

THE OFFICE OF PROCUREMENT REGULATION



Stakeholder Engagement & Consultation Workshops

Trinidad Hilton and Conference Center

26th - 28th September 2018

FINAL REPORT

1.0 BACKGROUND

The Office of Procurement Regulation (OPR) sought to bring together stakeholders from a wide cross section of Trinidad and Tobago to review the Draft Handbook and Guidelines and the development of the Regulations to support the Public Procurement and Disposal of Public Property Act, 2015 as amended.

The Act aims to provide for public procurement, and for the retention and disposal of public property in accordance with the principles of good governance, namely; accountability, integrity, transparency, and value for money and to promote local industry development, sustainable procurement and sustainable development.

As part of the process of drafting the procurement regulations, the Office of Procurement Regulation hosted a series of Stakeholder Engagement and Consultation Workshops which were held at the Trinidad Hilton, from 26th – 28th September 2018.

Stakeholders were invited to review the Draft Handbook and Guidelines online prior to attending the sessions in order to be better prepared to contribute to the consultations. At the sessions, they received presentations by Ms. Pastora Brown, Team Lead Procurement Policy Development who gave a brief review of the Draft Handbook, Ms. Natika Prince, Team Lead, Procurement Capacity Development, who presented the Draft Guidelines, as well as Mr. Peter Trepte, International Procurement Consultant and subject matter expert, who spoke to the Harmonization of the Act/Regulations. Inclusive of these presentations, the Chairman of the Board/Procurement Regulator, Mr. Moonilal Lalchan was present to answer questions and provide clarity to stakeholders on the entire procurement process, as well as the way forward.

Stakeholders were grouped as follows:

- Chambers, Civil Society Groups, International NGOs, Accounting/Engineering and other Associations etc.
- Chief Procurement Officers/Change Agents (from Government Ministries), Central Tenders Board
- Permanent Secretaries, Deputy Permanent Secretaries, Heads of Departments of Gov't Ministries, Integrity Commission, Service Commissions
- CEOs, Chairmen and Chief Procurement Officers of State Enterprises
- CEOs and Chairmen of Regional Health Authorities, Tobago House of Assembly, Regional Corporations, Statutory Authorities
- NGOs, Schools, Cultural and Sporting Organizations – anyone who receives funding from public money

Sessions were moderated by Ms. Tamara Roy, Communications Manager, Office of Procurement Regulations on Wednesday 26, Thursday 27 (both sessions) and Friday 28 September (am session). Mr. Nikoli Edwards, Board Member Office of Procurement Regulation moderated the pm session on Friday 28 September.

This report will highlight pertinent questions arising from the various sessions as well as key considerations and common themes and suggestions as presented by the Stakeholders.

2.0 EVENT ASSESSMENT AND OUTCOMES

Of all the Stakeholders in attendance over the three-day period, 362 evaluation forms were collected. This information was collated into common trends or themes, suggestions and recommendations, additional questions or comments and general criticism. In general, attendees expressed general satisfaction with the various sessions. Similarly, they were also very pleased with the online registration process. 94% felt the sessions met their expectations in some way and 78% determined that the information and knowledge they gained would be useful/applicable to their work. Appendix 1 provides further details.

3.0 GENERAL COMMENTS FROM EVALUATION FORMS

Although stakeholders expressed a general satisfaction with the Consultation, a common comment was that there was insufficient time allocated to explore all the areas in depth. Some also noted that they would have benefited more from the use of practical examples of the procurement process using a scenario-based approach.

Another frequently noted theme was that of continuous engagement, as well as one on one sessions with state enterprises, Ministries and NGOs. One recommendation was the use of an online procurement blog to facilitate information and knowledge sharing.

In the area of Capacity Building and Training, the majority of stakeholders indicated the need for further engagement, preferably one on one/in house or agency specific groups, to learn/practice how to develop the Handbooks and Guidelines. Persons also indicated the need for detailed information on the public procurement process, role of the CPO, disposal of goods, E-Procurement, E-tendering and E-Auctions and about the Act itself.

A few persons also mentioned that they were unclear of the role, responsibilities and organizational structure of the OPR itself while others stated that they simply “*vague at this point...left the session with more questions than answers*”, “*more clarification please. Left wondering*”, “*I expected a more user-friendly approach*”.

