

LEGAL NOTICE NO. 10

REPUBLIC OF TRINIDAD AND TOBAGO

THE REGIONAL HEALTH AUTHORITIES ACT, CHAP. 29:05

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 35(b) OF THE REGIONAL
HEALTH AUTHORITIES ACT AND SUBJECT TO NEGATIVE RESOLUTION
OF PARLIAMENT

THE REGIONAL HEALTH AUTHORITIES (CONTRACTING FOR
GOODS AND SERVICES) (AMENDMENT) REGULATIONS, 2013

1. These Regulations may be cited as the Regional Health Authorities (Contracting for Goods and Services) (Amendment) Regulations, 2013. Citation

2. In these Regulations, “the Regulations” means the Regional Health Authorities (Contracting for Goods and Services) Regulations. Interpretation Chap. 29:05

3. The Regulations are amended by inserting immediately before regulation 1, the following heading: Heading of Part I inserted

“PART I
PRELIMINARY”.

4. The Regulations are amended by inserting after regulation 3, the following heading: Heading of Part II inserted

“PART II
TENDER COMMITTEE”.

5. Regulation 4 is amended by deleting the word “fifty” and substituting the words “one hundred”. Regulation 4 amended

6. Regulation 9 is amended by deleting the word “one” and substituting the word “three”. Regulation 9 amended

7. The Regulations are amended by inserting after regulation 12, the following heading: Heading of Part III inserted

“PART III
TENDERS”.

Part IV
inserted

8. The Regulations are amended by inserting after regulation 26, the following Part:

“PART IV

COLLECTIVE PROCUREMENT OF GOODS AND SERVICES

Interpretation
of certain
words in
Part IV

27. In this Part—

“Contracting Authority” means the Authority of a Contracting Board referred to in regulation 28(1); and

“Procuring Authority” means the Authority of a Procuring Board referred to in regulation 28(1).

Agreement
between
Boards

28. (1) Where, in accordance with section 20 of the Act, a Board (hereinafter referred to as “the Procuring Board”) is desirous of contracting for goods and services and is of the view that it would be economically expedient to do so in conjunction with one or more other Boards, it may enter into a written agreement with any such Board (hereinafter referred to as “a Contracting Board”) for the purpose of inviting, considering, accepting or rejecting offers for the supply of goods or services necessary for carrying out the objects of the respective Authorities.

(2) Where a Contracting Board agrees to the Procuring Board entering into a contract for goods or services on its behalf, the Contracting Board shall do so in the form approved by the Minister.

Purchasing
procedure

29. (1) The Procuring Board shall be responsible for inviting, considering, accepting or rejecting offers of fifty thousand dollars or over for the supply of goods or services for carrying out the objects of the respective Authorities.

(2) Notwithstanding subregulation (1), where the value of the goods or services exceeds three million dollars, the approval of the Minister for inviting offers shall first be obtained.

Establishment
and
composition of
the Joint
Evaluation
Committee

30. (1) The Procuring Board and Contracting Board shall establish a Joint Evaluation Committee for the purpose of assisting the Tenders Committee of the Procuring Board in considering and evaluating tenders.

(2) The Joint Evaluation Committee may comprise staff from the Procuring Authority and from the Contracting Authority as well as non-staff members with relevant technical expertise.

(3) A Joint Evaluation Committee shall follow the procedure set out in regulation 20(3), (4) and (5) when considering tenders.

Joint Evaluation Committee to submit Report 31. A Joint Evaluation Committee shall submit to the Tenders Committee of the Procuring Board a report on the tenders evaluated and the reasons for recommending a tender.

Acceptance of tender 32. Where the Procuring Board accepts a tender it shall notify—

(a) the tenderer of its acceptance of the tender and of the requirement to enter into a formal contract with the Procuring Authority and provide security in the manner and to the extent as the Procuring Board determines; and

(b) the Contracting Board of its acceptance of the tender.

Procedure to be followed 33. Where the method or procedure with respect to any issue is not specifically provided for in this Part, the method or procedure specified in Parts II and III shall apply.

Legal transfer 34. (1) Where a Procuring Authority receives goods or acquires services, pursuant to a written contract referred to in regulation 32, on behalf of a Contracting Authority, it shall, in accordance with the agreement made under regulation 28(1) transfer the goods or services to the Contracting Authority.

(2) The transfer made under subregulation (1) shall include the transfer of the legal interest in relation to the goods and services.”

Dated this 11th day of January, 2013.

F. KHAN
Minister of Health