



BILL ESSENTIAL NO. 4 OF 2026–2027 2nd Session, 13th Parliament

BILL ESSENTIALS

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (AMENDMENT) BILL, 2026

Date Introduced: September 23, 2026

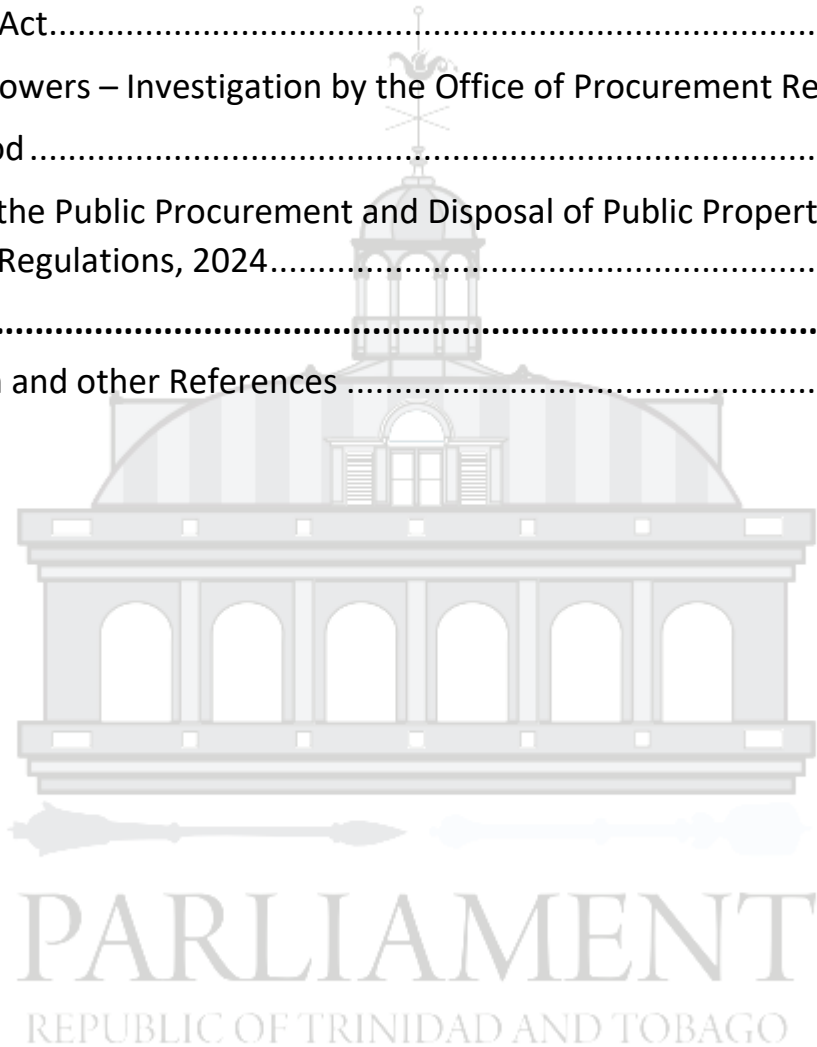
House: House of Representatives

Introduced by: The Attorney General



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1. The **Public Procurement and Disposal of Public Property (Amendment) Bill, 2026**, (hereinafter referred to as the “**Bill**”) will be introduced in the House of Representatives by Senator the Honourable John Jeremie, SC, Attorney General, on September 23, 2026.
2. The Bill proposes to amend the **Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015** (hereinafter referred to as the “**Act**”) to revise particular elements of the existing procurement framework, including the adjustment of certain requirements and exemptions under the Act and also ensuring consistency throughout the framework reflecting the relevant amendments.
3. The Bill shall come into force upon assent.

BILL SUMMARY

The Bill seeks to introduce the following:

-  An increased threshold value for procurement exempt from the requirements of the Act.
-  An amendment to the scope of procurement exempt from the application of the Act.
-  Prohibitions applicable to the Office of Procurement Regulation in relation to complaints and investigations under the Act.
-  The revocation of the Public Procurement and Disposal of Public Property (Simplified Procurement) Regulations, 2024.

