



# TRINIDAD AND TOBAGO GAZETTE

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1631

### APPOINTMENT OF THE COMMISSION OF ENQUIRY INTO THE CONSTRUCTION SECTOR

*(The Commissions of Enquiry Act, Chap. 19:01)*

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of Trinidad and Tobago, notice is hereby given that on the 9th day of September, 2008, His Excellency, Professor GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 2 of the said Act, issued the following Commission:

#### REPUBLIC OF TRINIDAD AND TOBAGO

By his Excellency Professor GEORGE MAXWELL RICHARDS, T.C.,  
C.M.T., Ph.D., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

GEORGE MAXWELL RICHARDS  
*President*

Greetings:

To: Professor JOHN UFF  
KENNETH SIRJU, Esquire  
DESMOND THORNHILL, Esquire  
ISRAEL KHAN, S.C., Esquire

Whereas by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter called “the Act”) it is provided, *inter alia*, that the President may whenever he shall deem it advisable issue a Commission appointing one or more Commissioners and authorizing such Commissioners or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare:

And whereas the President on the advice of Cabinet has deemed it advisable and for the public welfare that Commissioners be appointed to enquire into the construction sector in Trinidad and Tobago and to make such observations and recommendations arising out of its deliberations as the Commission may deem appropriate, and for this purpose to issue a Commission pursuant to the Act with the following terms of reference:

1. To enquire into—
  - (i) The procurement practices in the public construction sector;
  - (ii) The effect of the use of provisional sums, prime cost sums, nominated suppliers and nominated contractors in construction contracts in the public sector;
  - (iii) The effect of incomplete designs, design changes, variations, poor supervision and poor management on the cost and delivery of construction projects in the public sector;
  - (iv) The performance of local and foreign contractors and consultants on public sector projects;
  - (v) The effectiveness of the turnkey approach, also called the design build approach, for the delivery of public sector construction projects as compared to the traditional design and tender approach;
  - (vi) The reasons for and the effect of cost overruns, delays and defective workmanship in public sector construction projects;
  - (vii) The existence of price gouging and profiteering in the public construction sector, and
  - (viii) The procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT).
2. To make recommendations and observations arising out of its deliberations, as may be deemed appropriate, to ensure that:
  - (i) With respect to public sector construction projects and the procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT), taxpayers get value for money;

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## APPOINTMENT OF THE COMMISSION OF ENQUIRY INTO THE CONSTRUCTION SECTOR—CONTINUED

- (ii) The delivery of projects and the highest standard of workmanship are achieved and maintained;
- (iii) There is free and fair competition, full participation and access for all citizens in the public procurement process; and
- (iv) Integrity and transparency in the public procurement practice are assured.

Now therefore, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 2 of the Commissions of Enquiry Act, Chap. 19:01, do hereby issue this my Commission appointing JOHN UFF, KENNETH SIRJU, DESMOND THORNHILL and ISRAEL KHAN, Commissioners to hold the enquiry into the matters aforesaid;

And I direct that you JOHN UFF shall be the Chairman of the said Commission.

And I further direct that you JOHN UFF, KENNETH SIRJU, DESMOND THORNHILL and ISRAEL KHAN forthwith proceed at such places and times as may be convenient with due diligence and dispatch to enquire into the matters aforesaid and to report to me in writing upon the said matters in September, 2009 and to give your opinion and recommendations thereon and to furnish me separately with a full statement of the proceedings of the Commission and the reasons leading to the conclusions at which you have arrived;

And I further direct that the enquiry shall be held in public but that you the Commissioners shall nevertheless be entitled in your discretion to sit in private or to exclude any particular person or persons from your sittings for the preservation of order, for the due conduct of the enquiry or for any other reason.

And I further direct the Commissioner of Police to detail police officers to attend upon the Commissioners to keep them safe and to preserve order during the proceedings of the Commission, to serve summonses on witnesses and to perform such duties as the Commissioners shall direct;

And I further direct that a quorum shall consist of two (2) Commissioners.

