venture can participate. This applied investigation also developed a scoring matrix tailored to the criteria that would most affect the autonomous municipality. These criteria were weighted in order of importance for a more accurate score. The decision matrix helps with the selection process by providing the opportunity to receive several evaluations of the proposals from different reviewers' perspectives.



## **Limitations**

Although this applied investigation involved significant research and analysis, it has certain limitations. One of the limitations was the lack of comparable municipal entities; this applied investigation is entirely concerned with the autonomous municipality of Jayuya. The acquisition of the hotel and surrounding assets were not evaluated, so there may be contractual clauses limiting or restraining their disposition. In addition, any managerial approach used to mitigate the net losses of the operation of the Hotel were not part of this applied investigation. Finally, changes in regulations could have an impact on the determination of establishing a public private partnership under the dispositions of Law 81 of 1991, as recommended in this applied investigation.

## **Recommendations for future projects**

Besides having the opportunity of helping an autonomous municipality in Puerto Rico to maximize their financial resources and seek the possibility of expanding its income base, this applied investigation also sets a precedent for future public-private partnerships. Future studies could include comparative study of PPP agreements implemented in Puerto Rico and those implemented in other parts of the United States. Future investigations can be conducted in regards of the composition of an autonomous municipality auction board, and focus on its decisional expertise of its members and evaluating the impact of the decisions taken. Other studies could help municipal entities in other aspects of the project management process, such as the Request for Quotes (RFQ), Request for Information (RFI), and Invitations for Bid (IFB). In addition, future applied investigations could assist municipal governments in establishing a PPP agreement to provide other services, such as waste management and recycling services and services to low-income residents.

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## **APPENDIX**

## APPENDIX A: IRB Approval Letter



**Institutional Review Board**  
**CPSHI/IRB 00002053**  
University of Puerto Rico – Mayagüez Campus  
Dean of Academic Affairs  
Call Box 9000  
Mayagüez, PR 00681-9000



January 11, 2017

Melvin Perez Barreto  
Finance  
Business Administration  
RUM

Dear student:

As a member of the Institutional Review Board of the University of Puerto Rico - Mayagüez Campus, I have considered the Review Application for your project titled **Request for Proposal of a Public Private Partnership for the Operation of Hotel Parador Hacienda Gripiñas in Jayuya** (Protocol num. 20161214). After an evaluation of your protocol, I have determined that your research qualifies for an exempt approval according to Category 2 of 45.CFR.46.101(b).

Remember that any modifications or amendments to the approved protocol or its methodology must be reviewed and approved by the IRB before they are implemented. The IRB must be informed immediately if an adverse event or unexpected problem arises related to the risk to human subjects. The IRB must likewise be notified immediately if any breach of confidentiality occurs.

We appreciate your commitment to uphold the highest standards of human research protections and remain.

Sincerely,

Dr. Rafael A. Bogio Martínez  
President, Institutional Review Board (IRB)  
University of Puerto Rico,  
Mayagüez Campus  
Office: Celis 108  
Tel.: (787) 832-4040 Ext. 6277  
Web Page: <http://www.uprm.edu/cpshi/>

## APPENDIX B: Interview Guide



Universidad de Puerto Rico ~ Recinto Universitario de Mayagüez  
**Colegio de Administración de Empresas**  
Colegio de Administración de Empresas  
Call Box 9000 Mayagüez, P.R. 00681 (787) 832-4040



### LEYENDA PARA EL INSTRUMENTO DE ENTREVISTA

**Preguntas Generales** – estas preguntas han sido formuladas para centrar la discusión en un tema y facilitar el ambiente para abundar en preguntas específicas.

**Preguntas Específicas** – estas preguntas buscan atender temas en particulares, con respuestas precisas para atender un objetivo definido.

**Preguntas de seguimiento** – estas preguntas harán de formularse luego de alguna pregunta general o específica, con el motivo de reforzar la respuesta recibida en la primera pregunta.

A continuación podrá observar el instrumento a utilizarse para las entrevistas.

