



Government of the Republic of Trinidad and Tobago

Statement by The Hon. Colm Imbert, Minister Of Finance, M.P.

In The House Of Representatives on February 1st, 2019

on the Implementation of the Public Procurement and Disposal of
Public Property Act

Madame Speaker, in view of a number of misleading, mischievous and patently false statements made in the public domain by uniformed commentators, it is necessary to clear the air on the status of the work in progress to allow for the implementation of the Public Procurement and Disposal of Public Property Act (Act No. 1 of 2015).

Firstly, Madame Speaker, I wish to reiterate the following statement that I made in this House during the 2019 Budget Speech “... *the Procurement Regulator has been actively building capacity within the Office of Procurement Regulation. I am advised that staffing and training is in progress, and barring unforeseen circumstances, the new procurement regime utilizing best practice could be in place in the first quarter of calendar 2019....*”

The end of the first quarter of 2019 is March 31st 2019, and today is only February 1st 2019.

There are therefore two months to go before the end of the first quarter of the calendar year.

However, notwithstanding this clear and unambiguous statement, and the factual situation, certain spokesmen continue to attempt to mislead the population into believing that the Government is not doing its work and is seeking to avoid the implementation of the Public Procurement Act. This is in our view all part of a campaign of fake news designed to create a false impression that this Government is not interested in transparency or accountability.

Allow me, therefore, Madame Speaker to place the true facts on the public record, for yet another time.

The Act at Section 10 requires the President of the Republic to appoint the Procurement Board and Procurement Regulator in his or her own discretion, using a process developed by the Office of the President. These appointments were made by his Excellency Anthony Carmona, SC, TC, on January 12th 2018.

Any delay before that date cannot be reasonably ascribed to the Government,

After that, the Regulator and his Board set about securing accommodation and systems for the Office of Public Procurement, engaging staff, and drafting the Draft Procurement Regulations that are required to give effect to the Act. In this context, I have confirmed that the Ministry of Finance has made available all necessary financial, technical and administrative support to the Office of Public Procurement in a timely manner, as requested by them, and I wish to compliment the public servants in the Ministry of Finance for their commitment and diligence in this respect.

Without these Regulations, the new Public Procurement System cannot be implemented, and under Section 63 of the Act, the Regulations are made by the Minister of Finance on the recommendation of the Office of Public Procurement.

Draft Regulations were received at my office on November 30th 2018, two months ago. Again, any delay prior to that date cannot be reasonably ascribed to the Government.

The Treasury Solicitor's Office of Ministry of Finance has already reviewed the draft regulations and in an abundance of caution, and for good order, the Ministry has also sent the draft regulations to external Senior Counsel for their review and comments, in order to ensure that the regulations are intra vires the Act.

Further, Madame Speaker, in a meeting held at my office on January 15th 2019 with the Procurement Regulator, the Regulator confirmed that his Office had already engaged 75% of the staff required to properly implement the Act and he was reasonably confident that by the end of March 2019, he would have up to 90% of the required staff.

I can also report that I am advised that Government Departments and Ministries, State Enterprises and Statutory Authorities have also been putting their house in order and preparing for the implementation of the Act by the end of March 2019.

Any statement to the contrary, Madame Speaker is therefore mischievous and false.

The only thing that could possibly affect the timeline and schedule for implementation of the Act is if the advice from Senior Counsel, which we expect to get shortly, indicates that some aspect of the Draft Regulations requires amendment or clarification.

I trust this puts to rest the mischief that is being propagated in the public domain about this matter.

Minister of Finance
February 1st 2019