

SENATE*Monday, September 28, 2026*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Ravi Ratiram, who is out of the country, and to Sen. Foster Cummings and Sen. Dr. Marlene Attzs, both of whom are ill.

SENATORS' APPOINTMENTS

Mr. President: Hon. Senators, I have received correspondence from Her Excellency, the President, Christine Carla Kangaloo, O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of the
Republic of Trinidad and Tobago and
Commander-in-Chief of the Armed Forces.

/s/Christine Carla Kangaloo

President.

TO: MR. ASHWORTH JACK

WHEREAS Senator the Honourable Ravi Ratiram, is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in

UNREVISED

accordance with the advice of the Prime Minister, do hereby appoint you, ASHWORTH JACK, to be a member of the Senate temporarily, with effect from September, 2026, and continuing during the absence of Senator the Honourable Ravi Ratiram from Trinidad and Tobago.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 28th day of September, 2026.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of the
Republic of Trinidad and Tobago and
Commander-in-Chief of the Armed Forces.

/s/Christine Carla Kangaloo

President.

TO: MR. SANJIV BOODHU

WHEREAS Senator Foster Cummings is incapable of performing his duties as a Senator by reason of illness;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44 (1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, SANJIV BOODHU to be a member of the Senate temporarily, with effect from September, 2026, and continuing during the absence of Senator Foster Cummings by reason of illness.

UNREVISED

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 28th day of September, 2026.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of the
Republic of Trinidad and Tobago and
Commander-in-Chief of the Armed Forces.

/s/Christine Carla Kangaloo
President.

TO: MS ZOLA PHILLIPS

WHEREAS Senator Dr. Marlene Attzs is incapable of performing her duties
as a Senator by reason of illness;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as
aforesaid, in exercise of the power vested in me by section 44(1)(b) and section
44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby
appoint you, ZOLA PHILLIPS, to be a member of the Senate temporarily, with
effect from September, 2026, and continuing during the absence of Senator Dr.
Marlene Attzs by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 28th day of September, 2026.

UNREVISED

AFFIRMATION OF ALLEGIANCE

Senators Ashworth Jack and Sanjiv Boodhu took and subscribed the Affirmation of Allegiance as required by law.

OATH OF ALLEGIANCE

Senator Zola Philips took and subscribed the Oath of Allegiance as required by law.

STANDING ORDER 115

Sen. Dr. Browne: Point of order.

Mr. President: Point of order. Yeah, you have a Point of order?

Sen. Dr. Browne: Thank you, Mr. President. Standing Order 115 with respect to circulation of the Minutes either before the commencement of the Sitting or as soon as possible thereafter. As you are aware, Mr. President, such request has also been made in writing. I bring this to the attention of your good self and the Senate at this time. Thank you.

Mr. President: All right. Well, the clerk would have taken note of it. Before we proceed—

Sen. Dr. Browne: Mr. President—

TRIBUTE**(DR. SLINGER FRANCISCO-THE MIGHTY SPARROW)**

Mr. President: Just hold a second. Before we proceed, I wish to join the national community in acknowledging with profound sadness the passing of Dr. Slinger Francisco, known throughout Trinidad and Tobago, the Caribbean and the wider world as the Mighty Sparrow and affectionately to generations of citizens as “The Birdie”.

Hon. Senators, for more than several decades Sparrow was far more than an entertainer. He was a chronicler of our society, a cultural ambassador, a master of

Tribute (Dr. Slinger Francisco-
The Mighty Sparrow
Mr. President (cont'd)

2026.09.28

wit and social commentary and one of the defining voices of Caribbean civilization. Through his music, he captured our humour, our struggles, our aspirations and our contradictions, leaving behind a body of work that has become inseparable from the story of Trinidad and Tobago. His passing marks the end of an extraordinary chapter in our cultural history. His voice will endure wherever Calypso is sung, studied and celebrated.

On behalf of this honourable Senate, I extend sincere condolences to his family, friends and colleagues in the cultural fraternity and all who mourn the loss of this towering national icon. Hon. Senators, I now invite you to join me in acknowledging the life, work and enduring legacy of Dr. Slinger Francisco, the Mighty Sparrow. May his soul rest in peace. Hon. Senators, may I invite you to stand in a minute's silence in observance and as a mark of respect to this great giant, icon and titan.

The Senate stood.

Mr. President: Thank you, hon. Senators.

Minutes of the Sitting (Provision of)

Mr. President: Sen. Browne, you wanted to make a point?

Sen. Dr. Browne: Thank you, Mr. President. Just seeking clarification with respect to the provision of Minutes; a suggestion, if it is possible to be circulated before the end of today's Sitting, thank you. Mr. President.

Mr. President: I understand those Minutes are normally posted on the Rotunda, and they are still working on those Minutes as you speak, okay? Because, as you would recall, we left here in the wee hours of Thursday morning, Friday. The

Minutes of the Sitting
(Provision of)
Mr. President (cont'd)

2026.09.28

clerks, staff, and so on, had their own commitments here, Saturday and Sunday, and today is Monday. So, they are working on it. So, you will get it at the appropriate time. As I am advised, it will be posted on the Rotunda, okay.

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY(AMDT.) BILL, 2026

Bill to amend the Public Procurement and Disposal of Public Property Act, 2015 (Act No. 1 of 2015) and for other related matters, brought from the House of Representatives [*The Minister of Finance and Minister in the Ministry of Planning, Economic Affairs and Development*]; read the first time.

Motion made: That the next stage be taken forthwith. [*Hon. Dr. K. Swaratsingh*]

Question put and agreed to.

ANSWERS TO QUESTIONS

Mr. President: As it relates to questions, hon. Leader of the House, can you tell us what is the position of the written questions?

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President. I am advised that questions No. 10 and 16 to the Minister of Homeland Security have been furnished to the clerk and will be circulated, we expect, before the end of the Sitting. And, similarly, question No. 14 to the Minister of the People, Social Development and Family Services will be submitted to the clerk during the course of this Sitting, and hopefully will be circulated before the end of the Sitting today.

UNREVISED

WRITTEN ANSWERS TO QUESTIONS**Private Security Providers for the Transportation of Prisoners****(Details of)**

10. Sen. Dr. Marlene Attzs asked the hon Minister of Homeland Security:

With respect to the State's use of private security providers for the transportation of prisoners, can the Minister state:

- (i) how long has the State engaged private security providers for this purpose;
- (ii) what are the main reasons for the continued use of private security providers for this purpose;
- (iii) what is the total amount paid to private security providers for prisoner transportation during the last three (3) financial years, disaggregated by financial year and service provider; what assessments, if any, have been undertaken by the Ministry, to compare the continued use of private security providers with expanding the transport fleet and operational capacity of the Trinidad and Tobago Prison Service;
- (iv) whether the Government intends to reduce its reliance on private security providers by expanding the transport fleet and operational capacity of the Prison Service; and
- (v) if the answer to (v) is in the affirmative, the anticipated timeline for implementation?

Social Displacement Statistics**(Details of)**

14. Sen. Dr. Marlene Attzs asked the hon. Minister of the People, Social Development and Family Services:

With respect to the availability of social displacement statistics in Trinidad and Tobago, can the Minister state:

- (i) when was the last nationwide assessment of social displacement conducted;
- (ii) what is the estimated number of socially displaced persons nationwide, disaggregated by town/county/city;
- (iii) what are the principal causes of social displacement identified by the Ministry;
- (iv) how many State programmes are currently in place to provide emergency shelter, rehabilitation, and reintegration services to socially displaced persons; and
- (v) what measurable targets have been established by the Government to reduce social displacement over the next five (5) years?

Derelict TTPS Vehicles

(Details of)

16. Sen. Dr. Marlene Attzs asked the hon. Minister of Homeland Security:

With respect to derelict Trinidad and Tobago Police Service (TTPS) vehicles, can the Minister state:

- (i) how many TTPS vehicles have been classified as unserviceable or derelict in each of the last three (3) financial years;
- (ii) what is the current number of such vehicles located at police stations or other TTPS facilities; and
- (iii) what are the reasons for the non-disposal of the vehicles identified at

Vide end of sitting for written answers.

**PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY (AMDT.) BILL, 2026**

Mr. President: Minister of Planning, Economic Affairs and Development, and the Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The. Hon. Dr. Kennedy Swaratsingh): Thank you, Mr. President. Mr. President, I beg to move:

That a Bill to amend the Public Procurement and Disposal of Public Property Act, 2015 (Act No. 1 of 2015) and for other related matters, be now read a second time.

Mr. President, we wish to join with you, first and foremost, and by your leave, in expressing our condolences to the family and friends of Dr. Slinger Francisco, O.R.T.T., the Mighty Sparrow. The passing of the Mighty Sparrow represents the loss of a true son of Trinidad and Tobago, whose voice helped define who we are as a people and how the world came to know us. Sparrow was far more than a Calypsonian; he was a storyteller, a social commentator, and a cultural force who transformed everyday experiences, struggles, humour, and aspiration of our people into music that transcended generations and borders.

Though we mourn his passing, the legacy he leaves behind is immeasurable, for his songs will continue to educate, entertain, and inspire long after this moment of loss. Trinidad and Tobago has lost an icon, but the Mighty Sparrow's voice will forever echo in our Calypso tent, our Carnival stages, and in the hearts of generations yet to come. But, Mr. President, by your leave, it will also be remiss of us if we do not congratulate you as well and extend to you, Mr. President, our

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

sincere congratulations on being conferred with the Order of the Republic of Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—our nation's highest award. This distinguished recognition represents an important milestone, and an important opportunity to acknowledge your contributions to public life and national service as a trade unionist, one of the longest-serving Senators in the history of Trinidad and Tobago, former Minister of Public Administration and Information, as the President of the Senate, and Speaker of the House. Mr. President, may this honour that you have received recognize the lasting value and dedication of your commitment of service to the people of Trinidad and Tobago, and we on this side of the House congratulate you most heartily.

Mr. President, the Bill before us today represents—and I remember when we debated the CMOH, we talked about implementation, and today, implementation is what translates a government's plan, projects, policies, and strategies into what is tangible and measurable. This Government, in just over a year, through the bold vision of our Prime Minister, the hon. Kamla Persad-Bissessar, has demonstrated a strong will and focus on getting things done by a bold legislative reform, public safety, health care, employment, digitalization, and the energy sector, and more. Our emphasis and implementation will ensure the quality of the lives of our citizens, that it is improved and does not remain stagnant or decline. The fact is that procurement is inextricably linked to implementation and plays a very significant role in determining the rate of our policy implementation.

Mr. President, from the outset, I would like to state that according to the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Organisation for Economic Co-operation and Development (OECD), public procurement strategies, practices, and systems have direct benefits to the quality of life and the well-being of our citizens. Procurement affects people; it affects whether a contractor can keep workers employed, whether suppliers can keep businesses open; it has an impact on the timeliness of public projects; and ultimately, it affects whether taxpayers receive value for every dollar entrusted to the State. By ensuring a more efficient and responsive procurement system, this Government aims to eliminate wasted taxpayers' money, delayed projects, and substandard infrastructure.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: This is a context in which I wish to examine the Public Procurement and Disposal of Public Property Act. But permit me, Mr. President, just to briefly state or review a historical context. Procurement reform has been a factor in Trinidad and Tobago's national landscape since the Central Tenders Board Act, which dates back to 1961.

The parliamentary records document a 1997 Draft National Tenders Bill, a 2005 White Paper on Procurement Reform, and a 2006 Draft Public Procurement and Disposal of Public Property Bill. Subsequent to the Public Procurement and Disposal of Public Property Act of 2015, the former administration brought before the Parliament four amendments to that Act, and these are found in the Public Procurement and Disposal of Public Property Act, 2016, Public Procurement and Disposal of Public Property Act, 2017, Public Procurement and Disposal of Public Property Act, 2020, and Public Procurement and Disposal of Public Property Act, 2023. This points to one of the challenges of implementing legislation. Sometimes

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

the legislation can limit the intended level of efficiency it is expected to deliver.

The previous administration recognized this in this very Act. That is why, when they were in office, they brought four amendments to the Public Procurement and Disposal of Public Property Act. This is a telling fact: the Public Procurement and Disposal of Public Property Act is not a static piece of legislation. It has to be dynamic. And there will be amendments when the need arises to respond to pre-empted changes in the global environment.

Over the years, there have been extensive consultations with organizations, including the World Bank, Jamaica's Contractor-General, the Joint Consultative Council, and other stakeholders along the course of Trinidad and Tobago's procurement journey. The amendments this Government proposes are part of the process in ensuring the public procurement legislation operates and is responsive to changes and demands of the real world to the benefit of the citizens of Trinidad and Tobago.

These amendments are part of the role that we as parliamentarians have, to ensure that we examine what is working and what is not working, and we implement measures to improve. Let us look at some of the figures before us. According to the Third Annual Report of the Office of the Procurement Regulation for fiscal years 2024 and 2025, which was laid in Parliament on September 11, 2026:

“...public bodies...”—were—“...awarded...”—more than TT—“...\$15.97 billion across 141,479 procurement transactions.”

The scale of expenditure makes procurement reform consequential. Government expenditure is a significant component of the national economy. When

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

procurement is slow, the consequences extend beyond offices. Delayed procurement results in major project delays, setbacks in pursuing critical equipment, and delayed contracts affecting employment, while delayed infrastructure projects also translate to increased costs.

A delayed public housing programme, for example, can mean families waiting longer for housing. Therefore, when the State cannot execute its capital programme efficiently, opportunity cost is borne by the entire country. This is something we, as a government, will not tolerate; hence the need for these amendments in the procurement legislation.

This Government is not eliminating safeguards from Trinidad and Tobago's public procurement and disposal of public property system. The aim is to reduce procedural burdens on specific procurement transactions, taking into account these transactions' nature, urgency, risk, and strategic importance. The amendments, Mr. President, before us, are to support strong oversight where risk requires it, appropriate flexibility where circumstances demand it, clear accountability for decision-makers, and a procurement system capable of responding to the needs of a modern state.

2.00 p.m.

This Bill is taking into account Trinidad and Tobago's micro, small and medium-sized enterprises seeking to do business with the State. Modern government procurement systems support the growth of small businesses by providing stable, high-value revenue streams, driving operational innovation and requiring compliance with high-quality standards.

Opportunities for public contracts inject reliable capital into micro, small

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

and medium-sized enterprises, boosting profit margins and overall business growth. Through proper procurement mechanisms, public contracts inject reliable capital into businesses, encouraging growth. This also supports the economy by drawing entrepreneurs from the informal sector into mainstream employment. The trickle-down effect of large-scale public spending also helped small business survive economic downturns. To quote the hon. Minister of Finance when he moved the Bill in the other place:

“This is a Bill that will benefit the small man—directly and indirectly...stimulate the economy...will generate economic growth and increase national output. It will promote the development of micro, small and medium-sized...entrepreneurs involved in sustainable businesses. It will create thousands of...jobs...”

The purpose of this Bill is to amend the Public Procurement and Disposal of Public Property Act, 2015. It contains 10 clauses and requires a simple majority vote. Clause 1 of the Bill provides the short title of the Act. Clause 2 is the interpretation provision. Clause 3 seeks to make a consequential amendment to section 4 of the Act. Clause 4 of the Bill seeks to amend section 7 of the Public Procurement and Disposal of Public Property Act. It proposes that this Act shall not apply to the following—procurement provided to public bodies or state-controlled enterprises:

- “(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

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

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.”

These are the proposed exemptions to the procurement requirement of the Act. This listing is in addition to the following which are in the Act:

- “(a) legal services;
- (b) debt financing services for the national budget;
- (c) accounting and auditing services;
- (d) medical emergency or other scheduled medical services...”

The interesting fact is the parent Act of 2015 did not identify any procurement to which the Act would apply. It was Act No. 27 of 2020, an Act which amended the Public Procurement and Disposal of Public Property Act that stated these services to which the Act would not apply. Section 7 was amended by inserting a new subsection, and the new subsection identified the specific services provided to public bodies or state-controlled enterprises to which the Act would not apply. I raise this simply to point out that the parent Act of 2015 did not take this into consideration. The fact that an amendment, previous to this current Act, identifies services to which the Act would not apply paints a clear picture of the gap that can exist between the intent of a piece of legislation and the actual reality when implementation takes place.

This Government is finding ways to better fulfil the ultimate role of procurement, which is to acquire goods and services to meet the needs of the citizens in an efficient and effective manner while, at the same time, ensuring value

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

for money. These amendments make procurement relatable to the environment as it currently exists. Clause 4(b), paragraphs (h) and (i) focus on situations that may arise in the consequence of an emergency. The very nature of this word “emergency” produces an expectation of immediacy. It signals that there is a need for an urgent response. Our legislation must therefore be adapted and allow the Government to respond in an efficient and effective manner when emergencies arise.

One of the most destructive weather elements in our region, hurricanes, we do not have to look far away, as we would have witnessed what happened in Jamaica with Hurricane Melissa. Another case to note is the establishment of the super El Niño conditions, which we expect will strengthen over the next several months, bringing below-average rainfall, higher temperatures, longer dry spells, longer periods between rainfall, a phenomenon that will extend into next year. The T&T *Guardian* on August 08, 2026, article headlined:

“Padarath signals water restrictions amid dry spells”
—highlighted measures under consideration to prepare for the oncoming dry spell associated with the super El Niño system, as confirmed by the Trinidad and Tobago Meteorological Services.

The article mentions the construction of water tank farms to meet the domestic, agricultural, industrial and commercial demands for water expected over the next few months. These are unprecedented events with systems that are yet to unfold. The article mentions upgrades to water treatment plants, reservoir improvements, groundwater development and tank leak reduction projects that are currently being accelerated as measures to mitigate against a prolonged dry spell.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

These activities require public procurement. And if it gets to a stage deemed an emergency, the Government must be able to react in a timely manner to avert a national water crisis.

We cannot bury our heads in the sand, Mr. President, and pretend that such situations will never occur. A responsible government, as is this administration, under the leadership of our hon. Prime Minister, must be ready to respond when emergencies arise.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: This amendment is putting us in a state of readiness, guaranteeing that as a government, we continue to mobilize and respond to the needs of the population in times of crisis.

“Clause 5 of the Bill seeks to amend section 44 of the Act to limit the powers of the Office of Procurement Regulation after completing an investigation under Part IV of the Act.”

The Act is ambiguous with respect to the remedial powers of the OPR under sections 41 to 48, which is Part IV and which concerns investigations by the OPR of its own initiative and upon receipt of a complaint. This is distinct from the OPR’s remedial power under sections 49 to 52, which is Part IV and deals with challenge proceedings. Section 50(10) of the Act expressly provides for the OPR’s remedial powers in challenge proceedings. There are no similar provisions for the OPR’s remedial power in considering complaints investigations under Part IV. Clause 5 seeks to correct this anomaly.

“Clause 6 of the Bill seeks to amend section 50(10) of the Act to permit the Office of Procurement Regulation to award costs in favour of a successful

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

procuring entity in challenge proceedings.”

Section 50(10)(g) of the Act permits the OPR to award costs to successful suppliers and contractors in challenge proceedings. However, there is no similar provision to permit the OPR to award costs to successful procuring entities in challenge proceedings. The OPR has interpreted this to mean that procuring entities cannot recover costs in challenge proceedings irrespective of whether they are successful or not. Clause 6 seeks to correct this anomaly.

“Clause 7 of the Bill seeks to repeal and replace section 58A of the Act to provide that the Permanent Secretary”—or the Chief Executive Officer—“or the”—appointed—“accounting officer of a State-controlled enterprise or a statutory body”—for which responsibility is assigned to a Minister of Government—“may approve procurement up to \$2 million,”—for the acquisition of goods, services and works—“and a Chief Executive Officer of a Municipal Corporation may approve procurement up to \$500,000”—for the acquisition of goods, services and work—“without reference to the procurement requirements of the Act.”

These office-holders would be required to report to the OPR any contracts awarded under the proposed section 58A.

This is an important amendment when we view it from the perspective of our PSIP utilization rate over the past 10 years. And probably if I have time, I will share some of the figures. But what I can say is that the PSIP rate over the last—aggregate over the last 10 to 15 years averaged about 65 per cent. My latest figures as of August 31, 2026, the PSIP rate has reached probably about 30 per cent. And when we did the last PSIP programme, part of the complaint from many

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Ministries across the public service has been the procurement system, and public officers can vouch for that because that has been part of the mantra when we interrogate the low PSIP implementation rate. This means that projects were not implemented or projects were partially implemented. This administration is very concerned about that.

This Bill, by giving permanent secretaries and chief executive officers at municipal corporations the authority to approve procurement for the acquisition of goods, services and works up to the amount of \$2 million and \$500,000 respectively, is a proactive step towards improving the implementation rate of our projects. This translates into increased service delivery. This translates for every citizen an improvement in the quality of their lives.

What this data revealed, prior to 2023, when the Public Procurement and Disposal of Public Property Act was fully proclaimed, was there was a steady increase in the utilization rate of expenditure from the revised allocation, and it ranged from 64.1 to 72.3 per cent. However, in 2023 to the present, we have witnessed an alarming decrease in the utilization rate, 66.1 per cent, and the utilization drop of 30.8 per cent in fiscal '25/'26. Mr. President, something has to be done. This is totally unacceptable. This Bill, which is before us, has specific amendments to turn this kind of decline around. We did so with the CMOH in the permitting process, and we need to do so now in the implementation record that is available to this administration.

“Clause 8 of the Bill seeks to provide for consequential amendments to section 63.”— of the Act.

It is proposed to repeal subsections (1)(c) and (4). Section 63(1):

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

“The Minister may, on the recommendation of the Office, or upon the initiative of the Minister with the agreement of the Office, make regulations to give effect to the provision of this Act, including regulations with respect to—

- (a) the conduct of challenge proceedings under Part V;
 - (b) the addition to, or removal from, an ineligibility list under section 58; and
 - (c) the procedures of the procurement of goods and services up to one million dollars under section 58A.
- (2) Regulations made under this section may provide that the contravention of any regulation constitutes an offence and may prescribe penalties for any offence not exceeding a fine of one million dollars and imprisonment for five years.
- (3) Regulations made under this section shall be subject to negative resolution of Parliament.”
- (4) Regulations made under section 63(1)(c) shall provide for the contracts awarded to be reported to the office.”

Section 58A was added to the Act in 2023 by the Public Procurement and Disposal of Public Property (Amendment and Validation) Act, 2023, and provides section 58A:

“58A. Subject to regulations made under section 63, the procurement of goods and services”—and works—“up to one million dollars are exempt from the procurement requirements under this Act.”

“Clause 9 of the Bill seeks to amend Regulation 7 of the Public Procurement

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

and Disposal of Public Property (Evaluation) Regulation, 2021 by replacing the existing standstill period of not fewer than ten and not more than fifteen working days with a standstill period of not fewer than five and not more than ten working days.”

And finally:

“Clause 10 of the Bill...”—provides—“...for the revocation of the Public Procurement and Disposal of Public Property (Simplified Procurement) Regulation, 2024.

The questions of safeguards have been raised in several quarters with regard to the proposed amendments. The exemptions under these amendments are put forward so that accountability on the part of government will be paramount. Safeguards exist through reporting requirements, internal approval, audit requirements, and particular procurement guidelines will continue to apply under the amendments being included. There is no attempt by this administration to forgo any accountability within the procurement process. In actuality, this legislation will permit the Government to replace a rigid one-size-fits-all regime with clearly defined statutory exemptions, appropriate delegated financial authority, strengthen internal controls and risk-based procurement procedures.

This is important because what we have noticed is that when the Public Procurement and Disposal of Public Property (Simplified Procurement) Regulation, 2024, came into effect on April 05, 2024, these regulations distinguished between “micro procurement”, that is, procurement not exceeding \$75,000, and “small-scale procurement”, which covers procurement exceeding \$75,000 but not exceeding \$1 million.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

2.15 p.m.

Through this policy, the aim was to streamline procurement and improve the ease and speed with which public bodies could obtain relative low-value goods, works, and services. This Government has noted, and the hon. Minister of Finance mentioned in the other place, the policy objectives identified are underlying the regulations, though meaning to enhance speed and efficiency, have not, in all circumstances, produced the anticipated level of efficiency. Through our practical experience since its implementation, we have noted as a government that the introduction of a separate and highly prescriptive procedural regime for lower-value procurement has not been effective.

The aim of this Government is therefore to improve the services provided to citizens via our nation's public bodies. We are eliminating the hindrances encountered through administrative requirements, procedural uncertainty, multiple approval stages, and difficulties in reconciling the simplified regime with the wider procurement, financial management, and accountability framework.