“A Request for Proposal of a Public Private Partnership for the Operation of Hotel Parador Hacienda Gripiñas in Jayuya: Interview Instrument”

### AMBIENTE ORGANIZACIONAL

#### Preguntas Generales

1.1.1. ¿Cómo puede describir el ambiente organizacional para la entidad en la que trabaja?

1.1.2. ¿Qué retos, a su entender, enfrenta tal entidad frente al establecimientos de alianzas público privadas?

## 1.2 Preguntas Específicas

1.2.1 ¿Qué funciones usted realiza que faciliten la creación, desarrollo u sostenimiento de alianzas público privadas?

1.2.2 ¿Qué proyectos de corto y mediano plazo, referentes a alianzas público privadas, se encuentran gestionando en estos momentos?

1.2.3 ¿En qué etapa se encuentran tales proyectos?

## 2. VIABILIDAD DE PROYECTOS

### 2.1. Preguntas Generales

2.1.1. ¿Cómo factores son determinantes para establecer que un proyecto es viable?

2.1.2. ¿Existe una serie de requisitos preestablecidos para determinar la viabilidad de un proyecto?

2.1.3. ¿Cuáles fueron los factores que modelaron el desarrollo del ecosistema?

2.1.4. ¿Hubieron eventos específicos que precipitaron o aceleraron el cambio?

### 2.2. Preguntas Específicas

2.2.1. ¿Quiénes están encargados de hacer la investigación en relación a la viabilidad de un proyecto?

2.2.2 ¿Quiénes están encargados de hacer las recomendaciones en relación a la viabilidad de un proyecto?

2.2.3 ¿Dentro de su organización, quien tiene la determinación final en relación a si un proyecto es viable o no?

## 3. REQUISICIONES DE PROPUESTAS

### 3.1. Preguntas Generales

3.1.1. ¿Qué políticas, reglamentaciones u ordenanzas dictan la requisición de propuestas en su ente laboral?

### 3.2. Preguntas Específicas

3.2.1. ¿Ha sido usted el encargado o ha participado en la creación, desarrollo o emisión de requisiciones de propuestas?



3.2.2 ¿Ha sido usted el encargado o ha participado sometiendo propuestas emitidas por medio de un RFP?

3.2.3. ¿Cuál ha sido su experiencia con las requisiciones de propuestas?

3.2.4 ¿Cómo manejan en su entorno laboral las preguntas técnicas que puedan surgir referente a una requisición de propuestas?

## 4. INSTRUMENTOS DE MEDICION

### 4.1. Pregunta General

4.1.1. ¿Con qué instrumentos de medición cuenta su entidad a la hora de medir el valor de una requisición o de una propuesta recibida?

### 4.2. Preguntas Específicas

4.2.1. ¿Qué factores cualitativos son determinantes a la hora de asignar valor a una propuesta recibida?

4.2.2. ¿Qué factores cuantitativos son determinantes a la hora de asignar valor a una propuesta recibida?

4.2.3. ¿Cómo su entidad laboral hace para discernir entre dos propuestas, una que ofrezca menor costo de adquisición y otra que ofrezca mayores beneficios cualitativos?

4.2.4 ¿Qué fortalezas y oportunidades presentan la emisión u solicitud de requisiciones de propuestas para la industria o instrumento gubernamental que usted representa?

4.2.5 ¿Qué debilidades u amenazas presentan la emisión u solicitud de requisiciones de propuestas para la industria o instrumento gubernamental que usted representa?

## 5. FACTORES DE EXITO

### 5.1 Preguntas Generales

5.1.1. ¿Cómo se alinea la misión, visión y objetivos de su institución con la implementación de alianzas público privadas?

5.1.2 ¿Qué métricas a corto y largo plazo, a su juicio, sirven para medir la efectividad de la establecimiento de alianzas público privadas?

