

BILL ESSENTIALS

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY BILL, 2014

Background

Pursuant to resolutions passed in the House of Representatives and in the Senate in October 2010 a Joint Select Committee was appointed to consider and report on Legislative Proposals to provide for public procurement and disposal of public property and on the repeal and replacement of the Central Tenders Board Act.”¹This Committee completed its mandate over the course of two (2) years and a final report comprising recommendations to guide the drafting of the legislation and the implementation of policy initiatives for the reform of the public procurement system in Trinidad and Tobago was presented to both Houses in June, 2012.

The Public Procurement and Disposal of Public Property Bill, 2014 was introduced and was read a First Time in the Senate on April 2nd, 2014.

What is the purpose of the Bill?

The Bill seeks to reform the procurement laws of Trinidad and Tobago by making provisions for the following in keeping with the principles of good governance, such as accountability, transparency, integrity and value for money:

- ✓ public procurement
- ✓ the retention and disposal of public property;
- ✓ the establishment of the Office of Procurement Regulation;
- ✓ the repeal of the Central Tenders Board Act, Chap. 71:91 and related matters.

To achieve these objectives, the Bill will provide for the establishment of an Office of Procurement Regulation to act as the governing body. The Bill also provides for the decentralisation of certain decision-making powers to local government.

Relative Legislation mentioned in the Bill

¹ <http://www.ttparliament.org/reports/p10-s2-J-20120615-PROC-r1.pdf>

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Central Tenders Board Act Chap 71:91²

Key Features of the Proposed Legislation:

The Bill consists of sixty-nine (69) clauses which are divided into eight (8) parts and one (1) Schedule outlining the Public Offices of the Central Tenders Board. The following is a summary of the provisions in the Bill:

PART I – PRELIMINARY

1. Provides that the Act will have effect even though inconsistent with sections 4 and 5 of the Constitution.
2. Outlines the objects of the Act as it pertains to public procurement and the disposal of property which entails, the promotion of:
 - a. the principles of accountability, integrity, transparency and value for money;
 - b. efficiency, fairness and equity; and
 - c. local industry development, sustainable procurement and sustainable development.
3. Provides for the establishment of a public body to discharge the functions of public procurement and disposal of public property according to the objects outlined in the Bill.
4. Makes void and illegal any:
 - a. procurement of goods, works or services or retention or disposal of public property that is not done in accordance with the Bill; and
 - b. procurement contract or agreement that is not entered into in accordance with the Bill.
5. Protects the rights of an innocent third party in cases of impropriety caused as a result of procurement acts/activities not being done in compliance with the Bill.
6. Provides that the provisions in the Bill **will** apply to public bodies and public-private partnership agreements but **not** to procurement concerning Trinidad and Tobago arising out of:

² http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs2/71.91.pdf

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- a. a treaty or other form of agreement with one or more other states;
- b. an agreement with an international development financing institution; and
- c. an agreement for technical or other cooperation with the government of a foreign state, particularly where the treaty or agreement provides for rules or regulations regarding the procurement of goods, works or services.

7. Provides that the Act binds the State.

PART II- THE OFFICE OF PROCUMENT REGULATION

8. Provides for the establishment of an Office of Procurement Regulation and makes provision for the Office to be managed by a Board comprising of seven (7) members

9. Permits the Regulator (Chairman) and members to serve for one (1) term of four (4) years and to be eligible for re-appointment.

10. Prohibits the Regulator (Chairman) and members from serving for more than two (2) consecutive terms.

11. Prohibits a Regulator (Chairman) who has served for more than two consecutive terms from becoming a member.

12. Permits the Regulator to resign via letter addressed to the President which shall take effect on the date the resignation letter is received by the President.

13. Permits a member to resign via letter addressed to the Regulator who in turn will forward the letter immediately to the President.

