



**FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL**

No.	Question	Category	Response
1	Should the area of disposal reside with the Procurement Department or other departments, like Finance or Facilities?	Retention & Disposal	<p>According to Section 61(2) of the Public Procurement and Disposal of Public Property Act, 2015 (as amended) (the Act) “...a public body shall have a Procurement Officer who shall be responsible for public procurement <u>and the disposal of public property for that body</u> and shall notify the Office, in writing, of the name and designation of its Procurement Officer”.</p> <p>The Procurement Officer may engage the services of other members of staff but cannot give up the responsibility of being the person ultimately responsible for the retention and disposal of public property.</p> <p>For further information regarding the Disposal Committee, Procedure for Disposal and Prohibition of disposal within a public body under the Act, see sections 55-57.</p>
2	If public bodies currently have items to dispose of and already has approval to do so, can the	Retention & Disposal	The sections of the Act that pertains to the retention and disposal of public property have not been proclaimed. As such, a public body will be required to follow its existing rules



**FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL**

No.	Question	Category	Response
	public body go ahead and do so or adopt the new information under the Act?		<p>and procedures governing the retention and disposal of public property.</p> <p>Notwithstanding the foregoing, the Office recommends that public bodies incorporate the requirements for the retention and disposal of public body under the Act within existing rules and procedures.</p>
3	Has the Office changed its position regarding section 57 of The Act?	Retention & Disposal	<p>Section 57 of the Act states: “A public body shall not dispose of unserviceable, obsolete or surplus stores and equipment to an employee of the public body or a member of a board or committee of the public body except as expressly allowed under Regulations”.</p> <p>Of note, section 57 of the Act remains as is. Further, sections 11.10 and 11.11 of ‘The General Guidelines: Retention and Disposal of Public Property’ advises of the general methods and procedures of disposing of public property. Once the public body has identified person(s) in the organisation to dispose to, the public body must notify the Office of the disposal process followed and to whom the item is intended to be disposed to.</p>



**FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL**

No.	Question	Category	Response
			NOTE: This area is further informed in the proposed Draft Regulations.
4	If a motor vehicle that was part of an employee's compensation package is up for disposal, what process do you follow?	Retention & Disposal	<p>In this scenario, the process to be followed should be outlined in the public body's policy on vehicles.</p> <p>If the process has not been outlined in the company's policy on vehicles, the process to dispose can be found in sections 11.10 and 11.11 of the 'General Guidelines: Retention and Disposal of Public Property'. The public body must notify the Office of the disposal process followed and to whom the item is intended to be disposed to.</p> <p>NOTE: This area is further informed in the proposed Draft Regulations.</p>
5	For items donated to a public body and there is no record of original costs, how does one dispose of such items?	Retention & Disposal	The disposal process outlined in the 'General Guidelines: Retention and Disposal of Public Property' also applies to donated assets, notwithstanding that records of the said items are non-existent. Although the price or the value of the items cannot be quantified, the public body must conduct research and estimate a value based on depreciation rates.



FREQUENTLY ASKED QUESTIONS RETENTION AND DISPOSAL

No.	Question	Category	Response
			For items public bodies may receive via donation, it is recommended that the date the items were donated, a description of items, the value of the items and the company the donation came from must be recorded by the public body.
6	Does the value of \$100,000 mentioned in the Disposal presentation refer to a unit cost or accumulated value of the disposal?	Retention & Disposal	Yes, it is accumulated value per category whether it's single unit or in a group.
7	What do you call dividing up computers into two groups for disposal making it fall below the \$100,000 mark?	Retention & Disposal	Whilst a public body may group items to dispose into categories, a public body should not divide or split any quantity of items to be disposed of to avoid reporting requirements.
8	Is there a recommended depreciation value per category of assets and property to dispose of?	Retention & Disposal	<p>There is no standardised method at this time to calculate the net book value of an item. It will be the role of the Accounting Unit of the public body to determine the depreciation value and associated methodology.</p> <p>Of note, the Office is in the process of looking at an Integrated Financial Management Information System (IFMIS) for all</p>



**FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL**

No.	Question	Category	Response
			public bodies, which will provide an opportunity to standardise certain treatments in terms of depreciation and method of the depreciation value.
9	Does the OPR have a recommended software for asset/inventory management?	Retention & Disposal	At present, the Office does not have a recommended software for asset/inventory management. However, the Office is informed that the Government of Trinidad and Tobago is working on a project for Integrated Financial Management System (IFMIS), E-procurement as well as an Asset Management System.
10	Why is there a need for a disposal committee when the PDAC provides the approval of the process of the subsequent disposal?	Retention & Disposal	<p>The Disposal Committee is established by section 55 of the Act which states “A public body shall establish a disposal committee comprising not less than three officers for the purpose of recommending the best method of disposing of unserviceable, obsolete or surplus stores or equipment.”</p> <p>The Disposal Committee is an independent committee and its functions are “to carry out physical inspection of the item; assess costs and benefits of disposal options; recommend the best disposal strategy or option; identify storage and transport issues; undertake disposal process; and evaluate,</p>



**FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL**

No.	Question	Category	Response
			<p>review and report on executed disposal process.” (The General Guidelines: Retention & Disposal of Public Property, p. 57).</p> <p>The role of Procurement and Disposal Committee (PDAC) is “to review the disposal strategy submitted by the ‘named’ Procurement Officer/Disposal Committee. Once the committee has no objections, the ‘Disposal Strategy Report’ is signed and forwarded to the Accounting Officer and or equivalent for final sign off accordingly.” (The General Guidelines: Retention & Disposal of Public Property, p. 57).</p>
11	How do you treat with stolen items under the disposal process?	Retention & Disposal	If an item was stolen, then the public body cannot dispose of that particular item and same will need to be written off. All public bodies must ensure that all State-owned assets/inventory are properly secured to avoid theft and security breaches and internal procedures should document the necessary steps to be taken to report and treat with stolen items.
12	What is the difference between personal and real property?	Retention & Disposal	‘The General Guidelines: Retention and Disposal of Public Property’ describes personal property to include “all other property, besides real property, both tangible (stores,



**FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL**

No.	Question	Category	Response
			<p>equipment and inventory, stocks, bonds, artwork etc.) and intangible (services, intellectual property etc.)”.</p> <p>Real property refers to “land and items that are permanently affixed to the land, including trees, buildings and heavy machinery affixed to the land” (General Guidelines: Retention and Disposal of Public Property p.8).</p>
13	Who should identify the different levels of authority for disposal?	Retention & Disposal	The delegation of financial authorities’ is the responsibility of the Accounting Officer or equivalent and the Board.
14	Should there be a dollar value range to sell items to employees?	Retention & Disposal	There are specific requirements to be undertaken when disposing of an item to an employee, a member of the Board or any such person. The disposal process outlined in ‘the General Guidelines: Retention and Disposal of Public Property’ should be followed regardless of the value of the item.
15	How do you dispose of obsolete or unserviceable equipment that is unable to sell?	Retention & Disposal	If the options for disposal of public property outlined in ‘the General Guidelines: Retention and Disposal of Public Property’ have been exhausted, a recommendation can be submitted to the Accounting Officer or equivalent referencing the new disposal strategy. Proper documentation should



FREQUENTLY ASKED QUESTIONS RETENTION AND DISPOSAL

No.	Question	Category	Response
			always be maintained of both the old and new strategy in the event of an audit procedure.
16	For smaller organisations can there be one person responsible for both personal and real property?	Retention & Disposal	<p>Section 61 (2) of the Act states that "...a public body shall have a Procurement Officer who shall be responsible for public procurement <u>and the disposal of public property for that body</u> and shall notify the Office, in writing, of the name and designation of its Procurement Officer."</p> <p>In this regard, the Procurement Officer is responsible for both personal and real property.</p>
17	If a State company wishes to "donate" a high value piece of equipment, what documents should the receiving entity (the named Procurement Officer) ensure is in place?	Retention & Disposal	Depending on the type of equipment, the receiving entity will have to ensure that they receive an operating manual, parts list, diagram, maintenance log or other instructional publication along with the equipment itself and ensure they sign a 'Transfer of Excess Property' form as stated in the General Guidelines: Retention and Disposal of Public Property (page 50).
18	How do you treat with or dispose of leased-vehicles where the company has a buy-back option and the vehicles are owned by the lease company?	Retention & Disposal	The lease agreement will stipulate the terms and conditions for which the public body can purchase the leased vehicle during or after the lease period.



FREQUENTLY ASKED QUESTIONS RETENTION AND DISPOSAL

No.	Question	Category	Response
19	How can a public body ensure that persons who are contracted to dispose of items externally do so ethically?	Retention & Disposal	<p>To ensure that a supplier or contractor disposes of items in an ethical and environmentally friendly manner the following can be adopted:</p> <ol style="list-style-type: none"> 1. During the pre-qualification or pre-selection process, suppliers or contractors should be assessed based on environmentally friendly disposal methods; 2. When outsourcing to a supplier or contractor ensure that they are compliant with Environmental Management Authority (EMA) rules for disposal; 3. Request destruction certificates from supplier or contractor upon disposal of the items; and 4. Request to view the disposal of items to ensure that they disposed of as stipulated by the public body.
20	With respect to the disposal process is there any input from the organisation's Audit Department or do the committees serve as the check and balance?	Retention & Disposal	<p>There is no input from the Audit Department in the disposal process, however the role of Audit is to ensure that the process stated in an entity's guideline is followed accordingly.</p> <p>Further, the roles of the 'named' Procurement Officer, the Disposal Committee, the PDAC and Accounting Officer (or equivalent) serve as a check and balance within the disposal process.</p>



**FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL**

No.	Question	Category	Response
21	In coming up with the Act, what was the idea behind that fellow workers can get disposable items from Ministries. What was the thinking behind that?	Retention & Disposal	The Act does not specifically state that you can dispose to employees. Coming out of the Office’s consultation sessions which were conducted in 2018, it was brought to the Office’s attention that some Public Bodies were already disposing to employees. Therefore, the Office acknowledged this and decided to bring structure and guidelines to this practice by outlining the mechanism and manner in which public property can be disposed of to an employee of a Company in ‘the Public Procurement and Disposal of Public Property Draft Regulations’.
22	On a point of recycling. Is there a mechanism to highlight to public entities, items that have been listed as ‘reaching the end of its usable life’ but may be useful to another public entity as they may have the identical item that is non-functional due to a small part being damaged.	Retention & Disposal	There are no mechanisms highlighting the recycling of equipment parts to other public bodies. Section 4 of the Act defines ‘disposal of public property’ to “include the transfer without value, sale, lease, concession, or other alienation of property that is owed by a public body. As such, if a public body wishes to dispose of an item to another public body which may ‘have the identical item that is non-function due to a small part being damaged”, that public body must ensure that its disposal process is in keeping with



FREQUENTLY ASKED QUESTIONS
RETENTION AND DISPOSAL

No.	Question	Category	Response
			the Act, Regulations and Handbook and the General Guidelines: Retention and Disposal of Public Property.