General critique of the Consultation included time allocation, structure of the sessions (e.g. presentation was too wordy, diagrams not visible), printed or electronic summary documents were needed¹, less legal jargon, legislation could have been more critically analyzed as well as the time of the consultation. One stakeholder noted that “*the time given for full proclamation, with so much that is still required to be done, but yet the key stakeholders have been engaged almost at the end of the full proclamation*”.

4.0 CONSULTATION SESSIONS - THEMATIC SUGGESTIONS & RECOMMENDATIONS

Suggestions and recommendations from the Consultation sessions with actionable items are as follows:

4.1 CONSULTATION SESSIONS

- Choose aspects (high risk/complicated) areas to delve into and discuss.

¹ Stakeholders requested the PowerPoint presentations either by email or uploaded to the OPRs website

- Include education and sensitization component for the NGO Board of Directors and Committees.
- Island wide training (see Public Service Academy and Ministry of Public Administration for guidance).
- Special overview session offered to Public entities for Management to be aware of the application of the Act.
- From a project management prospective how do we deal with the HR capacity challenge?
- What are the pros and cons of the new system?
- What standard is the Procurement Act measured against?
- Notwithstanding the procurement law, the Ministry of Finance still determines the efficiency of procurement in state entities through the single year allocation of funds and the indirect releases or (non) at all which will continue to be a hindrance to the process and a flagrant disregard for the law. What is the strategy to overcome that? As it stands now – the state controls all of the allocations and releases, so what (then)?
- Risk management planning
- Funding
- Penalties under the Act

4.2 ACTION ITEMS

Table 4.2 summarises the actionable items identified by the OPR as a result of stakeholder feedback.

Table 4.2 Actionable Items for OPR

ACTIONABLE ITEM
The Act
Simplified version of the Act
To look at how commercially sensitive information is treated within the Act
Harmonization of Act and regulations
Amend the time of proclamation to allow for further consultation.
Procurement of Consulting services in light of the Act
Guidelines
Simplified version of the guidelines
Creation of step by step guidelines
Development of guidelines for sole select and selective tendering
Customizing the guidelines
Bulk procurement to be included in the guidelines.
Emergency guidelines and approvals
Are guidelines enforceable under the law
Proper Project Management and Monitoring and Evaluation processes to include in guidelines
Handbook
Simplified version of the Handbook
Customization of the Handbook
Issues/Answers/Further Clarification Needed
More clarity needed on the role of the Chief Procurement Officer and how reoccurring purchases should be handled.
Stand still periods in contracts
Clarification on timelines please?
Multi-year budgeting (PSIP projects)
Are procurement officer post subjected to Integrity in Public Life Act?
Under the Central Tenders Board there is a procedure in place that whereby when a government agency is purchasing any form of ICT equipment they must get standards approved it must get standards approved by the Ministry responsible for ICT. This is a protection placed in the Tenders Board Act because where different agencies purchase different computing equipment it may not be interoperable. With the OPR legislation, that protection is removed, what can be done to ensure the standardization and harmonization particularly with the purchasing of ICT equipment?
At ASA Wright we applied to the Green Fund given the type of services we provide, but were not about to get funding. We have encroachment on our lands by miners. This relates to disposal of public property?
The movement from the Central Tenders Board to regulations under the Procurement Act
Public Disposal
Roles and responsibilities of the Procurement Officer, Chief Procurement Officer and Accounting Officer
Removal of Ministerial and/or Board of Directors direct input in the procurement process
The importance of value for money and the selection criteria for services

Pre-qualification listings
E-Procurement and E-Disposal
More information needed on E-Procurement and E-Disposal
Use of technology i.e. E-Procurement, E-Auctions, E-Tenders
Sessions with Stakeholders
Combined Ministry session to help with the setting up of the new procurement system, “each one teach one” method as a means of dealing with all concerns at the same time
PS and Minister Workshops where areas of common concern from both perspectives can be aired and resolution reached
Specific sessions for Engineers, Lawyers, Consultants, Chain Supply Specialists and Accountants
In house workshops with Sporting bodies re: Sport Policy
Meet with RHAs to clarify organizational structure
NGOs
Providing minimum requirements for NGOs and part funded state enterprises
Group NGOs by scale of operations for smaller sessions
More clarification on the categories of NGOs e.g. low vs high risk and how this is determined?
Grant funding (NGOs)
For Review/Consideration
Whistle blower system should be implemented and carried out by an objective third party provider to reduce the anxiety that procurement staff now feel.
Online OPR procurement blog and knowledge sharing; online collaboration and discussion on the way forward.
A greater standardization of the tender polices for everyone will ensure that there are similar systems and therefore minimizing gaps and loopholes.
Development of local content

In conclusion, with reference to the daily Consultations, stakeholders stated that they benefited most from the presentations on the Draft Handbook. In their comments, they noted that even though further training and guidance is necessary, there is now “*a better understanding of what is required*”.