## APPENDIX C: Informed Consent



Universidad de Puerto Rico ~ Recinto Universitario de Mayagüez  
**Colegio de Administración de Empresas**  
Colegio de Administración de Empresas  
Call Box 9000 Mayagüez, P.R. 00681 (787) 832-4040



### CONSENTIMIENTO INFORMADO

Entrevista para mejor comprender la dinámica de la Solicitud de Propuestas (RFPs por sus siglas en ingles) en Alianzas Publico Privadas en Puerto Rico

Estimado prospecto participante a entrevista:

Por este medio se le extiende la invitación para que participe en una entrevista como parte de una investigación de estudio conducido por el estudiante Melvin Pérez Barreto, el cual es candidato a una Maestría en Administración de Empresas de la Universidad de Puerto Rico recinto en Mayagüez (UPRM). El propósito de este estudio es recopilar información que ayude a comprender la dinámica respecto al entorno que rodea la planificación y desarrollo de Solicitud de Propuestas (RFPs por sus siglas en ingles) de Alianzas Publico Privadas en Puerto Rico.

Se estima que el tiempo requerido para su participación en esta entrevista sea menos de 45 minutos. Deseo hacer énfasis en que su participación es completamente voluntaria, y no está obligado de ninguna forma a ser entrevistado.

Esta investigación no representa un riesgo mayor que el mínimo para usted o su organización. No se le preguntará ninguna información personal. No se le brindará ningún tipo de beneficio monetario por participar.

Los registros de esta investigación se mantendrán privados. Al hacer cualquier tipo de publicación, es posible que se cite o haga referencia a las respuestas que se obtengan de esta entrevista. Cualquier información que proporcione se mantendrá en un archivo seguro protegido con contraseña. Ninguna otra persona tendrá acceso al archivo. Ninguna información impresa será desechada, sino que todos los documentos impresos serán triturados.

Si tiene alguna duda, puede contactar al Investigador responsable, Melvin Pérez Barreto al teléfono (787) 486-9846 ó por correo electrónico a través de melvin.perez1@upr.edu. También puede contactar al Presidente del Comité Graduado del Investigador responsable, el Doctor José Iván Vega Torres al teléfono (787) 832-4040 ó por correo electrónico a través de jose.vega18@upr.edu. Adicionalmente puede comunicarse con el Comité para la Protección de los Seres Humanos en la Investigación (CPSHI) al teléfono (787) 832-4040 extensión 6277 ó 6347, ó por correo electrónico a través de cpshirum@uprm.edu.

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Firma del entrevistado

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Firma de entrevistador

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Fecha

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Fecha

**APPENDIX D: Scoring Matrix**  
**Autonomous Municipality of Jayuya – RFP Evaluation Tool**

Note: Assign values to the highlighted cells.

<b>Criteria</b>	<b>Weight</b>
Creation and Retention of jobs	22.86
Profit Sharing	21.43
Length of the Agreement	8.57
Proponent Experience	8.57
Proponent's Financial Position	20.71
Proposed Capital Investment	17.86
<b>Total</b>	<b>100</b>

<b>Rating Scale</b>	
0	Fails to Meet Criteria
1	Barely Meets Criteria
2	Average fit to Criteria
3	Good fit to Criteria
4	Very Good fit to Criteria
5	Excellent fit to Criteria

<b>Proponent One</b>					
<b>Criteria</b>	<b>Reviewer 1</b>	<b>Reviewer 2</b>	<b>Reviewer 3</b>	<b>Reviewer 4</b>	<b>Reviewer 5</b>
<b>Creation and Retention of</b>	5	4	3	2	1
<b>Profit Sharing</b>	5	4	3	2	1
<b>Length of the Agreement</b>	5	4	3	2	1
<b>Proponent Experience</b>	5	4	3	2	1
<b>Proponent's Financial Position</b>	5	4	3	2	1
<b>Proposed Capital Investment</b>	5	4	3	2	1
<b>Total</b>	5	24	18	12	6

<b>Proponent Two</b>					
<b>Criteria</b>	<b>Reviewer 1</b>	<b>Reviewer 2</b>	<b>Reviewer 3</b>	<b>Reviewer 4</b>	<b>Reviewer 5</b>
<b>Creation and Retention of</b>	1	2	3	4	5
<b>Profit Sharing</b>	1	2	3	4	5
<b>Length of the Agreement</b>	1	2	3	4	5
<b>Proponent Experience</b>	1	2	3	4	5
<b>Proponent's Financial Position</b>	1	2	3	4	5
<b>Proposed Capital Investment</b>	1	2	3	4	5
<b>Total</b>	6	12	18	24	30