14. Provides for a member's resignation to take effect on the date the resignation letter is received by the Regulator.

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15. Provides for the salaries and allowances of the Regulator and the other members to be established by the **Salaries Review Commission**.
16. Provides for all expenses incurred by the Office to be charged to the **Consolidated Fund**.
17. Outlines the various circumstances under which the President may remove a member from office.
18. Outlines the functions of the Office of Procurement Regulations which includes:
 - a. to establish a comprehensive database of information on public procurement as well as data on tenders received the award, and value of contracts and any other information as the Office thinks fit regarding the public's interest;
 - b. to set training standards, competence levels and certification requirements to promote best practices in procurement;
 - c. to issue and review guidelines in relation to public procurement and the retention and disposal of public property, inclusive of model guidelines for special guidelines under Sections 30(1)(b) and 54(1) (b);
 - d. to prepare, update and issue model handbooks, incorporating standardised bidding documents, procedural forms and relevant documents for use in public procurement and the retention and disposal of public property.
19. Requires the Office to be efficient and take the necessary action against minimising any negative economic impact arising out of the performance of its functions as it deems necessary; and to be accountable to the Parliament and not be subject to the direction or control of any other person or authority in the performance of its functions.
20. Empowers the Office to ensure compliance with the bill by:
 - a. monitoring the procurement of goods, works and services and the disposal of public property, by public bodies;
 - b. conducting audits and periodic inspection of public bodies; and

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- c. issuing directions to public bodies.
21. Instructs the Board to hold a meeting at least once per month and as often as required.
22. Empowers the Office to appoint Committees comprising of persons who are **not** members of the Board as it deems necessary to:
- a. inquire into and advise the Office on any matter within the scope of the Office's functions;
 - b. exercise the powers of the Office delegated to it in writing; and
 - c. perform other duties assigned to it by the Office.
23. Gives the Office control over a Committee, viz a vis to discharge or reconstitute the Committee at any time.
24. Permits a Committee to regulate its own procedure, subject to any directions given by the Office.
25. Establishes that a member of the Board or Committee commits an offence and is liable on summary conviction to a fine of **five hundred thousand dollars and imprisonment for one year** if he/she fails to disclose his/her interest.
26. Allows a public officer or any person employed in a public office to be **seconded** to the service of the Office once approval is sought from the appropriate Service Commission or public office and consent is given by the person to be seconded.
- Provides for all rights of the officer who is seconded to be preserved and that a period of secondment should not exceed five (5) years.
27. Mandates the Office to establish a **Pension Fund Plan** with the funds appropriated to the Office from the Parliament within **five years of the date of assent to this Act**

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28. Allows the Office to be **exempt** from stamp duties, corporation taxes, customs duties, value added taxes, motor vehicle taxes and all other taxes, charges, levies and imposts.
29. Mandates the Regulator to **report to the Parliament no later than ninety days** subsequent to the expiry of the financial year to which the report relates and to furnish the Minister with a copy of the relevant report.
30. Specifies the matters to be addressed in the report as it relates to contracts with the exception of:
- i. those less than fifty thousand dollars; or
 - ii. contracts for the settlement of legal liability other than the total number and quantum.
31. Provides that the financial year of the Board end on September 30th.

PART III – GENERAL PROVISIONS

32. Makes provision for the establishment of a database to be known as the “**Central Depository**” containing information regarding the qualifications and experience of suppliers or contractors which can be accessed by the public.
33. Mandates that suppliers or contractors be **responsible for ensuring** that information submitted to the Central Depository is accurate.
34. Allows a procuring entity to request of the supplier or contractor who has submitted information to the Central Depository **to confirm the accuracy** of the information submitted.
35. Mandates that a procuring entity **publish on its website or in any other electronic format information regarding all impending procurement activities** for the subsequent twelve (12) months no later than six (6) weeks after the presentation of the National Budget.

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36. Allows the procuring entity **to charge a fee** for a printed copy of the information on its impending procurement activities.
37. Makes provision **for a complaint to be made to the Regulator** where information regarding impending procurement activities of a procurement entity is unavailable.
38. Allows a procuring entity to limit participation in procurement proceedings, in order to promote local industry development and local content. To do this, **the entity must declare at the first instance whether or not the participation of suppliers or contractors is limited** and provide a statement of the nature of and reason for the limitation which will be recorded at the procurement proceedings.
39. Provides that a declaration made by a procuring entity regarding its decision to limit participation in procurement proceedings **cannot be amended/changed**.
40. Outlines the criteria to be met by suppliers and contractors in order for a procurement entity to qualify for consideration.
41. Mandates a procuring entity ensure suppliers or contractors provide **sound proof of their qualifications** and **satisfy the criteria** listed above.
42. Mandates the procuring entity to **disqualify** a supplier or contractor **who presents inaccurate or incomplete qualifications** and where the supplier or contractor fails to promptly address the issue upon request by the procuring entity.
43. Authorises the procuring entity to require a prequalified supplier or contractor **to validate his qualifications** by using the previous pre-qualification criteria and thereafter inform the supplier or contractor about whether or not it is satisfied with the validity. Also, authorises the procuring entity **to disqualify any supplier or contractor who fails to validate his qualification** up on request.