KEY FEATURES OF THE BILL

4. **Clause 3** of the Bill amends **section 4** of the Act by deleting the definition of “*public private partnership arrangement*” and substituting it with the following new definition:
 -  “**public-private partnership**” means any agreements, contract, partnership or working relationship between a public body and a person for the purpose of financing, constructing, operating or managing public property.

Application of Act

5. **Clause 4** seeks to amend **section 7** of the Act, which concerns the application of the Act. Currently, the Act does not apply to the procurement of legal services, medical emergency services, debt financing services for the national budget and accounting and auditing services. This clause proposes to expand the services exempt from the application of the Act, by inserting the following new paragraphs in **section 7(6)**:
- (e) energy, including natural gas and oil;
 - (f) national security;
 - (g) public-private partnership for public housing;
 - (h) public utilities for water, electricity and power generation in consequence of an emergency;
 - (i) the acquisition of goods, services or works in consequence of an emergency;
 - (j) such other procurement as the Minister may, by Order, determine.
6. **Clause 4** inserts a **new subsection 7(10)** which defines the term “emergency” for the purposes of **section 7** of the Act as “*an exceptional and unforeseeable situation where –*”
-  *life, property, equipment or business continuity is immediately at risk; or*
 -  *where standards of public health, welfare or safety need to be re-established without delay.”*

Limitation of Powers – Investigation by the Office of Procurement Regulation

7. **Clause 5** proposes to amend **section 44** of the Act as **section 44(1)** and to insert **new subsections (2) and (3)**.
8. The Act empowers the Office of Procurement Regulation¹ (the “**Office**”), on its own initiative or as the result of a complaint made under the Act, to consider, inquire into and investigate any alleged breach of the Act.² **Section 44** provides that the Office shall make recommendations it considers necessary regarding the matter investigated. **New subsection 44(2)** now provides that following a complaint or an investigation pursuant to the Act, the Office shall not take any action that may hinder or halt the progress of procurement

¹ Section 9 of the Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015 establishes the Office of Procurement Regulation.

² Section 41, Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015.

proceedings or the award or performance of a contract or framework agreement. The Office shall not:

- a) suspend, stay or otherwise restrain any procurement proceedings, the performance of a procurement contract or the operation of a framework agreement;
 - b) prohibit a procuring entity from taking a decision or following a procedure in procurement proceedings;
 - c) require a procuring entity to take, refrain from taking, reconsider, reverse or substitute any decision or action in procurement proceedings;
 - d) direct the re-evaluation of any submission or the recommencement or termination of any procurement proceedings;
 - e) overturn, invalidate, set aside or otherwise interfere with the award or performance of a procurement contract or framework agreement; or
 - f) determine that any supplier or contractor is entitled to the award of a procurement contract.
9. Moreover, **new subsection 44(3)** stipulates that any recommendation made by the Office regarding investigations or complaints under the Act, shall merely be advisory and not binding, shall not affect the validity of a decision or procurement proceeding, and shall not be enforceable under Part V of the Act³.
10. **Clause 6** seeks to insert a **new paragraph (h)** to **section 50 (10)** of the Act regarding the actions that can be taken by the Office after reviewing an application made by a supplier or contractor. The Office is empowered under **section 50(10)** to take any action it deems necessary including, *inter alia*, prohibiting the procuring entity from acting in breach of the Act, requiring the procuring entity to act in compliance, confirming a decision of a procuring entity, overturning the award of a contract, directing that procurement proceedings be terminated or dismissing an application. **New paragraph (h)** now provides that the Office may also require the supplier or contractor to pay compensation for the legal costs incurred by a procuring entity in responding to the application for review.
11. **Clause 7** of Bill proposes to repeal and replace **section 58A**. **New section 58A** seeks to increase the value of procurement exempt from the requirements under the Act from **One Million Dollars (\$1,000,000.00)** to **Two Million Dollars (\$2,000,000.00)** once it is actioned

³ Part V of the Public Procurement and Disposal of Public Property Act, No. 1 of 2015, provides the framework by which a supplier or a contractor may bring challenge proceedings and appeal with respect to the decision of a procuring entity which is not in compliance with the Act or where a supplier or contractor has suffered or is likely to suffer loss or injury due to the decision or action of the procuring entity.

by a Permanent Secretary, the Chief Executive Officer or accounting officer of a State-controlled enterprise or a statutory body for which responsibility is assigned to a Minister of Government.

