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ERRATUM

In "*Trinidad and Tobago Gazette*", Vol. 48, No. 105, dated Friday 11th September, 2009, Item No. 1636—Continued, Page 1102, Paragraph 4(1), last line should have read "Development Project and/or project of a similar nature;" instead of "Development Project of a similar nature;". The error is regretted.

1637

SUPPLEMENT TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as a Supplement to this issue of the *Trinidad and Tobago Gazette*:

Legal Supplement Part B—

Traffic Restriction (Temporary Provisions) (Formal Opening of the 2009–2010 Law Term of the Supreme Court of Judicature of the Republic of Trinidad and Tobago) Order, 2009—(Legal Notice No. 183 of 2009).

Notice of Submission for Public Comment on an Environmental Impact Assessment Report submitted by Rapid Environmental Assessment (2003) Limited in Association with Earth Tech AECOM on behalf of the Water and Sewerage Authority—(Legal Notice No. 184 of 2009).

1638

FURTHER ALTERATION 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 14th day of September, 2009, 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, prescribed in respect 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:

1638—Continued

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

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, 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 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.

And Whereas on the 20th day of May, 2009, the Acting President, on the advice of Cabinet, further 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;
- (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) in the Instrument dated the 9th day of September, 2008, apply to the Cleaver Heights Development Project.

1638—Continued

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

And Whereas it was 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.

And Whereas on the 21st day of May, 2009, the Acting President, on the advice of Cabinet, further altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago 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 and/or projects 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;
- (5) The consequences and/or implications of the result of the findings at (4) above.

And Whereas on the 21st day of May, 2009, the Acting President, on the advice of Cabinet, further extended the terms of reference in paragraphs 1(i) through 1(vii) and paragraphs 2(ii) through 2(iv) of that Instrument to apply to the Cleaver Heights Development Project.

And Whereas in the Instruments dated the 10th day of December, 2008, the 20th day of May, 2009 and the 21st day of May, 2009, the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago were said to be altered pursuant to section 2 of the Commissions of Enquiry Act, Chap. 19:01, when the power to so alter is vested in the President under section 3 of the Commissions of Enquiry Act, Chap. 19:01;

And Whereas as at and from the 11th day of August, 2009, ISRAEL KHAN recused himself from further participation in the Commission of Enquiry;

And Whereas the Chairman of the Commission of Enquiry, JOHN UFF, and KENNETH SIRJU as at the 1st day of September, 2009 are of the opinion that it would not now be appropriate for KENNETH SIRJU to have any involvement in the Commission of Enquiry so far as it concerns the Cleaver Heights Development Project and have accordingly decided that KENNETH SIRJU should recuse himself from the Commission of Enquiry with regard to the Cleaver Heights Development Project;

And Whereas the said Commission issued by the President on the 9th day of September, 2008 and the altered terms of reference pursuant to the Instruments issued on the 10th day of December, 2008, the 20th day of May, 2009 and the 21st day of May, 2009 were not *gazetted* pursuant to section 15 of the Commissions of Enquiry Act, Chap. 19:01;

And Whereas despite the failure to *gazette* the Commission, information, evidence, books, plans, and documents have been received by JOHN UFF, KENNETH SIRJU, DESMOND THORNHILL and ISRAEL KHAN sitting as *bona fides* enquirers into the Construction Sector in Trinidad and Tobago, in the case of JOHN UFF, KENNETH SIRJU and DESMOND THORNHILL, between the 9th day of September, 2008 and the 7th day of September, 2009 and in the case of ISRAEL KHAN, between the 9th day of September, 2008 and the 11th day of August, 2009;

Now therefore, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by sections 2 and 3 of the Commissions of Enquiry Act, Chap. 19:01, and all other powers thereto enabling, do hereby:

1. alter the Instruments dated the 10th day of December, 2008, the 20th day of May, 2009 and the 21st day of May, 2009, to record that they were made in the exercise of the power vested in the President by section 3 of the Commissions of Enquiry Act, Chap. 19:01 and all other powers thereto enabling; and
2. prescribe that you the Commissioners make use of and rely on the information, evidence, books, plans and documents obtained by you between the period from the 9th day of September, 2008 to the 7th day of September, 2009, sitting *bona fides* as enquirers into the Construction Sector in Trinidad and Tobago and all other information, evidence, books, plans and documents thereafter obtained by you in the conduct of this my Commission and in reporting thereon to the President in writing.

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 14th day of September, 2009.

Dated this 14th day of September, 2009.

A. LEUNG WOO-GABRIEL
Secretary to Cabinet

1639

LOSS OF GUARDIAN LIFE OF THE CARIBBEAN
LIMITED POLICIES

SWORN declaration having been made that Policy Number 5001267510 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of DIANNE SOOKDEO has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1 Guardian Drive
Westmoorings South-East.

21st August, 2009.

1640

SWORN declaration having been made that Policy Number 500129792 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of EMILIE MUNGALSINGH has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1 Guardian Drive
Westmoorings South-East.

21st August, 2009.

1641

SWORN declaration having been made that Policy Number 5000293100 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of VIDESH MOONAN has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1 Guardian Drive
Westmoorings South-East.

21st August, 2009.

1642

SWORN declaration having been made that Policy Number 8000108976 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of MARIA ROBERTS has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1 Guardian Drive
Westmoorings South-East.

21st August, 2009.

1643

SWORN declaration having been made that Policy Number 8000164728 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of MAURICE DILLON has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1 Guardian Drive
Westmoorings South-East.

21st August, 2009.

1644

SWORN declaration having been made that Policy Number 8000458926 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of MARVA JOHN-WILLIAMS has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1, Guardian Drive
Westmoorings South-East.

21st August, 2009.

1645

SWORN declaration having been made that Policy Number 8000239612 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of JOHN FERNANDES has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1 Guardian Drive
Westmoorings South-East.

21st August, 2009.

1646

SWORN declaration having been made that Policy Number CT20118175 issued by GUARDIAN LIFE OF THE CARIBBEAN LIMITED on the life of JOHN FERNANDES has been lost, and having made application to the Company for a duplicate policy, notice is hereby given that unless objection is raised within one month of the undermentioned date, the duplicate policy requested will be issued.

GUARDIAN LIFE OF THE CARIBBEAN
LIMITED

No. 1 Guardian Drive
Westmoorings South-East.

21st August, 2009.