We have also found that a more manageable and coherent statutory approach to procurement is desirable to better deal with the number of procedural exemptions and special requirements, including provisions dealing with registration, planned procurement schedules, and a procurement and disposable advisory committee involvement that currently exists. Hence the need to attain more efficient, lower-value procurement processes through a more appropriate legislative framework.

The *Trinidad and Tobago Guardian* on September 16, 2024—I think I am going to run out of time if I read all of these things. So let me skip on, Mr. President. The

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

amendments of the Act are geared towards improving the efficiency of the procurement process, as well as guaranteeing that taxpayers' funds are prudently expended, project delays and cost overruns are diminished, and public trust, which is key to this Kamla Persad Bissessar-led Government, is built after the last 10 years, and one that we can maintain throughout the life of this administration.

Therefore, through this approach, the Government sets out to resolve problems existing in sectors and circumstances where the ordinary procurement process is inherently inept, while preserving the overarching principles of transparency, accountability, integrity and value for money, which are explicitly documented as objectives of this Act.

The revocation of the regulations is proposed to facilitate a comprehensive review and rationalization of the regulatory framework governing lower-value public procurement. This is important because, since the commencement of the regulation, experience with the process indicates certain needs that we need to address through these amendments. Our aim is to simplify and clarify applicable procedures, reduce duplication and administrative complexity, while ensuring greater consistency between the requirements applicable to micro and small-scale procurement and the broader framework established under this Act.

Continuing on the topic of safeguards and transparency, the standstill period is an important part of the Public Procurement and Disposal of Public Property Evaluation Regulation, 2021. The purpose of the standstill is to provide unsuccessful suppliers or contractors with an opportunity to challenge or seek clarification concerning a proposed award before the procurement contract is concluded. The amendments we are intending to make include reduction of the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

prescribed standstill period from not fewer than 10 and not more than 15 working days to not fewer than five and not more than 10 working days. The procuring entity is not allowed to award the contract before the end of the standstill period, as this may render the contract void or illegal.

The standstill period begins when a notice of decision to award is issued to participating suppliers or contractors. The proposed five to 10 working day period provides a reasonable opportunity for a bidder who may have queries regarding the process of their specific bid to address this matter, while allowing the procuring entity to proceed more quickly with the finalization of contracts. Recommending this standstill period, we believe, provides enough time to permit meaningful review and challenges on the part of contractors, but is not lengthy enough to create unnecessary delays regarding Government programmes, capital projects, essential services and contractual obligations.

And I want to reiterate that point, Mr. President, because I listened to a radio programme today when they said that we are removing the standstill period. We are not. We are reducing it from a minimum of 10, maximum of 15 to a minimum of five, maximum of 10.

The proposed amendment will therefore contribute to greater efficiency without eliminating the challenge mechanism or the opportunity for unsuccessful bidders to exercise their rights. This is consistent with the rule of law and access to justice. The intent of this Government, through the amendments of this Act, is to facilitate national growth and development.

This is an important part of the integrated, all-encompassing approach to national development, allowing us to meet at least three of the five pillars of the Trinidad

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

and Tobago National Strategic Development Plan of this administration:

1. Restoring confidence and fiscal stability.
2. Unlocking productive investments and jobs.
3. Modernizing infrastructure, transport and digital services.

To therefore satisfy the economic and public interests of the people of Trinidad and Tobago, we must answer the call, Mr. President, for meaningful reform through this Act to better deliver goods, works and services to the people of Trinidad and Tobago.

Mr. President, it is important to emphasize that this Government is in no way, and contrary to some things that are being said, we are not doing away with public procurement. We are making amendments—as the former administration did during their time in office—that will increase our nation's economic trajectory in specific targeted areas.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Through these amendments, micro, small and medium-sized enterprises and businesses will be given greater and fairer opportunities for Government contracts. The Government will increase opportunities for employment, while stimulating investment potential for small businesses, or indeed, business at any level.

These amendments also ensure essential services are maintained in the event of an emergency or crisis. We are ensuring that the national security mechanism continues to operate for the safety of every citizen. We are creatively engaging the private sector in partnership to provide increased housing opportunities, while maintaining Trinidad and Tobago's competitive advantage in the global energy

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

sector by eliminating hindrances for oil and gas investors. What we are doing through these amendments is accelerating Trinidad and Tobago's growth and national development by enhancing the Government's will to better deliver goods, services and the implementation of projects and programmes to the people of Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—all geared towards the goal of prosperity for all, leaving no one behind. Mr. President, thank you. I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

Mr. President: Sen. Dr. Margaret Rose.

Sen. Dr. Margaret Rose: Thank you, Mr. President, for the opportunity to contribute to this debate. Before I start, may I, on behalf of the Members on this Opposition Bench, join with the Members on the other side of the Senate in expressing sincere condolences on the passing of the Mighty Sparrow, the Calypso King of the World. Indeed, his life's work has enriched our society and his incredible legacy will live on.

Mr. President, before I start, I would ask, please, for your protection during the course of my contribution. Because I would like to get through as much as I can in the limited time that I have to speak. Mr. President, before us today is an amendment to the Public Procurement and Disposal of Public Property Act, 2015. I had the opportunity to listen to the debates in the other place in respect of this. I want to say at the outset, before I begin, that I am hoping that in this Chamber we do not descend into the corruption Olympics; who is more corrupt than the other.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

Hon. Senator: “Well alyuh win”.

Sen. Dr. M. Rose: And I would like to just keep my contribution to the seriousness of the matter that is before us, the clauses that are before us. And I would also like to declare that this is an area that I practise in. So I declare my interests as a practitioner of procurement. And as I look around this room, I would think that I am the only one in this room that has represented public bodies at challenge proceedings, represented suppliers at challenge proceedings, represented public bodies in complaints, and citizens in making complaints before the Office of Procurement Regulator.

This particular Bill to amend the Public Procurement and Disposal of Public Property Act may appear to be, as the hon. Minister has suggested, a mechanism to improve their implementation capabilities, to overcome delays. And they found they were having so many issues with it that something “has to be done”. It was just totally unacceptable. Something had to be done.

Mr. President, before I go into the clauses of the Bill, permit me to put a little bit of history about this public procurement legislation on the record. Because in the debates in the other place, I heard one of the Members saying that this legislation came out of, after the Cleaver Woods Enquiry and the Uff Enquiry, and recommendations that were made by Uff and in the construction enquiry and all of that. I also was counsel in that enquiry. And that is not the history and genesis of this legislation.

This legislation is actually one of the most significant and historic and unprecedented legislative reform efforts in this country. This is a piece of legislation that transcends political party motivations. This piece of legislation is

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

not about PNM and UNC. This piece of legislation is about the power of the Executive over the public purse.

2.30 p.m.

This piece of legislation, its genesis came out of the Piarco commission of enquiry, 2002 to 2003, another enquiry in which I was counsel; in this one, to the commission of enquiry. Out of the outpouring in civil society, in relation to that enquiry, you saw the Joint Consultative Council for the Construction Industry; the Trinidad and Tobago Transparency International; the trade unions; the Federation of Independent Trade Unions; the Chamber of Industry and Commerce; the International Chamber of Commerce. All of these civil society organizations came together to do what was first a Green Paper, public consultation, on public procurement reform in Trinidad and Tobago. That was 2004; public consultation in which I participated. Then in 2005, there was the White Paper on public procurement reform.

There was set up as well, a joint select committee of Parliament, a bipartisan effort to establish this law, to look into this: "How can we undertake this very important reform?" Out of that, in 2006, there was a Bill that was proposed, and, I would say, it was around this time, and, again, you know, so that you see the lens that I come with. After the Piarco commission of enquiry, I joined the Transparency International Institute. I ended up being the Vice President at the time when this was happening. At the time of the 2006 Bill, I stepped away from the movement for this particular reform, because I was of the view, having regard to my research and the research that I had started embarking upon, that the reform was too closely, slavishly following the UN model law at that time. So I stepped

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

away, and again to declare that I, and other professionals across Jamaica and Trinidad and Tobago, we founded the Caribbean Procurement Institute, and I was the Executive Director of that institute for 11 years, until 2017.

So I was not part of the ongoing movement for the actual reform that took place. We were part—the Caribbean Procurement Institute was part of the training, capacity building; even without a law, we are saying there was law. Then this current administration, then as the People's Partnership, right before they exited office, they passed this legislation because of the outpouring and the pressure, and the drive of civil society. This is the importance of this legislation. This is a people's Bill. This is a Bill about public money and how it is spent. It is the people who want this legislation. I stand here as an Opposition Senator, but the PNM may not want this legislation as much as the UNC. I do not know. But the People's Partnership passed this legislation right before they demitted office, and then in the next several years, the PNM administration worked to establish this office, resource this office, get staff for this office, fund this office, and then also sought to do amendments, which my learned friend has addressed. I will address it when I go into the clauses a little further, but I just want to give the history.

The PNM administration, then administration, also passed, in 2021, a suite of regulations for different aspects of the procurement function, and I have been critical of the regulations. So I am coming here, you know, with my hands up to say that I am a professional that works in this sector. I am a researcher that works on this particular law. So that, I hope that the comments that I make hereafter are not received as partisan—

Sen. Smith: Mr. President, I rise on Standing Order 46(1). This is not a résumé

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

recital; can she please get to the clauses? Thank you, Mr. President.

Mr. President: Yeah. Well, I am allowing her. I think she is going to the clauses now. Alright.

Sen. Dr. M. Rose: I am closing it now. Thank you, Mr. President.

So I am not partisan here today. The comments that I am about to make about this Bill are as a result of my engagement in this field, professionally. Mr. President, I am of the view, and I will take you through the clauses, that this Bill is dangerous. It is ruthless. It is aggressive. If the objective of this Bill is to take unrestrained power over the public purse by the Executive, it is intelligent.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Now, I want to look at this Bill through the perspective of four different lenses. The lenses of four stakeholders that interact with this legislation. First, the Office of Procurement Regulation, which has been established by this legislation. This particular Act was lauded as being one of the most progressive public procurement legislation—pieces of legislation in the world because of its commitment to sustainable development and sustainable procurement, and local industry development. So, it established an independent Regulator to oversee procurement and to investigate procurement, and to have certain remedial powers in respect of the procurement function. We will look at it through the lens of the Office of Procurement Regulation.

The second lens is the lens of the public body themselves. “How does this Act interact with public bodies who interact with this function?” I will also be looking at it through the lens of the supplier, and then I will be looking at it through the lens of the citizen. In respect of three of those four stakeholders, in

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

respect of this Bill, this Government has stripped away, gutted and decimated rights, powers and privileges—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—with respect to the Office of Procurement Regulation, with respect to the supplier, and with respect to the citizen. I will support what I am saying.

In respect of public bodies, we see a drastic and radical opening up, unrestrained, aggressive, ruthless and dangerous grab over the public purse.

Sen. Smith: Mr. President, I rise on 46(6), I mean, the Senator is now imputing improper motives to Members of the Government.

Mr. President: Well, I am listening to you very carefully. So you are coming close to that particular Standing Order, because, obviously, you are referring to the Government, you are referring to Members opposite who are Members of the Government, and you are making implications and imputations. But I am allowing you to continue, but be aware of that Standing Order that was raised, but I will allow you to continue, please.

Sen. Dr. M. Rose: Thank you, Mr. President. Can you protect my time, please, because I lost a few minutes there, and I have not imputed any improper motives to anyone.

Mr. President: Take your seat. If somebody rises on a point of order, that is part of the Standing Orders, so you have not lost any minutes. It is just part of the process, just as if you, or if somebody was speaking on that side and you rise on a point of order, it is the same process. So, please, those remarks are uncalled for. Continue, please.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

Sen. Dr. M. Rose: Yes. To support what I am saying, I heard on the radio this morning Mr. Afra Raymond who was being interviewed, and he was one of the persons in the JCC who was responsible for this version of the legislation that we had. To show that my comments are not out of pocket, Mr. Raymond said this morning that:

This Bill, if passed, poses an existential threat to the Office of Procurement Regulation, and to good public order in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: So let me go, step by step, into the clauses now, please, Mr. President.

Let me first look at the powers of the OPR. Let us look at what has happened with the Office of Procurement Regulation. Mr. President, clause 5 of this Bill seeks to take away the power of the Office of Procurement Regulation at 5(2), (a) to (f), to:

“suspend, stay or otherwise restrain any procurement proceedings, the performance of a procurement contract or the operation of a framework agreement;

prohibit a procuring entity from taking a decision...

...require a procuring...”

They cannot do any of this anymore; cannot:

“direct the re-evaluation...”

—cannot:

“overturn, invalidate, set aside...”

—cannot:

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

“determine that any supplier or contractor is entitled to the award...;”

So what the Office of Procurement Regulation thought they could do, which they in fact did on April 14, 2026, when they issued a directive to HDC to halt—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—a procurement into the \$3.4 billion, this Act removes it. I listened to the hon. Minister to see what his explanation was for this under the Part IV, Complaints section, and he said, “It was ambiguous in the Act as to whether or not the Office of Procurement Regulation could take such action.” So they were just clarifying that ambiguity by making it express that they did not have that power.

The Office of Procurement Regulation did not think that there was an ambiguity, and one would understand why, because if one looks at section 14 of the parent Act, it says that the Office of Procurement Regulator can issue any directive to a public body, and they must comply. If they do not comply, it is an offence in law, and they are liable to a fine of \$100,000. So that general power was in the Act. It is not, you know, it is not ambiguous. But what this amendment does is it just decimates and takes away, eradicates, complete erasure of the Office of Procurement Regulation to step in upon a complaint made, upon an investigation of its own volition. If it hears things and, you know, and someone comes to it, or there are reports in the papers that raise red flags. All now, under clause 5(3), that the Office of Procurement Regulation can do is make a non-binding recommendation.

Mr. President, this is making a mockery of what the framers of this legislation, their administration—

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—put in place. But, you see, they put it in place hoping to tie up another administration, and now that they are here—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—they are speaking a lot to us, all the time. Every Bill that comes, it is about hypocrisy. There is no greater example of hypocrisy—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—than this administration's flip-flopping on this legislation.

Hon. Senators: [*Desk thumping*]

2.45 p.m.

Sen. Dr. M. Rose: There is another area in this Bill that, again, strips the Office of Procurement Regulation of any power, and in respect of that, I will go to the point about the amendments now. Much has been made about the fact that the PNM administration made amendments in 2020 to exempt certain things, but I would suggest—I would say the categories of spend which were exempted by the People's National Movement were legal services—only services, not goods, works and services—legal services, auditing and financial services and medical emergencies. We can understand the problems with it, but we can also understand legitimate rationales for services that require a certain trust relationship, having special designations and approaches to how you deal with that. I am not here to defend that amendment, but I am here to defend another amendment.

In that same suite of amendments, the former administration put in that:

“...the Minister may, by, Order...”—exempt another category of service.

But that is subject to the agreement of the OPR or upon the instruction of the Office

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

of Procurement Regulation. There was a clear check on the power of the Executive to wake up every Monday morning and exempt another procurement category. That is what the former administration put in place. They put a respect for the Office of Procurement Regulation.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: They statutorily encoded that. Here in this Bill, this administration seeks to revoke that and just put:

“...the Minister may, by Order...”—exempt any procurement they wish to do.

They have removed—again, this is a stripping of the power of the Office of Procurement Regulation to agree or to advise as to what the Minister can further exempt. They spoke yesterday—not yesterday—when they were debating it in the other place about, “The law is an evolving thing”. Yes. This is why you can have a Minister who recognizes a particular procurement at a particular time—“Oh dear, we have to do something here.”—But subject to the law.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Subject to this statutorily enshrined body to protect the public purse. But no. This Government does not want to do that. What this Government wants to do with the public bodies now—I am turning to the public bodies and what they now have. They have changed in clause 4(b)(i), from exempting, where they are dealing with the exemption in section 7 and amending that section, they have very subtly changed from “services” to “procurement”. That is a big change. It might seem little. Because procurement, once you change “services” with “procurement”, it means everything. Goods, works and services are now exempt in

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

the energy sector, oil and gas, national security—and I will deal with those two first.

Mr. President, when one looks at what the Office of Procurement Regulation reported in the last report, fiscal 2024—2025, energy and the oil and gas sector accounted for almost 50 per cent. Let me get the figures because I wrote it down last night. Oh, our entire procurement spend that is covered by the Office of Procurement Regulation in terms of what they have been able to report on is \$16 billion, 2024—2025. In that 2024—2025 report, we see that the spend of the energy sector is \$8.11 billion, representing 50.78 per cent of what the OPR is looking at, what they have oversight over. “So, half gone there.” So now, those public bodies have, in the energy sector, goods, works and services, and several of the challenges have been raised in respect of Heritage, Paria, and others. Well, now they will not have those problems. But there are so many problems with this.

This Minister did not make this argument, but below, I heard it was argued that we have the Petroleum Act. In the Petroleum Act, there are all of these considerations and requirements and all of that, and so, therefore, the procurement Act was superfluous and redundant. We heard those kinds of arguments. I would ask this Minister to point us to what provisions in the Petroleum Act govern the acquisition of goods, works and services—yes, you can google it or send a WhatsApp—in the energy sector. Because the Petroleum Act will govern competitive bidding for the licensing, for the licences that are being issued. That is completely different. We are talking about goods, works and services. This section exempts that entirely; \$8.11 billion, half of what the OPR is looking at, is gone. National security, well, they did not report well to the OPR in 2024—2025,

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

so we do not have confirmed figures there.

Sen. Baig: Who was in government?

Sen. Dr. M. Rose: But in terms of—it was shared.

Hon. Senator: The report was due in '25

Sen. Dr. M. Rose: Yeah. It was shared. Both PNM and the UNC.

Now, with national security, again, they exempt all goods, works and services for national security. I would respectfully submit, Mr. President, that we need to look and see—it sounds good, national security, we need to exempt. But we must look and see what other countries around the world have done with respect to national security. The Bill proposes an entire exemption for national security that is broader—this is a Wild Wild West here in Trinidad and Tobago. It is much broader than the UK, much broader than the EU Directives. Right.

So, under the UK Procurement Act 2023, which was just proclaimed in February 2025, section 7 does create a specific category of:

“Defence and security contracts”

But in Schedule 2 paragraph 25, it permits exemption only where:

“...the contracting authority determines...”—that a particular contract...”—

“...should not...be subject to...”—all—“...or part of...”—the—“...Act.” In the interest of national security.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Margaret Rose: Government guidance in the UK emphasizes that this must be properly justified, not this *carte blanche*; national security is just out.

In the EU, they adopt an even more structured approach in their Directive 2009/81/EC. It establishes a specialized procurement regime. Specifically, for

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

defence and sensitive security contracts, exemption is reserved for circumstances where protection of essential security interests genuinely requires it.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Margaret Rose: The Directive expressly states that exemptions must not extend beyond what is strictly necessary and that nonapplication must be proportionate to the security interest being protected. This is not what we are seeing here.

Again, another example of sloppy drafting: where is the definition of energy procurement so that we see a carve-out, maybe for the licences and all of that that are covered by the Petroleum Act? Where is the definition of national security here, so that we can see a carve-out? So that if the police are buying pens, it should come under the legislation. If they are buying cars, should it not come under the procurement legislation?

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: No. Carte blanche. We heard about hundreds of millions being challenged now about, “What being spent here”? National security is also out. It is a complete decimation of the Act. Why remove an entire category of public expenditure when comparable systems regulate defence and security procurement and reserve complete exemption only for cases—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—where national security actually requires it?

Now, let us go to the public utilities emergency exemption. When in the same section you are creating an emergency exemption separate from the public utilities emergency exemption, makes absolutely no sense. If the revision to section 7

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

includes, as well, an emergency exemption, a general emergency exemption, why do the public utilities need another emergency exemption? It is overdone. It is to emphasize. Because T&TEC and some of the other public utilities have been bereft with challenges. They have had challenges, we just won one, two weeks ago with you all's star lawyer, "allyuh star boy". That is why these changes are coming in here, you know. So, it makes no sense. I want to talk a little bit about this emergency procurement because this is important. This emergency procurement because we are not here—

Sen. Roberts-Radgman: You have ten minutes.

Sen. Dr. Margaret Rose:—okay—to just—at least, I am not today here to oppose for opposing's sake. We genuinely want what is best for this country.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Margaret Rose: So, clause 4 takes this definition about emergency into it. Let me explain why this is so dangerous, the way they have dealt with emergencies under this proposed Bill. What they are seeking to do is to put emergency procurement generally as completely exempt from the Act. Whereas, before, emergencies for small-scale items under a million dollars were under the simplified regulations. What that means is it is not just moving things around. What that means is that even though you have emergency procurement, it is still under the Act, and so section 5, which requires accountability, transparency, value for money, efficiency, fairness, all of these things, still apply. They still apply. Though, under emergency procurement, the provisions, the procedures are loosened up so that you can quickly, within one or two days, get what you want to get. But now that it is exempt from the Act, and not just for small-scale

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

procurement but for every procurement under the sun, and they have included in that clause emergency procurement for business continuity and, so therefore, it really opens up the door for any explanation to be given for something to be emergency. But the fact that it is not under the Act, it does not need to be reported, there will be no monitoring, there will be no oversight over this.

I am hearing that I have a few minutes, so I must go quickly:

“..the Minister may, by Order...” We have spoken about that, that the public body now can wake up every morning and do it. Let us talk about the threshold. Let us talk about this increase in threshold. This is one of the most ruthless and aggressive parts of this Bill because, Mr. President, they argued against the former administration’s 2023 amendment to introduce this \$1million threshold, under which procurement was exempt generally from the Act. But what the former administration did when they did that exemption—I too was like, “Oh, why are they doing that”? Right. But what they did, because the former administration, based on the evidential record of this legislation, they have a respect for the Office of Procurement Regulation.

So, what they did with respect to that threshold is they had the Minister create regulations, the Simplified Procurement Regulations, to cover under \$1million in procurement. So, even though the \$1million threshold was under 1million and was exempt from the heavy procedures, the stricter procedures of the Act, it was not a Wild Wild West that was being created there. In fact, it was a tiered system.

Hon. Senators: [*Desk thumping*]

3.00 p.m.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

Sen. Dr. M. Rose: It is a tiered system and flexible system. It was already there. This Government is saying they had no flexibility. The one-size-fits-all—that is not a proper characterization of this Act. It is not a one-size-fits-all at all.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: We have the simplified procurement regulations. We have the under \$75,000—they can do direct awards. Under simplified procurement, you can do direct awards, you can award within two days, you can deal with emergencies. Why create all of these exemptions and do all of this when the Act already gave you the power and authority?

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Very quickly, because I hear I am down to my last few minutes. What have they done with the suppliers? By reducing—and I am talking from experience. By reducing this 10 to 15 days that one has to consider whether to challenge, to five to 10, what you do is—you are not understanding the purpose of a standstill period. When a public body awards and issues the notice of an award, the purpose of the standstill period is to allow an aggrieved supplier to first get a debriefing, get information—because there is asymmetrical knowledge between the supplier and the public body—and then get advice as to whether they should challenge.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: So what you are doing by cutting the time down, you are cutting off the supplier at its knees.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: You are cutting them down. They do not have the time to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

really

mount an important and a proper challenge, an effective challenge.

And let us talk about the cost. I know I only have a few minutes, but let us talk about the cost. There is a complete misunderstanding of what the intention of the Act was with this challenge proceeding. These challenge proceedings are not litigation, they are an administrative process, only 20 days. This is another point that is missed. They say that the procurement Act introduces all of these very long and bureaucratic processes, but it does not. It was designed—the challenge proceeding is designed to be 20 days long from the—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—date of filing the challenge to the decision of the Office of Procurement Regulation; 20 days. It is a very fast process, the costs that are awarded to suppliers are not very much at all. It is not what we get in terms of our scale of fees and whatnot. It is almost like a pro bono service, right? And so it is an administrative process and it is because the public body is under a statutory duty to procure accountably, transparently, fairly and for value for money. It is the public body's duty to ensure that they are able to prove to the Office of Procurement Regulation that they have complied with the Act.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: This is not litigation about success and all of that. This is an administrative process. And so what one could do, if you are serious about trying to refute frivolous and vexatious claims, is that you write that in. Give the Office of Procurement Regulation—

Hon. Senators: [*Desk thumping*]

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

Sen. Dr. M. Rose:—the power to award costs to a public body if they are of the view, the Office of Procurement Regulation, that the challenge is frivolous and vexatious. You can do that; an abuse of process. But once you lose, the challenger is going to have to pay costs as if it is a litigation. It goes against the intendment of the Act, the objective of the Act—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—and it cuts the supplier off on one side and on the other side, and what does the Act do for citizens? I will end on this. This is the fourth lens you have to look at.