And I charge and command all public officers and all loyal citizens of the Republic of Trinidad and Tobago in their several places and according to their several powers and abilities that they be abiding and assist you the Commissioners without fear in the execution of this your Commission;

And I do hereby appoint IDA EVERSLEY to be the Secretary of the said Commission;

And this my Commission shall be continued subject to any alteration or revocation thereof until you have finally reported.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 9th day of September, 2008.

Dated this 11th day of September, 2009.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*

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## REVOCATION OF APPOINTMENT OF SECRETARY TO THE COMMISSION OF ENQUIRY INTO THE CONSTRUCTION SECTOR

*(The Commissions of Enquiry Act, Chap. 19:01)*

NOTICE is hereby given that on the 28th day of November, 2008, His Excellency, Professor GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 6 of the Commissions of Enquiry Act, Chap. 19:01, and by all other powers thereto enabling, revoked the appointment of IDA EVERSLEY, as Secretary to the Commission of Enquiry into the Construction Sector in Trinidad and Tobago issued on the 9th day of September, 2008 and *Gazetted* on the 11th day of September, 2009, as follows:

## REPUBLIC OF TRINIDAD AND TOBAGO

By his Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PH.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

GEORGE MAXWELL RICHARDS  
*President*

Greetings:

To: MRS. IDA EVERSLEY

In exercise of the power vested in me by section 6 of the Commission of Enquiry Act, Chap. 19:01, and by all other powers thereto enabling, I, GEORGE MAXWELL RICHARDS, President as aforesaid, do hereby revoke your appointment as Secretary to the Commission of Enquiry appointed to enquire into the construction sector in Trinidad and Tobago.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 28th day of November, 2008.

Dated this 11th day of September, 2009.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*

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## APPOINTMENT OF SECRETARY TO THE COMMISSION OF ENQUIRY INTO THE CONSTRUCTION SECTOR

*(The Commissions of Enquiry Act, Chap. 19:01)*

NOTICE is hereby given that on the 28th day of November, 2008, His Excellency, Professor GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 6 of the Commissions of Enquiry Act, Chap. 19:01, appointed JUDITH GONZALEZ, Secretary to the Commission of Enquiry into the Construction Sector in Trinidad and Tobago issued on the 9th day of September, 2008 and *Gazetted* on the 11th day of September, 2009, as follows:

## REPUBLIC OF TRINIDAD AND TOBAGO

By his Excellency Professor GEORGE MAXWELL RICHARDS, T.C.,  
C.M.T., PH.D., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

GEORGE MAXWELL RICHARDS  
*President*

Greetings:

To: Ms. JUDITH GONZALEZ

In exercise of the power vested in me by section 6 of the Commissions of Enquiry Act, Chap. 19:01, I, GEORGE MAXWELL RICHARDS, President as aforesaid, do hereby appoint you JUDITH GONZALEZ, Secretary to the Commission of Enquiry appointed to enquire into the construction sector in Trinidad and Tobago.

Given under my Hand and the Seal of the President of the  
Republic of Trinidad and Tobago at the Office of the  
President, St. Ann's, this 28th day of November, 2008.

Dated this 11th day of September, 2009.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*

1634

ALTERATION OF THE TERMS OF REFERENCE OF THE COMMISSION OF ENQUIRY INTO THE  
CONSTRUCTION SECTOR*(The Commissions of Enquiry Act, Chap. 19:01)*

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of Trinidad and Tobago, notice is hereby given that on the 10th day of December, 2008, His Excellency, Professor GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 3 of the said Act, altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago issued on the 9th day of September, 2008, and *Gazetted* on the 11th day of September, 2009, as follows:

## REPUBLIC OF TRINIDAD AND TOBAGO

By his Excellency Professor GEORGE MAXWELL RICHARDS, T.C.,  
C.M.T., PH.D., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

GEORGE MAXWELL RICHARDS  
*President*

Greetings:

To: PROFESSOR JOHN UFF  
KENNETH SIRJU, ESQUIRE  
DESMOND THORNHILL, ESQUIRE  
ISRAEL KHAN, S.C., ESQUIRE

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter called "the Act") it is provided, *inter alia*, that the President may whenever he shall deem it advisable, issue a Commission appointing one or more Commissioners and authorizing such Commissioners or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare:

And whereas on the 9th day of September, 2008, GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, issued his Commission under Section 2 of the Commissions of Enquiry Act, Chap. 19:01, appointing you, JOHN UFF, KENNETH SIRJU, DESMOND THORNHILL and ISRAEL KHAN, S.C., Commissioners to enquire into the Construction Sector in Trinidad and Tobago in accordance with the following terms of reference:

1. To enquire into—

- (i) The procurement practices in the public construction sector;
- (ii) The effect of the use of provisional sums, prime cost sums, nominated suppliers and nominated contractors in construction contracts in the public sector;

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ALTERATION OF THE TERMS OF REFERENCE OF THE COMMISSION OF ENQUIRY INTO THE  
CONSTRUCTION SECTOR—CONTINUED

- (iii) The effect of incomplete designs, design changes, variations, poor supervision and poor management on the cost and delivery of construction projects in the public sector;
  - (iv) The performance of local and foreign contractors and consultants on public sector projects;
  - (v) The effectiveness of the turnkey approach, also called the design build approach, for the delivery of public sector construction projects as compared to the traditional design and tender approach;
  - (vi) The reasons for and the effect of cost overruns, delays and defective workmanship in public sector construction projects;
  - (vii) The existence of price gouging and profiteering in the public construction sector; and
  - (viii) The procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT).
2. To make recommendations and observations arising out of its deliberations, as may be deemed appropriate, to ensure that:
- (i) With respect to public sector construction projects and the procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT), taxpayers get value for money;
  - (ii) The delivery of projects and the highest standard of workmanship are achieved and maintained;
  - (iii) There is free and fair competition, full participation and access for all citizens in the public procurement process; and
  - (iv) Integrity and transparency in the public procurement practice are assured.

And Whereas the President on the advice of Cabinet has altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to include the contract awarded to NH International (Caribbean) Limited to develop the land and infrastructure and to build 408 houses at the Cleaver Heights Development Project;

Now therefore, I GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 2 of the Commissions of Enquiry Act, Chap. 19:01, and all other powers thereto enabling, do hereby alter the terms of reference of the Commission to enquire into the Construction Sector to include inquiry into:

- (i) The procedures, practices and procurement processes employed by the Trinidad and Tobago Housing Development Corporation in the award of the contract to NH International (Caribbean) Limited to develop the land and infrastructure and to build 408 houses at Cleaver Heights Development Project (“the Cleaver Heights Development Project”);
- (ii) Whether the procedures, practices and procurement processes employed in the award of the Cleaver Heights Development Project were in compliance with the tender rules and/or other rules, regulations, procedures, practices and processes of the Trinidad and Tobago Housing Development Corporation and consistent with the procedures, practices and procurement processes employed in the award of similar types of contracts;
- (iii) The nature and consequences of the contractual arrangements;
- (iv) Whether the Cleaver Heights Development Project was a fixed price contract and if so, what was the contract price;
- (v) Whether there was a variance between the negotiated price and the contract price and if so, the reasons for/or the circumstances which caused and/or contributed to such variance; and
- (vi) The circumstances which resulted in a variance in the costs incurred in the execution of the Cleaver Heights Development Project as evidenced in Valuation Report No. 38 for the period ending August, 2008;

Given under my Hand and the Seal of the President of the Republic  
of Trinidad and Tobago at the Office of the President,  
St. Ann’s, this 10th day of December, 2008.