Stakeholders welcomed the opportunity to work with the Office of Procurement Regulation and indicated their support and cooperation in the development of the Draft Handbook and Special Guidelines.

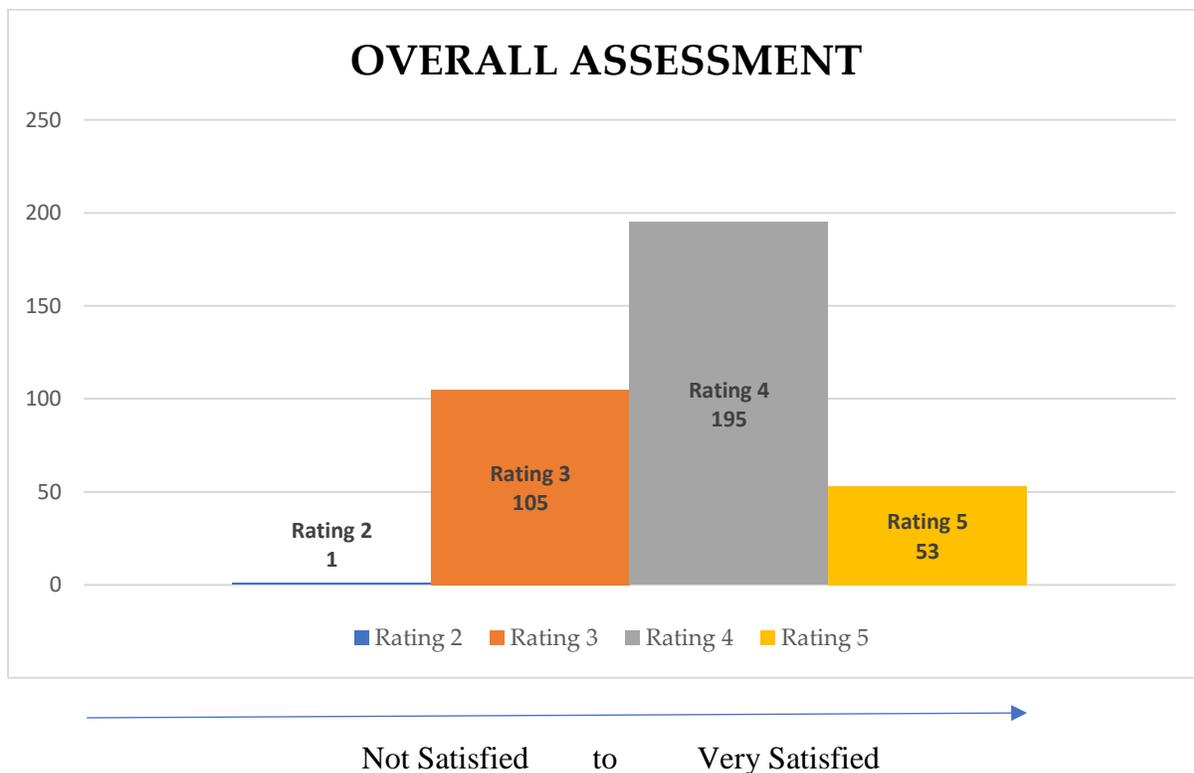
OPR STAKEHOLDER EVALUATION OF WORKSHOP – 26TH TO 28TH SEPT., 2018

QUESTION 1

RATE YOUR OVERALL EXPERIENCE AT THE SESSIONS

When asked (Question 1) to rate their overall experience at the various sessions, stakeholders expressed a general satisfaction²; with 195 persons giving a score of 4/5, 105 rating 3/5, 53 rating 5/5 and 1 rating 2/5.