Citizens had a right that has now been completely taken away. Citizens, the people of Trinidad and Tobago, had the right to bring a complaint, whether they were a supplier or not, ask for something to be investigated, and if they have information of wrongdoing, a procurement officer on the inside could blow the whistle and start an investigation and all of that. That was what Part IV, “Complaints”, was about, so that the Office of Procurement Regulation could then, with their remedy, stop a process, stop us from bleeding the Treasury, stop—as they did in the HDC, stop a process, cause a re-evaluation, cause a prohibition. This is what this Bill takes away, by removing the powers of the OPR under the complaints process.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: This is—

Mr. President: I think your time is up.

Sen. Dr. M. Rose: [*Inaudible*]

Mr. President: Your time is up. Your time is up. Sen. Vieira.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dr. Rose (cont'd)

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. With your leave, permit me to mourn the passing of the “Mighty Sparrow”. “Dr. Birdie” was a great calypsonian because he revolutionized the calypso art form through his sonorous voice, sharp

social commentary, witty double entendre and an unmatched stage presence. He took calypso from local tents to international stages. He was a force of nature.

“Bobol” and “grift”: These are the two words we should have at the forefront of our minds as we consider this Bill. “Bobol” is defined in *Côté ci Côté là*, the Trinidad dictionary, as:

“Cooking the books. To steal money or equipment...”

And “In Bobol” refers to:

“Several persons involved...”—in a scheme—“...and covering...for each other. Financial scandal, Fraud.”

“Grift” is an American word meaning a dishonest scheme or confidence game used to get money or property through fraud, swindles or trickery. Two different words, from two different places, but essentially concerned with the same thing: Dishonest financial schemes; something all of us in this Senate should be concerned about.

Mr. President, after many years of complaining about “bobol” and its negative effects, after a long, difficult and uncertain road speaking about procurement reform, the need for transparency and accountability, about getting value for money and about the need for an independent regulator, we were, in 2015, finally able to enact the Public Procurement and Disposal of Public Property

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

Act. That was a very proud moment for me and for all the others in the civil society groups who were part of that process.

But even then, the journey was not over. The legislation was amended, regulations had to be developed, institutions had to be established, public bodies had to adjust and the legislation was not fully proclaimed until April 2023. So, after a long, uncertain and hard-fought journey, in effect, our comprehensive procurement system has only been fully operational for a little over three years.

My first concern about this legislation is simple. Having travelled so long and hard to get here, I would not like to see us going backwards, losing hard-fought gains with a series of ill-begotten measures. My second concern is even more fundamental because we do not legislate for the law-abiding. We legislate for those who would do wrong.

Now, Mr. President, a benefit of being satanic and demonic is that I have insight into the souls of men.

Hon. Senators: *[Laughter]*

Sen. A. Vieira SC: I understand those whose moral compasses and codes are compromised—

Hon. Senators: *[Desk thumping]*

Sen. A. Vieira SC:—as I understand the seven deadly sins, in particular greed. I understand that we cannot legislate on the assumption that everybody who handles public money will always act properly. Not everyone is going to hold themselves to the same set of values. This is a land of “bobol”. This is the place where allegations of fraud, corruption, favouritism, conflicts of interest, contract splitting and misuse of public resources are recurring concerns.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

The term “Trickidadian” is well known. It recognizes that grifters in this country have a certain ingenuity, a gift, even a predilection for finding ways around the rules. And while this may sound jokey, it is no joke when hundreds of millions or billions of taxpayers’ dollars are involved. So, while I understand the official narrative about wanting to simplify and clarify, I cannot help but wonder if the aim of improving services and eliminating hindrances are composed of sleight of hand. Whether or not that is so, the fact is that poorly written laws can have disastrous consequences and we cannot afford to sacrifice the guardrails of good governance on the altar of convenience.

In this country, the danger of corruption is not abstract. Here, corruption is a real and present danger. I wonder—and this is a hypothesis. Dare I wonder whether special interest grifters are already jostling at the budgetary trough. Procurement law is one of those mechanisms by which we protect the public purse against that danger.

More to the point, this should not be a debate about efficiency and accountability, but about designing a procurement regime consistent with the object set out in section 5 of the parent Act; a procurement system that values accountability, integrity, transparency, value for money, efficiency, equity, public confidence, local industry development and sustainable procurement.

Now, I am not suggesting that the existing regime is perfect. As a commercial lawyer, I know how cumbersome, how inconvenient procurement laws, processes and procedures can be. I have heard complaints from many quarters, from clients, from public bodies, who say that procurement is too slow, the relatively straightforward purchases are unnecessarily cumbersome. They say,

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

and I agree, that the \$1 million threshold is too low for major Ministries and state enterprises. I also understand that there may be difficulties in industries, such as energy, where companies may have to buy and sell commodities quickly in international markets, and I accept that there can be cases of genuine emergency where Government must act immediately. These are legitimate concerns and the Parliament should address them. But there is a danger in framing this debate as though there are only two choices. It is either accountability and regulation, or simplify and getting things done. Just like having to choose between living in a police state or a crime state, that is a false choice.

Sen. Smith: Mr. President, I rise on Standing Order 46(1). Sen. Vieira, I think you are veering into the unknown. Thank you.

Mr. President: No, no, no. I am following Sen. Vieira. I will allow him to continue, please.

Sen. A. Vieira SC: Thank you. Let us look at section 5 if you wish. Section 5 of the existing Act makes clear that efficiency is already part of the statutory architecture. It sits alongside efficiency, integrity and accountability.

The challenge for Parliament is not to choose between efficiency and accountability. Our job is to design a procurement system capable of delivering both. So, let us not mistake poor policy clad in the robes of good intentions. One difficulty with this Bill is that too often the solution proposed to cumbersome regulation is not better regulation, but exemption from regulation, and this recurring theme throughout the Bill is a very serious concern to me.

The Bill is short, 10 clauses, but it will be a mistake to confuse brevity with insignificance, because when one looks at the legislation, several important

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

changes are being effected. Substantial new exemptions from the Act are being created. The mechanism by which further exemptions may be created is being changed. The Bill limits what can follow from an OPR investigation. The Bill creates a potential adverse cost exposure for suppliers who challenge procurement decisions. The standstill period is being reduced. The Bill increases the simplified procurement threshold to \$2 million for certain public bodies, and the Bill revokes the simplified regulations which presently regulate procurement below the threshold.

3.15 p.m.

Now, no doubt each of these measures can be explained individually, but legislation must be considered cumulatively. And when one looks at these provisions together, there is a discernible policy shift. This legislation is moving us away from independently regulated procurement towards greater administrative discretion, accompanied by reporting after the event. Now, that may speed up procurement, but I wonder if hidden beneath this talk of speed and convenience, we are jettisoning important safeguards.

So, let me begin with clause 7, because this provision illustrates the problem quite well. The Bill proposes a new section 58A:

“(1) Procurement of up to –

- (a) two million by”—the relevant offices of Ministries
“State-controlled enterprise”—and—“statutory body”—are—
“exempt from the procurement requirements”—of the—“Act.”

For municipal corporations, the proposed threshold is:

- “(b) five hundred thousand...”—the officer must report the contract to the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

OPR.

Now, I am prepared to concede that increasing the present \$1 million threshold to \$2 million for Ministries, state enterprises, and statutory bodies, that is not inherently unreasonable. I appreciate that you have to factor for inflation. Public bodies vary in size. A million procurement may be significant to one body, and yet routine for another one. I appreciate that there are also respectable arguments for increasing the threshold. But you also have to factor in, as I say, in this country, for unscrupulous and immoral rascals.

In any event, my objection is not principally to the \$2 million figure, but what happens below it. Because under the existing system, procurement below \$1 million is not a procurement free-for-all. The 2024 simplified procurement regulations were specifically designed to make lower value procurement easier. I recall when those regulations were introduced, the Ministry of Finance said that “they were intended to streamline procurement up to \$1 million”, while the OPR subsequently described them as “simplifying procurement without compromising the objects of the Act and regulatory oversight.” Now, that is the sort of balance I think we should be trying to achieve.

The simplified regime contains procedures. It deals with procurement methods. It requires records. It regulates participation by suppliers, and importantly, the OPR’s own published guidance explains that the valuation of procurement must be approached through proper procurement planning, rather than artificially treating each transaction separately.

Now, why does this matter? Because without an aggregation or an anti-splitting rule, the obvious question arises. Let us say, for example, the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

threshold is \$2 million. What prevents a \$10 million requirement from becoming five procurements of \$2 million? Or a \$20 million requirement from becoming 10? Hypothetically, I wonder how this is going to play out. Are we inadvertently creating loopholes for those who may plunder the Treasury? I fear a collation of the billing.

In this Senate, we are supposed to be wise, and the deliberations of the wise consider both the benefit and the harm. Good governance legislation is not designed on the assumption that everybody will behave properly. The system must protect honest officers, deter dishonest behaviour, and make irregular behaviour discoverable. That is why we have guardrails. That is what guardrails do.

Clause 10, which provokes to revoke the Simplified Procurement Regulations altogether, is risky, if not irresponsible legislation. Talk about taking a hammer to swat a fly. Let us add this to the list of absurdities. Clause 8 simultaneously removes the relevant regulation-making architecture. The Government is not just proposing an increase in the Simplified Procurement threshold. If that was all, I would support it. But what is being proposed is an increase in the threshold, and then removal of the Simplified Procurement framework beneath it. These are two very different propositions, and I cannot support the second without stronger safeguards.

No doubt, the Government will say, “But the contracts have to be reported to the Procurement Regulator.” Yes, that is useful, but reporting is not regulation. Reporting tells us what happened after the event. But by then, the supplier has been selected, moneys may have been paid. You talk about closing the stable door after the horse has bolted.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

These provisions are nothing short of astonishing, and they cause me to question the motives and the consequence of this legislation. Are we exchanging integrity, transparency, and accountability for convenience? Procurement safeguards are principally intended to govern the decision-making before, before that point. Who was invited? How was the requirement valued? What procurement method was selected? Why was a particular supplier chosen? Was there competition? Any conflicts of interest? Was the procurement divided artificially? Will we get value for money? Will proper records be kept? These questions cannot be answered simply by saying, afterwards, send the contract to the Office of the Procurement Regulator.

Yes, there is an obvious, sensible, compromise available. Let us accept the \$2 million threshold but retain the Simplified Procurement Regulations below that threshold. We can scale the requirements proportionately to the value and the risk of the procurement. That would give the Government the efficiency it needs without creating a regulatory vacuum. To my mind, that would be appropriate and acceptable reform. Simply removing the rules is deregulation, not reform.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: Now, there is another curiosity in clause 7. Municipal corporations presently operate within the simplified regime of up to \$1 million. The Bill now would only give them “five hundred thousand dollars”. Why? Why? If the Government’s argument is that the \$1 million threshold has become administratively burdensome and unrealistic, why halve it for the municipal corporations? And what happens to the public bodies that do not fall neatly within the categories specified in the proposed section 58? For example, what happens to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

the Tobago House of Assembly? Parliament? The Judiciary? Independent constitutional bodies? The service commissions? These questions deserve answers. To me, a more coherent approach would be to prescribe appropriate thresholds for all, all public bodies, and then regulate simplified procurement beneath those thresholds.

I turn next to clause 4, which treats with exemptions. And this is, to me, the most concerning provision. The Bill proposes exemptions for:

- “(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) ...goods, services or works in consequence of an emergency”

And then—

- “(j) such other procurement as the Minister may, by Order, determine.”

These are potentially enormous, enormous categories of public expenditure, and some are remarkably undefined. Just like how we now have a Bill for Special Operations with no definition explaining what a special operation is, we are now once again left—

Sen. Smith: Mr. President, I rise on Standing Order 46(1), in terms of the relevance. ZOSO.

Mr. President: Yeah, I understand the point of order, but I am allowing Sen. Vieira to continue his contribution. Continue.

Sen. A. Vieira SC: Thank you. Yes, you cannot leave it to your imagination to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

guess. We are talking about legislation here.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: What does “energy” mean? What falls within “national security”? What constitutes a “public-private/partnership”? We have to guess at this? Here, we have to be really careful because clause 3 simultaneously proposes a very broad definition of “public-private partnership”. It would include:

“...any agreement, contract, partnership or working relationship between a public body and a person for...financing, constructing, operating, or managing public property;”

Now let us read those provisions together. A construction contract is an agreement between a public body and another person for constructing public property. If that broad definition is then combined with the exemption for public-private partnerships for public housing, we have to ask how much of the public housing construction programme will fall outside of the procurement regime? You see, we are expanding beyond the legitimate boundaries.

Turning now to energy. Now, I accept there may be a genuine issue with energy. A state energy company participating in commodity markets cannot necessarily conduct every purchase or sale of crude oil, natural gas, LNG, or refined products through conventional public tendering. Yeah, markets move. Prices move. Commercial opportunities arise and they disappear. And so, the procurement system must recognize commercial reality; I get that. But if that is the problem, let us legislate for that problem. Let us create a narrow exemption for commodity trading or comparable transactions conducted in those markets rather than exempting. That is what we are doing. We are exempting energy as a sector.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

Buying and selling a cargo of crude oil on an international commodity market is one thing; building an office is another. Buying vehicles is another. Hiring consultants is another. Procuring an IT system is another, and constructing infrastructure is another. All may be done by the same energy company. Why should every one of those transactions escape procurement oversight merely because the public body operates in the energy sector?

The appropriate principle is to exempt the transaction that requires a special treatment, not the institution, and certainly not the entire sector. Whether by accident or design, this Bill seems to be using a legitimate concern to carve out large holes in the Act. I do not agree that everything and everyone in the energy sector should be allowed to operate unshackled.

And the same principle applies to national security. There will plainly be national security procurement that cannot be conducted publicly. We do not want Government publishing sensitive specifications which will tell criminals or hostile actors precisely what security capability the State is acquiring. That would be absurd. But again, confidentiality is not the same thing as absence of accountability. There are ways you could regulate sensitive procurement. The Minister responsible for national security could certify that a particular procurement requires special treatment. Reasons can be recorded confidentially. The Procurement Regulator can receive the information in confidence. The Auditor General can retain an auditing role. The number and aggregate value of national security exemptions can be reported without revealing operational details. Such measures can protect national security while maintaining accountability. But to give a blanket exemption under national security, that is way too broad.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

Especially, when the existing procurement framework already contains mechanisms for protecting sensitive information.

The issue is not whether national security deserves protection. Of course, it does. The issue is whether protecting it requires an entire category of procurement to disappear from independent regulatory scrutiny. And I am not persuaded that it does. Emergency procurement is another area where I agree with the objective, but I have to question the mechanism. The Bill defines an emergency as:

“...an exceptional and unforeseeable situation where –

- (a) life, property, equipment or business continuity is immediately at risk; or
- (b) where standards of public health, welfare or safety need to be re-established without delay.”

But clearly, there is merit in allowing the Government to respond quickly to genuine emergencies. If an earthquake destroys a bridge, nobody expects the Government to spend months conducting an ordinary tender before restoring access. If a water treatment facility suddenly fails, WASA must act. If critical electrical infrastructures are destroyed, T&TEC must respond.

3.30 p.m.

But why should emergency procurement be outside? Why must it be outside the Act? Why not put an emergency procurement procedure inside the Act?

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: For example, the accounting officer certifies the emergency, the reasons are recorded, and the procurement may proceed by direct contracting or limited bidding where necessary. Only what is strictly necessary to address the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

emergency can be acquired. The emergency procedure lasts for a defined period. The OPR is notified promptly. The contract and the price are reported; records are retained. The Auditor General can subsequently audit the transaction. That will achieve speed without abandoning accountability. That would ensure that emergencies are not used as a mask for “bobol”.

Turning now to the residual power.

“...such other procurement as the Minister may, by Order, determine”.

Well, this requires special attention. The existing architecture under the parent Act requires the involvement of the procurement regulator in creating additional exemptions. Now, the Bill is going to remove that safeguard. Why? Why should an independent procurement regulator cease to have a role in determining whether a category of procurement should be removed from procurement regulation?

If the Government can identify a genuine problem regarding exemption, I am very interested in hearing it. Because unless you have very strong grounds justifying otherwise, the regulator should be consulted. Classes of procurement should be precisely defined, reasons should be published, and for an exemption of potentially significant public expenditure, Parliament should affirmatively approve it. We are talking billions of dollars.

I will go further. Exemptions should not necessarily last forever. A three-year sunset will allow Parliament to see whether the exemption remains necessary. Now this seems particularly sensible in procurement law where technology and commercial practice change rapidly. What Parliament should avoid is establishing

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

an independent regulatory regime and then giving the Executive an open-ended mechanism for removing categories of expenditure from it.

What we are doing is we are looking as though we are establishing guardrails with this hand and we are permitting them to be moved with this one. Now, had I had sufficient time, I would speak more fully on clause 5, but there is an important legal distinction to be made. Part IV concerns investigations, but Part V concerns challenge proceedings. They are not the same thing. Clause 5 does not abolish the regulator's Part V challenge jurisdiction. But the language proposed for section 44 is striking.

Following an investigation, the office would not be able to suspend or restrain procurement proceedings, require a procuring entity to reconsider a decision, require re-evaluation, require recommencement or termination, interfere with an award, or determine that a supplier was entitled to the contract. Its recommendations would be expressly advisory, nonbinding and unenforceable as Part V decisions.

Now, I understand the point that Government has been trying to make. But this Bill is going way, way too far in the opposite direction. Suffice to say we should preserve the distinction between investigation and challenge, but not in a way that will render an investigation practically meaningless. The regulator does not have to have the last word. But neither should she be reduced to shouting from the sidelines.

Clause 6 concerns me. Suffice to say it creates a chilling effect. If legitimate challenges disappear because suppliers are afraid of cost, we will lose one of the mechanisms by which procurement irregularities come to light. I would

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

posit that there is a middle ground. Give the regulator power to award reasonable costs where proceedings are frivolous, vexatious, or an abusive process, and make the rule even-handed. If the procuring entity has engaged in flagrant breach and forced a supplier to incur costs to expose it, why should costs operate in only one direction? Good legislation should deter abuse by either side. I am not going to discuss clause 9, which reduces the standstill period, and there is also some less dramatic but important drafting issue.

The Bill contains no commencement provision and no transitional regime. That needs to be corrected. Procurement already proceeding under the simplified procurement regulations should not suddenly lose their governing framework. Pending challenges should not unexpectedly become subject to a new cost regime. Standstill periods already running should not change halfway through. These are all avoidable uncertainties.

A commencement provision by proclamation would give the procurement regulator and public bodies time to adjust, and transitional provisions should say expressly which regime applies to procurements and proceedings already on the way. That, I think, would be good legislative housekeeping.

Now, let me return to where I started. The country took years to establish a comprehensive procurement legislation. If difficulties have emerged, the response should be to identify the problems and fix them. The correct philosophy should be to simplify without abandoning oversight. Could the regulatory not issue more flexible guidelines instead of disregarding the system? In any event, government is not designed for speed but for legitimacy.

Mr. President, we know ourselves. We know about “bobol”. We know the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

smart man is rare. “He not ah character in Anansi,” and he needs to be contained. Parliament must legislate with its eyes wide open, and there is a wider context. This is not an old system that has suddenly outgrown its utility. Our procurement regime is part of the country’s anti-corruption and good governance architecture.

The Act itself places accountability, integrity, transparency and value for money at its centre. Amendments should be fixed in principle even where they may be evolving in practice. Principles are not obstacles to development. There are conditions for sustainable development. We need to remember corruption has an economic cost. Ultimately, transparency and efficiency are not opposing economic objectives. It is not one or the other. Both are necessary. They are not alternatives. A transparent, predictable procurement system is itself part of a healthy business environment.

Now I would like to believe that with all the faults and potential for abuse, with the rights amendment, I believe this Bill is salvageable. I had hoped that the Benches would have worked together to avoid a financial ambush dressed up as the ease of doing business. But in light of the Prime Minister’s declared refusal to accept amendments from the Independent Bench, I decided to save my time and energy.

On the special zones Bill, I spent two days working on amendments to improve the legislation, to no avail. That is not happening today. Let me be clear. Without safeguards in place, this Bill offers opportunities for “bobol”. There is great potential for mischief. It will shield grifters from accountability and consequences. The fundamental question is, how much discretion should the State exercise over public money without independent procedural safeguards? We spent

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

years building this system. Let us improve it. Let us simplify it and modernize it. Let us make it work faster. But let us not dismantle it. I am not for de-regulation. I am for better regulation. There is a fundamental difference between removing unnecessary bureaucracy and removing accountability. There is a fundamental difference between simplifying procurement and exempting procurement. There is a fundamental difference between allowing public officers to act quickly and allowing public expenditure to occur without adequate guardrails.

This Bill in its present form crosses those lines in several places. Just as occurred with the special zones legislation, there is something larger at stake. Once again, public confidence is an issue that looms large. When crafting the parent Act, we try to put a moat and a castle wall between our national assets and those who would seek to plunder. I fear that with this legislation we are lowering the drawbridge, and we are leaving the castle door wide open and defenceless.

The regulator may still be standing at a sentry post, but now her arms are going to be folded as she is weaponless. Sadly, like us on the Independent Bench, there are those who would like to see her too marginalized, helpless, or made useless. Long story short, legal teeth are the only way forward. We need laws that require people to take action.

This Bill will undermine the credibility and the authority of the Office of the Procurement Regulation as an institution. It is a step in the wrong direction. The harms outweigh the benefits, and I am not willing, I am not willing to lend my support in lowering that drawbridge. I am not willing to sacrifice the guardrails of good governance ostensibly on the altar of efficiency and ease of doing business.

Mr. President, it is going to take a lot more than holy water and mantras to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Vieira SC (cont'd)

get me to vote in support of this Bill. I thank you.

Hon. Senators: [*Continuous desk thumping*]

Mr. President: Minister in the Ministry of Housing, Sen. Phillip Alexander.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Housing (Sen. The Hon. Phillip Alexander):

Mr. President, I thank you for recognizing me and giving me the opportunity to contribute to this debate. I would also like to take the opportunity to congratulate you on your well-deserved award.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: I would also like to thank the hon. Prime Minister for the opportunity to serve and for her vision for this country and its people.

Mr. President, to hear the other side, you would be tempted to think that everything is all well and everything is working as it should. But that is, according to the evidence, far from the truth. And before I go into the substance of my contribution, I just need to deal with some of the things that were said on the other side by the PNM teams.

Mr. President, Sen. Rose said that the legislation that governs what we are talking about today was passed into law. The procurement legislation was passed into law by the United National Congress, the People's Partnership Government, to tie the hands of an incoming government. But that is writing history to suit their facts. The United National Congress/People's Partnership Government was doing its job and bringing good law to the people of Trinidad and Tobago. The fact that the other side squeaked past in an election does not mean that it was a foregone conclusion, and I reject her position on that. She also said, and she spoke about the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

corruption Olympics. Now, when she said that my good friend, the Minister of Planning, Economic Affairs and Development, told me to still keep it tight.

But, Mr. President, I am in the Ministry of Housing, and in the Ministry of Housing we see every day more and more information on the corruption Olympics from the last administration. I want to remind those who are speaking from the position of definitions that the absence of a contract and payment of an invoice without a contract is fraud. It is breaking the law.

Mr. President, I have here a document from the Housing Development Corporation. For the year 2024 to 2025, for the provision of services: waste disposal services to the tune of \$ 4,537,625; grass cutting services \$1,799,323; and drainage maintenance services \$2,212,000. A total of \$8,549,000 was paid to friends of the PNM.

When the Attorney General spoke about an office in Woodbrook, one of the companies on this list operates from that office. Four of the companies on this list, a Senator who is absent today—

Sen. Baig: I wonder why.

Sen. The Hon. P. Alexander:—his companies. Mr. President—

Sen. Dr. Browne: Mr. President, Standing Order 46(6) imputing improper motive.

Sen. The Hon. P. Alexander:—we have here—

Sen. Dr. Browne: It is a clear reference to a Senator.

3.45 p.m.

Mr. President: I do not think he has called any name.

Sen. Baig: He has not.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Mr. President: But I want him to be careful but he has not called any names. Continue please.