Dated this 11th day of September, 2009.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*

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FURTHER ALTERATION OF THE TERMS OF REFERENCE OF THE COMMISSION OF ENQUIRY  
INTO THE CONSTRUCTION SECTOR

*(The Commissions of Enquiry Act, Chap. 19:01)*

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of Trinidad and Tobago, notice is hereby given that on the 20th day of May, 2009, His Excellency, DANNY MONTANO, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 3 of the said Act, altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago issued on the 9th day of September, 2008, and *Gazetted* on the 11th day of September, 2009, as follows:

REPUBLIC OF TRINIDAD AND TOBAGO

By his Excellency DANNY MONTANO, LL.B., B.COMM., C.A.,  
Acting President and Commander-in-Chief of the Republic  
of Trinidad and Tobago.

DANNY MONTANO  
*Acting President*

Greetings:

To: Professor JOHN UFF  
KENNETH SIRJU, Esquire  
DESMOND THORNHILL, Esquire  
ISRAEL KHAN, S.C., Esquire

Whereas by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter called "the Act") it is provided, *inter alia*, that the President may whenever he shall deem it advisable, issue a Commission appointing one or more Commissioners and authorizing such Commissioners or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare:

And whereas on the 9th day of September, 2008, GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, issued his Commission under section 2 of the Commissions of Enquiry Act, Chap. 19:01, appointing you, JOHN UFF, KENNETH SIRJU, DESMOND THORNHILL and ISRAEL KHAN, S.C., Commissioners to enquire into the Construction Sector in Trinidad and Tobago in accordance with the following terms of reference:

1. To enquire into—
  - (i) The procurement practices in the public construction sector;
  - (ii) The effect of the use of provisional sums, prime cost sums, nominated suppliers and nominated contractors in construction contracts in the public sector;
  - (iii) The effect of incomplete designs, design changes, variations, poor supervision and poor management on the cost and delivery of construction projects in the public sector;
  - (iv) The performance of local and foreign contractors and consultants on public sector projects;
  - (v) The effectiveness of the turnkey approach, also called the design build approach, for the delivery of public sector construction projects as compared to the traditional design and tender approach;
  - (vi) The reasons for and the effect of cost overruns, delays and defective workmanship in public sector construction projects;
  - (vii) The existence of price gouging and profiteering in the public construction sector;
  - (viii) The procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT).
2. To make recommendations and observations arising out of its deliberations, as may be deemed appropriate, to ensure that:
  - (i) With respect to public sector construction projects and the procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT), taxpayers get value for money;
  - (ii) The delivery of projects and the highest standard of workmanship are achieved and maintained;
  - (iii) There is free and fair competition, full participation and access for all citizens in the public procurement process; and
  - (iv) Integrity and transparency in the public procurement practice are assured.

And whereas on the 10th day of December, 2008, the President on the advice of Cabinet altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to include:

- (i) The procedures, practices and procurement processes employed by the Trinidad and Tobago Housing Development Corporation in the award of the contract to NH International (Caribbean) Limited to develop the land and infrastructure and to build 408 houses at Cleaver Heights Development Project ("the Cleaver Heights Development Project");

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FURTHER ALTERATION OF THE TERMS OF REFERENCE OF THE COMMISSION OF ENQUIRY  
INTO THE CONSTRUCTION SECTOR—CONTINUED

- (ii) Whether the procedures, practices and procurement processes employed in the award of the Cleaver Heights Development Project were in compliance with the tender rules and/or other rules, regulations, procedures, practices and processes of the Trinidad and Tobago Housing Development Corporation and consistent with the procedures, practices and procurement processes employed in the award of similar types of contracts;
- (iii) The nature and consequences of the contractual arrangements;
- (iv) Whether the Cleaver Heights Development Project was a fixed price contract and if so, what was the contract price;
- (v) Whether there was a variance between the negotiated price and the contract price and if so, the reasons for/or the circumstances which caused and/or contributed to such variance; and
- (vi) The circumstances which resulted in a variance in the costs incurred in the execution of the Cleaver Heights Development Project as evidenced in Valuation Report No. 38 for the period ending August, 2008.