<b>Proponent Three</b>					
<b>Criteria</b>	<b>Reviewer 1</b>	<b>Reviewer 2</b>	<b>Reviewer 3</b>	<b>Reviewer 4</b>	<b>Reviewer 5</b>
<b>Creation and Retention of</b>	0	1	2	3	4
<b>Profit Sharing</b>	1	2	3	4	5
<b>Length of the Agreement</b>	2	3	4	5	0
<b>Proponent Experience</b>	3	4	5	0	1
<b>Proponent's Financial Position</b>	4	5	0	1	2
<b>Proposed Capital Investment</b>	5	0	1	2	3
<b>Total</b>	15	15	15	15	15

# Proponent Evaluation Matrix

Reviewer	Proponent One	Proponent Two	Proponent Three
Reviewer 1	5.0	1.0	2.4
Reviewer 2	4.0	2.0	2.3
Reviewer 3	3.0	3.0	2.1
Reviewer 4	2.0	4.0	2.5
Reviewer 5	1.0	5.0	3.0
<b>Avg Score</b>	<b>3.0</b>	<b>3.0</b>	<b>2.5</b>

Proponent One		Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	Reviewer 5
Criteria	Weight	Score	Score	Score	Score	Score
<b>Creation and Retention of jobs</b>	23%	1.143	0.9144	0.6858	0.4572	0.2286
<b>Profit Sharing</b>	21%	1.0715	0.8572	0.6429	0.4286	0.2143
<b>Length of the Agreement</b>	9%	0.4285	0.3428	0.2571	0.1714	0.0857
<b>Proponent Experience</b>	9%	0.4285	0.3428	0.2571	0.1714	0.0857
<b>Proponent's Financial Position</b>	21%	1.0355	0.8284	0.6213	0.4142	0.2071
<b>Proposed Capital Investment</b>	18%	0.893	0.7144	0.5358	0.3572	0.1786
<b>Total</b>	100%	5	4	3	2	1

Proponent Two		Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	Reviewer 5
Criteria	Weight	Score	Score	Score	Score	Score
<b>Creation and Retention of jobs</b>	23%	0.2286	0.4572	0.6858	0.9144	1.143
<b>Profit Sharing</b>	21%	0.2143	0.4286	0.6429	0.8572	1.0715
<b>Length of the Agreement</b>	9%	0.0857	0.1714	0.2571	0.3428	0.4285
<b>Proponent Experience</b>	9%	0.0857	0.1714	0.2571	0.3428	0.4285
<b>Proponent's Financial Position</b>	21%	0.2071	0.4142	0.6213	0.8284	1.0355
<b>Proposed Capital Investment</b>	18%	0.1786	0.3572	0.5358	0.7144	0.893
<b>Total</b>	100%	1	2	3	4	5

Proponent Three		Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	Reviewer 5
Criteria	Weight	Score	Score	Score	Score	Score
<b>Creation and Retention of jobs</b>	23%	0	0.2286	0.4572	0.6858	0.9144
<b>Profit Sharing</b>	21%	0.2143	0.4286	0.6429	0.8572	1.0715
<b>Length of the Agreement</b>	9%	0.1714	0.2571	0.3428	0.4285	0
<b>Proponent Experience</b>	9%	0.2571	0.3428	0.4285	0	0.0857
<b>Proponent's Financial Position</b>	21%	0.8284	1.0355	0	0.2071	0.4142
<b>Proposed Capital Investment</b>	18%	0.893	0	0.1786	0.3572	0.5358
<b>Total</b>	100%	2.3642	2.2926	2.05	2.5358	3.0216