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44. Mandates procuring entities to act in accordance with the guidelines and handbooks pertaining to public procurement **as issued by the Office of Procurement Regulation.**
45. Allows a procuring entity **to prepare Special guidelines and handbooks** in relation to public procurement to be forwarded to the Office for approval.
46. **Prohibits the splitting of procurement requirements** in order to avoid obligations under the Act.
47. Prohibits an entity from opening any tenders or proposal subsequent to cancelling the procurement.
48. Requires a record to be made in the proceedings regarding a procurement entity's decision and reasons for cancelling a procurement.
49. Specifies that the procuring entity immediately **publish a notice** of the cancellation and return any tenders or proposals that remain unopened.
50. Provides for the procuring entity not to incur any liability as a result of its decision to cancel procurement.
51. Provides for the procuring entity to request of the supplier or contractor details of the submission in the case where it is of the opinion that the submission is unusually low.
52. Allows the procuring entity to furthermore reject the submission where it is still of the opinion that the submission is unusually low subsequent to receiving the details of the submission from the supplier or contractor.

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53. Provides for details regarding the decision of a procuring entity, reasons for the rejection of a submission, as well as all communication with the supplier or contractor to be recorded in the proceedings and for the respective supplier or contractor to be immediately informed.
54. Mandates the procuring entity to **immediately inform each relevant supplier or contractor** of its decision **to accept a successful submission** outlining the **contract price** and the **duration of the standstill period**.
55. Does not require the procurement entity to immediately inform each relevant supplier or contractor of its decision to accept a successful submission where the procuring entity is of the view that **urgent public interest** considerations require the procurement to proceed without a standstill period. Such a decision by the entity will also be recorded in the proceedings.
56. Mandates a procuring entity to dispatch the notice of acceptance of the successful submission immediately to the relevant contractor or supplier unless the Office otherwise directs upon expiration of the standstill period or promptly after the successful submission is ascertained.
57. Permits the procuring entity to withdraw the award where the relevant supplier or contractor fails to sign any written procurement contract or fails to provide any required security for the performance of the contract.
58. Allows the procuring entity to either select the next highest ranked submission or to terminate the procurement proceedings in the instance where it has withdrawn an award.
59. Requires a procuring entity to submit to the Office a report on all contracts awarded during the preceding quarter no later than three (3) weeks subsequent to the end of each quarter.
60. Authorises the use of electronic processing system via a website to record public procurement.

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61. Provides for confidentiality regarding communication between a procuring entity and suppliers or contractors.
62. Provides protection to a person who provides information regarding non-compliance with the Act.

PART IV – INVESTIGATION AND ENFORCEMENT

63. Gives the Office the power to investigate a complaint of any alleged breaches.
64. Imposes a **fine of five hundred thousand dollars and imprisonment to one year** for a person who wilfully and mischievously makes or causes to be made a false report to the Office.
65. Grants the Office the power to obtain information and documents to exercise its purpose and functions by serving a notice on the respective person.
66. Requires a person on whom the Office serves notice to provide information to conform to the requests as failure to do so will result in the Office making an application to the High Court to compel such person.
67. Gives the Office the authority to require a person to provide information on an oath or affirmation at any place whether orally or in writing.
68. Provides for a person of whom information is requested to be represented by counsel and to be able to claim any privilege to which he/she is entitled.
69. Empowers any authorised officer from the Office to conduct investigations into any alleged or suspected breaches of the Act and to submit a full and complete written report of the investigation including any transcript of statements and any material relating to the investigation

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70. Requires the Office to inform the relevant public body under investigation and its relevant line Minister in writing about the outcome of the investigation, outlining necessary recommendations.
71. Mandates the Office to submit a special report to the Speaker when it finds during its investigation, evidence of a criminal offence, breach of duty or misconduct by an officer or member of a public body. In turn, the Speaker shall cause the report to be laid in Parliament and referred to a Joint Select Committee appointed under Section 66A of the Constitution. The Office would also be required to refer the matter to the Commissioner of Police and the Director of Public Prosecutions.
72. Provides that the Office should not negatively report on a public body or person unless the public body or person is notified of the alleged failure and the body or person has been allowed to be heard thoroughly in person or by an Attorney.