Diagram 1: Overall Assessment



² Diagram 1: Overall Assessment

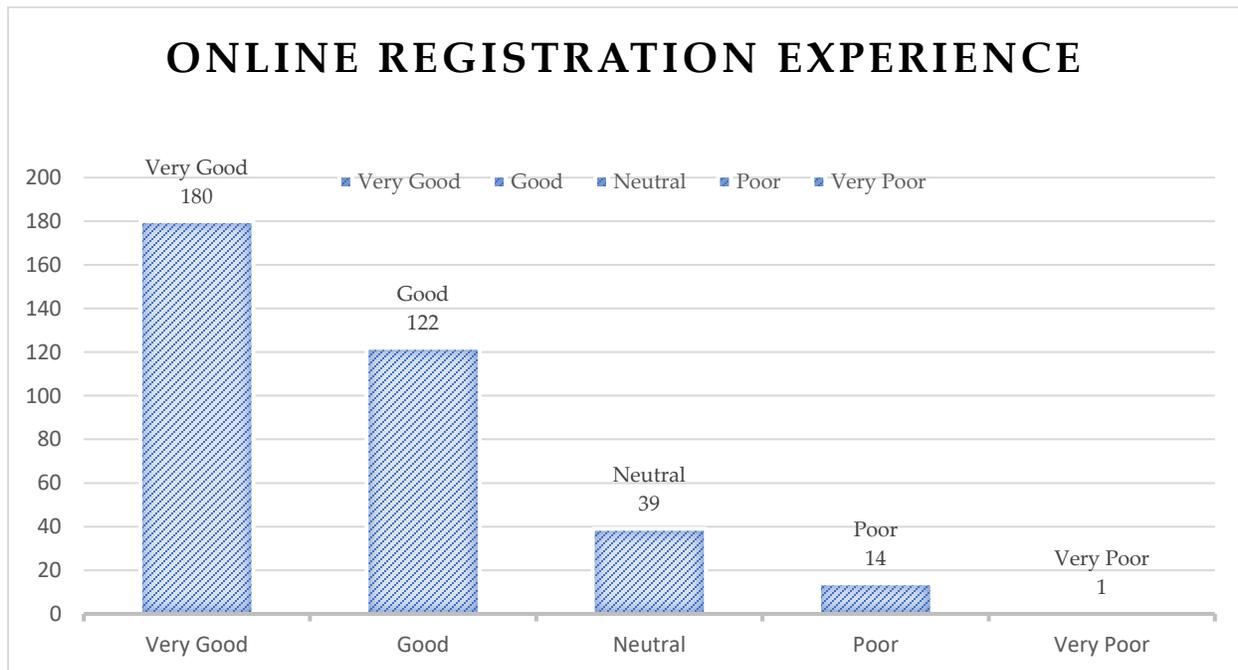
Degree of Satisfaction

QUESTION 2

RATE THE ONLINE REGISTRATION PROCESS

When asked (Question 2) to rate the online registration process³, 180 persons rated ‘very good’; 122 persons said that they had a ‘good’ experience, 39 persons were ‘neutral’ and 14 persons indicated they had a poor experience.

Diagram 2: Online Registration Experience



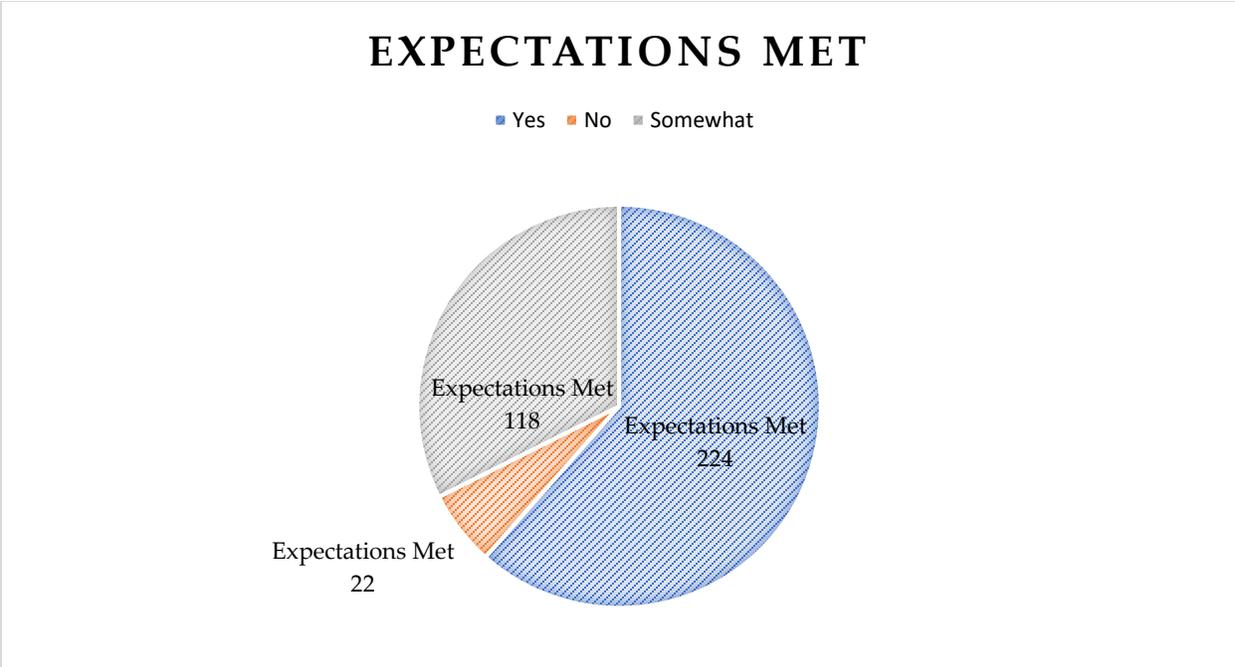
³ Diagram 2: Online Registration Experience