Sen. The Hon. P. Alexander: Mr. President, I know Ernie and Bert will be excited that I am speaking. We have lists of illegal contracts. In 2012, under the People's Partnership, an insurance brokerage contract was awarded that had—that was for two years, and it had a one-year renewal, if so desired. Since then, that company has had the benefit of payments for 10 years without another tender being done. And in 2023, that became law, that it was supposed to be put out to public tender again, if you ignored the years before.

When we went to Maloney and highlighted the problems the residents of Maloney face, the Member of Parliament for Maloney brought some issues to the public space, and she spoke about an insurance brokerage contract. And she spoke about the award of a contract to Comprehensive Insurance Brokers and a company that she said, a member of that company, a management member of that company, was a Member of Parliament in this Government. So, I had to go and do my own investigations to find out how did this contract get awarded, and it got awarded via open tender, according to the OPR rules, and Comprehensive Insurance submitted the lowest bid in that tender.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: But it caused us to do further investigation, only to find out that under the previous administration, a company, an insurance brokerage company that benefited from 10 years of automatic renewals, 2023, 2024 and 2025, they still were benefiting from providing insurance services to the HDC and they themselves are not OPR-registered.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Sen. Baig: What? “Papapyo.”

Sen. The Hon. P. Alexander: That company—

Sen. Baig: “Dem want to talk corruption?”

Sen. The Hon. P. Alexander:—that is benefiting—that was benefiting under that side is, up to now, not OPR-registered. We have dealt with issues of open violation of proper procurement rules, Trestrail.

I have been on a tour of all of the HDC properties and, Mr. President, that is what I wanted to speak about today when I speak on this issue. Because since being appointed a Minister in the Ministry of Housing in May 2025, my team and I have toured Cypress Hills, Eden Gardens, Edinburgh Towers, Holly Betaudier Arima, Trestrail, La Resource, Pineapple Smith Lands, Caura, Scott and Gordon Streets and Citrus Close, Ridgeview, Ridgewood, Golconda, as well as Nelson and George Streets East Port of Spain, Marciano Quarry Lands, Maloney, Barbes Street, Riverside, Bon Air North Phase Three, Lakewood Point Fortin, Hubertstown La Brea, Gomez Trace in Moruga, to name a few. And I could say without fear of contradiction, because this is the information we get on the ground, that none of the Ministers on the other side ever walked that many communities, or if any at all.

Mr. President, I speak from the perspective of a Minister on the ground when I speak on this issue. I am not going to stand here to try to give a lecture on procurement. I want to talk about housing. I want to talk about what procurement means when you are responsible for getting houses built.

When the other side spoke about the \$3.4 billion that was awarded to 11 contractors, we got contractors to agree to pick up the cost of building houses for the people of Trinidad and Tobago. There was very little exposure. The only

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

exposure that existed was the value of the land for these projects, and most HDC projects are not built on Grade A land.

The stall that went on for months, that Sen. Rose says is a fast 20 days, it is not true. It is constant requests for information. Anybody could have walked in off the road and said, “I raise an objection”, and the plan was obvious and clear: to stall the Housing Development Corporation so that we could not deliver houses. That was their plan.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: The Prime Minister set a very high mandate for us. We came out of the gate in open negotiations with as many contractors as possible. All of those who were listed on that award, all of them, we got from the OPR registry. So, they are all HDC-registered, they are all OPR-registered, but it seems like, to that side, names like Ramit and Rampersad must not get contracts, as long as their friends, family and financiers could.

Mr. President, I have stood on the ground where houses are supposed to be built. I have walked through developments that are unfinished. I have spoken to contractors, I have spoken to engineers, I have spoken to HDC officials and, most importantly, I have spoken to the people who are waiting for these houses. So, when I look at this Bill, I do not see it as simply an amendment to a procurement statute. I see it through the eyes of the person who is waiting for a key. Mr. President, that is the perspective I want to bring to this debate.

The Public Procurement and Disposal of Public Property Act has an important purpose. Nobody in this Chamber could disagree with accountability. Nobody should disagree with transparency. Nobody should disagree with value

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

for money. Nobody should disagree with protecting the public purse. But there is another principle that I believe we have to put on the table today, and that is delivery. Because if the procurement system is so cumbersome that the Government cannot get houses built in a reasonable time, then we have to ask ourselves whether the system is serving the people it was designed to serve. And that is what this Bill is attempting to address.

Mr. President, I have seen the difference between a project that is moving and a project that is not. I have seen what happens when a contractor is ready to work but cannot proceed. I have seen what happens when a project is almost completed but remains unavailable to families because of outstanding issues, and I have seen the other side of it. I have seen what happens when the machinery of government comes together, the contractor is mobilized, the technical people are engaged and the project starts moving. That difference is not theoretical. That difference is a family getting a home. Mr. President, let me take you to the sites.

When I became Minister in the Ministry of Housing, one of the first things I did was to get out of the office. I wanted to see the housing programme for myself. So, in May 2025, we went across the country and visited HDC developments. We went to Cypress Hills in San Fernando. We went to Eden Gardens in Couva. We went to Edinburgh Towers in Chaguanas. We went to Holly Betaudier and Arima Trestrail. We went to La Resource and Pineapple Smith in D'Abadie. We went to Caura and Scott and we went to Citrus Close. The official Ministry record confirms that these visits involved direct discussions with project managers, site engineers and contractors about construction progress, timelines, community impact and infrastructure needs.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Mr. President, that is where you begin to understand procurement. You do not understand procurement only by reading the legislation. You understand it when you are standing on a construction site looking at a building that is supposed to become somebody's home, and you ask: Why is this not finished? What is holding this up? What does the contractor need? What does the HDC need? What approval is outstanding? What is happening to infrastructure? When can somebody move into this building? Those are the questions that matter to the citizens looking at us today. Edinburgh Towers is a perfect example. We visited Edinburgh Towers in Chaguanas, and there was a particularly important lesson there. The building was substantially completed, but there were outstanding matters before the building could be occupied.

Now, Mr. President, imagine being the person waiting for one of those apartments. You do not see a procurement process. You do not see an administrative file. You see a building. You see windows. You see doors. You see a place that looks like home, and you ask: Why can I not get a key? That is the difference between the Government's perspective and the citizen's perspective. The citizen does not care that one agency is waiting on another agency. The citizen does not care that a contractor is waiting on an approval or that a procurement procedure has taken another 10 working days. They want to know when they can move into their home, and that is why efficiency matters.

Mr. President, let us look at the existing law. The 2015 Act was designed around important principles: accountability, integrity, transparency, value for money, efficiency, fairness, equity and public confidence. And those are good principles, but principles have to operate in the real world, and the real world has

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

changed. The cost of construction has changed. The cost of materials has changed. The scale of housing programmes has changed. The urgency of the housing problem has changed, and the number of people waiting for housing has not disappeared.

So, the question is: Do we continue to operate the machinery exactly as it was designed years ago, or do we make the machinery more responsive to the reality we face today? This Bill says we must make it more responsive, and from a housing perspective, Mr. President, I understand why.

The \$1 million threshold. Let me start with the simplified procurement threshold. Under the existing framework, simplified procurement applies to procurements up to \$1 million. The Bill proposes to move that ceiling to \$2 million. This is not an insignificant change, but when you are talking about housing, it makes practical sense. Think about the number of moving parts in an HDC development: roads, drainage, electrical works, water, infrastructure, land preparation, engineering, professional services, repairs, maintenance, security, small and medium construction works.

There are many individual components involved in getting a housing development delivered, and if every relatively modest procurement is subjected to a process designed for much larger and more complex procurement exercises, you create congestion, you create paperwork, you create delays and, ultimately, you create cost.

To the residents of Barth Street, waiting on their water pump and leaking roof to be repaired, these delays grind their lives to a halt. Mr. President, there is a misconception that the only cost in government is the price of the contract. No.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Delay is a cost. If a contractor is delayed, that can have a cost. If materials increase in price while a project sits, that is a cost. If equipment has to be remobilized, that is a significant cost. If a completed building cannot be occupied, that has a cost, and if a family has to remain on a waiting list for another year, that has a human cost. So, when we talk about value for money, we have to include the cost of those delays.

Mr. President, I have seen the consequences of delay. I have visited Nelson and George Streets in Port of Spain. They were waiting for decades for relief. Nobody from the other side visited them. There was raw sewage running in the streets, and those people were given excuses. They met us on one day when we went to see the problem. They saw us the second day when we brought the engineering and rapid response teams to familiarize them with the problem. The next time they saw me was five days later, when the problem was solved.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: People who were waiting for over a decade to stop sewage in their yards, that their children were playing in, were so happy and understood what we meant when we said, “when UNC wins, everybody wins”.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: East Port of Spain. Mr. President, I have walked through those communities, I have spoken to the residents, and I have seen the conditions of some of their units. When you stand there and somebody tells you that they have been living with a problem for years, you cannot simply say, “Well, the procurement system is working”. Working for whom? That is the question. Because Government exists to solve problems. If the system becomes part of the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

problem, then the system needs to be examined. That is what a responsible government does.

4.00 p.m.

Marcano Quarry Lands: Mr. President, I subsequently went to the Marcano Quarry Lands, what people know as “Canada Heights” in Laventille, John John. Again, I did not go there to sit in an office to read a report. I went to the site. I saw the conditions. I spoke to the people and I came away understanding that housing is not simply about constructing a unit. Housing is about the condition of the community in which that unit exists. It is infrastructure, it is safety, it is access, it is maintenance, it is drainage, it is the environment around the home. All of those things require procurement.

Mr. President, when I visited Charford Court on Charlotte and Oxford Street, I saw people who were living without water because there was an abandoned building on the site that the PNM called abandoned, and left it abandoned. Like Marcano, “Canada”—like “Canada Heights” in Marcano Quarry in John John, they abandoned it. They said it was condemned and left it standing. Charford Court, that building that they left standing, was taken over by a gang, and that gang was housing what Trinidadians call “sprangers” and pipers for rent, and those—

Sen. Robert-Radgman: Mr. President, I stand on Standing Order 46(1), please. Thank you.

Mr. President: Could you connect your contribution to the clauses?

Sen. P. Alexander: Absolutely. I was 30 seconds away from the connection. “Yuh jumpy”.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Mr. President, the Charford Court building was stalled in all manner of procurement and other issues. But while that was going on, the “sprangers” that were living in that building were destroying the pumps that pumped the water to the people living in the building. So, we had to get involved and get the problem solved. Mr. President, the building was demolished. There are no more “sprangers”, no more gang members, and the people have their water.

Sen. Robert-Radgman: Mr. President, I rise again on Standing Order 46(1), please. The 30 seconds have passed. There is no connection to the Bill still.

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander: Mr. President?

Mr. President: Yeah. Could you connect those points, please?

Sen. P. Alexander: Mr. President, the point I am making is when procurement takes too long, people suffer. Housing delivery takes too long. That is the simple reality. That is—since going to “Canada Heights”, we have pushed through redevelopment designs—

Sen. Dr. Browne: Mr. President, I heard you make a request. 46(1), once again, there is no connection to any clause.

Hon. Senators: [*Interruption*]

Mr. President: We are dealing with procurement, right? And procurement—we deal with the principle and policy of the Bill. I am asking that—he is developing policies, principles, but I am also asking him to address the clauses at the same time, or connect the principles and the policies that you are advocating to the clauses, okay?

Sen. P. Alexander: Absolutely, Mr. President. And the point that we are trying to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

make is that since going to “Canada Heights”, we have pushed through redevelopment and designs. And we would like to say that the proposed 66 units that are going to make minimum wage earners be able to own a home for the first time in this country in decades—

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander:—is getting ready to go through the procurement process.

Now, Mr. President, the issue that I want to address from a housing perspective—and he will not know because he never went; neither of them.

Hon. Senators: [*Interruption*]

Mr. President: [*Inaudible*—not he.

Sen. P. Alexander: Sorry.

Mr. President: It is the Senator, please.

Sen. P. Alexander: Sen. Browne and Sen. Al-Rawi were not walking in these communities, Mr. President. They would not know. They would not know.

Sen. Dr. Browne: President, Standing Order 46(1). We are debating an amendment Bill, not a—[*Inaudible*]

Mr. President: Yeah, I will allow him to continue, please. Continue, please.

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander: Thank you. Mr. President, we also visited Maloney Gardens, where we are undertaking massive redevelopment policies for the people who live in that community. But again, the preparation for sending it through procurement processes and those delays can significantly impact upon the lives of the people. I am speaking to the issues of the procurement legislation that people live. This is what people live. And I am making the case to support the expedition of

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

procurement so that people do not have to be needlessly put out, or to have their lives uprooted or delayed or upset because they cannot get their services that we in the Government are obligated to provide.

Mr. President, I also visited Maloney Gardens—

Sen. Dr. Rose: 46(1), please, Mr. President.

Mr. President: I am giving him a—I understand what the speaker is attempting to do. He is dealing with procurement in a different perspective, but I am giving him the opportunity and so on to raise the point. And I am asking him, again, to connect your points to particular provisions or clauses of the Bill, please.

Sen. P. Alexander: Will do. Thank you.

Hon. Senator: But you are delivering the services to people.

Sen. P. Alexander: Thank you, Mr. President. And the point is the issue of delivering services to people.

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander: Mr. President, we did not stand up when Sen. Rose was talking and claimed that she was the most—

Hon. Senators: [*Interruption*]

Mr. President: Listen, listen, please, please, please. Sen. Rose has completed her contribution. What I am saying is that, in terms of your contribution, I understand what you are doing. I understand your point of view. I am just asking you to make a reference to the clause so you can be a little more relevant in the context of your delivery. That is all.

Sen. P. Alexander: Thank you. Mr. President, this account informs, and I wanted to say the experience informs the way I look at this Bill. When we are talking

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

about procurement reform, we are talking about whether government can respond more quickly to the realities people face.

Riverside: Mr. President, I visited Riverside. I walked through HDC apartments. I spoke to residents. We heard concerns about occupancy, electricity, housing management, safety and living conditions. Now, some of these problems are not procurement problems. I want to be very clear about that, but procurement is part of the solution. If you need repairs, you need contractors. If you need infrastructure, you need contractors. If you need maintenance—

Sen. Dhanpaul: Mr. President, 46(1), please.

Sen. P. Alexander:—you need contractors. If you need rehabilitation, you need contractors.

Sen. Dhanpaul: Please.

Hon. Senator: “Allyuh just getting up now?”

Mr. President: But I have ruled on that matter already. Continue, please.

Sen. P. Alexander: I have to tell you, I feel honoured.

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander: When that whole Muppet Show has to stand up for me, I feel honoured. When Ernie and Bert and the rest of the Muppets—Mr. President, I feel the fear. I sense it.

Hon. Senators: [*Crosstalk*]

Sen. P. Alexander: I sense it. Jump. Keep jumping. If you need rehabilitation, you need contractors. And if the process of getting those contractors is unnecessarily slow, the people living in those communities wait longer. That is the connection.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Bon Air North: Mr. President, perhaps one of the most sobering visits was Bon Air North, Phase 3. And I know they do not want to hear these issues, because this is hundreds of millions of dollars that was lost in Trinidad and Tobago to the average person who was in violation of these same procurement principles.

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander: So, I want to know if it is working, how come is it not working for the HDC? There we were dealing with a project where questions had arisen about the suitability of the land and the condition of partially completed units. The Ministry has publicly indicated that the project presents significant issues, including the need to demolish structures deemed unsafe, like Trestrail, like Las Alturas. And, Mr. President, I have a lot of correspondence here from Beverly Khan that Sen. Dhanpaul might be interested in reading.

Mr. President, in Bon Air North, Phase 3, we were dealing with a project where questions had arisen about the suitability of the land and the condition of partially completed units. That experience teaches us another lesson. Efficiency cannot mean cutting corners, and this Bill should never be interpreted as saying that. We need speed, but we need speed with competence. We need flexibility, but we need flexibility with accountability, none of which we got from that side. We need to get houses built, but we need to build houses on land that is suitable for houses. We need to spend money, but we need to spend it wisely. That is the balance. And that is why I support a procurement system that is smarter rather than simply more burdensome.

The \$3.4 billion HDC procurement: I cannot discuss procurement and housing in 2026 without acknowledging what happened with the HDC's proposed

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

\$3.4 billion design-build-finance procurement. The proposed programme involved 11 contracts intended to deliver thousands of housing units. The Office of Procurement Regulation intervened in April and directed HDC to suspend the award pending a review. The HDC subsequently cancelled the procurement exercise in June, April, May, June. Sen. Rose said 20 days.

Now, Mr. President, I want to make something very clear. The lesson I take from that episode is not that we should have no procurement oversight. It is quite the opposite. The lesson is that we need a procurement framework that gets us to the right answer faster because there are two things that can be true at the same time, and you can have legitimate questions about a procurement process, and you can have thousands of people desperately needing homes. Those two realities do not cancel each other out. They both exist. So, the answer is not to say, “Forget procurement,” and the answer cannot be, “Forget housing.” The answer is to design a system that protects the integrity of the process while allowing legitimate projects to move.

Mr. President, I have stood in developments that the other side commissioned or built, where the units that could not be valued higher than \$600,000 cost the State, and ultimately the taxpayers, twice that. They have no moral authority to speak on this.

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander: And I understand their fear. Mr. President, under the PNM, it is clear that the HDC was a feeding trough and they were feeding in a frenzy.

When we talk HDC, we also have to talk maintenance, garbage collection, grass cutting, painting, the provision of insurance. Mr. President, it is in these

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

contracts that the most egregious acts of looting the public purse took place under the PNM. Government Ministers, through their friends, family and other machinations, made off with hundreds of millions of dollars. Our investigations have unearthed some of the most obscene acts of self-enrichment that we have ever seen, and many of these files are being forwarded to the Attorney General, the Auditor General, the DPP and the police. But I say without fear of contradiction, even if something they say on the other side, they might say has merit, they do not have the moral authority to say it.

Hon. Senators: [*Desk thumping*]

Sen. P. Alexander: Many on that side stood silent while their colleagues gorged. The recusal twins were so invested, or otherwise exposed, their families got fat on public procurement. They practically sat out the Cabinet altogether.

Sen. Roberts-Radgman: Mr. President, I rise on Standing Order 46(1), please, Mr. President. We are now 30 minutes into this.

Hon. Senators: [*Crosstalk*]

Mr. President: Okay, okay.

Sen. P. Alexander: Let me wrap up.

Mr. President: Yeah, I think you are—yeah. You are coming close to wrapping up now. So, you could just, again, connect your points and move on, please.

Sen. P. Alexander: Back to my original point, back to delivering to the people. Mr. President, this is where the OPR amendments become important. Under the existing law, the OPR has significant powers when investigating complaints and alleged breaches. The Bill proposes to make an important distinction. The OPR can investigate, the OPR can review, the OPR can make recommendations, but the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Bill limits the regulator's ability, following a complaint or investigation, to suspend a proceeding, stop a procurement decision, compel reconsideration, direct re-evaluation, overturn an award or determine who should receive the contract.

The proposed recommendations would be advisory. Mr. President, I understand why that matters, because the Procurement Regulator is a regulator. The procuring entity is responsible for procuring, and the Government has to remain capable of governing. If every procurement decision can effectively be stopped indefinitely through a regulatory intervention, then at some point you have to ask: Who is actually responsible for delivering the programme? The regulator, the agency, the Minister, the contractor, nobody? That is not a sustainable model.

4.15 p.m.

Then there is the standstill period. Under the existing framework, it is between 10 and 15 working days. This Bill proposes five to 10 working days. Again, Mr. President, somebody sitting in an office might say, "What is the big difference?" But if you are building houses, five working days is five working days, 10 working days is 10 working days, and when that is multiplied across several procurement exercises, the time adds up. If you are trying to get thousands of houses delivered, those days matter.

I am not saying that a contractor should have no opportunity to challenge a procurement decision. There must be due process. But there is a difference between giving somebody an opportunity to challenge, and allowing the process to become unnecessarily prolonged. This Bill maintains a standstill period; it simply shortens it. That is a reasonable distinction.

Public-private partnerships, and housing. Mr. President, I am particularly

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

interested in the housing provision dealing with public-private partnerships.

Mr. President: You have five more minutes.

Sen. The Hon. P. Alexander: The Bill proposes to exempt public-private partnerships for public housing from the application of the Act. Why does that matter? Because the State does not have to build every house using only one model. If the private sector can finance construction, build the units, and deliver them to an agreed standard and price, Government should have the flexibility to structure that argument properly. Mr. President, it is our intention to build in five years, four times what they built in 10.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: We should be looking at every legitimate mechanism available to increase the number of homes delivered. The housing crisis does not care whether the house was constructed through one procurement model or another; the family just wants a house. And the State's job is to create the mechanisms through which that house can be delivered, efficiently, safely, and affordably. Mr. President, this is the fundamental point I want to make: We have to stop thinking about procurement as an end in itself. Procurement is a means to an end. The end is public service.

In my Ministry, the end is housing. The end is a completed house. The end is a family moving through a front door. The end is somebody getting a key. That is what we are ultimately trying to achieve. And therefore, every part of the procurement system has to be tested against one simple question: Does this help us deliver, or does this unnecessarily prevent us from delivering? If it helps us deliver, keep it. If it protects the public purse, keep it. If it prevents corruption,

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

keep it. If it provides transparency, keep it. But if it is simply an additional administrative obstacle that adds time without adding meaningful protection, then we have a responsibility to change it. That is what Parliament is for.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: We also have to be honest about the existing systems. Mr. President, sometimes in public debate we talk as though changing a law automatically means that the existing law is working perfectly. It is not. If the existing system was delivering housing fast enough, we would not have 215,000 people waiting for houses. We would not have people waiting for 10, 15, 20, 25 years. We would not have an HDC that, for the last 10 years, collected deposits from people, called them, gave them allocation, told them they could have keys, and then never called them back.

We would not have developments that are partially completed. I reject that. We need both. I want every dollar spent by HDC to be properly accounted for. I want every contract properly documented. Mr. President, under this Government, the Housing Development Corporation is becoming lean and mean, and we are not wasting money through corruption like the other side, who went on a rampage for 10 years.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Alexander: The files that we have, and the information that I have here, the only reason we are not reading them out in public right now is that we want investigations into what took place. The public is asking: Why are we not seeing more of them arrested and charged for what they did wrong? That is what we are doing right now in the Housing Development Corporation, through the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. P. Alexander (cont'd)

Ministry of Housing. We want to keep to the mandate of the people. The Prime Minister, the hon. Kamla Persad-Bissessar, has instructed: Leave no one behind. We are reducing the cost of houses while increasing the quality of the houses, and doing away with the feeding frenzy that the HDC was. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Faris Al-Rawi SC.

Hon. Senators: [*Desk thumping*]

Sen. Faris Al-Rawi SC: Thank you, Mr. President. I, too, reflect on the journey of the “Birdie,” gone as he is now; at least, he regaled us with wit, sensibility, music, food for thought, unlike the last speaker, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President, why have I started that way? Why stridently? We have just heard from the hon. Senator that there are files and files to be investigated, that he has taken time, the hon. Senator, to cause investigations, and the only reason why he has not read them out is that he has to be sure about prosecutions ahead effectively, as I understood.

The hon. Senator started by saying—gave us a story about something that came up in the public domain about comprehensive insurance brokers. Then he went into a long history about the predecessor entity that had that contract. He did not name the entity, but I will. It is Norman Gabriel Limited. It is an insurance brokerage company. And the reason why I am saying that now is that the Senator said to us that that entity had a contract since 2012, and that when the law was proclaimed, this law which we are amending today in 2023, that the entity, and I will name it now, Norman Gabriel Limited, was not and is not OPR registered.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

Mr. President, let me tell you why you cannot believe a word that the hon. Sen. Phillip Alexander says. Norman Gabriel Limited has been registered since July 2023 at the OPR.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: I am reading from the OPR website itself, Mr. President. We are there—supposed to be taking advice from somebody who says, “Believe me, I have done the homework. I did this. And I did that.” An almost definition of the id factor, Mr. President. Reading from a script on his desk, but not even reading right. Mr. President, here is the date I am seeing uploaded on the website, 5th of July, 2023, Mr. President. Are we supposed to believe a single word that this Senator offers to us for consumption, Mr. President?

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President, I think that is where holy water is really required, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President, let us get to the law, because everything that the hon. Senator says needs to be questioned, particularly when he ought to have explained to the world that he is the subject of a defamation action where he owes probably millions of dollars in damages. He should have declared that.