PART V- CHALLENGE PROCEEDINGS

73. Authorises a supplier or contractor to bring challenge proceedings by way of written application to the Office for review in cases where it is alleged that a decision or action was made by a procuring entity that is not in compliance with the Act on the basis that the supplier or contractor has suffered or is likely to suffer loss or injury.
74. Mandates the Office to publish in at least two (2) daily newspapers and on its website or any other electronic format, the application for review within three (3) days of its receipt during which the office may order that the procurement proceedings at any time before the entry into force of the procurement contract be suspended or the performance of a procurement contract or the operation of a framework agreement entered into force be suspended for as long as it deems necessary to protect the interest of the applicant.
75. Provides that subsequent to receiving an application for review the Office shall inform the procuring entity that it has received the notice and in turn access to all documents relating to procurement proceedings should be provided by the procuring entity.

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76. Provides that within seven days of the receipt of an application for review, the decision on suspension and its substance should be communicated to the procuring entity and all relevant supplier's and contractors.
77. Provides that the Office specify the period of suspension and where it decides not to suspend procurement proceedings the reasons for its non-suspension should be communicated to the applicant and the procuring entity.
78. Authorises the Office to dismiss an application and stop any deferment where it finds that the application is without merit or was not presented within the set deadlines. This information should be promptly communicated to the applicant, the procuring entity as well as all the relevant suppliers and contractors.
79. Outlines the various decisions the Office may take with regard to an application for review of matters it has considered and requires the Office to inform an applicant and all other participants in the application and procurement proceedings of its decision within twenty working days of the receipt of the application.
80. Provides that within twenty working days after making the decision the Office must record reasons for the decision and actions taken.
81. Permits any relevant supplier or contractor to which the application relates or public bodies whose interests are or could be affected to have the right to participate in challenge proceedings to be represented, to be heard, to present evidence including witnesses and to seek access to the record of the challenge proceeding. However, a supplier or contractor subsequent to being informed who fails to participate in proceedings relating to the application cannot challenge the decision or actions.
82. Outlines the various grounds for confidentiality in challenge proceedings.

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PART VI- DISPOSAL OF STORES AND EQUIPMENT OF A PUBLIC BODY

83. Mandates a public body to act in accordance with general guidelines, special guidelines and handbooks regarding the retention and disposal of stores and equipment of a public body.
84. Specifies that a public body establish a Disposal Committee of no less than three officers to recommend the best method of disposing of unserviceable, obsolete or surplus stores or equipment.
85. Permits the accounting officer of a public body to inform the Disposal Committee in writing of its acceptance or rejection and reasons for rejecting the recommendations within fourteen days subsequent to receiving the recommendations from the Committee. In the case of rejection of the recommendation the Bill provides that the Minister responsible for the public body determine and inform the Office in writing of the manner of disposal.
86. Prohibits a public body from discarding of public property to an employee, Board or Committee member of the public body unless expressly allowed in the Regulations.
87. Defines and makes provision for an ineligibility list to mean a list of suppliers or contractors who cannot participate in procurement proceedings to be:
- a. prepared and maintained by the Office;
 - b. stored in the Central Depository; and
 - c. publicised and communicated to all public bodies.
88. Outlines the various ways in which a supplier or contractor can be placed on the eligibility list.
89. **Authorises the Minister of Planning and Sustainable Development to make Regulations** regarding the mechanism to be used and the manner for adding a supplier or contractor to the ineligibility list and the procedure to remove a supplier or contractor from the list on the advice of the Office.

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90. Allows a supplier or contractor to be heard subsequent to his name being added to the ineligibility list.
91. Forbids a person from gaining an advantage or concession for himself or any other person through certain conduct such as offering a gift of money or other valuable thing or approaching relevant persons with regard to any matter before the procuring entity or forthcoming matters.
92. Forbids a member, officer or employee of a public body from accepting a bribe whether in the form of a gratuity, any offer of employment, service or any other thing of value.
93. Prohibits a procuring entity from procuring goods, works or services from a member of its staff or a person who has direct influence on the decision of a procuring entity. Furthermore such a member of staff is required to declare any interest in any tender and not attend the proceedings.
94. Provides for the rejection or revocation of a tender or proposal where the procuring entity detects that a bribe has taken place. Furthermore, a report on the matter is to be submitted to the Office and the supplier or contractor added to the ineligibility list for a period of ten years subsequent to the date of rejection or revocation and all public bodies must notified in writing of the disqualification.
95. Provides that an offence is committed and a fine of one million dollars and five years' imprisonment is applicable to any person who contravenes the provisions outlined in clause 59.
96. Provides that an offence is committed and a fine of five million dollars and ten years imprisonment is applicable to a person who is involved in or participates in bid rigging or directly or indirectly influences or attempts to influence any procurement proceedings to win an award of a procurement contract.