And Whereas the President on the advice of the Cabinet has further altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to indicate that the specific terms of reference of the Enquiry in the Instrument dated the 9th day of September, 2008 more specifically the terms of reference in paragraph 1(i) through 1(vii) and paragraphs 2(ii) through 2(iv) apply to the Cleaver Heights Project and to add to the terms of reference relating to the Cleaver Heights Project in the Instrument dated the 10th day of December, 2008;

Now therefore, I, DANNY MONTANO, Acting President as aforesaid, in exercise of the power vested in me by section 2 of the Commissions of Enquiry Act, Chap. 19:01, and all other powers thereto enabling, do hereby further alter the terms of reference of the Commission to enquiry into the Construction Sector to include inquiry into:

- (1) Whether the procurement process for, and commencement and/or execution of, the project was in accordance with the statutory and regulatory requirements and/or approvals applicable to a project of its nature;
- (2) The consequences and/or implications of the findings at (1) above;
- (3) Whether any specific agency, entity, body and/or contractor can be identified as responsible for the consequences and/or implications at (2) above;
- (4) Whether the project was implemented in accordance with the Cabinet approved guidelines for joint venture projects;
- (5) The consequences and/or implications of the result of the findings at (4) above.

Further that the terms of reference of paragraphs 1(i) through 1(vii) and paragraph 2(ii) through 2(iv) in the Instrument dated the 9th day of September, 2008 apply to the Cleaver Heights Project.

Given under my Hand and the Seal of the President of the  
Republic of Trinidad and Tobago at the Office of the  
President, St. Ann's, this 20th day of May, 2009.

Dated this 11th day of September, 2009.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*

1636

FURTHER ALTERATION OF THE TERMS OF REFERENCE OF THE COMMISSION OF ENQUIRY INTO THE  
CONSTRUCTION SECTOR

*(The Commissions of Enquiry Act, Chap. 19:01)*

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of Trinidad and Tobago, notice is hereby given that on the 21st day of May, 2009, His Excellency, DANNY MONTANO, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 3 of the said Act, altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago issued on the 9th day of September, 2008, and *Gazetted* on the 11th day of September, 2009, as follows:

REPUBLIC OF TRINIDAD AND TOBAGO

By his Excellency DANNY MONTANO, LL.B., B. COMM., C.A., Acting  
President and Commander-in-Chief of the Republic of  
Trinidad and Tobago.

DANNY MONTANO  
*Acting President*

Greetings:

To: Professor JOHN UFF  
KENNETH SIRJU, Esquire  
DESMOND THORNHILL, Esquire  
ISRAEL KHAN, S.C., Esquire

1636—Continued

FURTHER ALTERATION OF THE TERMS OF REFERENCE OF THE COMMISSION OF ENQUIRY INTO THE  
CONSTRUCTION SECTOR—CONTINUED

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter called “the Act”) it is provided, *inter alia*, that the President may whenever he shall deem it advisable issue a Commission appointing one or more Commissioners and authorizing such Commissioners or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare:

And whereas on the 9th day of September, 2008, GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, issued his Commission under Section 2 of the Commissions of Enquiry Act, Chap. 19:01, appointing you, JOHN UFF, KENNETH SIRJU, DESMOND THORNHILL and ISRAEL KHAN, S.C., Commissioners to enquire into the Construction Sector in Trinidad and Tobago in accordance with the following terms of reference:

1. To enquire into—
  - (i) The procurement practices in the public construction sector;
  - (ii) The effect of the use of provisional sums, prime cost sums, nominated suppliers and nominated contractors in construction contracts in the public sector;
  - (iii) The effect of incomplete designs, design changes, variations, poor supervision and poor management on the cost and delivery of construction projects in the public sector;
  - (iv) The performance of local and foreign contractors and consultants on public sector projects;
  - (v) The effectiveness of the turnkey approach, also called the design build approach, for the delivery of public sector construction projects as compared to the traditional design and tender approach;
  - (vi) The reasons for and the effect of cost overruns, delays and defective workmanship in public sector construction projects;
  - (vii) The existence of price gouging and profiteering in the public construction sector; and
  - (viii) The procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT).
2. To make recommendations and observations arising out of its deliberations, as may be deemed appropriate, to ensure that—
  - (i) With respect to public sector construction projects and the procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT), taxpayers get value for money;
  - (ii) The delivery of projects and the highest standard of workmanship are achieved and maintained;
  - (iii) There is free and fair competition, full participation and access for all citizens in the public procurement process; and
  - (iv) Integrity and transparency in the public procurement practice and are assured.