Sen. Allahar: Mr. President, 46(1).

Sen. F. Al-Rawi SC: But I say no more.

Mr. President: I do not think that we should get in—let us just attack ideas, not attack persons, okay? Continue.

Sen. F. Al-Rawi SC: Thank you so much, Mr. President. I join you. Let us

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

attack ideas. Let us reject those that are worthy of rejection, Mr. President. Let us jump to the Bill.

Sen. Alexander: *[Inaudible]*

Sen. F. Al-Rawi SC: Mr. President, I need no self-rejection, you know.

Mr. President: Please, please, please. Members, let us have some peace and silence. Continue, Sen. Al-Rawi.

Sen. F. Al-Rawi SC: Thank you, Mr. President. No need to reject myself. I pay for my children, Mr. President; pay for their school fees, their education; I acknowledge them in public, all of that, Mr. President.

Sen. Alexander: Reject how “yuh” look.

Sen. F. Al-Rawi SC: All—

Sen. Alexander: “Yuh reject yuh *[Inaudible]*.”

Mr. President: Sen. Alexander—Sen. Al-Rawi, take your seat, and just cool it. No further crosstalk. Let us have peace and silence. Please, continue.

Sen. F. Al-Rawi SC: Thank you, Mr. President. So, Mr. President, this Bill has a few solid core context points. The last speaker spoke about procurement under the last Government. I want to stress that “procurement.” Since 2023, the country has been governed by the public procurement law. Now, Mr. President, I spent—in the period 2010 to 2015, I served as a member of two joint select committees, debating, first of all, the legislative aim and intentions of the public procurement law, and then, for years, asking for the passage of the public procurement law.

Mr. President, in 2014, December 12th, December 16th, 2014, I sat right here in this Senate and engaged in the debate, all six of the Opposition Senators voted in favour of the public procurement law. Mr. President, we then saw the public

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

procurement law in need of amendment—and I noted that the hon. Minister who piloted this Bill went into the legislative purposes in 2006, et cetera, immediately then came to 2015 after 2010, skipping the entire public procurement debate in the Senate, in the Government Benches, in the House, Mr. President, and the joint select committees. Because, Mr. President, what was very important was to note that it was the same Opposition in the last two parliaments that resisted the very amendments that the Ministry of Planning now comes today, hon. Dr. Kennedy Swaratsingh, Senator, holds up to us as a good reason as to why the law ought to be amended today.

But, Mr. President, if you go and you read the parliamentary *Hansard*, statements coming from then Leader of the Opposition, now Prime Minister, who was at pains, in very vehement ways, to explain how odious the amendments in 2016, 2017, and up to 2023 were, you could not possibly believe that you were talking about the same person, that is the now Prime Minister of the Republic of Trinidad and Tobago. But, Mr. President, there are three main areas in the Bill that caused me concern. Let me put them on the record now.

One, the definition amendments that we are looking at in clause 4, the new definition for public-private partnership. The second one that causes me concern, Mr. President, is clause 6, and specifically, the requirements for the use prescribe costs under the Civil Proceedings Rule, 1998, and I will come to that. And the third one, Mr. President, in a larger category with a few subsets, is really in clause 7. And in clause 7, Mr. President, when we are looking to the whole concept of simplified procurement, and the repeal, as we see, Mr. President, in clause 9 of Regulation 7, where we were coming in a subset version when we are going to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

procurement in the context of moving from a minimum of 10 days in a standstill period to a minimum of five days.

So let us connect this, and let us join it to at least a modicum of contribution that came from the hon. Sen. Alexander. Mr. President, the fact is—and I am not going to start with the public-private partnerships; I will take that for second, Mr. President. I want to start with the conflict between Part IV of the parent law and Part V of the parent law. And permit me, Mr. President, to explain what I mean in the context of the clauses of this Bill.

We seek to amend section 44 of the Act. We do that by the clauses in this Bill. Section 44 appears in Part IV of the legislation. Part IV of the legislation treats these with complaints, Mr. President. It also treats with the ability of the public procurement regulator to investigate a matter of his or her own volition. So, Part IV, section 41—in the Bill we are amending section 44, but section 44 operates on the back of section 41 of the parent law. Section 41 of the parent law says:

“The office may on its own initiative, or shall as a result of a complaint made under this Act, consider, inquire into and investigate any alleged breach of the Act.”

4.30 p.m.

When we get to section 44—we are asked by this Bill to amend section 44, Mr. President. We are told that we should do that in clause 5, and 44 is now amended to make what is the existing section 44(1). But very importantly, section 44 says to us that we are going to disapply the following things in section 44. And what are those, Mr. President? We are going to say that this Act shall not apply to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

the listed services, which are now no longer named as services; we changed it to procurement, and I will come to that in a second:

- “(a) legal services;
- (b) debt financing services;
- (c) accounting and auditing services;
- (d) medical emergency...”—and—“...other scheduled medical services.”

That is the existing law. We are adding in—and I am just going to skip over it because other Members have dealt with it in better part, but I am just going to say quickly—energy, national security, public-private partnership for public housing—I will pause on that one.

And what we say, Mr. President, by a new (10) to section 44 by this clause does that we then come down to say that after in section 44, notwithstanding any other provisions of this Act, the Office shall not in consequence of a complaint or investigation under this part, so that is Part IV. Somebody can make a complaint. The regulator can do it of his or her own volition. And now you are saying under a complaint from the private sector, for instance, you cannot suspend, prohibit, require then or substitute any decision instead. You cannot direct the revaluation. You cannot overturn, invalidate, et cetera. You cannot determine that a person is entitled to an award of a procurement contract. You now relegate it to the OPR being an advisory entity that cannot make any binding decisions.

Now, Mr. President, that has to be properly appreciated. Because Part V treats with challenge proceedings. Challenge proceedings can be made. Challenge proceedings allow, Mr. President, the very things that I have just read in section 44 that has now been amended, that you cannot prohibit, you cannot direct, you

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

cannot award, et cetera. Those things are allowed in the challenge proceedings. So, you might say to yourself, “Well, you seem to have it in Part V. Why would you need to be worried if it is being removed from section 44?” The answer is to be found in the fact that the challenge proceedings window by this Bill has been reduced to five working days.

Now, Mr. President, let us bring a real-life example of what this means. And this is perhaps the only useful thing that Sen. Alexander had to say when he mentioned—because he said it would be irresponsible to not mention the \$3.4 billion HDC contract. He put it on the record, so I will take it from the record in answer to him and in utilization of this. Mr. President, the complaint that someone can make has a live example. The population would be well aware in this clause and in this Act. When we look at HDC contracts for \$3.481 billion, Mr. President, the complaint, if you are going under the amended clause that is being proposed now, means that if you missed the window in the challenge proceedings, the only way that you can complain is to come under section 44, which we are seeking to amend.

The Government has, by this amendment, said to you, “We will only give you five days.” Five working days when the subject matter involves things as wide as design, build, finance, Mr. President. And if I take you to a letter dated 10th April, 2026, to one Wazeer Aleem, Managing Director of the Housing Corporation. And I read the caption:

Formal complaint regarding procurement irregularities—and this concerns the \$3.4 billion contract.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

Mr. President, in this letter, the complainant complained that there was a restriction to competition, that of the 11 successful contractors, 10 of them had no prior experience in a design, build, finance arrangement. The mandatory qualifications being present were complained about. The letter says:

The bypass of open competitive bidding in lieu of selective tendering for a project of this magnitude which involves critical national infrastructure in the current economic climate is irresponsible, constitutes unfair bias, unreasonable restriction of competition, and suggests a move to enrich a few at the expense of taxpayers rather than delivering quality infrastructure.

Now, I have raised that because we do know, Mr. President, in the public domain, that the OPR intervened, and that the OPR caused a suspension. But my point in relation to the amendment here, using this as a real example, is that the complaint that came by way of actual courage, from one Nyron Surret, concerned citizen who signed this letter openly, who wrote to the OPR openly, whose letters came into the public domain, that complaint, Mr. President, is an example of why section 44—which this Bill wants to amend—is relevant. Because in a five-day circumstance of challenge proceedings, five working days, there is no way, Mr. President, that a supplier or contractor can even get it, his or her head around the scope of the issue and what to complain about. So, the gate is so constricted, so narrow, I will use an adjective I heard recently. It is Luciferian. It is demonic, Mr. President. This closing of the gate, it requires holy water, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: But, Mr. President, what I am saying is, if you put it down to a five-day window, and you close the door on a complaint being made after the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

public procurement has been completed, when somebody has had a chance to catch up to the skullduggery that has gone on at that point, Mr. President, we are betraying the objective of the legislation.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: And if you go to the objects of the Public Procurement Act—

Sen. Baig: Mr. President, 46(4).

Mr. President: I—

Sen. Baig: Mr. President, it is the adjectives.

Mr. President: Or, yeah, yeah, yeah. I hope that you are not attributing that expression to any Member on the other side because that would be improper. So, I hope that you are not doing that, so please be guided

Sen. F. Al-Rawi SC: Thank you, Mr. President. So, Mr. President, I was saying that we would be betraying the objects of the Act and listen to what section 5 of the Act says:

“5(1). The objects of this Act are to promote—

- (a) ...principles of accountability, integrity, transparency...”—
for—“...value for money
- (b) efficiency, fairness, equity...”

But listen to:

“(c) local industry development...”

Local content, Mr. President, was a serious part of the debate coming forward on this law from—

Hon. Senators: [*Desk thumping*]

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

Sen. F. Al-Rawi SC:—2010 when the two legislative proposals were put into the Parliament 2020/2011, right through to its passage. Now, Mr. President, when we look at the clause which says that you can no longer have—by the time you have caught up on what really happened and the award has been made because you missed the opportunity for a challenge proceeding because the gate was so narrow, Mr. President, you are out. But not only are you out, Mr. President, but the regulator is completely out. So let us deal with that bifurcation.

On the one hand, a competing contractor, a competing supplier would say, “Well, okay, let me sharpen my tools, let me get into the five-day working period.” But Mr. President, that takes us to the other clause which I mentioned, which was of great concern, where we are talking about costs. And the Bill proposes, Mr. President, that we adopt prescribed costs from the Civil Proceedings Rules. Now, people might just take that at face value. So perhaps I should draw a live example. I am going to marry the example I just started with, which is the \$3.4 billion project, and I am going to go to what prescribed costs are.

Now, Mr. President, as an intellectual concept, and Sen. Allahar would know this—he was a registrar of the court for a few years. Cost is an important aspect. You have assessed costs, you have budgeted costs, you have fixed costs, you have prescribed costs. So, we have prescribed costs. So let us go to the Civil Proceedings Rules, Part 67 and let us look at what the prescribed costs were. But let us work it in a real-world example. Mr. President, if I just use the \$3.4 billion contract, the scale that is set out in law, the prescribed costs formula in Part 67 of the Civil Proceedings Rules, says if you go to Appendix B and you are using the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

scale of prescribed costs, it says you look at the value of the claim, and then you take it into tranches.

For the first \$30,000, you take 30 per cent of \$30,000, and you put that in a column. The next amount between \$30,000 and \$50,000, you take 25 per cent of that value, and you add it to the first number. Basically, it goes that way. You are adding 15 per cent of the amount between \$100,000 and \$250,000, so you are taking \$150,000. You are taking 15 per cent of that, and you are adding it up. And if you go to Appendix B in the Civil Proceedings Rules, Part 67, they put a live example, and they said, “Look, if you have a claim for \$670,000”—that is the value of the claim. They have worked it out. The prescribed cost that you have to pay, if you are called upon—

Sen. Baig: Mr. President, I stand on Standing Order 46(1). What does this really have to do with the Bill?

Mr. President: You stand on Order what?

Sen. Baig: 46(1).

Mr. President: Alright. Sen. Al-Rawi, I know that you are developing this matter of the housing, HDC. I hope that you can kind of wrap up and move on, right? Because I understand where you are going, but I want to ask you to pay attention to 46(1).

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: So, Mr. President, I mean, yes, this is myself perhaps. Clause 6 in black and white on page 6 for the benefit of my colleagues—perhaps I needed to tie it in there. Clause 6 says:

“(6) Section 50(10) of the Act is amended...”—paragraph (c), add in (h):

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

“(h) require the payment of compensation for any legal costs incurred by the procuring entity in responding to an application submitted by the supplier or contractor utilising the prescribed costs regime under the Civil Proceedings Rules 1998...”

Maybe fatigue takes some people over, Mr. President, but never you, Mr. President, always well guided. Mr. President, so I am on now the Civil Proceedings Rules prescribed costs, 1998, and I am showing you the example as we discussed the ideas. We attack the idea, the philosophy, Mr. President. If you had a claim, a supplier was challenging \$670,000 worth of contract, he would have to pay \$84,250. But, Mr. President, if you are tackling a claim of \$3.4 billion, you know what the prescribed cost formula yields? It yields \$5,559,250.

Hon. Senators: What?

Sen. F. Al-Rawi SC: So, “No, no, no, we are protecting transparency, section 5 of the Act is being observed by these amendments, but do not worry, you feel free to challenge in five days.” You just make sure if you open your mouth that you have \$5.5 million in your pocket to pay, Mr. President. Mr. President, what about access to justice?

Hon. Senators: *[Desk thumping]*

Sen. F. Al-Rawi SC: What about access to justice, Mr. President? Access to justice could be as simple as a child seeking access to justice by way of maintenance from his own father, or it could be access to justice in public procurement, Mr. President, within the meaning of this Bill.

Sen. Baig: Mr. President, 46(1), again, please. What does child maintenance have to do with this?

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: [*Inaudible*]

4.45 p.m.

Mr. President: Listen, who has said that, withdraw it and apologize.

Sen. Dr. Swaratsingh: No, no, no, withdraw it properly and apologize.

Mr. President: Could you withdraw that and apologize to the Senate?

Hon. Senators: [*Crosstalk*]

Mr. President: No, no, no, someone made a statement a short while ago.

Sen. Al-Rawi, you made that statement. I ask you to withdraw it. Just withdraw and apologize.

Hon. Senators: [*Crosstalk*]

Mr. President: Please, I am on my legs. Please be silent. We will not permit that kind of language in the Chamber. It does not matter which side it comes from. I will not permit it. All I am saying is if it came from Sen. Al-Rawi, I ask you to withdraw and apologize to the Senate. That is all I am asking you.

Sen. F. Al-Rawi SC: Mr. President, I withdraw and apologize to the Senate, Mr. President, as I must. Mr. President, I am asking for your protection from this constant—

Mr. President: Take note of 51(e), (f), (g), and (h). Please refer to those sections of the Standing Orders. Continue, please.

Sen. F. Al-Rawi SC: Thank you. Mr. President, so with the philosophy of narrowing the gate in section 44, brought on by clause 6, marrying now, Mr. President, clause 6 saying that you have to have prescribed costs, the philosophy in the access to justice point is very much on trial here, Mr. President. Because I

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

submit to you, Mr. President, for your consideration, that it ought to be within the realm of administrative process for justice, for access. If we are looking to the local content, if we are looking to participation and fairness, Mr. President, the Parliament with a three-fifths majority, in fact the Opposition, then the PNM, supporting the law in 2015, Mr. President, we all agreed that the issue of costs should be such that it should be within reach. We were taking this bold step for public procurement law. We were opening up public procurement in a way that had never happened before, Mr. President. When the Government changed and the PNM came in, we urged the President to appoint the regulator. Eventually the regulator was appointed.

Mr. President, we brought the exceptions for the international rules, for matrices, for international procurement, et cetera. But one thing that everybody agreed with in the context of clause 6, Mr. President, was that the access should not be prohibited by costs that were so high that the average person in Trinidad and Tobago could not pay for it. Mr. President, that is where we are now. And that draws the distinction between the amendments that we make to section 58A of the Act and the amendments that we make to section 44 of the Act by this Bill in two separate clauses, Mr. President. Because we are locking out the application.

Now, Mr. President, you could argue from a drafting perspective that the law is confusing, because when we go to the language of it, Mr. President, and we see the amendments proposed to 44(10), Mr. President, clause 7, and we get to the fact of what is going to be prohibited. It says here, this is the new subsection (2) inserted by this clause:

“Notwithstanding any other provisions of this Act, the Office shall not,

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

in consequence of a complaint or an investigation under this Part -”
—this is Part 4, have certain powers.

But, Mr. President, this is inviting an implied repeal consideration in relation to section 50 of the Act. Because in section 50 of the Act, that is where you have the positive powers, Mr. President, 50(4), 50(10)(a), 50(10)(b), 50(10)(b) again, 50(10)(d), Mr. President. In all of these provisions, you are inviting confusion in the understanding of the law as to whether there was an implied repeal in certain parts, because, Mr. President, it is problematic.

So, Mr. President, let us turn to the other point, which was the first point I had identified, and that is the public-private arrangement, agreement, partnership, Mr. President. It is in clause 4 of the Bill. So we are saying now, Mr. President, pursuant to the amendments made in the House, that a public-private partnership is to replace the original term, which was a public-private partnership arrangement. And in the new version, we are saying a public-private partnership means any arrangement, agreement, contract, partnership, or working relationship between a public body and a person for the purpose of designing, financing, constructing, operating, or managing public property.

But, Mr. President, when you go to what is being repealed, the definition that is moving, Mr. President, a public-private partnership arrangement, which is being repealed by clause 4, is one between—it is an arrangement between a public body and a private party, under which the private party undertakes to perform a public function, or provide a service on behalf of a public body. The private party receives a benefit for performing a function or a service, either by way of compensation, charges, combination, et cetera. Mr. President, we are dealing with

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

two completely different constructs in terms of law, definition, and understanding. And, Mr. President, if you go to something that was also in the public domain, and you look to the procurement of laptops under this Government, Mr. President, where we were looking at, they might think it is small, a small \$135 million in laptops being procured by the Ministry of Education, not for the first time, but via TSTT as a public body, Mr. President. Do you know what emerged out of that, Mr. President? For the first time in TSTT's statements to the public, reports to the OPR, Mr. President, TSTT under this Government, by advice of certain counsel, rolled up to say, we are not in fact a public body, do not look at our \$135 million in procurement, Mr. President. We are not going to give you our procurement proceedings and record, Mr. President. We want our way out of it, Mr. President. We are not going to give you any information, Mr. President.

Now, Mr. President, that was okay when it stood on its own, because you had section 44 of the Act, where the OPR can go in of its own volition and investigate the laptop scandal, Mr. President, if you want to look at it that way. But, Mr. President, that cannot happen again for two reasons. One, we are now going to completely end the OPR's ability to investigate a contract in reality. One exists right now. A contract for \$135 million in laptops exists right now. And with the passage of this law, Mr. President, the inspection, the potential wrongdoing, if there is any inside of there, Mr. President, will be completely and totally sealed for all end of time, Mr. President. Get out of jail card. Clean. Cannot investigate me. Door closed. So, Mr. President, is this law ad hominem? Is it designed to cover a particular purpose? I do not know. The timing is rather suspicious.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

Sen. Alexander raised the \$3.4 billion in HDC. The one thing that he said, in my view, that was accurate today, was that that was a scandal, Mr. President. But what about this laptop issue? What about in the definition of public-private arrangements, Mr. President? Mr. President, that ties on to one more aspect, Mr. President. Thank you, Mr. President.

Sen. Alexander: Mr. President 42(9).

Mr. President: [*Inaudible*]

Sen. F. Al-Rawi SC: Thank you, Mr. President. Mr. President, what goes on now in relation to the other aspect of that is the concept of the replacement of the word services with procurement. And let us look to that, Mr. President. The Bill says to us that when we are going to services being eliminated, we are now replacing them with procurement. So we are causing an exception for national security, for public utilities emergencies, for general emergencies, for health, Mr. President. Those are exceptions, but it is no longer for services within the meaning of the Act as it currently is, Mr. President. The word “services” is being replaced with “procurement”, Mr. President. And therefore, the procurement now includes goods, works, and services, the broader category.

Now, Mr. President, I would like to quickly associate myself with the view, I will say it very briefly, that national security as a blanket exception is just too wide, Mr. President. It ought to be circumscribed. I do believe that public interest immunity can apply. I believe that you can raise a shield of certain things to say, “look, I cannot disclose certain aspects that are open to national security considerations”, like where you are going to procure your interception suite for law enforcement purposes, something which is permitted in law. Clearly, you do not

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

want to have that open to public scrutiny, Mr. President, for national security reasons.

But, Mr. President, it cannot be that the building of a police station for \$60 million could be accepted. It cannot be that the procurement of electric vehicles can be accepted. It cannot be that there is a blanket restriction upon looking into these matters. Because, Mr. President, the whole purpose of public procurement is to look after public money.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Now, Mr. President, one thing I will say, the Government is lucky to have the originator of “follow the money” in starting with the Piarco Airport matter.

The hon. Attorney General, I have said before and I will say it again, Mr. President, I had the pleasure of completing the work he started, at least in part, on certain aspects of the law. If there are consequences to be had as a result of wrongdoing, Mr. President, the chips will fall where they may. But, if it is one thing that the Piarco Airport Enquiry taught us—

Hon. Senator: [*Interruption*]

Sen. F. Al-Rawi SC: Sorry? Well, I have heard lots of threats go around, but I know—not you, not you, but I mean—that is the truth. The truth is that these things happen, right? But one thing that I saw in the good work that the AG did back then, in the public procurement aspects of the Piarco Airport Enquiry, was the value of making sure that the transparency was there. And this law, I respectfully believe, does not lend us to the transparency. Hon. AG, I would invite you to please consider narrowing the application of the blankets on national security and

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

other aspects. I think it is perhaps a duplication to say that public procurement emergencies and public utilities are not covered by public emergencies per se, within the meaning there.

Mr. President, I support the fact that the PSIP needs to perform. I saw that the PSIP shrank under the public procurement law.

Mr. President: Senator, you have two minutes more.

Sen. F. Al-Rawi SC: Thank you, Mr. President. The PSIP performance is real, Mr. President, but I think that the answer to its performance is really more in ensuring a better operationality of the public procurement.

Mr. President, I really would invite the Government to reconsider the repealing of the simple procurement proceedings, Mr. President. They are very useful proceedings, which at least mandate the observance of section 5 of the Act, which is the policies and principles. There is a legitimate aim in doing some amendments to the public procurement law. We could not do it. We could not do it because it is a hot potato. It is a proper hot potato to look at performance. I really think the pendulum has gone too far on this one, Mr. President.

I urge the Government to look at its position and to reconsider. It can be tailored in a better form, Mr. President. There is enough competence opposite me, particularly in the Attorney General, to be able to get that right, Mr. President. So, Mr. President, with those words as my contribution, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The next speaker will be Sen. Michael Victor de la Bastide SC. But at this time we will take a suspension for tea and return at 5.45 p.m. This Sitting is now suspended until 5.45 p.m.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Al-Rawi SC (cont'd)

4.59 p.m.: *Sitting suspended.*

5.45 p.m.: *Sitting resumed.*

Mr. President: Sen. Michael de la Bastide SC.

Hon. Senators: [*Desk thumping*]

Sen. Michael de la Bastide SC: Thank you for recognizing me, Mr. President. Mr. President, much of what I had to say, or prepared to say, has been covered comprehensively by Sen. Vieira in what, I dare say, was a most compelling contribution. But I just wanted to touch or speak to one aspect of the Bill, which Sen. Vieira did touch on, and to some extent, Sen. Al-Rawi as well, and that is clauses 6 and 9 of the Bill, Mr. President. Clause 6 proposes an amendment to section 50(10) of the Act, which introduces a new subsection (h).

Subsection (h) confers on the Regulator, that is the office, the power to require a contractor or supplier who seeks a review of a decision or an action taken by a procuring entity in procurement proceedings to pay compensation to the procuring entity for any legal costs which it incurred. These costs are to be assessed using the prescribed cost regime under the Civil Proceedings Rules 1998.

However, in the Bill, there is no provision stating in what circumstances such payment can be required, because the Bill gives the Regulator or the office a discretion, but it does not say. It does not provide any guidelines as to how that discretion is to be exercised. For example, the discretion to require payment of such compensation is not limited to cases where the office finds the application to be manifestly without merit. Indeed, it is not even limited to cases where the application is unsuccessful. Subsection (h) states that the Regulator can:

“require the payment of compensation for any legal costs incurred by the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. de. la. Bastide SC (cont'd)

procuring entity in responding to an application submitted by the supplier or contractor utilising the prescribed costs regime under the Civil Proceedings Rules 1998...”