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97. Provides that an offence is committed and a fine of two million dollars and seven years imprisonment is applicable to a person who alters any procurement document in order to influence the outcome of procurement proceedings.
98. Provides that an offence is committed when any person contravenes the provisions in the Act and if no penalty for an offence is provided for, the person will be liable to a fine of two million dollars and seven years imprisonment.
99. Gives the Minister power to make regulations on the recommendation of the Office including regulations regarding the conduct of challenge proceedings; the addition to or removal from an ineligibility list; and to prescribe penalties for any offence not exceeding a fine of one million dollars and imprisonment for five years including disregard for any regulation.
100. Repeals the Central Tenders Board Act, however where any actions regarding a procurement or disposal of public property had started prior to the proclamation of this Act the Central Tenders Board Act continues to have effect. References to the Director of Contracts or the Central Tenders Board Act will be interpreted as a reference to the Office or the Act respectively.
101. Provides for procurement proceedings that are in force upon the commencement of the Act to be deemed in conformity of the Act and its previous transactions stand as valid.

PART VIII- TRANSITIONAL

102. Allows an officer holding a permanent appointment or a temporary appointment with two years continuous service to within three months of the date of assent of this Act to either:
- a. Voluntarily retire from the Public Services on terms and conditions agreed between him or his union and the CPO; or
 - b. Transfer to the Office with approval from the PSC on terms and conditions no less favourable than those enjoyed by him in the Public Service; or

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- c. Remain in the Public Service provided that a similar position previously held by him is available in the Public Service.
103. Provides that where an officer chooses the option to be transferred to the Office that:
- a. his superannuation benefits accrued will be preserved at the date of his employment by the Office and he will continue to accrue retirement benefits under the Pension Act at the salary he received immediately before his employment in the Office until the Pension Fund Plan is established;
 - b. if the employee dies or retires before the establishment of the Pension Fund Plan and he was receiving a higher salary in the Office his retirement benefits will be based on the higher salary;
 - c. the difference between the superannuation benefits based on the higher salary and those payable under the Pensions Act shall be paid by the Office; and
 - d. where the Pension Fund Plan is established, his pensionable salary applicable to him will be calculated with the amounts from the fund and from the Public Service combined.

Considerations

- The Bill repeals the Central Tenders Board Act.
- The Bill provides whistleblower protection to a person who provides information regarding non-compliance with the Act.
- The Bill provides that the salaries of the Regulator and other members of the Board shall be determined by the Salaries Review Commission.
- The Bill will require members of the Board or a committee to disclose any interest they may have in any matter under consideration.
- The Bill allows a procuring entity to withdraw an award where the supplier or contractor fails to sign any written procurement contract or fails to provide security for the performance of the contract.
- The Bill will allow the Office to make an application to the High Court to compel a person to give information or appear before the Office if he/she refuses to do so without lawful justification.
- The Bill will allow a contractor or supplier to bring challenge proceedings.
- The Bill provides penalties for offences involving collusion and attempting to influence members or associates of procuring entities.

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Comparison of Similar Legislation in other territories

Country	Legislation	Remarks
United Kingdom	<p>Public Services (Social Value) Act, 2012³</p> <p>The Public Contracts Regulations 2006⁴</p> <p>The Public Contracts (Amendment) Regulations 2009⁵</p> <p>The Utilities Contracts Regulations 2006⁶</p> <p>The Utilities Contracts (Amendment) Regulations 2009⁷</p>	An Act to require public authorities to have regard to economic, social and environmental well-being in connection with public services contracts; and for connected purposes.
Antigua and Barbuda	The Procurement and Contract Administration Act, 2011 ⁸	AN ACT to reform the procurement and contract administration procedures of the Government, to repeal the Tenders Board Act and to provide for incidental and connected purposes.
Australia	<p>Public Governance, Performance and Accountability Act 2013⁹</p> <p>Australian Capital Territory Government Procurement Act, 2001¹⁰</p>	<p>An Act about the governance, performance and accountability of, and the use and management of public resources by, the Commonwealth, Commonwealth entities and Commonwealth companies, and for related purposes</p> <p>The Australian Capital Territory Government Procurement Act, 2001 establishes a government procurement board and make provision about the procurement of goods and services by Territory entities, and for other purposes</p>

