

THE OFFICE OF PROCUREMENT REGULATION

Level 19, Tower D

Port of Spain International Waterfront Centre

1A Wrightson Road, Port of Spain

Tel: 1-868-627-4677

Website: www.oprptt.org

PUBLIC ADVISORY #3

In anticipation of the full proclamation of the Public Procurement and Disposal of Public Property Act, 2015, and its amendments, the public is hereby notified of the following:

Section 61

- (1) Any person who contravenes a section referred to in the First Column of Schedule 1 commits an offence and is liable on conviction to the penalty specified in the Third Column of that Schedule.
- (2) For the purpose of this Act, a public body shall have a procurement officer who shall be responsible for public procurement and the disposal of public property for that body and shall notify the Office, in writing, of the name and designation of its procurement officer.
- (3) A reference in this Act to the commission of an offence by a public body shall be construed as a reference to the commission of the offence by the procurement officer referred to in subsection (2) or an officer who purports to act in such capacity, if it is proved that—
 - (a) the offence was committed with his direct consent or connivance;
 - or
 - (b) he, with knowledge, did not exercise reasonable diligence to prevent the commission of the offence.
- (4) No prosecution of an offence under this Act may be instituted without the written consent of the Director of Public Prosecutions.

SCHEDULE 1 (Section 61)

OFFENCES AND PENALTIES

Section	Offence	Specified Penalty
31	Splitting of procurement	Summary Conviction—\$500,000 and imprisonment for one (1) year
39	Failure of procuring entity to comply with requirements with respect to the confidentiality of information	Summary Conviction—\$500,000 and imprisonment for one (1) year

40	Victimisation	Summary Conviction—\$500,000 and imprisonment for one (1) year
41	Failure of a person to report instances of collusion	Summary Conviction—\$500,000 and imprisonment for one (1) year
46	Concealing or destroying information required for an investigation	Conviction on Indictment— \$5 Million and ten (10) years imprisonment
52	Failure to comply with requirements with respect to confidentiality in challenge proceedings	Summary Conviction—\$500,000 and imprisonment for one (1) year

Public bodies and persons or entities receiving public money should become familiar with the Public Procurement and Disposal of Public Property Act, 2015 and its amendments.

Should you have any queries or concerns, feel free to contact us at opr.feedback@opr.org.tt

**Moonilal Lalchan
Procurement Regulator
21st September, 2018**