There is nothing in there that limits the award of costs, as it were, to the—sorry. There is nothing there that suggests that the applicant can only pay costs or is only to be made to pay costs where he is unsuccessful.

Finally, Mr. President, it is not clear how the prescribed cost regime provided for in the CPR rules, the Civil Proceedings Rules, will be applied in this context. The CPR regime, or the prescribed cost regime in the civil litigation context involves the application of a specified formula based on the value of the claim brought by the claimant, or on the sum awarded to a claimant. So, if a claim, for example, Mr. President, is made for \$3 million by the claimant and the defendant succeeds, the costs are awarded to the defendant. It is assessed based on a formula which uses the sum of \$3 million to come up with the cost to be paid by the claimant to the defendant.

If, however, the claimant succeeds with his claim, then the costs awarded are based on a formula which uses the amount awarded to come up with the cost to be paid to the claimant by the defendant. But in the procurement context, there is no claim or award that is made and therefore, the question is: What value will the prescribed cost formula be based on? Will it be based on the value of the contract involved, or the value of the works or services that were to be performed? The Bill is not clear. Also, the Bill does not provide any provision for an appeal against any requirement to pay costs that may be imposed by the Regulator.

Mr. President, what is clear though is that this amendment will have a

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. de. la. Bastide SC (cont'd)

significant chilling effect on applications for review made under section 51 of the Act. Any supplier or contractor will be very wary of bringing such an application in circumstances where he risks what, in effect, may be a substantial order for costs being made against him.

The chilling effect is made greater by the uncertainty in the Act as to the manner in which the discretion of the office to make such a cost order will be exercised, and the manner in which those costs are to be awarded. In my view, this amendment significantly undermines the effectiveness of the enforcement provisions of the Act, and undermines the effectiveness of the Act itself as a measure for the prevention of corruption in public procurement. This is because applications brought under section 50 serve not only the interest of the contractor/supplier, it serves the public interest because the enforcement of the provision of the Act, by way of such an application, is obviously not solely in the contractor's interest, but in the interest of the public and of the country.

Finally, the chilling effect of the amendment proposed by clause 6 is further compounded by clause 9 of the Bill, which shortens the minimum standstill period within which a contractor/supplier has an opportunity to assess whether or not to seek a review of the decision of the procurement entity to accept a particular offer. It shortens this period from 10 days to five days. Thus—well, that is the minimum period it shortens it to: Five days.

Thus, with the amendments to the Act, proposed by this Bill, not only must a contractor or supplier now assess whether he should make an application under section 50(1), given the risk that he may be ordered to pay compensation to the relevant procurement entity's legal costs, but he may now have to make that

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. de. la. Bastide SC (cont'd)

assessment in as little as five days.

So, Mr. President, I endorse all of what Sen. Vieira has said, but I just wanted to add those few words for clarification. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Public Administration and Artificial Intelligence.

Hon. Senators: [*Desk thumping*]

The Minister of Public Administration and Artificial Intelligence (Sen. The Hon. Dominic Smith): Thank you, Mr. President. Mr. President, there is a lot to get to in this debate, but it would be remiss of me if I did not recognize—and I know you are a gentleman of great humility and I know, certainly, the commendation from your colleagues is not something that you like to hear openly. But, Mr. President, I must say, having grown up in this Parliament, I would have met you so many years ago, I can only say that the Parliament feels at home because of your initial inclusion in those formative years of my life. So, today, I want the *Hansard* to reflect on the record my sincere appreciation for your service to country, and, of course—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith:—you are a patriot, Sir, in Trinidad and Tobago. I want to thank you for your service, and, of course, like others have done, congratulate you on your Order of the Republic of Trinidad and Tobago. What a significant award—[*Inaudible*]

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: I thank you, Mr. President, for allowing me to speak on your behalf.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

I want to say as well, Mr. President, many may not know this, but my confidence as an individual actually grew out of a love for calypso. So, when I was but a young lad, I often listened to the “Mighty Sparrow” and, you know, that encouraged me, in fact, to enter, at St. Mary’s College, a number of calypso competitions, and so I am deeply appreciative of the work and the legacy of the gentleman. Of course, it is a sad time for our country, and I want to recognize the individual, and also, of course, express my sympathies to his family and his friends, and to the nation at large.

Mr. President, I now move to what I can say is an easy task, but one that I did not intend on relaying in this particular fashion. You see, Mr. President, we came here to debate a piece of legislation that is significant and it is important, but it is being, unfortunately, misrepresented by speakers opposite. You see, Mr. President, when Sen. Margaret Rose rose in her contribution, can you imagine she began her contribution by saying, “This is not about corruption Olympics and this debate will be one of sober logic, one of wisdom, one of a temperate nature,” and with a sleight of hand, Mr. President, quickly began speaking about the same things that she said she would reject? Mr. President, that is the type of hypocrisy—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith:—that this Chamber should never have to hear or listen to.

Mr. President, I gave her the opportunity, I said, “You know what? Maybe she will get somewhere down the road soon to one clause, two clauses, three clauses.” There are many clauses up for discussion and debate. Well, Mr.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

President, the *Hansard* can reflect that Sen. Margaret took 20 minutes to, one, condescend to all Members of the Senate and say that she is the epitome of procurement, procedure and policy, and that, in fact, no one present here today can speak to her about procurement; not Members on this side, not the Independents, not her own team members.

Mr. President, she went on to say, “I am giving a rich history of all of my accomplishments.” Well, I thought she was in an interview, Mr. President. In fact, the *Hansard* would reflect that she took 11 minutes citing her certifications and how many of this she was involved in, and that, and the other. Well, Senator, while we appreciate your experience, the record does not reflect, on your end, proper procurement procedure.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: Mr. President, it did not have to be this way. That is the unfortunate thing about the types of debates that the Members opposite like to engage in. Because having had the experience, if they would have viewed what happened in the other place, Mr. President, having been guided that this is a House of repute and of standards, that is not the first contribution that they should have made in this great House.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: But, Mr. President, I am not surprised. The listening public is neither surprised nor amused by what happened next: The metaphors and the exaggeration, the use of adjectives by the goodly Senator. Mr. President, she used words as “decimate”, she used words as “eradicate”, “existential threat”, and imputed improper motives to Members opposite, as if we came here to do such

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

things unto the people and unto the Republic of Trinidad and Tobago. That is categorically wrong, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: So, while I stand here and I listened—I sat, in fact, and listened to her contribution, Mr. President, I could not help but think, why did Sen. Rose not happen to take a look internally first before she exploded with theatrics across the Floor.

6.00 p.m.

Mr. President, you know, the record is a funny thing because if we were really to go down the road of procurement in this country in the manner that they had begun to do, Mr. President, the record would reflect irregularities. The record would reflect poor procedure. The record would reflect many things, Mr. President, that they should not be proud about. But, Mr. President, instead of using a bit of humility, understanding that, maybe, Mr. President, they are human and they have made mistakes, instead it is a simple deflection to Members opposite. Always a deflection: “We are the epitome of standards and protocol and procedure, and we have done nothing wrong in the past 10 years.” You know, what has been decimated, Sen. Rose? The belief of our citizens in you and the people across the Floor.

Hon. Senator: Shame.

Sen. The Hon. D. Smith: Because a decision was made on April 28th because they were tired of the academic rhetoric and the arrogance. They were tired of it, and so they made a decision. So, Mr. President, I will leave Sen. Rose to contemplate the errors of her ways. I wanted to quickly address some other issues that would have

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

come to my attention by other speakers.

Now, Sen. Vieira made a contribution, Mr. President, and of course, based on the conversation and the contribution by Sen. Michael de la Bastide SC, it is clear that he is in agreement with the contribution made by Sen. Vieira. But I want to take note of one thing, Mr. President. Mr. President, you see, equity is important. Transparency is important. As you know, Mr. President, I am the Minister of AI, and so upon looking on the—

Hon. Senator: SI.

Sen. The Hon. D. Smith:—SI maybe. When I reviewed—and I googled it, as the Senator advised earlier in her contribution. This is a quote, Mr. President, from the *Guardian* newspaper by the goodly Sen. Vieira speaking about a Bill on procurement. To my surprise, Mr. President, because, given his contribution, I said, “Certainly, this is his first initiation into procurement amendments.” Well, Mr. President, that was not the case. Mr. President, would you believe that the *Guardian*—and I want to quote the number of days, and you can look it up, 1,165 days ago, my friend across the Floor said this, and the *Guardian* quotes it, Mr. President and for the record:

“One such...who after much deliberation said he was willing to support the amendments...”

Mr. President, 2023, during a PNM administration, Sen. Vieira was willing to support a procurement-related Bill. I continue, Mr. President:

“...if they would indeed modify and simplify the procurement process...”

I think that is reasonable. He will support the Bill:

“...if they would...modify and...”—also—“...simplify the procurement

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

process...”

And I want you to listen to this particular item here because I think this one had me smiling ear to ear, Mr. President. He said:

“...and not grind the country to a halt.”

Can you imagine that, Mr. President? The Senator was in support of the legislation. He, said in fact, he is in agreement with the modification but his one thing that he must stand on, he will not cross this line on, is that it does:

“...not grind the country to a halt.

Mr. President, I submit to you today that the amendments proposed here will not grind the country to a halt.

Hon. Senators: [*Desk thumping and crosstalk*]

Sen. The Hon. D. Smith: Mr. President, the goodly Senator said he would support, and I know in his consideration today, that he would indeed support this legislation. Because there needs to be equity, fairness, there needs to be consistency, Mr. President, in the way we engage with the legislation, and so I look forward to Sen. Vieira’s.

Sen. Vieira SC: Can you give way?

Sen. The Hon. D. Smith: Not at this time, Senator. Thank you, but not at this time. So, Mr. President, I wanted to speak on those items before—

Sen. Vieira SC: Mr. President, I would like to reserve my right under 42(9).

Sen. The Hon. D. Smith: Sen. Vieira, allow me to continue, please. You know, in the spirit of debate, Mr. President, this is why I offer these items. Going quickly to Sen. Al-Rawi and his contribution. I will leave him with this alone, Mr. President. He mentioned Satanism, Luciferianism. I want him to remember one thing, follow

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

the light and not the light bearer—

Hon. Senators: [*Desk thumping and laughter*]

Sen. The Hon. D. Smith:—and you will indeed find your way. Sen. Al-Rawi, I will leave it as that.

Hon. Senators: [*Crosstalk and laughter*]

Sen. The Hon. D. Smith: I will not be distracted, Mr. President. I have a job to do, and I intend to do it. So, Mr. President, as I move into the substance of the debate, I want to focus on really three things. These things, no pun intended, Mr. President, I call the Holy Trinity because they act together. This is what this particular amendment seeks to treat with, Mr. President, good governance, efficiency in governance, and, of course, responsibility when it comes to the public purse. You see, Mr. President, you cannot have good legislation, you cannot have legislation that can be operationalized in an effective way without those three working together. I am sure my colleague, former priest, he understands the nature of the Holy Trinity. So, I rely on him for his support.

Mr. President, the OECD, recognizes this Holy Trinity, as I call it, you know. In fact, the OECD, in their legal instruments which deal specifically with recommendations of the Council on Public Procurement, they have said the:

“...efforts to enhance good governance and integrity in public procurement contribute to the efficient and effective management of public resources and...of...”—I quote—“...taxpayer’s money;”

It also recognizes:

“...the efficient and effective procurement of goods...”—and—
“...services...”

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

You know, Members made comments of services, but they never mentioned goods.

Sen. Dr. Swaratsingh: And works.

Sen. The Hon. D. Smith:—“and works”. But let the record stand that the OECD, Mr. President, they have said it recognizes:

“...the efficient and effective procurement of goods, services and works is vital to the core purposes of government, including infrastructure investment and the delivery of essential services...”

Now, Mr. President, I believe those principles are important in this debate and understanding policy discussions because they are complementary, Mr. President, rather than competing. Members opposite would have you thinking otherwise, Mr. President.

Mr. President, in the spirit of calypso, you know, Sparrow had a nice tune, and these are some of the words by the Mighty Sparrow. It says, and I quote, Mr. President:

“Maggie darling, sugar dumpling, doh.

Get so mad, please let me explain...”

And it goes on to say, Mr. President:

“Troublemakers, wind spread rumours

Fuh confusion...”

Mr. President.

“...ohh-noo, doh take dem on...”

Mr. President, that is how I felt upon listening to the contributions of Members opposite.

Hon. Senators: [*Desk thumping*]

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

Sen. The Hon. D. Smith: “Doh take dem on”. Do not take them on, Mr. President, because we have important work to do.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: You see, Mr. President, all of the talk, and the innuendo, and the suggestions and the imputations, they cannot hide from the fact, Mr. President, that they were there for 10 years and nothing happened.

Sen. Dr. Swaratsingh: Well a lot happened.

Sen. The Hon. D. Smith: A lot did not happen.

Sen. Dr. Swaratsingh: “A lot happen dat dey eh wah happen”.

Sen. The Hon. D. Smith: And maybe a lot happened that is yet to be revealed by the light, Mr. President, and in due course, all things do, in fact, come to light.

Sen. Dr. Swaratsingh: Correct. “With ah li'l holy water.

Sen. The Hon. D. Smith: With a sprinkling of holy water, as my colleagues are suggesting.

Mr. President, straight to the meat of the matter, and contemplating, as I said, the OECD, what they are suggesting as a good procurement system is a system that must protect the public purse—I want to put a pin here—without paralyzing public purpose, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: You see, you cannot have one without the other. You cannot be purely academic and theoretical, and fail to implement. You see, Mr. President, we were given a mandate by the people of Trinidad and Tobago to deliver.

Hon. Senators: [*Desk thumping*]

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

Sen. The Hon. D. Smith: Make no mistake, Mr. President, we have no fight with the OPR, you know. You know, what we have a fight with? The weaponization of institutions by those opposite to prevent Government from doing what they were called to do.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: That is the problem. Efficiency, Mr. President, good governance, Mr. President, value in taxpayers' dollars. Because when people vote you in, Mr. President, they expect you to provide public goods and public services to them and their family. If you fail to do that—they know this—Mr. President, the public has the last say. But we will not let that happen, Mr. President. Though they will try to create confusion, they will not.

You see, Mr. President, when we speak about this particular Bill and the clauses in this Bill, it is not about paralysis. It is about implementation. It is about service delivery. It is about treating with the persons with the responsibility to govern, and that means doing the hard work. It means getting projects out the door. It means fulfilling on our mandate, Mr. President. You know, what prevents that? Delays, bureaucratic malaise, lack of intention, processes and systems that do not flow.

You see, Mr. President, one has to understand that the international standard on procurement recognizes, again, this model of procurement, Mr. President. Where, yes, there is legislative importance, but there must be service delivery at the end of the legislation. If, in fact, Mr. President, components of that legislation for some reason are causing a bottleneck, it is causing issues that prevent the objective and the outcome intended, Mr. President, then it is the responsibility of the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

Government to bring amendments to the legislation, and that is what we have done here, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: “Nobody here tryin’ to outwit. Nobody here tryin’ to cover de eyes of de citizens”. We are here to do the business of the people and to be as transparent—you know, Mr. President, I even would state, for the record, in 2023, Mr. President, their own Finance Minister at the time, you know, what he said about the procurement legislation? Let me tell you, Mr. President. He said, and I quote:

“However, Madam Speaker, I am concerned...”—about the—“...small and micro enterprises are failing to prequalify as contractors and suppliers in light of the requirement to follow the demanding procedures in legislation. Implementing this complex legislation has created several unforeseen circumstances that could not be addressed under the previous regulatory regime. The practical reality...”—Mr. President—“...is that putting the Public Procurement and Disposal of Public Property Act into operation, for the first time has highlighted several gaps, loopholes...teething issues.”

So what is the problem, Mr. President?

Hon. Senators: [*Desk thumping*]

6.15 p.m.

Having been in Government for a year and six months, having worked the system, having understood the Ministries and the Departments that utilize this particular piece of legislation, what is the problem with making the amendment? What is the problem with operationalizing amendments that support the benefit to the end

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

users, who are our citizens? What is the issue? You see, Mr. President, there is no issue, but they want to create one; that is the narrative of a “snake oil salesman,” Mr. President.

I will move on because I want to quickly address one item here. Mr. President, you see, the question for Parliament is a very substantive one: How should a modern procurement framework preserve appropriate oversight. Members have said there is no oversight; that is not true. There is plenty of oversight. In fact, in the other place, the Minister of Finance outlined in a definitive structure all of the areas where there is oversight, all of the checks and balances that already exist and will continue to exist under these administrative amendments. So, Mr. President, I want the record to reflect that. But the question is: How should a modern procurement framework preserve appropriate oversight while allowing public bodies to undertake legitimate procurement?

Now, Members opposite have, I mean, it was ridiculous and obscene to hear the types of words they used. Members mentioned “bobo!”. Members mentioned corruption; Members mentioned sticking their hands in the cookie jar. Who are you talking about?

Hon. Senators: Them.

Sen. The Hon. D. Smith: Who are these people that you are speaking about? You have some experience with that, maybe. Maybe that is the challenge. You have had an experience and therefore you are biased. We do not operate like that across here.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: There is no cookie stealing across here, gentlemen and

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

ladies. And so, Mr. President, these bodies take legitimate procurement with reasonable periods, particularly where the State is dealing with emergencies, complex commercial transactions, national infrastructure, or expenditure of a comparatively low value. and so this is the central question, Mr. President.

Financial prudence is another element that I want to highlight and that cannot be unheard. Members opposite spoke about the cost of potential corruption. Do you know, Mr. President, that there is also a cost for delays in procurement. and for the abundance of clarity. Mr. President, I want to give you a few examples. This is the most pertinent component here. This is not merely a procurement amendment issue. This is an issue where tangible services are meant to be provided to the public and they are not receiving those services on time. You might think, okay, well, one week, two weeks, three weeks, one month, the Government has realised that there is a problem and a challenge.

But, Mr. President, let us look to another jurisdiction. In Colombia, for example, a \$6 billion transportation PPP programme, a 5G transport PPP involving 15 projects, eight roads, and four airports et cetera. A combined capital investment, Mr. President, of US \$6 billion. Public bidding was delayed by almost a year. You know who quoted this particular case study, Mr. President? It was not Harry down “de” road, you know, who had a problem with procurement, you know. It was not Jacob, who “dey say, aye Jacob, I want you to go down to OPR and write up a little something and submit that.” That was not the case here, you know, Mr. President. The World Bank has stated that there is a challenge in procurement where you have an interest of the public that is so serious and important, Mr. President, that delays in procurement affect lives, and, Mr.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

President, all of the areas that they have spoken about. Energy, that affects lives; public utilities, it affects lives.

Sen. Dr. Swaratsingh: National security.

Sen. The Hon. D. Smith: National security, I do not know what problem they have with national security on that end; what is the big problem? Everything with national security they oppose. A safe and secure Trinidad requires a national security apparatus, Mr. President, and there will be times when this national apparatus needs to be mobilized with a certain level of urgency and I dare say a bit of secrecy as well, because it is national security. Issues where other external players are not meant to be in the know, but you have elected a Government that will act responsibly on your behalf. That is the purpose of a democracy and elections—

Sen. Dr. Swaratsingh: In Trinidad.

Sen. The Hon. D. Smith:—in Trinidad and Tobago, a democratic State.

So, Mr. President, the World Bank specifically identifies delays as an example of projects that have been cancelled in the pipeline. This project, US \$6 billion, cancelled. Mr. President, in Argentina, a US \$560 million transmission project, again, an example that the World Bank used as a case study where procurement issues and procurement delays have cost projects \$560 million power transmission line between Rio and Charlone. The initial project had been postponed. It was subsequently cancelled, Mr. President.

Mr. President, in Ireland, a motorway, again a private-public partnership, again quoted by the World Bank, not by Jerry down the road, the World Bank, you all might know them. A project worth, Mr. President, upwards of US \$500

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

million, it was meant to start and took five years, compared with an average of approximately 15 months for a PPP project in Ireland. The financial crisis then made it harder to obtain financing, contributing to the delay of at least three years, with change, Mr. President. Would you believe that the price associated with the project quadrupled?

You see, Mr. President, this is not simply a situation where you push the ball down the road because you have to think about the economic situation, and the volatility of the market. What are the economic repercussions of creating delays and doing so unnecessarily? Now, it is not to say, Mr. President, that there might not be a legitimate concern, but, Mr. President, the purpose of this legislation is to progress projects, Mr. President, so that citizens can get the value-add that Government is meant to deliver to them, the people. You see, we have a challenge with understanding what governance is about. It is not about you, it is not about me, it is about the people that we are put here to serve.

Mr. President, if you—I do not want to bring you into the debate. If a gentleman hires me to build a house and in five years, he says, build this house. You have two months to build the house, you have five years to build the house, I will give you another year to build the house, delays, delays, delays, Mr. President, the house will never be built. I can give hundreds of excuses about why. You know, the customer does not care about that, Mr. President, because I agreed when I said, yes, I will take up office, that I had a delivery mandate, Mr. President. The customer does not care about your inability to operationalize what their requests are. We have a duty and a responsibility as Government to provide those services to people. You see, this is a people-first Government you have here in office.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

Hon. Senators: *[Desk thumping]*

Sen. The Hon. D. Smith: And if you do not like it, that is your business.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. D. Smith: But our Prime Minister has given each and every Minister, and by extension, the Ministry that we have been given responsibility to deliver and deliver we will.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. D. Smith: And so, Mr. President, I wanted to highlight a few examples of what are the real economic costs of project delays and I would say as well that circumstances change, Mr. President. Costs are volatile, production costs increases, there may be a change in external exogenous factor, oil and gas may increase, it might increase the cost of production, by extension this leads on to ripple effects within the local economy, local supply of supplies and as a result, Mr. President, projects that are meant to contribute to persons lives in a real way, in a tangible way, fail to do so, Mr. President. And so, we have to consider what the commercial realities are of delays in procurement, Mr. President.

Now, I want to say as well that not every procurement is the same. You see, what we cannot generalize is that every procurement is the same. So, when we speak about should everything be governed by a specific set of rules, that is not the case. That is why we have a Schedule, because we have identified that there are specific areas that are a bit more complicated, a bit more complex. The Government needs to unpack those complications so that the end user receives the product intended for them.

So, Mr. President, the rules cannot be the same and based on the Schedule,

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

based on the needs of the society, we have to be agile, we have to be flexible, Mr. President, and we have to be willing—

Mr. President: You have seven more minutes.

Sen. The Hon. D. Smith: Seven more minutes, I am guided, Mr. President.

Mr. President, I want to treat with clause 4 and it inserts a statutory definition which describes an emergency and Members opposite have spoken about an emergency. An emergency simply:

“...an exceptional and unforeseeable situation where

- (a) life, property, equipment or business continuity is immediately at risk; or
- (b) where standards of public health, welfare or safety need to be re-established without delay.”.

You know, Members would have identified and given an example of the PSIP and Members opposite, who would have been in Government at one point, unfortunately, they would have also experienced the inertia of PSIP. You know, Mr. President, when I came into office and I began to work through together with the technocrats, Mr. President, and I looked at what the average PSIP completion percentage is, would you believe it is down in the 30s, Minister of Planning, down in the 30s. What does that mean in practicality, Mr. President? It means that all of goals and objectives set out in manifesto—

Sen. Dr. Swaratsingh: In the budget.

Sen. The Hon. D. Smith:—in the budget, you have a delivery of 30 per cent, and you wonder why nothing has been done in the last 10 years, Mr. President, the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

answer is right in front of your eyes. There have been challenges, there have been issues, there has been administrative bureaucracy, and it is difficult. If you speak to the PSs and you ask them, “Mr. PS, what is the status on this particular project?”, the first answer they give you is, “Minister, it is procurement.” You say, “Okay.” But you know who is dangerous, Mr. President? What is dangerous is when we take an institution such as the OPR and the way in which you engage with that institution, it causes ripple effects of anxiety onto our public servants.