³ <http://www.legislation.gov.uk/ukpga/2012/3/enacted>

⁴ <http://www.legislation.gov.uk/uksi/2006/5/contents/made>

⁵ https://www.lbhf.gov.uk/Images/Public%20Contract%20Regs%202009_tcm21-134193.pdf

⁶ http://www.legislation.gov.uk/uksi/2006/6/pdfs/uksi_20060006_en.pdf

⁷ http://www.legislation.gov.uk/uksi/2009/3100/pdfs/uksi_20093100_en.pdf

⁸ <http://laws.gov.ag/bills/a2011-1.pdf>

⁹ <http://www.comlaw.gov.au/Details/C2013A00123>

¹⁰ <http://www.legislation.act.gov.au/a/2001-28/20010524-539/pdf/2001-28.pdf>

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Country	Legislation	Remarks
Canada	Ontario Broader Public Sector Accountability Act, 2010 ¹¹	<p>Makes provisions in Section 12 for the Management Board of Cabinet to issue directives governing the procurement of goods and services by designated broader public sector organizations. 2010, c. 25, s. 12 (1).</p> <p>Additionally, (2) Without limiting the generality of subsection (1), the directives may incorporate by reference a Government of Ontario policy or directive, in whole or in part, as amended from time to time. 2010, c. 25, s. 12 (2) and also provides that (3) Every designated broader public sector organization to which the directives apply shall comply with the directives. 2010, c. 25, s. 12 (3).</p>
Grenada	Public Procurement and Contract Administration Act 25, 2007 ¹²	Provides for the general requirement in relation to procurement, and establishes a Public Procurement Authority.
Finland	Finland Act on Public Contracts (348/2007) ¹³	<p>Section 1 set out the Purpose of the Act:</p> <p>(1) State and municipal authorities and other contracting authorities shall put their contracts out to tender as provided in this Act.</p> <p>(2) The purpose of this Act is to increase the efficiency of the use of public funds, promote high-quality procurement and safeguard equal opportunities for companies and other communities in offering supply, service and public works contracts under competitive bidding for public procurement.</p> <p>(3) This Act governs the entry into force of Directive 2004/18/EC of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, hereinafter referred to as the "Directive on public contracts", and Council Directive 89/665/EEC on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, hereinafter referred to</p>

¹¹ http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_10b25_e.htm

¹² http://www.oas.org/juridico/spanish/grd_public_proc_admin.pdf

¹³ <http://www.finlex.fi/en/laki/kaannokset/2007/en20070348.pdf>

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Country	Legislation	Remarks
	Public Procurement Act (1505/1992; amendments up to 1530/2001 included) ¹⁴	as the "Directive on the review procedures". Section 1 - Scope of application and objectives The State authorities, local authorities and other contracting entities referred to in this Act shall, with a view to promoting competition and ensuring equal and non-discriminatory treatment of those who participate in a tendering procedure, observe this Act in their contracts.
Jamaica	Contractor General's Act ¹⁵	Provides for a Contract General Commission.
Kenya	The Public Procurement and Disposal Act, 2005 ¹⁶	AN ACT of Parliament to establish procedures for efficient public procurement and for the disposal of unserviceable, obsolete or surplus stores, assets and equipment by public entities and to provide for other related matters.
Philippines	Revised Implementing Rules and Regulations (IRR) of Republic Act 9184 (RA 9184), otherwise known as the Government Procurement Reform Act ¹⁷¹⁸	This Revised Implementing Rules and Regulations,2 hereinafter called the IRR, is promulgated pursuant to Section 75 of Republic Act No. (R.A.) 9184, otherwise known as the "Government Procurement Reform Act", for the purpose of prescribing the necessary rules and regulations for the modernization, standardization, and regulation of the procurement activities of the Government of the Philippines (GOP).
Singapore	Government Procurement Act (CHAPTER 120) ¹⁹	An Act to give effect to the Agreement on Government Procurement and other international obligations of Singapore relating to procurements by the Government and public authorities, and for purposes connected therewith.