QUESTION 3

DID THE CONSULTATION SESSIONS MEET YOUR EXPECTATION?

When asked ⁴ (Question 5) if the Consultation sessions met their expectation, 62% (224 persons) said ‘Yes’ the Consultation met with their expectation, 32% (118 persons) scored ‘Somewhat’ and 6% (22 persons) scored ‘No’.

Diagram 3: Expectations Met



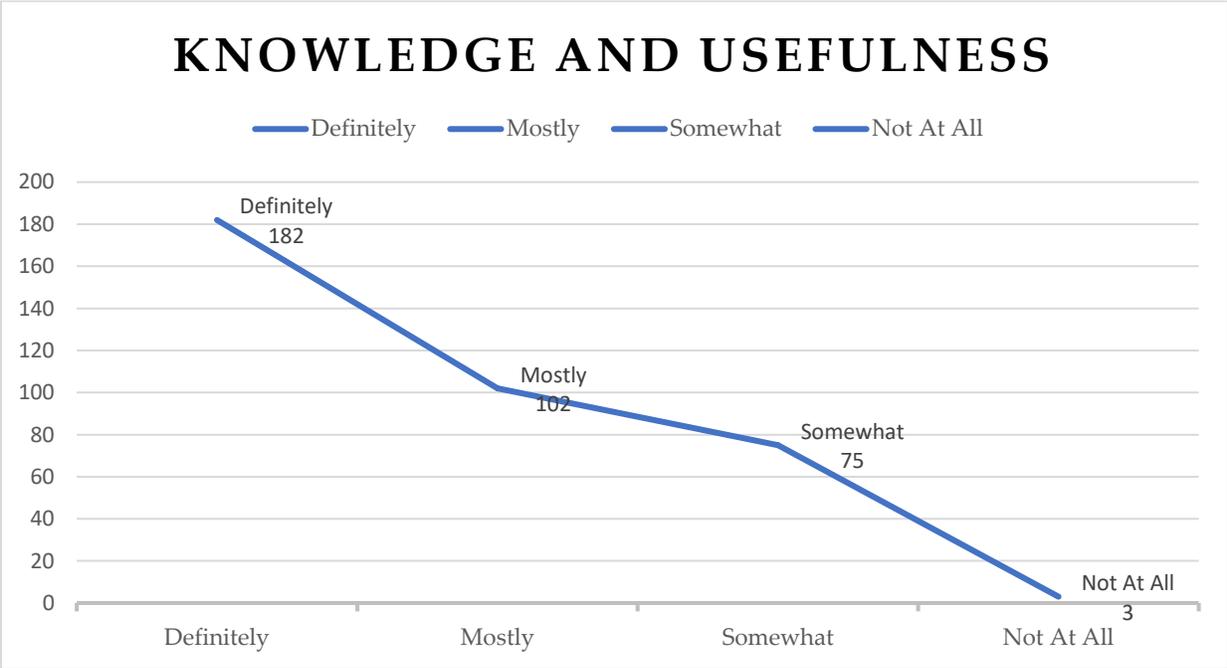
⁴ Diagram 3: Expectations met

QUESTION 4

WAS THE INFORMATION/KNOWLEDGE GAINED USEFUL/APPLICABLE TO YOUR WORK?

When asked⁵ (Question 6) if the information and knowledge gained would be useful/applicable to their work, 182 persons scored ‘Definitely’, 102 persons scored ‘Mostly’, 75 persons scored ‘Somewhat’ and 3 persons said ‘Not at all’.

Diagram 4: Knowledge and Usefulness



⁵ Diagram 4: Knowledge and Usefulness