You know what a public servant told me in confidence, Mr. President? Because of the issues that they have raised and because of the spotlight placed on projects,

Mr. President, that have immediate impact on people’s lives, you know the public servants are afraid to push through projects. They are afraid. You all have made legitimate work, proper procurement a do-not-touch item. That should not be, Mr. President, because we have hard working public servants that are dedicated and are patriotic and want to do their jobs and, Mr. President, they are afraid to put out any sort of RFP, any sort of request for proposal. You know why? Because the big boogiemer across there wants to say everything is, as they quoted “bobol”, “corruption”, et cetera. What will we get done, Mr. President, if we do not alleviate these issues for our public servants?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: So, leave it as it; leave it so. Is that the answer, Mr. President? Well, we leave it so for 10-plus years and our roads have been decimated, our housing has been non-existent, the people that need jobs cannot access ones. You know why? Because the economic activity that spurs this type

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

of preservation of workers does not exist, and that is happening at the top level, at the highest level, because there is a level of inertia created. You know why? Because the economic activity that spurs on this type of preservation of workers does not exist, and that is happening at the top level, at the highest level, because there is a level of inertia created. What can only be described as malicious intent, Mr. President, and that is what we need to do. So, Mr. President, I want to say—

6.30 p.m.

Mr. President: Senator, you have two more minutes.

Sen. The Hon. D. Smith: Thank you, Mr. President. Mr. President, I am thankful that many colleagues would have gone through the clause by clause, and I do not want to delay the proceedings having to go through in detail each one, but it is very, very specific what we are trying to accomplish here. The Government is trying to make progress happen in Trinidad and Tobago. The Bill before us considers how can we, in a material way, achieve that, and I want to simply request that Members opposite think about who we are really trying to satisfy here. What are we really trying to accomplish here, and how can we resolve that variance, Mr. President?

Mr. President, I will leave you with this. The Caribbean Development Bank, Mr. President, said “Each day that a project is delayed”—simply put, Mr. President—“people suffer”. When you delay a project, the people that you intended to provide the good or service or works to, they are the ones suffering, not the goodly Senators here, Mr. President. And so, in consideration of the same, I want us to consider, similar to a seminar conducted by the CDB, we must accelerate our project implementation, and we can only do that, Mr. President, by

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

amending this resolution. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Before I call on Sen. Vishnu Dhanpaul, I think there were three persons, three Senators, that is, who rose on Standing Order 42(9). I think I recognized one of those persons to be Sen. Brian Baig, then Sen. Dr. Margaret Rose, and then Sen. Anthony Vieira SC. So, Sen. Vieira, I will let you go first, and then I will ask Sen. Dr. Margaret Rose to go second. You have one minute and a half, right? And then Brian—

Hon. Senator: [*Inaudible*]

Mr. President: No, no, no, he rose on some question. No, no.

Hon. Senator: [*Inaudible*]

Mr. President: Oh, it is not Brian? It was Phillip Alexander?

Hon. Senator: Yeah.

Mr. President: Okay, my error. Sorry, I apologize. Okay, Sen. Anthony Vieira.

Sen. Vieira SC: Thank you, Mr. President, I will not be long. Sen. Smith correctly pointed out that I supported simplification of the regime. I did so then, as I do now. The difference then, as I pointed out in my contribution, was that those amendments did not compromise the objects of the Act.

Hon. Senators: [*Desk thumping*]

Sen. Vieira SC: Also, on that occasion, the Government then was prepared to take amendments.

Hon. Senators: [*Desk thumping*]

Sen. Vieira SC: Having taken those amendments, they secured my support. Thank you.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. D. Smith (cont'd)

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Margaret Rose.

Sen. Dr. Rose: Thank you, Mr. President. The hon. Minister on the other side said that I was here reading out my CV, and I was speaking to my, you know, talking down, saying that I was the most experienced, most expert. Never said that. And the reason why I prefaced my comments with my background was to demonstrate, and hopefully to persuade you all, that my comments were non-partisan, and were based on my work that I am doing.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Phillip Alexander. You had asked to invoke 42(9).

Sen. Alexander: Mr. President, let it go, let it go. Irrelevant.

Mr. President: Okay. All right. Well, I will now recognize Sen. Vishnu Dhanpaul.

Hon. Senators: [*Desk thumping*]

Sen. Vishnu Dhanpaul: Thank you, Mr. President. Good to see you again. Let me, too, express my condolences to the family, friends, and fans of Dr. Slinger Francisco, the “Mighty Sparrow” ORTT.

Mr. President, I just want to respond to one issue from Sen. Smith, and I want to explain to the national community what he said about the implementation rate of the Public Sector Investment Programme, or he described it as the PSIP. The PSIP, or the Public Sector Investment Programme, is the capital programme of the country. It is where you develop your ability to hire, it is where your growth comes from, and your investment. But if you are seeing a low implementation rate on the PSIP, there is a reason, and there is a very simple reason. The Minister of

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

Finance is borrowing to finance recurrent expenditure, and not the capital programme.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: That is what he is doing. The Minister of Finance is not borrowing to build. He is borrowing to finance back pay, new public servant salary, et cetera, et cetera. So, you must have a low implementation rate of 30. In fact, Sen. Dr. Swaratsingh, I thought it would have been in the 20s.

That being said, Mr. President, I want to review, I would like to review this Bill from the point of view of a Permanent Secretary, and not the gold standard Sen. Smith, not the gold standard Permanent Secretary, normal Permanent Secretary. Like many other Permanent Secretaries past and present, Mr. President, I have sat many times across the table from the Public Accounts Committee. I have answered to the Auditor General. I live by the Exchequer and Audit Act, the constitutional mandates, financial legislation, and the Public Service Regulations. I have filed declarations with the Integrity Commission for almost 25 consecutive years. I have given evidence in commissions of inquiry but let me say a few words about the job of a Permanent Secretary, because in this Bill, the Permanent Secretary is the most exposed person.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: A Permanent Secretary is the accounting officer of a Ministry. Every dollar the Ministry spends is spent on that officer's authority and appears in that officer's account. The Permanent Secretary holds one of the most exposed jobs in public life. While it is an extremely fulfilling job, it is one of the most dangerous. For instance, Mr. President, the Minister sets the policy and the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

Permanent Secretary signs it. When a project goes wrong, or when a government changes, the Permanent Secretary may be the first to be moved, sent on leave, or blamed.

Just an aside, Mr. President, in the Office of the Prime Minister, there is a little dark room for badly behaved Permanent Secretaries.

Hon. Senator: “You went dey or what?”

Sen. V. Dhanpaul: Luckily, I have never been there. I was always a well-behaved Permanent Secretary. Thanks for asking. But no joke about it, I heard it is furnished with a typewriter, a fax machine, and a microwave. You leave that room when you retire, because you are a badly behaved Permanent Secretary. And you know how you arrive there? You are sent, essentially, by the Minister, because you did not follow some instruction. And that is where this Bill is dangerous.

From a personal point of view, a Permanent Secretary—and I have faced it many times. The Government changes—I have remained apolitical in my entire public service life. The first time I voted in my life was in April 2025. All right?

Hon. Senator: “I doh believe yuh.”

Sen. V. Dhanpaul: “I eh ask yuh tuh believe. I am telling yuh. De first time I voted was in April 2025, to maintain my neutrality.” Okay? But the problem is, I want to show you the point. I am a PNM Opposition Senator, right? I am a PNM Opposition—but in 2015, and there are former PNM Ministers here, in 2015, when the PNM won the election, I was the first Permanent Secretary fired. The first Permanent Secretary fired in 2015 was Vishnu Dhanpaul. I was summarily moved to the Ministry of Public Utilities. Luckily, I did not go to the Office of the Prime

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

Minister, because there is no coming out from there.

But luckily also, I went back six months later to the Ministry of Finance, and I stayed there until retirement. And what a lot of people here, especially Sen. Roberts, he is not here, a lot of people here do not realise that I left the Ministry of Finance in 2020. And your people say, Sen. Roberts especially, sometimes Sen. Alexander, associate the Permanent Secretary with the Minister. So, there is Dhanpaul and Imbert. Whatever Imbert did, Dhanpaul did, but you do not hear about Roberts and Creed. Mr. President, I want to speak on behalf of the men and women who actually have to implement this law. Not the Ministers who pilot it and move on. “Mr. President, after de election, dey gone, yuh know, as we say in Trinidad, is de PS to catch, yuh know.”

I speak for the Permanent Secretaries, the accounting officers, the CEOs of our municipal corporations, the procurement officers in every Ministry, because Mr. President, this Bill removes the rules from the people’s money, but it does not remove responsibility from the public servant. It simply moves the risk onto the public officer holding the pen.

Mr. President, to the young officers and the upcoming, I saw some Permanent Secretaries recently appointed, to the young officers and the recently appointed Permanent Secretaries with this Bill, to quote the immortal words of Ras Shorty I, “Watch out my children, watch out my children”. Read this Bill carefully. When it goes wrong, it will be the Minister’s signature on the file. It will not be the Minister’s signature on the file, sorry—it will be yours.

Mr. President, this Bill does eight things. And I would not go through all, because a lot of them were already pointed out by my colleagues. But I want to

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

start with clause 7, because it touches every Ministry, every day. The new section 58A states that:

“(1) The procurement of up to –

- (a) two million dollars by a Permanent Secretary, or the Chief Executive Officer or accounting officer of a State-controlled enterprise or a statutory body...

is exempt from the procurement requirements under this Act.”

For the CEO of a municipal corporation, the limit is “five hundred thousand dollars”.

But you know what is interesting about this? Mr. President, I have been fortunate to serve on a few boards. And do you know, even on the boards, in the State Enterprise Performance Monitoring Manual, if you are chairman of a board or the head of a municipal corporation, you are not allowed to be the chairman of the Tenders Committee or the chairman of the Audit Committee. And on the other hat now, I have found, for myself, through the Investments Division in the Ministry of Finance, with responsibility for the Corporation Sole, with the Investments Division, writing chairmen to tell them, “get off the Tenders Committee and the Audit Committee”. And for some strange reason, the chairmen seem to have a liking for the tenders committee. You arrive at your own conclusion, Mr. President.

6.45 p.m.

Mr. President, let me explain what the law says today so this honourable Senate can see exactly what is being lost. Since 2023, section 58A has exempted:

“...procurement of goods and services of up to one million dollars...”

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

—but only:

“Subject to regulations made under...63...”

Mr. President, the \$1 million final limit, the exemption threshold from the Central Tenders Board’s requirements for Permanent Secretaries, commenced in March 2010, and has essentially carried forward into the new 2023 Act.

Mr. President, the Public Procurement and Disposal of Public Property (Simplified Procurement) Regulations, 2024, created two tiers: Micro procurement up to \$75,000 and small-scale procurement up to \$1 million.

Let me tell you something about that \$1 million as a former Permanent Secretary, and I could tell all these Ministers here. That \$1 million, and it is now proposed to be \$2 million, there is a fear factor attached to that. You know why, Mr. President? There is something called the three quotes, and it is a tutorial—I do not mind giving a tutorial here today. There is something called the three quotes. Anything could happen with those three quotes when you do not have open tendering. Then, when you do not have the three quotes, you have sole-select tendering. It makes it even more dangerous. It is not a good time to be a Permanent Secretary. The accounting officer approves and will delegate only in writing. There are quarterly reports to the OPR and every procuring entity must keep a register of complaints. This is what can be considered a light regime, but it is still a regime.

But let me explain now what this Bill does. Clause 7 doubles the ceiling to \$2 million, and it speaks to all procurement of goods and services. Clause 10 revokes the simplified procurement regulation, and clause 8—which is in the explanatory note—merely causes consequential repeal of section 63(1)(c) and section 63(4).

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

These are the very powers to make rules for this procurement and the very duty to require reporting under these rules.

So, Mr. President, the new section does not say which rules apply instead; not a minimum number of quotations, not open advertising; no written reason for choosing one supplier over another. Nothing. Below \$2 million, there will not be a lighter regime. There will be no regime, and no power to make one without coming back to this Parliament.

Mr. President, when I followed the Act as a Permanent Secretary, the Act protected me. If a Minister or his adviser—and trust me, those advisers to Ministers know everything. If a Minister or his or her adviser—and there is always an adviser who knows everything—wanted a particular outcome, I could have said, “I am sorry. The law requires an open process and the Regulator is watching.” That sentence has saved many public servants and a great deal of public money. This Bill takes that sentence away.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: Mr. President, consider also what this clause leaves undefined. Up to \$2 million of what? Is it per contract? Is it per year? Is it per supplier? There is no rule. This is incredibly critical. There is no rule against splitting one \$5 million requirement into three contracts. There is no rule for that.

When the Auditor General finds this pattern, and it will be found, it is the accounting officer who will be before the Public Accounts Committee. “De Minister home sleeping, yuh know”. Who in the Ministry may act? Is this power personal to the Permanent Secretary or will it be delegated to a Deputy Permanent Secretary or Director? If delegated, who answers for it? The simplified

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

regulations answer that question. This Bill does not.

As my colleague, Sen. Vieira, said—and he named them—the public bodies that are not named in this clause, as he said, the Tobago House of Assembly, the Judiciary, the Office of the Parliament and independent offices. These are not Ministries. And what is critical here, Mr. President, these are not agencies or departments headed by a Permanent Secretary. They are not statutory bodies assigned to a Minister. I am not sure from the Bill which bodies fall outside the new section 58A. So, Mr. President, the \$1million exemption of 2023 came with regulations and with reporting. This Bill doubles the figure and takes the rule away.

Turning to clause 4 briefly, Mr. President, it amends section 7(6) on the list of procurement to which the Act simply does not apply, and several people went into that already:

“...energy...”

—and:

“...national security;”—et cetera.

But there is one I want to discuss. I want to discuss it because there is a narrative going around on public-private partnerships. There is a narrative throughout the country on public-private partnerships. That narrative is that not a cent of taxpayers’ money is being spent. But Sen. Alexander said it perfectly. State lands are involved.

The second major point, which he did not mention, is what happens if the private entity defaults? What happens if the private entity defaults on a PPP? So, there are two considerations to that narrative. The state lands involved and the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

fact—who knows what could happen to the private sector partner and who knows that they could possibly default.

Sen. Alexander: [*Inaudible*]

Sen. V. Dhanpaul: Exactly, but you still default.

Mr. President, I am not going to go over all the talk about the HDC because that has all been said already. But clause 5 adds two new subsections to section 44 in Part IV of the Act, which deals with the OPR investigations.

“(2) Notwithstanding any...provision of this Act the...”—OPR may—
“...not, in consequence of a complaint or an investigation under this
Part —

(a) suspend, stay...”—any— “...procurement of...contract...

(b) ”—stop—“...a procuring entity from taking a decision...

(c) require...”— “decision— “....to...reconsider,”—or “reverse...

(d) direct the re-evaluation...

(e) ...set aside or...interfere with...”—any— “...award...”—or—
find a:

“(f)...supplier...”—who—“is entitled...”—to the—
...contract.”

So, the recommendation that the OPR makes is advisory and shall not be binding. It does not itself affect the validity of any decision of contract and it cannot be enforced.

So, Mr. President, what is left of the OPR? An OPR that may investigate, find wrongdoing and write a letter? Mr. President, do know what I think would be the next amendment to this Act? To close down the OPR. That will be the next

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

amendment to this Act. Shut it down.

In sole selective or exempt procurement, there may be no losing bidder at all to bring a challenge. In those cases, Part IV is the only watchdog. This Bill muzzles it.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: Mr. President, let me explain why this is bad for the public service and not only for the public. The Regulator's power to intervene early is the cheapest correction mechanism the State has. An error caught before the contract is signed costs a letter and re-evaluation. The same error caught after the contract is signed costs a lawsuit, a damages award, an audit query, a PAC hearing and sometimes a police investigation. When the Regulator cannot correct problems early, they do not disappear. They surface later in more expensive and more public places, and they surface with the public officer's name attached, not the Minister.

Those who cannot get effective redress from the Regulator will go to the High Court. Judicial reviews are slower and costlier, and an injunction in the High Court can freeze a project for far longer than the Regulator ever would. Ministries will spend more time in court and not less.

Consider the position this creates for a Permanent Secretary. The OPR investigates and recommends that an award be reviewed because of irregularity. That recommendation is not binding. The Minister wants the project to proceed. What does the Permanent Secretary do? If the officer proceeds, there is now a written record that the independent regulator warned of a problem and the officer went ahead anyway. Mr. President, I can think of no worse position in which we place a public servant who may one day face a commission of enquiry.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: Mr. President, clause 6 adds new power—Mr. President, if you do not mind, how much more time, please?

Mr. President: You have about 19 minutes again.

Sen. V. Dhanpaul: Mr. President, clause 6 adds a new power in section 50(10). In challenging proceedings, the OPR may require the supplier to pay compensation for the legal costs the procuring entity incurred in responding, using the prescribed costs regime under the Civil Proceedings Rules. Mr. President, who challenges procurement in this country? Very often it is the small local contractor, the family firm, the supplier who is not well connected. The threat of costs order is designed to make that supplier think twice. And when the other small supplier stays quiet, the irregularity that supplier could have exposed early stays hidden until it surfaced later in a newspaper or in an audit, or in a courtroom, or in a “buss ah file”.

Mr. President, clause 9 cuts the standstill period, and that was dealt with already in this Chamber. But the standstill period is not a delay for its own sake. It is a window in which a losing bidder asks for a debrief, understands why it lost and decides whether there is a real complaint. Have that window, and you know you do not get fewer complaints. You get rushed, defensive complaints filed to preserve rights.

Add that to new cost risk from clause 6, and the bidder has less time to decide, with more money at stake once the contract is signed. A successful challenge can no longer be fixed but requires re-running the evaluation. It becomes a claim for damages against the State, paid from the Consolidated Fund and recorded in the accounting officer's account.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

So, just a small reminder to the Government and some minor quotes. In July 2023, the then Government brought the Public Procurement and Disposal of Public Property (Amendment and Validation) Bill to Parliament. Clause 4 of that Bill exempted from the Act:

“...the procurement of goods and services up to one million dollars...”
—subject to regulation made by the Minister.

So, what did the UNC say at the time? In the *Newsday* on July 15, 2023, the Opposition Chief Whip—I think it was David Lee at the time, not sure—described the \$1 million exemption as dangerous. He said:

It was an attempt by the Government to avoid accountability for expenditure of \$1 million or less. He called on the Chamber of Industry and Commerce and the civil society to stand against it because it went against the transparency and accountability the Act was meant to secure.

7.00 p.m.

In the *Trinidad Express* of July 19, 2023, the then Leader of the Opposition, now the hon. Prime Minister, told a public meeting that her MPs:

“...will not support the killing, butchering, massacring of the procurement law.”

A UNC Member of Parliament called the Minister’s exemption order illegal because, at that time, an order under section 7 required the affirmative resolution of Parliament. The then Government’s answer was to change the law so that such orders needed only negative resolution. The UNC opposed the Bill. When it was returned to the House for final approval, every single Opposition Member present voted against it.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

Even before that, in 2020, the then Opposition pressed the Government to bring procurement legislation into force, arguing that it was part of the fight against crime because procurement is one of the ways criminal enterprises get access to public money. Mr. President, if a \$1 million exemption was dangerous in 2023 when it came with regulations and reporting, what is a \$2 million exemption in 2026—

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: —with the regulations revoked and the power to make them repealed? If the procurement law was being killed by a law in 2023, by a Bill that left the Regulator’s power intact, what word would hon. Members use for a Bill that makes the Regulator’s every investigation advisory? Mr. President, let me draw these threads together because the danger of the Bill is greater than the sum of its clauses.

This Bill removes procedure. It does not remove accountability. The Exchequer and Audit Act still applies. Remember I said at the beginning to the new Permanent Secretaries, “Watch out, my children.” The Auditor General still audits. The Public Accounts Committee still sits. The Integrity Commission still investigates. The offence of misbehavior in public office still exists. The Freedom of Information Act still allows citizens to ask for the file. Every one of those institutions will still examine what public servants do with public money. The only thing this Bill takes away is the clear rule book against which the public officer could show that the right thing was done.

Mr. President, there are other costs too. With no regulations for exempt procurement, every Ministry—and this is madness—will invent a new practice.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

Auditors will then judge each one against a standard nobody wrote. Since that Act came into operation in April 2023, officers across the public service have been trained to operate it—that Act. Much of that training became redundant overnight, with no central guidance to replace it.

Multilateral lenders and development partners watch procurement integrity closely. Where they lose confidence in national systems, they impose their own procedures on the projects they fund. That means two sets of rules for the same Ministry and more work, not less. Every exempt contract, however honest, will now be under suspicion. Honest officers will bear the cost of that suspicion.

Mr. President, the independent public service is one of the pillars of our constitutional order. Its independence depends on rules that allow a public servant to say no. Take away the rules and you take away the ability to say no. I say this with the greatest respect to the public servants who will inherit this law. They deserve better protection than this Bill gives them.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: Mr. President, I accept that procurement must not paralyse a government. I had administered a Ministry. I know what it is to wait for months to wait for a routine purchase. If the Government's case is speed, then let us make the law faster. But speed and accountability are not enemies—

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: —and we do not need to sacrifice one for the other. Mr. President, the procurement law was never the property of one political party.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: It commenced under one administration, I was there. Brought

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Dhanpaul (cont'd)

to the fore under another, I was there. And it belongs to the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: It exists because public money is the people's money.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: And because the people who spend it need rules that protect them from pressure, as much as the public needs rules that protect it from waste.

In 2023, the hon. Members opposite told this country that a \$1 million exemption was dangerous. They were right to care. They were right to care. It was dangerous. I ask them only to hold themselves to the standard they demanded then. As it stands, Mr. President, this Bill asks public servants to carry all the risk and gives them none of the protection.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: We cannot support it in its present form. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Courtney Mc Nish.

Hon. Senators: [*Desk thumping*]

Sen. Courtney Arthur Mc Nish: Thank you very much, Mr. President. May I also use this opportunity to congratulate you on your receipt of your national award.

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: At the recent function, I think it was last Friday. I remember you, Mr. President, a very young man with a big Afro—

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

Hon. Senators: [*Laughter*]

Sen. C. Mc Nish:—walking down Charlotte Street with your hand in the air, saying, “Black Power”, 1970.

Hon. Senators: [*Laughter*]

Sen. C. Mc Nish: I will never forget you with your big Afro.

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: Congratulations, Sir. Mr. President, this is why I am not a politician, you know. I am not a politician.

Hon. Senator: Forward ever, backward never.

Sen. C. Mc Nish: I will continue to be a patriot. A politician has to wear a kind of skin and clothes that I am not able with. A principle could be good and valid today for a politician, but the same principle tomorrow becomes a challenge. I understand that, or I have begun to understand that, as I sit in this House.

Mr. President, public procurement, besides the obvious, has two major roles. It must allow the State and its institutions to act and must allow the public eyes into the process, allowing for an understanding of how the State acted. If the first becomes too slow, Mr. President, then the Government cannot deliver. But if the second becomes too weak, then accountability is diminished.

The Bill before us asks Parliament to recalibrate this balance. Government has pointed to administrative requirements, procedural uncertainty, multiple approval stages and undue delays. Delays, it is my view, Mr. President, can affect production, repairs, the delivery of public services. That breeds inefficiency, which in itself could undermine the value for money. However, from a business process perspective, the total time taken to complete a procurement transaction is

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

not necessarily the time caused by control systems. A six-month procurement may spend time at several stages: market identification, qualifications, preparation, evaluation, approval, negotiations. All of that can account for delays, and those are not necessarily one and the same problem.

The OPR's own work illustrates those distinctions. Its first annual report following full proclamation identified mandatory prequalification as a significant administrative burden and standstill for low-valued procurement as a source of delay. The response was targeted simplification. The 2024 regulations removed mandatory prequalification and reduced procedural requirements while retaining regulatory oversight, due diligence, reporting and procurement records. That approach is not, and was not, unique to Trinidad and Tobago.

The Organisation for Economic Co-operation and Development advocates procurement requirements proportionate to the size and complexity of transactions while requiring exceptions to be justified and subject to appropriate oversight. The OECD also advises that procurement watchdogs should be independent and powerful enough to act effectively. This piece of legislation erodes the effectiveness and independence of our watchdog.

Mr. President, Jamaica provides a useful regional example. Its emergency procedures permit expedited and single-source procurement but still require the authority to document the emergency, the supplier, the price and authorisation, with a requirement for subsequent publication. As a matter of fact, Mr. President, when I looked at Jamaica's amendments of 2025 and what we are attempting to do here, I think Jamaica attempted to increase efficiency by re-engineering internal workflows and expanding monetary thresholds, which meant oversight remained

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

fully intact, although now it was triggered later in the process at higher financial values.

Here in Trinidad, with this piece of legislation before us, Trinidad appears to be now trying to achieve this increased efficiency by restricting the watchdog's reach and exempting specific financial bands and economic sectors entirely from the standard regulatory protocols and controls. Although I do not suggest that we import another country's system, the point is simply that the choice need not be between retaining every procedural step and/or removing ordinary controls altogether. The alternative is proportionality.

