



**Summary of Proceedings
Public Hearing**

Held on **Friday January 17, 2025** from 10:40 a.m. to 12:52 p.m.

Subject matter: A 2nd Follow-up Inquiry into the Implementation of the new Public Procurement System.

Venue: J. Hamilton Maurice Meeting Room, Parliamentary Complex, Cabildo Building, St. Vincent Street, Port of Spain.

Objectives of the Inquiry

The objectives of the follow-up inquiry are as follows:

1. to examine the OPR's effectiveness in executing its oversight and investigative functions in light of the full proclamation of the PPDPP Act;
2. to conduct a preliminary examination of the level of compliance of public bodies with the requirements of the public procurement legislative framework;
3. to assess the challenges that public bodies and the private sector are experiencing in implementing and adhering to the requirements of the Public Procurement legislative framework; and
4. to obtain further insights into the plans, strategies and initiatives that are being pursued across the public and private sectors to achieve a higher level of compliance with the requirements of the Public Procurement legislative framework.

Committee Members

The following Committee Members were present:

- i. Mrs. Hazel Thompson-Ahye - Chairman
- ii. Mr. Keith Scotland, SC, MP
- iii. Mr. Saddam Hosein, MP
- iv. Mrs. Jayanti Lutchmedial-Ramdial
- v. Mr. Hassel Bacchus
- vi. Mr. Laurence Hislop

The following Committee Members were excused:

- i. Mr. Marvin Gonzales, MP – Vice-Chairman
- ii. Mr. Symon de Nobriga, MP

Witnesses who appeared

The following officials from:

The Ministry of Finance (MoF)

- Mrs. Michelle Durham-Kissoon, Permanent Secretary
- Mr. Jonathan Soo Hon – Treasury Solicitor (Ag.)

The Office of Procurement Regulation (OPR)

- Ms. Beverly Khan, Procurement Regulator
- Mr. Robert Subryan, Chief Operations Officer
- Ms. Lindy-Ann Mitchell, Head, Legal
- Ms. Hafzah Sooknanan, Policy Officer
- Ms. Clessie-Ann Ellis, Senior Auditor

Key Issues Discussed

The following are the main issues/matters discussed with the **Office of the Procurement Regulator (OPR)**:

The Current State of Public Procurement

- i. The current public procurement framework was deemed ‘not facilitative’ of the ease of doing business due to a lack of readiness for the changes required by the framework.
- ii. Challenges with the current procurement framework include:
 - the lack of readiness to operate within the new legislative framework for public procurement;
 - the lack of human resources capacity throughout public bodies; and
 - the change resistance, particularly within Government Ministries and Departments.
- iii. High staff turnover and the risk of fines and imprisonment under the Public Procurement and Disposal of Public Property (PPDPP) Act (“the Act”) were identified as factors negatively impacting public bodies' ability to recruit and retain procurement professionals.
- iv. There is a high level of reliance by public bodies on non-competitive procurement methods for goods and services in areas such as fuel and lubricants, drugs, food and promotion, publication and printing.
- v. Although the OPR requires public bodies to maintain proper records of all procurement transactions, this remains another challenge for public bodies.

Challenges faced by the OPR

- i. The OPR itself is constrained by the limited pool of professionals with experience in procurement and related fields within the country.
- ii. Currently, the OPR employs a ‘whole of office’ approach to its work in order to fill current staffing gaps in areas such as compliance and monitoring, data analytics and stakeholder engagement.
- iii. At a minimum, the OPR will need to double its current staff to complete its organisational structure.

Roadmap and Actions taken to Remedy Constraints Impacting the OPR

- i. The Regulator undertook to provide the Committee with a ‘roadmap’ of actions to be taken by OPR and by other relevant entities to improve the ease of doing business within the framework of the PPDPP Act, in the short-term.
- ii. The OPR listed the following as actions already undertaken to improve the public procurement environment:
 - the implementation of a change management strategy;
 - the training of 125 public officers in January 2025, with plans to host another programme later this year. The OPR also hosts a Learning Management System through which Named Procurement Officers (NPOs) are provided with a subscription license to do self-paced training modules in areas of their duties;
 - the completion of changes to the Public Procurement Regulations to make them less onerous on public bodies and suppliers and contractors. This includes changes to the Procurement Depository;
 - the rationalisation of the over 50 General Guidelines, Procedural Forms, Standard Bidding Documents and Model Contracts into one condensed document;
 - the recruitment of procurement professionals whose role will be to provide coaching to public bodies in need of such support, thereby preserving the independence of the OPR;
 - The maintenance of a physical presence in Tobago in order to improve the low level of compliance in Tobago.
- iii. The OPR has plans to implement a risk-based approach to auditing.