¹⁴ <http://www.finlex.fi/en/laki/kaannokset/1992/en19921505.pdf>

¹⁵ http://www.oas.org/juridico/spanish/jam_res9.pdf

¹⁶ http://nationaloil.co.ke/pdf/public_procurement_and_disposal_act_2005.pdf

¹⁷ <http://www.gppb.gov.ph/laws/laws/RevisedIRR.RA9184.pdf>

¹⁸ http://www.lawphil.net/statutes/repacts/ra2003/ra_9184_2003.html

¹⁹ <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%22b7fd903f-8889-49e2-9178-3ae88e93b835%22%20Status%3Ainforce%20Depth%3A0;rec=0>

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Country	Legislation	Remarks
	<p>Government Procurement Act 1997 (No. 14 of 1997)²⁰</p> <p>Government Procurement (Amendment) Act 2014²¹</p> <p>Other legislation include:</p> <ol style="list-style-type: none"> 1. <i>Government Procurement (Challenge Proceedings) Regulations,</i> 2. <i>Government Procurement Regulations,</i> 3. <i>Government Procurement (Application) Order</i> 4. <i>Government Procurement Act (commencement) Notification 2002.</i> 	<p>An Act to give effect to the Agreement on Government Procurement and for purposes connected therewith.</p> <p>An Act to amend the Government Procurement Act (Chapter 120 of the 1998 Revised Edition).</p>
South Africa	<p>Constitution of The Republic of South Africa, Act 108 of 1996²²²³</p>	<p>Provides for the following:</p> <p>(1) When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective.</p> <p>(2) Subsection (1) does not prevent the organs of state or institutions referred to in that subsection from implementing a procurement policy providing for-</p> <p>(a) categories of preference in the allocation of contracts; and</p> <p>(b) the protection or advancement of persons, or categories of persons, disadvantaged by unfair discrimination.</p>

²⁰ <http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=Compld%3Adb82ffc1-e055-48c5-9635-5e3265f2472d;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Faol%2Fbrowse%2FtitleResults.w3p%3Bletter%3DG%3Btype%3DactsPub>

²¹ <http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=Compld%3A372a3139-f84a-4e4c-ae0-0553f572987d;rec=0>

²² <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/The%20Constitution%20of%20South%20Africa%20%281996%29.pdf>

²³ http://en.wikisource.org/wiki/Constitution_of_the_Republic_of_South_Africa,_1996/2001-11-21/Chapter_13

BILL ESSENTIALS

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY BILL, 2014

Country	Legislation	Remarks
	Preferential Procurement Policy Framework Act No. 5 of 2000 ²⁴	<p>(3) National legislation must prescribe a framework within which the policy referred to in subsection (2) must be implemented. [Sub-s. (3) substituted by s. 6 of Act 61 of 2001.]</p> <p><i>An Act To give effect to section 217 (3) of the Constitution by providing a framework for the implementation of the procurement policy contemplated in section 217 (2) of the Constitution; and to provide for matters connected therewith.</i></p>
Uganda	The Public Procurement and Disposal of Public Assets Act, 2003 ²⁵	<p>2. (1) This Act shall apply to all public procurement and disposal activities and in particular shall apply to-</p> <p>(a) all public finances-</p> <p>(i) originating from the Consolidated Fund and related special finances expended through the capital or recurrent budgets, whatever form these may take;</p> <p>(ii) that may be earmarked for external obligation purposes, except those resources that may be earmarked for payments of membership subscriptions and contributions; and</p> <p>(iii) of a procuring and disposing entity;</p> <p>(b) resources in the form of counterpart transfers or co-financing or any finances of a similar nature within the context of development co-operation agreements for the implementation of national programmes; and</p> <p>(c) procurement or disposal of works, services, supplies or any combination however classified by-</p> <p>(i) entities of Government within and outside Uganda; and</p> <p>(ii) entities, not of Government, but which benefit from any type of specific public funds specified in paragraph (a) of this sub-section.</p>

²⁴<http://www.nhbrc.org.za/files/Tender/procurement/Preferential%20Procurement%20Policy%20Framework%20Act%5B1%5D.pdf>

²⁵<http://www.assetrecovery.org/kc/resources/org.apache.wicket.Application/repo?nid=94014101-5e44-11dd-b82b-91894576584e>

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Country	Legislation	Remarks

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Parliament Secretariat

Parliament of the Republic of Trinidad and Tobago

Levels G-7, Tower D,

Port of Spain International Waterfront Centre

#1A Wrightson Road, Port of Spain

TRINIDAD

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