## **APPENDIX E: Request for Proposal**



**Municipal Government of Jayuya**  
**REQUEST FOR PROPOSALS**  
**FOR THE LEASING, DEVELOPMENT, FINANCING, AND OPERATION**  
**OF THE HOTEL PARADOR HACIENDA GRIPÍÑAS**  
**IN JAYUYA, PUERTO RICO.**

**Issue Date:**

**Submission Deadline:**

**A project by**  
**The Autonomous Municipality of Jayuya**

## **1. Brief Project Overview**

The municipal government of Jayuya, Puerto Rico, and its Mayor, Honorable Jorge L. Gonzalez Otero, have created an economic development plan for the city. Part of this plan focuses on the creation of new ways to increase tourism within the municipality. Currently, Jayuya celebrates more than five cultural festivals throughout the year, and the city is home to several museums and sightseeing attractions. The municipal administration is finalizing the details for installation of a helium balloon near the Piedra Escrita in order to allow visitors to contemplate the scenic views of the Puerto Rican Central Mountain Region while flying over 4,000 feet above sea level. The overall goal of this touristic venture is to boost the local economy by creating new jobs within the Central Mountain Region.

This project has been named “Tierra Alta,” or “High Land” in English. Upon completion, the municipality believes that the balloon project will be complemented by several peripheral attractions. These include excursions to farming facilities, where participants would be able to even catch their dinner, as well a coffee farm and processing plant, a petting zoo, and a passive recreational area.

This project is predicted to help boost tourism within the municipality, therefore creating a market for the area’s hospitality sector. Jayuya is home to the tallest peak in Puerto Rico, and the town has about 16, 000 inhabitants. There are only two hospitality venues within the town. One is the Posada Hotel and the other is the municipality-owned Hotel Parador Hacienda Gripiñas.

Hacienda Gripiñas was the epicenter of the coffee industry of the Central Mountain Region of Puerto Rico during the 1800s. It belonged to Eusebio Perez del Castillo, the founder of the municipality of Jayuya. The municipal government of Jayuya acquired Gripiñas in 2006. This complex has a maximum occupancy of 64 people. The Hotel Parador consist of 18 rooms and five separate cabanas, along with Don Pedro Restaurant, which has a 40-person seating capacity. Among other amenities, the hotel has two separate activities lounges that can accommodate 300 and 100 people, respectively. The municipality intends to engage into a public-private partnership (PPP) for the operation of the Hotel Parador Hacienda Gripiñas. It is enabling this Request for Proposals so that entrepreneurs interested in the project can plans.

## **2. Goals**

The primary goal of this RFP is to find an entity that will benefit from the established structure and goodwill of this historic complex while establishing a new profitable venture to both parties in the public-private partnership agreement. It is in the best interests of the municipality to ensure that tourists can enjoy exceptional accommodations and services, which will help to create a solid and expanding customer base. This request also hopes to expand the market for agricultural tourism in the central mountainous region of Puerto Rico.

## **3. Background of the Organization**

The Municipality of Jayuya is an entity formed according to the laws of the Commonwealth of Puerto Rico. All municipal operations are governed by the Puerto Rican Law 81-1991; the Autonomous Municipalities Law of the Commonwealth of Puerto Rico as amended, and by the Municipal Administration Regulations. These regulations were approved on July 18, 2008, by the Municipal Affairs Commissioner, and they became effective on August

16, 2008. The municipality has full executive and legislative faculties within its jurisdiction, and it has perpetual existence and independence from the commonwealth government. Its governmental system consists of two branches: the executive and the legislative, with elections are held every four years. The municipality offers the following programs to its constituents: beautification programs, public works and housing development, recreation and sports programs, and public safety services. The municipality also administers the Public Works Department, Sports and Recreation Department, Federal Programs Office, and the Municipal Office for Emergency Management and Disaster Administration.

