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## PUBLIC ADVISORY #15

### OPR'S POSITION ON THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (AMENDMENT) BILL, 2020

The Office of Procurement Regulation (“the OPR”) has reviewed the Public Procurement and Disposal of Public Property (Amendment) Bill, 2020 and agrees with all of the amendments EXCEPT the proposed Clause 5, which seeks to amend Section 7 of Act No. 1 of 2015.

The OPR maintains this position as a result of the following considerations:

1. A thorough consultative process was undertaken between 2018 to present with Stakeholders across various sectors, who provided feedback to the OPR, from our 20 workshops, 193 bespoke sensitization sessions, and webinars held with over 1400 suppliers/contractors. During these consultations, Stakeholders reiterated that there should be no amendment to section 7 as it stands.
2. Stakeholders emphasised that section 7 should be given an opportunity to be tested since there is a real possibility that local suppliers/contractors may be deprived of a fair and equitable chance to participate in procurement proceedings. Any variation to this provision may undermine the objects of the Act, namely Accountability, Integrity, Transparency and Value for Money.
3. At all times, Stakeholders continued to emphasise that these arrangements under section 7, ultimately will be repaid with public money, and so, these transactions should fall within the ambit of the Act thereby achieving the objects of the Act, especially the principle of ‘Value for Money’. Additionally, there should be no exclusion from the OPR’s oversight, in respect of the procurement of legal, financial, accounting and auditing, medical and any other service as the Minister may by order determine, by public bodies or State-controlled enterprises.

The OPR is a body corporate established pursuant to an Act of Parliament, namely the Public Procurement and Disposal of Public Property Act, 2015 (as amended), which 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.**

Moonilal Lalchan  
Chairman/Procurement Regulator  
3<sup>rd</sup> December, 2020

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