Engagement with National and Regional Stakeholders

- i. Channels of communication are open between the OPR and the Trinidad and Tobago Police Service (TTPS) and the Office of the Director of Public Prosecution (DPP).
- ii. There is a need for Memoranda of Understanding (MoUs) which will formalise collaborations with the TTPS, the DPP, the Registrar General’s Department and the

Auditor General's Department. The OPR's target is to have agreements with these entities in place before the end of fiscal year 2024-2025.

- iii. The OPR engages in regular collaboration with related entities in the Caribbean and the Western Hemisphere to learn from other countries' experiences in public procurement.

The following are the main issues/matters discussed with the **Ministry of Finance**:

Public Procurement and the Ease of Doing Business

- i. Procuring entities had expressed concerns regarding the 'onerous' procedures under the new public procurement framework which obtained regardless of the value of goods or services being procured.
- ii. In response, the Ministry of Finance worked with the OPR to enact the Simplified Procurement Regulations which have less stringent procedures for public procurements valued up to TT\$1 million dollars¹. This was viewed as a major breakthrough in facilitating the ease of doing business.

Challenges with Retention of Trained Personnel

- i. Prior to the full proclamation of the PPDPP Act, the Ministry of Finance had rolled-out a series of training and sensitisation sessions in 2017, facilitated by a consultant who had been brought on board by the United Nations Development Programme (UNDP).
- ii. Following full proclamation of the Act, there was a seminar hosted at the Diplomatic Centre in St. Ann's in May 2023, to which Ministers and Permanent Secretaries were invited. Another was held in June 2023, to which the accounting officers of public bodies were invited, followed by another in that same month for state-controlled enterprises.
- iii. Efforts to build capacity in the area of public procurement were constrained by the subsequent movement of trained persons to other areas within the public service or out of the public service. Additionally, training at that time was based on certain draft manuals that required the approval of the Regulator, however that office was vacant at that time.

Audits

- i. Following proclamation of the PPDPP Act, the Central Audit Committee, Ministry of Finance, had evaluated five (5) state agencies in terms of their readiness for compliance. The Ministry of Finance stated that there were plans to do further audits and that a procedural manual had been drafted to roll out additional audits based on the current legislative framework and the guidelines.

¹ These Regulations were published as Legal Notice No. 65 of 2024 and cover public procurement of goods and services valued at TT\$1 million or less.

- ii. In respect of audits, the Ministry underscored its care to avoid usurping the authority of the OPR.

Regulations Governing the Disposal of State Lands

- i. The Ministry informed that Draft Regulations governing the disposal of state lands were under the consideration of the Finance and General Purposes Committee of Cabinet.

KEY RECOMMENDATIONS EMANATING FROM THE DISCUSSIONS

1. It was proposed that the Government, through the Ministry of Education, or Ministry of Public Administration, offer courses or training programmes to assist in boosting the skills and competencies of public officers performing the role of Public Procurement Officer. In turn, this may translate to a greater level of confidence among these officers to effectively guide and advise their respective Ministry, Agency or Department on public procurement laws, rules and practices.
2. It was proposed that the OPR in collaboration with the University of the West Indies (UWI) and the Arthur Lok Jack Global School of Business develop training programmes in procurement.
3. It was proposed that a specialised unit be established within the public service to lead the necessary structural changes within MDAs to ensure greater compliance with the Procurement Legislation by public bodies.

This public hearing can be viewed on demand via our YouTube Channel.

<https://www.youtube.com/watch?v=desPrNA8Z0Q>

Contact the Committee's Secretary

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Committees Unit

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