#### **4. Legal Requirements**

Proponents are responsible for complying with all applicable legal requirements relating to contracting with governmental municipalities in the Commonwealth of Puerto Rico, while also ensuring that all entities possess all valid licenses and permits required to develop, construct and operate the project. Proponents must comply with the following requirements:

1. Certify under penalty of nullity that no elected or designated official, employee, or contractor of the municipal government of Jayuya will derive or obtain any benefit or profit of any kind from the contractual relationship that will result from this joint venture.
2. Ensure that none of the owners, partners, and members of board of directors, executives, authorized representatives or shareholders of the proponent company have been convicted of crimes against the Commonwealth of Puerto Rico or the Federal Government of the United States of America, involving appropriation of public funds or fraud, as well as crimes against public property.
3. That at the time of the submission of the proposal, there are no criminal procedures or investigations pending against any of the proponent's owners, executives, members of its Board of Directors, authorized representatives or shareholders.
4. The proponent must inform the municipality of Jayuya of any legal situation including lawsuits that may be initiated against any of the parties mentioned above any time after the signing of any agreement resulting from this RFP.
5. The proponent must commit to nondiscrimination against employees, applicants for employment, subcontractors, or any other person because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, sexual orientation, or physical or mental handicap unrelated to the performance of employment.
6. The proponent must commit to create, maintain, and enforce a written sexual harassment policy and inform its employees of such policy.
7. The proponent must commit to comply with Act 5 of December 30, 1986 of the Commonwealth of Puerto Rico as amended, also known as Organic Act for the Administration of Child Support Enforcement of the Commonwealth.
8. The proposals will be prepared and developed without collusion with any other proponent and without intention to preclude the municipality of Jayuya from obtaining the best offer.
9. A commitment to have all valid, unexpired business and professional licenses as required.

10. Certify that any violation of the aforementioned certifications may lead to the dissolution of the agreement resulting from this RFP without prior notice.
11. Certify that none of the proponent's owners, board members, employee, or contractors involved in this procurement have personal or financial interest in the procurement of the contract, purchase or any transaction, and that none have had any financial interest in the proponent company for the last five years.
12. Certify that no owner, official, employee, or contractor directly or indirectly solicited or accepted gifts, allowances, favors, services, donations, loans, or any other thing of monetary value for himself, a family member, or any other person.
13. Certify that no employee of the municipality of Jayuya, as well as any elected or designated official or contractor associated with the proposed transaction, has solicited nor accepted valuable goods from any person or entity in order to fulfill the duties or responsibilities of her job.
14. Ensure that no employee of the Municipality of Jayuya nor any elected or designated official or contractor requested valuable goods including gifts, loans pledges or favors for himself or any family member or acquaintance, business or entity in exchange for acting to favor any proponent.

## **5. Scope of Work & Deliverables**

Individuals or commercial entities who want to be designated as registered proponents must present a written proposal for "the leasing, development, financing and operation of the Hotel Parador Hacienda Gripiñas in Jayuya." Such proposals must include at least the following parts:

- A. A description of the proponent's background and experience in hospitality management;
- B. All funding sources for sustaining the operational needs of the venture;
- C. A comprehensive plan illustrating how the project would create new demand for hospitality venues for internal and external tourists;
- D. A detailed plan for facilitating transportation to and from the Tierra Alta Agro touristic Project, which includes the hot air balloon;
- E. A plan detailing the proposed operation of the restaurant that focuses on both internal or derivative customers and a new, local clientele;
- F. A plan describing any possible foreseeable expansion plans, including construction, costs, and economic impact on the project's overall operations;
- G. Proposed agreement terms. Currently, the Municipality of Jayuya envisions that the Project will be structured as a triple net lease agreement, with monthly advance rental payments for the Hotel Parador Hacienda Gripiñas. The hotel will be leased on a preferential use basis, title to any improvements, at the Municipality of Jayuya's options, to pass to the Municipality at the end of the term, without any payment to the tenant, adequate assurances to the Municipality of the future performance of its obligations under the lease agreement, in the form of guaranties and/or any other credit support. We hereby state that the Municipality is not inclined to favor a lease and concession terms in excess of 30 years, neither will provide any financing, credit enhancement, or equity



contributions. Nonetheless, the Municipality may consider a change in its current position and may negotiate or extend any and/or all of the items set forth in the event that the proponent offer to the Municipality matching economic concessions, that may include, but are not limited to, additional capital investment to justify the extended term of the lease or concession, increase in rental rates or profit sharing with the Municipality, incentives to the clients and customers of the Project to engage in touristic activities in Jayuya, among others. Any determination of the Municipality to change its current position shall be absolute discretion and will take into account the best interests of the constituents of the Municipality of Jayuya and the good standing of the local government.