And Whereas on the 10th day of December, 2008, the President on the advice of Cabinet altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to include inquiry into:

- (i) The procedures, practices and procurement processes employed by the Trinidad and Tobago Housing Development Corporation in the award of the contract to NH International (Caribbean) Limited to develop the land and infrastructure and to build 408 houses at Cleaver Heights Development Project (“the Cleaver Heights Development Project”);
- (ii) Whether the procedures, practices and procurement processes employed in the award of the Cleaver Heights Development Project were in compliance with the tender rules and/or other rules, regulations, procedures, practices and processes of the Trinidad and Tobago Housing Development Corporation and consistent with the procedures, practices and procurement processes employed in the award of similar types of contracts;
- (iii) The nature and consequences of the contractual arrangements;
- (iv) Whether the Cleaver Heights Development Project was a fixed price contract and if so, what was the contract price;
- (v) Whether there was a variance between the negotiated price and the contract price and if so, the reasons for/or the circumstances which caused and/or contributed to such variance; and
- (vi) The circumstances which resulted in a variance in the costs incurred in the execution of the Cleaver Heights Development Project as evidenced in Valuation Report No. 38 for the period ending August, 2008.

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FURTHER ALTERATION OF THE TERMS OF REFERENCE OF THE COMMISSION OF ENQUIRY INTO THE  
CONSTRUCTION SECTOR—CONTINUED

And Whereas on the 20th day of May, 2009, the President on the advice of Cabinet altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to include:

- (1) Whether the procurement process for, and commencement and/or execution of, the project was in accordance with the statutory and regulatory requirements and/or approvals applicable to a project of its nature;
- (2) The consequences and/or implications of the findings at (1) above;
- (3) Whether any specific agency, entity, body and/or contractor can be identified as responsible for the consequences and/or implications at (2) above;
- (4) Whether the project was implemented in accordance with the Cabinet approved guidelines for joint venture projects; and
- (5) The consequences and/or implications for the result of the findings at (4) above.

Further that the terms of reference in paragraphs 1(i) through 1(vii) and paragraph 2(ii) through 2(iv) in the Instrument dated 9th day of September, 2008, apply to the Cleaver Heights Project.

And Whereas it is not explicitly stated in the Instrument dated the 20th day of May, 2009, that the word “project” in the further terms of reference which was added to the commission referred to the Cleaver Heights Development Project;

Now therefore, I DANNY MONTANO, Acting President as aforesaid, in exercise of the power vested in me by section 2 of the Commissions of Enquiry Act, Chap. 19:01, and all other powers thereto enabling, do hereby further alter the terms of reference of the Commission to enquire into the Construction Sector to include inquiry into:

- (1) Whether the procurement process for, and commencement and/or execution of the Cleaver Heights Development Project was in accordance with the statutory and regulatory requirements and/or approvals applicable to the Cleaver Heights Development Project of a similar nature;
- (2) The consequences and/or implications of the findings at (1) above;
- (3) Whether any specific agency, entity, body and/or contractor can be identified as responsible for the consequences and/or implications at (2) above;
- (4) Whether the Cleaver Heights Development Project was implemented in accordance with the Cabinet approved guidelines for joint venture projects; and
- (5) The consequences and/or implications of the result of the findings at (4) above.

Further that the terms of reference in paragraphs 1(i) through 1(vii) and paragraphs 2(ii) through 2(iv) of this Instrument apply to the Cleaver Heights Development Project.

Given under my Hand and the Seal of the President of the Republic  
of Trinidad and Tobago at the Office of the President,  
St. Ann’s, this 21st day of May, 2009.

Dated this 11th day of September, 2009.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*