

Maria C. Cartagena-Cancel

Income Member, Litigation Practice Group

787.250.5665 | mcc@mcvpr.com



PRACTICES

Bids & Government Procurement

Litigation

Tax Litigation

BAR ADMISSIONS

- Commonwealth of Puerto Rico
- U.S. District Court District of Puerto Rico

EDUCATION

B.A., *Cum Laude*, University of Puerto Rico

Master Degree, University of Puerto Rico

- Major: Planning
- Recipient, Most Outstanding Student in Urban Planning Award

J.D., *Cum Laude*, University of Puerto Rico Law School

MEMBERSHIPS

- Puerto Rico Bar Association
- Puerto Rico Planning Association

Mrs. Cartagena maintains a broad litigation and counseling practice representing corporate entities in a wide variety of business disputes. She has significant experience in complex litigation, including consumers' class actions, insurance litigation, contractual disputes, tax deficiency proceedings and general tort litigation in both state and federal courts.

She also has significant experience in administrative forums before multiple agencies and on bids and procurement consulting and litigation before agencies representing companies bidding on government contracts for goods and services. Her experience in the bids and procurement area includes representing clients before various Puerto Rico government agencies and companies, including the Power Authority, the Department of Education, the Ports Authority, the Police Department, the Department of Work and Human Resources, the Housing Department and the Elections Commission, amongst others.

She is ranked as one of Puerto Rico's leading attorneys in the Administrative Law field of the *Best Lawyers in Puerto Rico* guide.

Mrs. Cartagena is the author of the Puerto Rico Procurement Rules and Regulations Summary for the Second Edition of the *Guide to State Procurement: a 50-State Primer on Purchasing Laws, Processes and Procedures* published by the Public and Contract Law Section of the American Bar Association. The book delineates each state's laws, practices, and key issues for procurement.

Before joining McConnell Valdés, Mrs. Cartagena worked as a senior Planning and Logistics manager at Intel Puerto Rico and Intel Corporation.

REPRESENTATIVE CASES

Class Actions

- Represented an insurance company in various purported class actions against all major property insurers doing business in Puerto Rico seeking relief for alleged delays, underpayments, bad faith and, omission of sales and use taxes related to the processing of claims related to hurricanes Irma and Maria.
- Defended insurance company in a class action filed by the Puerto Rico Department of Consumers Affairs against property insurers doing business in Puerto Rico over hurricane Maria damage claims.
- Represents retailer in a consumers class action for alleged illegal charge of sales and use tax.
- Represents a leading technology and electronic transaction company in a consumer's class action for alleged illegal charge to cardholders of Electronic Benefit Cards.

Trial Court Litigation

- She was the leading counsel of a pharmaceutical company in a trial regarding a contractual dispute with its former landlord. At the conclusion of trial, the court rendered a \$2 million judgment in favor of the pharmaceutical company.

Bids & Procurement

- *Municipio de Aguada v. W Construction LLC*, 2024 TSPR 69, a landmark victory before the Puerto Rico Supreme Court. The Court clarified and expanded the precedent set in *AEE v. Maxon*, 163 DPR 434 (2004), reaffirming essential principles of public contracting. It held that when evaluating a proposal, government entities must consider the collective experience of the bidding entity's team—including employees, members, directors, and subcontractors—and confirmed that this standard applies across all types of procurement. The Court also upheld the validity of an amended municipal contract for disaster recovery services, finding that the post-Hurricane Maria emergency context justified proceeding without a new bidding process.
- Puerto Rico Power Authority: Health plan contract for the Puerto Rico Power Authority's retirees. The Court of Appeals confirmed the RFP award in favor of our client.

- Puerto Rico Convention Center District Authority: Administration of Bahia Urbana facilities. Defeated a preliminary and permanent injunction filed by the non-winning bidder.
- Puerto Rico State Commission Election: Scanning vote counting system. The Puerto Rico State Commission Election cancelled the RFP award in favor of our client's competitor. In a subsequent RFP process, the agency granted the RFP in favor of our former client.
- Department of Education: E-Rate contract for telecommunications and Internet access. The Court of Appeals confirmed the award in favor of our client.
- Puerto Rico Power Authority: Copper Cables. The agency granted our motion for reconsideration. As a result, the Puerto Rico Power Authority awarded a portion of the contract, which was originally awarded to a competitor, in favor of our client.
- Puerto Rico Power Authority: Electronic flight instrument system for PREPA'S helicopter. Our motion for reconsideration was granted and the agency cancelled the bid award in favor of client's competitor.
- Puerto Rico Department of Correction and Correction and Rehabilitation: Electronic shackle system. The Court of Appeals confirmed the award in favor of our client.
- Puerto Rico Housing Department: Represented various clients in connection with Request for Proposals regarding CDGB programs.