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No. 17 of 2020

First Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Public Procurement and Disposal
of Public Property Act, No.1 of 2015

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC
PROPERTY (AMENDMENT) BILL, 2020

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill would contain 10 clauses and seek to amend the Public Procurement and Disposal of Public Property Act, No. 1 of 2015.

Clause 1 of the Bill would contain the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide that the Act will come into effect on Proclamation by the President.

Clause 3 of the Bill would provide that the definition for the word “Act” in the Bill would mean the Public Procurement and Disposal of Public Property Act, No. 1 of 2015.

Clause 4 of the Bill would delete in section 4 the definition of “bid rigging” and substitute a new definition.

Clause 5 of the Bill would amend section 7. Subsection (2) is being amended as it currently gives rise to uncertainty since it provides for a treaty or agreement between Trinidad and Tobago and another State of international financial organisation to prevail in the event of conflict with the Act while, at the same time, requiring the procurement under such treaty or agreement to be governed by the Act. This may give rise to differences in interpretation and may undermine the prevalence of the treaty or agreement in practice. The subsection could also limit the Government’s access to certain types of financing under treaties, technical cooperation agreements or from international financial organisations. The amendment would therefore afford the Government full access to all international sources of funding that may be necessary to provide financial support to Trinidad and Tobago.

Clause 6 of the Bill would amend section 13(1) to delete one of the functions of the Office of the Procurement Regulator contained in paragraph (o). The function being deleted is that of acting for, in the name and on behalf of the State to dispose of real property owned by the Government in such manner as the Government may consider appropriate and desirable.

Clause 7 of the Bill would amend section 29 to expand the prohibition on directors and officers of, and individuals, employed with producers and suppliers to require that those persons have not been convicted within the past three years of corruption or fraud related offences locally or internationally.

Clause 8 of the Bill would amend section 50(12) to expand the time frame for the giving of reasons for decisions and actions taken by the Office of the Procurement Regulator from twenty working days to thirty days.

Clause 9 of the Bill would amend section 59 to provide that the term “relative” would mean a cohabitant, father, mother, brother, sister, son or daughter within the meaning of the Cohabitational Relationships Act, Chap. 45:55.

Clause 10 of the Bill would amend the effective dates of the operationalisation of the Act in relation to public officers exercising options under the Act.

BILL

AN ACT to amend the Public Procurement and Disposal
of Public Property Act

[, 2020]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Public Procurement Short title
and Disposal of Public Property (Amendment) Bill,
2020.

2. In this Act, “the Act” means the Public Interpretation
Procurement and Disposal of Public Property Act. Act No. 1 of
2015

Commencement

3. This Act will come into effect on Proclamation by the President.

Section 4
amended

4. Section 4 of the Act is by deleting the definition of “bid rigging”, and substituting the following new definition:

“ “bid-rigging” means collusive price-fixing and anti-competitive behaviour designed to unfairly influence the outcome of a competitive tender process in favour of one or more bidders;”.

Section 7
amended

5. Section 7 of the Act is amended—

(a) in subsection (2), by deleting the words after the words “prevail” and substituting the word “.”; and

(b) by inserting after subsection (4), the following new subsections:

“(5) This Act shall not apply to the following services provided to public bodies or State-controlled enterprises—

(a) legal services;

(b) financial services;

(c) accounting and auditing services;

(d) medical services; or

(e) such other services as the Minister may, by Order, determine.

(6) An Order under subsection (5) shall be subject to negative resolution of Parliament.”.

Section 13
amended

6. Section 13(1) of the Act is amended by deleting paragraph (o).

7. Section 29 of the Act is amended by deleting Section 29 amended paragraph (c) and substituting the following:

“(c) have not been convicted within the past ten years of corruption or fraud related offences locally or internationally—

(i) as individuals; or

(ii) as directors or officers of a company;”.

8. Section 50(12) of the Act is being amended by Section 50 amended deleting the words “twenty working” and substituting the word “thirty”.

9. Section 59 of the Act is amended by inserting after Section 59 amended subsection (1), the following subsection:

“(1A) For the purposes of subsection (1), “relative” means a spouse, cohabitant within the meaning of the Cohabitation Relationships Act, father, mother, brother, sister, son or daughter.”.

Chap. 45:55

10. Section 66 of the Act is amended—

Section 66 amended

(a) in subsection (1), by inserting after the words “on the date of assent of this Act”, the words “or on the coming into force of this Part”; and

(b) in subsection (2)—

(i) by deleting the word “Act” and substituting the word “Part”;

(ii) in paragraph (a), by deleting the word “retire” and substituting the word “retirement”; and

(iii) in paragraph (c), by deleting the word “remain” and substituting the word “remaining”.

Passed in the House of Representatives this day
of , 2020.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2020.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 17 of 2020

FIRST SESSION
TWELFTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN Act to amend the Public Procurement
and Disposal of Public Property
Act, No. 1 of 2015

Received and read the

First time

Second time

Third time