12. Additionally, it seeks to exempt the procurement of goods, services and works up to **Five Hundred Thousand Dollars (\$500,000.00)** by the Chief Executive Officer of a Municipal Corporation.
13. However, the above-mentioned office holders must report to the Office of Procurement Regulation any contract awarded pursuant to this section.
14. By virtue of **Clause 8** of the Bill, **section 63** of the Act is amended to reflect the amendments made to **section 58A**, which increase the value of the procurement exempt under the Act to **Two Million Dollars (\$2,000,000.00)**.

Standstill Period

15. **Clause 9** of the Bill proposes to amend **Regulation 7** of the **Public Procurement and Disposal of Public Property (Evaluation) Regulations, 2021**, made pursuant to the Act. This amendment seeks to shorten the standstill period⁴ that a procuring entity is required to establish in relation to notifying suppliers and contractors of its decision to accept a successful submission.⁵ This amendment proposes that a procuring entity set its standstill period to not fewer than **five (5) working days and not more than ten (10) working days**, as opposed to the present timeframe of **not fewer than ten (10) working days and not more than fifteen (15) working days**.

Revocation of the Public Procurement and Disposal of Public Property (Simplified Procurement) Regulations, 2024

16. **Clause 10** seeks to revoke the Public Procurement and Disposal of Public Property (Simplified Procurement) Regulations, 2024 (hereinafter referred to as the “**Regulations**”).

⁴ According to section 4 of the Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015, a “**standstill period**” refers to the period from the dispatch of a notice as required by section 35(2), during which a procuring entity cannot accept the successful submission and suppliers or contractors can challenge the decision so notified.

⁵ Section 35(2), Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015.

17. The Regulations were designed to “streamline the procurement processes for procuring entities, suppliers or contractors, and consultants, for procurement valued up to one million dollars inclusive of taxes, duties and other charges”⁶, more commonly referred to as simplified procurement⁷.
18. This regulatory framework was made in response to the insertion of **section 58A** into the Act pursuant to the **Public Procurement and Disposal of Public Property (Amendment and Validation) Act, 2023**⁸, which established that the procurement of goods and services up to a value of **One Million Dollars (\$1,000,000)** are exempt from the procurement requirements under the Act.
19. **Section 63(1)(c)** of the Act empowered the Minister of Finance to make the Regulations for such procurement.
20. As this Bill proposes amend the threshold value for procurement which is exempt from the requirements of the Act, and given that the Bill further proposes to remove the Minister’s authority to make Regulations for such procurement, the amendments contained in this Bill render the Regulations a nullity. For these reasons, the Bill seeks to revoke the Regulations.

REFERENCES

Key Legislation and other References

-  [Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015.](#)
-  [Public Procurement and Disposal of Public Property \(Amendment and Validation\) Act, 2023, Act No. 13 of 2023.](#)
-  [Office of Procurement Regulation - General Guidelines Simplified Procurement.](#)

⁶ [Office of Procurement Regulation, General Guidelines Simplified Procurement, made pursuant to section 13\(1\)\(c\) of the Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015.](#)

⁷ According to Regulation 2 of the Public Procurement and Disposal of Public Property (Simplified Procurement) Regulations, 2024, “**simplified procurement**” means both a micro procurement and a small-scale procurement.

⁸ [Public Procurement and Disposal of Public Property \(Amendment and Validation\) Act, 2023, Act No. 13 of 2023](#)



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September 22, 2026

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