H. Provide a description of the market potential and the number of visitors anticipated on an annual basis;

I. Provide an estimated number of jobs, divided into permanent, temporary, direct and indirect, during the course of the agreement;

J. Provide a description scope of participation for local small businesses and local labor while operating the Project.

## **6. Eligibility Requirements**

The Municipality of Jayuya requires the following in order to be considered as an Eligible Proponent:

- a. Audited financial statements for the preceding three (3) years.
- b. Puerto Rico and/or Federal income tax returns for the preceding three (3) years.
- c. Articles of incorporation or other formation documents.
- d. By-laws or any other governing documents.
- e. Certificate of Good Standing.
- f. Income Tax Return Submission Certificate issued by the Internal Revenue Area of the Puerto Rico Department of Treasury.
- g. Debt Certificate issued by the Internal Revenue Area of the Puerto Rico Treasury Department or evidence of a complying payment plan.
- h. Tax Return Submission Certificate issued by the Center for the Collection of Municipal Income.
- i. Debt Certificate for all concepts, issued by the Center for the Collection of Municipal Income or evidence of a complying payment plan.
- j. In-effect policy certificate from the State Insurance Fund Corporation.
- k. Debt Certificate from the State Insurance Fund Corporation.
- l. Debt Certificate from Administration of Child Support Enforcement.
- m. Certification of the Bureau of Employment Security of the Department of Labor and Human Resources.
- n. Preference Law Certification.

Only those registered proponents who, at the municipality of Jayuya's sole discretion, have demonstrated their eligibility will be considered eligible proponents. The determination by the municipality that a proponent is an eligible proponent does not constitute having been awarded the RPF. It is instead a threshold screening process created by the municipality to ensure that will receive proposals that meet at least the minimum requirements for participation in this RFP.

All costs associated with the submission of the proposals are the sole responsibility of each proponent.

## **7. Principal Point of Contact**

All questions, comments, and proposal submissions should be directed to the Principal Point of Contact designated by the Municipality of Jayuya:

Name: Yanitza Rivera Huertas  
Title: Municipal Secretary  
Address: PO BOX 488 Jayuya, PR 00664  
Phone: 787-828-0900 ext. 46, 47  
Email: yriviera@jayuya.puertorico.pr

All questions received during the Open Period will be answered by means of a press release in order to facilitate disseminating information to all interested parties and the Municipality's constituents.

## **8. Timeline**

In order to undergo the RFP process, the following timeline has been developed: It is utmost important that all proponents adhere to this timeline in order to participate of the process.

Date	Event
Date to be set by the Municipality	RFP is published in at least one newspaper of major circulation.
10 days later	RFP is issued.
Next 15 days	Open period for submission of questions.
Next 15 days	Period to distribute answers
10 days later	Submission deadline
Next 15 days	Proposals review process
Next 15 days	Site visit for proponents.
15 days later	Proponent is selected and notified

## **9. Criteria for Selection**

Proposals will be evaluated according to the Municipalities Evaluation Guidelines according to the following criteria:

- A. The proponent's ability to satisfy the needs outlined in this RFP
- B. The proponent's intention for the creation and retention of jobs.
- C. The intended duration of the agreement.
- D. The proponent's prior management experience within the hospitality industry
- E. The proponent's financial position.
- F. The proposed economic return to the Municipality of Jayuya.

## **10. Format**

In order to ensure consistency and accuracy in evaluation, all proposals must be made in the following format:

- A. A Cover Letter
- B. Table of Contents Sections
- C. Proponent Experience
- D. Proposal and Deliverables
- E. Projected Revenue
- F. Credit References
- G. Financial Statements
- H. Certifications for Eligibility Requirements