

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered in the white space between these shapes.

# Public Procurement and Disposal of Public Property

# Definition

- ▶ AN ACT to provide for public procurement, and for the retention and disposal of public property, in accordance with the principles of good governance, namely accountability, transparency, integrity and value for money

# Public Body

► “public body” means

(a) the Office of the President;

(b) the Parliament;

(c) the Judiciary;

(d) a Ministry or a Department or Division of a Ministry;

(e) the Tobago House of Assembly, or a Division of the Tobago House of Assembly;

(f) a Municipal Corporation established under the Municipal Corporations Act;

(g) a Regional Health Authority established under the Regional Health Authorities Act;

(h) a statutory body, responsibility for which is assigned to a Minister of Government;

# Objects of the Act

► to promote—

(a) the principles of accountability, integrity, transparency and value for money;

(b) efficiency, fairness, equity and public confidence; and

(c) local industry development, sustainable procurement and sustainable development, in public procurement and the disposal of public property.

A public body shall carry out public procurement and the disposal of public property in a manner that is consistent with the objects of this Act

# Illegality of Procurement or Disposal

- ▶ any procurement of goods, works or services or retention or disposal of public property that is not done in accordance with this Act and any procurement contract or agreement that is not entered into in accordance with this Act shall be void and illegal

# Limit Participation

- ▶ A procuring entity may limit participation in procurement proceedings to promote local industry development and local content

# The THA shall ensure that Suppliers and Contractors

- ▶ have the legal capacity to enter into the procurement contract;
- ▶ are not insolvent, in receivership, bankrupt or being wound up, their affairs are not being administered by a court or a judicial officer, their business activities have not been suspended and they are not the subject of legal proceedings for any of the foregoing;
- ▶ have not, and their directors or officers have not, been convicted of any criminal offence



# The THA shall ensure that Suppliers and Contractors

- ▶ have fulfilled their obligations to pay all required taxes and contributions in Trinidad and Tobago;
- ▶ have the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and personnel to perform the procurement contract; and
- ▶ meet relevant industry standards

# Public Notice of Award of Contract

- ▶ Upon the entry into force of a procurement contract, a procuring entity shall promptly publish on its website or in any other electronic format, notice of the award of the procurement contract, specifying the name of any supplier or contractor with whom the procurement contract was entered into, the goods or services to be supplied, the works to be effected and the date of the award of the contract and the contract price.

# Right to challenge and appeal

- ▶ A supplier or contractor may bring challenge proceedings where it is alleged that -
  - (a) a procuring entity made a decision or took action that is not in compliance with this Act; and
  - (b) the supplier or contractor has suffered or is likely to suffer loss or injury because of the decision or action of the procuring entity

# Application for Review

- ▶ A supplier or contractor may apply to the Office (of the Procurement Regulator) for review of a decision or an action taken by a procuring entity in the procurement proceedings

# Conduct influencing Public Officer

- ▶ No person shall, with intent to gaining an advantage or concession for himself or any other person, offer a gift of money or other valuable thing to
  - (i) any member or an associate of a member of a procuring entity;
  - (ii) any consultant or an associate of any consultant providing services to a procuring entity; or
  - (iii) any person or an associate of any person providing services to a procuring entity

*Penalty: On conviction – Fine of \$1.0M and 5 years imprisonment*

# Public Officer accepting gratuity

- ▶ No officer or employee of a public body shall accept a gratuity in any form, any offer of employment, service or any other thing of value as an inducement with respect to an act or decision of, or procedure followed by, the public body in connection with any procurement proceedings and a public body shall promptly reject a tender of any supplier or contractor who gives, agrees to give or offers directly or indirectly, any such inducement.

*Penalty: On conviction – Fine of \$1.0M and 5 years imprisonment*

# Some other Offences and Penalties

- ▶ Bid Rigging - \$5 Million and 10 Years imprisonment
- ▶ Altering of Procurement Documents - \$2 Million and 7 Years
- ▶ Concealing info required for an investigation - \$5 M and 10 Years
- ▶ Failure to report collusion - \$500,000 and 1 Year
- ▶ Splitting of procurement - \$500,000 and 1 Year

THANK YOU