Urgency may justify a lighter front-end process without eliminating the need to establish afterwards what was done, why and on whose authority. The objective, therefore, is not simply the shortest process possible. It is a process that moves at a speed proportionate to the need while retaining controls proportionate to the risk. That is the lens through which I believe this Senate should examine the provisions of this Bill. When a control is restricted in the interest of speed, what risk was it addressing, and what mechanisms remain to manage that risk?

The question of proportionality becomes practical when we turn to challenges and investigations. Suspension itself is a control. Used too readily, it can delay a lawful procurement because an allegation has been made. If unavailable when genuinely required, the procurement may proceed beyond the point at which a defect can meaningfully be corrected.

The question is, therefore, when interruption is proportionate to the risk and who should make that decision. Under Part V of the existing legislation, an affected supplier or contractor may formally challenge the decision of a procuring

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

entity.

7.15 p.m.

Importantly, filing a challenge does not establish wrongdoing, nor does suspension simply follow. The hearing panel considers suspension and the framework allows the public interest to be taken into account. That process protects both sides, Mr. President. The review must remain capable of providing a meaningful remedy, but a lawful procurement should not be unnecessarily delayed. The United Nations Commission on International Trade reflects the same balance. Its model law cautions against automatic suspension because of the risk of disruption, while recognizing that an independent review body must be capable of suspending a procurement where justified, subject to urgent public interest considerations.

Part IV serves a different function. It is not limited to a supplier dispute. The OPR may investigate on its own initiative or following information concerning an alleged breach. The Government's position in this Bill is that Part IV investigates now and recommends, while Part V contains the expressed remedial powers. Clause 5 makes that boundary explicit. Part IV's investigations would continue, as would referral of suspected offences, but the OPR can no longer use that provision to suspend, require consideration or revaluation, or interfere with the award or the performance of the contract. Its recommendation would now be only advisory and non-binding. It becomes a toothless tiger.

The question is therefore, where is the risk managed where no viable Part V challenge exists? The Government points to audit, investigation, financial controls, reporting and ultimately criminal referral. Those are important safeguards. But the practical issue remains where no supplier, notwithstanding,

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

brings a viable Part V challenge and a Part IV investigation identifies non-compliance, while the procurement is still capable of correction.

Accountability afterwards does not necessarily perform the same function as an interim measure before the transaction becomes irreversible. Mr. President, that is why clauses 5, 6, 7, and 9 should be considered altogether. If Part V remains the Act's expressed route through which an affected supplier may seek suspension and correction, its accessibility and timing must therefore matter. Clause 9 shortens the standstill period, while clause 6 introduces the possibility of legal costs against an unsuccessful challenge. I will not go into that, Mr. President. Several speakers have mentioned that. We do not want an allegation to unnecessarily immobilize the Government, but neither do we want a serious defect to become practically irreversible before an effective interim regulatory remedy is available. This is the balance the Senate must keep in mind.

Mr. President, my other point concerns the record behind the procurement decision. Under the present simplified procurement regulations, reporting an award and maintaining the procurement record are separate obligations. Regulation 38 requires reporting to the OPR. Regulation 24 goes further. It requires the procurement record to be retained for seven years and to include, among other things, the procurement need, the approvals, method used, evaluation, basis for selecting the supplier and evidence that the price was reasonable. So, the present framework makes that very important distinction.

The report tells the regulator what was awarded. The procurement record allows someone later to understand how and why the decision was made. The Bill before us therefore revokes these regulations. The replacement section 58A

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

requires contracts awarded under the provision to simply be reported to the OPR after the fact; simple report. This diminishes the role of the watchdog.

The Government has said that record-keeping, audit and financial management safeguards will continue. I take note of that. My point is therefore not that records will necessarily cease to exist. My point is more specific. The Bill itself does not reproduce the detailed procurement record presently prescribed under Regulation 24. The Bill does not do that. The Bill, therefore, is less effective than what now currently exists.

There are also the wider records of the Procurement Proceedings Regulations, 2021, as well as other financial and administrative controls. So, I do not presume that an exempted procurement will be conducted without documentation. But who knows? But if we are moving from a regime that expressly tells the procuring entity what must be recorded to one based on exemption and reporting, then the quality of the remaining audit trail becomes important. If the report identifies a supplier and the contract value, that answers only part of the accountability question. It does not by itself explain why the supplier was selected, how the price was assessed, or what record exists of what approval was given. Mr. President, that is where, in my view, the Freedom of Information Act may now become very relevant.

In *Wescan Trinidad Agency v The National Insurance Property Development Company*, an unsuccessful bidder sought information arising from the recommendation and award of a public tender. The High Court ultimately ordered disclosure of the evaluation scores and ranking that were in NIPDEC's possession. That, to me, Mr. President, illustrates the importance of a firm, clear

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

documentary trail. The Freedom of Information Act and the procurement record keeping are not substitutes for one another, however. The Freedom of Information provides access to official documents that exist. A procurement rule such as Regulation 24 determines in advance what information must form part of that record. That distinction matters because transparency after the fact depends on what was recorded at the time the decision was made. If the evaluation, the basis of selecting the supplier, and the assessment of price are documented, they can later be audited, investigated, or sought after under the Freedom of Information, subject to lawful exemption. If those matters are not reduced to a record, an access mechanism cannot retrospectively reconstruct the whole decision-making process. That, Mr. President, brings me back to the balance with which I began.

A faster procurement process may require fewer steps before the Government can act, but fewer steps before the decision need not mean less evidence of the decision afterwards. Before the decision, the process must be efficient enough for the Government to deliver. While the procurement is still capable of being corrected, the system must have controls proportionate to the risk without allowing an allegation by itself to immobilize and shut down even the whole process. After the decision has been made, there must be a record sufficient to establish what was done, why it was done, on whose authority, and on what basis public money was spent.

Speed without proportionate control may allow the State to move, but will leave too little room to correct an error before it becomes irreversible. And mind you, Mr. President, I did not mention “bobol”. Control without regard to speed can prevent the State from delivering when action is genuinely required. I accept that;

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

we all must accept that. Neither is it sufficient if, after the money has been spent, the reason behind the decision cannot be established for the record.

Mr. President, I spent a whole weekend reading this legislation.

Sen. Dr. Murray: Recess. Recess or weekend?

Sen. C. Mc Nish: Weekend.

Hon. Senators: [*Laughter*]

Sen. Dr. Murray: Just checking.

Sen. C. Mc Nish: I spent a whole weekend. You okay?

Sen. Dr. Murray: Yeah, I am okay. I was just checking.

Sen. Dr. Murray: Okay. Reading this legislation.

Hon. Senators: [*Crosstalk*]

Sen. C. Mc Nish: Going through this legislation. Comparing this legislation, and I have to ask this administration a question, and I suppose the mover of the Bill will answer it.

In 2015, it was the UNC Partnership Government that bore this legislation. Different people, absolutely different people, same Government, different name, but same Prime Minister. You guys bore this legislation, created the watchdog, established guardrails. Why are you bringing amendments now that diminish the role of the watchdog?

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: I do not understand it. I do not get it.

Sen. Alexander: The PNM “PNMed”.

Sen. C. Mc Nish: I do not get it. You are telling me, you are telling me—

Sen. Baig: [*Inaudible*]

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Mc. Nish (cont'd)

Sen. C. Mc Nish: Baig, you will have your chance. You are telling me we need speed, but you tell me one example where the procurement regulator has shut down some procurement in this country. I do not know of any. I do not know of any, except probably recently, except recently.

Hon. Senators: [*Crosstalk*]

Sen. C. Mc Nish: But yeah, but that is 3.4 billion. Besides what has happened recently, this is an Act that has been in place since 2015.

Hon. Senators: [*Crosstalk*]

Sen. Alexander: And billions passed under the PNM.

Sen. C. Mc Nish: 2015. So, what are you talking about speed? Because the regulators seem not to have been doing anything.

Sen. Alexander: The 1 per cent get fat.

Sen. C. Mc Nish: No, you see, this is why Sen. Vieira spoke about “bobol”. I would not speak about “bobol” at all. But I do not understand. You created the watchdog, established the guard rails; now you are in the Senate intent today to break it down.

Mr. President, I do not believe the choice before is simply between efficiency and accountability. The question is whether the framework allows the State to move at the speed appropriate to the need while retaining controls appropriate and proportionate to the risk. I have not made up my mind up to this time of being on my feet how I will vote on this Bill. I am awaiting to hear all the contributions of all my colleagues before I make up my mind. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Sanjiv Boodhu.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

Hon. Senators: [*Desk thumping*]

Sen. Sanjiv Boodhu: Thank you very kindly, Mr. President. Before anything else, Mr. President, I would join my colleagues in paying recognition to the fact that the country lost a giant yesterday, Dr. Slinger Francisco, the Mighty Sparrow.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: While Dr. Slinger Francisco might have been born in Grenada, he grew up in Lavantille, and he became the voice of all of us. And for 70 years, he demonstrated an ability to entertain while he often told the powerful people what the regular people were thinking about, and when he did that, he said it in a way that the powerful people could not ignore, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: So it is very fitting on this day that the Senate debates who may spend the people's money, under what circumstances, who may question it, because it takes us back to one of his earliest songs, which was in 1958 when he sang PAYE, "Pay As You Earn", which was about the tax still taken from every worker in this country for 68 years, for the last 68 years, Mr. President.

7.30 p.m.

You see, for those years, the working people of Trinidad and Tobago have kept their side of the bargain. So, the nurse, and the teacher, and the police officer, and the man on the street, man working in the oil field, they all see the tax come off of their pay slips every month, and that is before the money reaches their hand. They pay as they earn. But the other half of that bargain has always been that the State must account for what it spends. So, the people will pay as they earn, and the State must account as it spends, but this Bill takes away the second half of that

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

bargain, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Clause 7 lets \$2 million at a time be spent outside of the procurement law, and clause 5 keeps the independent regulator in place, but writes into the new section 44(2) that it shall not:

“...suspend, stay, or otherwise restrain any procurement proceedings...”—or anything at all.

And its recommendations under the new section (44)(3) become:

“...advisory...”—pursuant to part (a) of that section, and—“...not...binding upon a public body any other person.”

Well, that says to us that it is a watchman, “but ah watchman dat cyah close de gate”. “And ah watchman dat cyah close ah gate, Mr. President, becomes ah witness. He is not ah watchman anymore.” So, unlike some of my colleagues on the other side who made contributions without referencing a single clause of this Bill, Mr. President, I will go clause by clause.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And I will also speak about the amendments coming from the other place, Mr. President, which I generalize as saying that they do not add any safeguards at all, which is what one would have expected. In fact, it opens the Bill even wider, these amendments, Mr. President. Well, I begin with clause 3. Now, the Bill as introduced defined a public-private partnership as any agreement, contract, partnership, or working relationship for the purpose of financing, constructing, operating, or managing public property.

But in the amendments, Mr. President, that was deleted, and now the list is:

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

““public-private partnership’ means any arrangement, agreement, contract, partnership, or working relationship between a public body and a person for the purpose of designing, financing, constructing, operating, or managing public property;”

So, the amendments added two words: the word “arrangement” and the word “designing”. So, a lot was said about HDC and \$3.4 billion. When the regulator, in that HDC matter, pressed pause in April of this year, that was a design-build finance type arrangement to the tune of \$3.4 billion, a little bit over. So, the definition here now, which includes designing, with that amendment, that definition matches that HDC award almost word for word: Designing, financing, constructing; design-build, finance.

Clause 4 inserts a new paragraph (g) into section 7(6), under which the Act shall not apply to a public-private partnership for public housing. So, an award of contracts, like the one the regulator stopped, would not merely be harder to challenge, it would, indeed, fall outside the effects of this Act at all. The regulator simply would have no jurisdiction over that type of award. Sen. Alexander from the Ministry of Housing spoke of the issues faced at the HDC, and, in particular, the Government’s inability to get houses built in a reasonable time, Mr. President, if I could quote the Hon. Senator. He went on to mention a particular contractor, Ramhit by name, and that is the same Ramhit that he mentioned who, out of a \$3.4 billion package, was awarded \$1 billion of it, Mr. President, whereas 10 other contractors had to share in the remaining \$2.4 billion. And it is the same Ramhit who went from building houses to providing the police service with vehicles. And that is the same police service who now has a \$2million discretion without OPR

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

oversight pursuant to clause 7.

Sen. Rasheed: Mr. President, I stand on 46(1).

Mr. President: Yeah, connect your points and let us go again.

Sen. S. Boodhu: Thank you very much, Mr. President. Yes, so the police service now, Mr. President, this is clause 7 as amended, the police service also falls under the national security exemptions pursuant to clause 4 in this amendment Bill. That is the same TTPS we are talking about, who had operational administration taken away from it and handed to the Prime Minister in the appointment of a Head of Special Operations. So, it is very interesting when you look at the combination of all these factors and the timing of everything, Mr. President.

Sen. Baig: Mr. President, 53(1)(b). This was repeated by Sen. Al-Rawi. He is repeating the same points as Sen. Al-Rawi.

Mr. President: Sen. Sanjiv Boodhu, that is the challenge when you come late in the batting order. So again, try your best not to repeat, and in your contribution try to either present some new points, or do not repeat. Continue.

Sen. S. Boodhu: Thank you very much, Mr. President. So, Mr. President, in concluding, the juxtaposition that is happening here, it is very interesting, and I am still speaking on the contribution made by, you know, our learned friends across the aisle. I do not understand what the question is now, but it is very interesting. That is all I am saying, that hon. Minister placed the Ramhit name on the *Hansard* here today.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Because in so doing, he has brought the Ramhit family to the attention of the entire country in the debate of this Bill. And the coincidence of his

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

referral to one contractor or two, as he is reminding me, is uncanny, because it is both; they are operating in housing and in national security, both of which are exempted.

Hon. Senators: [*Desk thumping*]

Sen. Allahar: Mr. President, 53(1)(b), tedious repetition.

Mr. President: Yeah, Sen. Sanjiv Boodhu, I am saying that your point on Ramhit, or whatever, I think that point has been made. I think you have made it as well. I am just saying to tie up and just move on, please.

Sen. S. Boodhu: Thank you for the guidance, Mr. President. So, I will move on. Just, you know, the coincidence is really uncanny. So, I will move on to section 58A(2), Mr. President. Now, 58(2), as we have written, now lists six classes of officers who:

“...shall report to the Office on any contract awarded...”

The clause lists the officers who must report, the people who must report, but what it does say, it is silent on when they must report, what the report must contain, whether it will ever be published—and that is a conversation—it is public space, given recent developments—but what happens if an officer never reports at all. In other words, what is the consequence of that silence, Mr. President? And before I get another objection, I will move right on. Clause 5, this is the centre of the entire Bill, Mr. President. Now, section 41(2) of the parent Act gives any person the right to complain to the office, and the Parliament’s words in that Act are—

Sen. Baig: Mr. President, 53(1)(b). We have heard this from Sen. Faris Al-Rawi.

Mr. President: All right. Sen. Sanjiv Boodhu, could you simply, again, connect your points and tighten it, because as you know, most of those points have already

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

been prosecuted and interrogated, okay? But I am giving you the opportunity to continue, please.

Sen. S. Boodhu: Again, I am grateful for the guidance. It is interesting that before I even develop the point, Mr. President, there is a conclusion that the point was made already. “I eh know, de foresight dat this Government has is commendable.”

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Now, against that section I mentioned, the new section 44(2) removes enforcement abilities, as we know. So practically speaking, Mr. President, I always liked to explain to the man in the street what this means for him. So, a citizen could complain at the bid rigging; the office investigates with its existing powers under 42 and 43, they could take evidence on oath, they could seize documents, and, importantly, they could make a finding of some kind of criminality, some bid rigging, for example. But the contract continues, and the point I wish to make is that the contractor collects in those circumstances every cent that is related to that contract, in the face of corruption being detected, so that clause 5, the office could prove a theft, but it cannot stop the thief.

And the Government may well argue that the regulator keeps its general powers under section 14 to issue directions, and it does. And it may also argue—and I am certain that I have not heard this in the debate yet—that the OPR may, under section 45, once it is satisfied that there are reasonable grounds for suspecting that an offence has been committed, in those circumstances under reasonable suspicion, it shall make a report to the office of the DPP, who then may take such actions as he thinks appropriate.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

So let us follow it through. The conduct of the investigation happens. There is now a finding of criminal fraud, bribery, bid rigging, whatever. The recommendation is issued, and a report is made to the DPP, but the practical effect of the amendment is that the DPP cannot—

Sen. Baig: Mr. President, again, 53(1)(b) and 46(1).

Mr. President: All right. Senator, just on a procedural—I am giving him an opportunity to finalize his point there. Hon. Leader of Government Business, a procedural motion.

PROCEDURAL MOTION

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, in accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until the completion of the business at hand.

Question put and agreed to.

Public Procurement and Disposal of Public Property (Amdt.) Bill, 2026

Mr. President: Sen. Brian Baig, I am allowing Sen. Sanjiv Boodhu to continue, please.

Sen. S. Boodhu: Thank you again very kindly, Mr. President. So now we are at the point of a criminal investigation being reported. So, there is the possibility of a criminal charge being brought by the DPP, but by the time that somebody is successfully prosecuted, the effect of this is that hundreds of millions of dollars, or even billions of dollars, could have escaped the Treasury, the hands of the people of this country, and criminal charges might well be upheld, and a conviction is handed down to a criminal, Mr. President. That is the teeth that this amendment is

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

taking away from the OPR.

Looking outside of Trinidad and Tobago on the issue, Mr. President, I had a look at the UN Convention Against Corruption, particularly article 9, which requires every state party to:

“...establish procurement...”—systems—“...based on transparency, competition, and objective criteria in decision-making that are effective, inter alia, in preventing corruption.”

I looked at that together with paragraph 1(d), which says:

“An effective system of domestic review, including an effective system of appeal to ensure legal recourse and remedies.”

Mr. President, effective remedies. A regulator that is forbidden to stop anything has findings. Yes, we accept that, but no remedies. The reason I looked at that document is because the UN itself described Trinidad and Tobago as the first Caribbean country to ratify that convention, quoted as being the pioneer in the Caribbean region, Mr. President. So, it is this country that led the region into that commitment on the 31st of May, 2026. But this Bill takes the opposite direction of that.

And this is not theory, and I am just going very quickly back to the HDC issue. You see, in that situation, the system worked. The money stayed in the Treasury until questions are answered at some point, or, at least until now, with whatever is going to happen with the Bill. But after that HDC thing, Mr. President, the hon. Minister of Land and Legal Affairs was reported on the 21 May, 2026, as saying that:

“...the OPR board and regulator will have many questions to answer.”

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

Then this week, the newspaper reported the hon. Minister of Energy as saying:

“The biggest issue that constrains us and makes us move in a very slow manner is the OPR.”

So, Mr. President, it would appear from just reading the newspaper that the stage was being set because the regulator stopped a \$3.4 billion award.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And that power is what is removed here, Mr. President. I move on clause 4 of the Bill before us, Mr. President, which inserts at:

“(e) energy, including natural gas and oil...”—and at—

“(f) national security...”

Now, neither has a ceiling or requires an emergency, and neither requires any reason to be given. And in clause 4(b)(1), that clause changes the opening words of section 7(6), so that the Act shall not apply to the following procurements, but the question is what is the procurement of energy. Well, if it means, and I think it was Sen. Anthony Vieira that —

Sen. Dr. Chaitan-Maharaj: Standing Order 53(1)(b). This was raised by the Independent Senators already.

Sen. S. Boodhu: I have not made my point as yet, Mr. President.

7.45 p.m.

Mr. President: Again, I will allow you to make your point. Please, go ahead.

Sen. S. Boodhu: I am indeed grateful to you, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Mr. President, I was just about to say that Sen. Vieira raised the question of a definition of energy, right? I am asking, what is the procurement of

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

energy? And that is against the backdrop of the Minister of Energy saying that this Bill would benefit the refinery restart by accelerating the restart timelines. So, I am not talking about a definition of energy here. I am asking, what is procurement of energy? Because if it means every contract in the energy sector—so the rigs, and the plants, and pipelines, and consultants—then that literally means that the largest resource pool in this country—

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu:—passes completely outside of the procurement process altogether, Mr. President.

On national security, the citizen was asked last week to give up some more of his liberty in the name of national security, and indeed, many, many citizens might be willing to do that. But that same man is asked to accept that he will never see how his money is spent in the pursuit of that national security, Mr. President, and that is too much of an imbalance. So, give up your rights and do not ask questions about how we are spending your money to infringe on your rights, Mr. President. That cannot be correct.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: I have a question on section 7(8) perhaps best addressed to the hon. Attorney General—unfortunately, he is not here. Section 7(8) still requires annual guidelines to be laid in Parliament for exempted services in subsection (6). Clause 4 changes the word “services” to the word “procurement” in the opening words of subsection (6), but it did not touch at all subsection (8). So, energy, works, housing, construction and security equipment are not services. So, it is at least arguable that the one safeguard left in section 7 does not reach the largest new

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

exemptions. So that is a drafting question. Hopefully, the piloter of the Bill could address it in his wind-up.

Mr. President, I move to clause 4, which exempts procurement in consequence of an emergency, and the new section 7(10) defines an emergency as:

“...an exceptional and unforeseeable situation where

(a) life, property, equipment or business continuity is immediately at risk...”

And before I get an objection, to distinguish my point from those earlier, my point is on the interpretation of “emergency” and who makes the distinction of the existence of an emergency.

Now, the Bill does not say who decides that there is an emergency. We know that there is a love affair with the word “emergency” for the past 18 months. But despite that, no Minister certifies, in this Bill, the existence of an emergency, and no report in that regard is made to the Parliament. The procuring entity, it appears, declares its own emergency and, by doing so, departs from the transparency of the parent Act. The definition covers equipment and business continuity. So, almost any breakdown of old plant, machinery or equipment can qualify as an emergency.

Now, the existing state of the law takes into consideration emergencies. Regulation 14(2)(c) of the 2021 (Procurement Methods and Procedures) Regulation allows sole source procurement:

“where, due to reasons of extreme urgency brought about by unforeseen events not”—this is important—“attributable to the procuring entity...”

Bidding will take too long, and it will require reasons to be written into the record, Mr. President. That is the state of the existing situation.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

But if we were to compare the texts, the words “not attributable to the procuring entity”, they are now gone by the function of this Bill. So that a utility, a state enterprise, neglects its plant, for example, until it fails, creates its own emergency and can then spend outside of the Act. Under this definition, the worse that a public body maintains its equipment—

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu:—it is the more freely it can spend the public’s money, Mr. President. History warns against that. The world learned that a long time ago.

Mr. President, all the way back in 1863, in the American Civil War, contractors sold the Union Army sick horses and faulty firearms, and so on, all in the name of emergency. And that led to the US Congress passing the False Claims Act, which is commonly referred to as Lincoln’s Law. The lesson of 1863 was that an emergency is when public money is most at risk because that is when nobody is looking, Mr. President. But 163 years later, this Bill applies the opposite rule. It stops the checking the moment that is the state of affairs, Mr. President.

I move now to clause 4(b)(iii), which repeals section 7(6)(e), allowing the Minister to exempt:

“...such...services as the Minister may, on the recommendation of the Office or upon the initiative of the Minister...by Order...”

Now, that is replaced. The veto there—the requirement that the Minister have the agreement of the office—is now removed. It now reads:

“(j) such other procurement as the Minister may, by Order, determine;”

No consent. No “with agreement of the Office”. Those things are gone. Now, that has some history in this place, Mr. President, in this Chamber.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

In July 2023, the Bill then before the Senate would have had the Minister act only in consultation with the Office. And it was, in fact, the Independent Bench who insisted on the Office's agreement, and the Government of the day, in 2023, which was the PNM Government, accepted that amendment. And, there is at least one Member who spoke today, sitting on the Independent Bench today, who was in the Chamber then. In that same debate, a Member of the other place, who is now Minister of Land and Legal Affairs, argued against requiring the Office's agreement and suggested, in effect, that the check should still need Parliament's approval by affirmative resolution. So even by their own position in 2023, their point was that the check should come from either the regulator or from a vote in Parliament.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Here we have paragraph (j) saying, "Minister alone", that is good enough. So, the Government has argued that the previous administration created the \$1 million exemption, which we have heard, and the ministerial order, and that is correct. The comparison, Mr. President, is exactly the point. The 2023 position came with regulations: A ban on splitting contracts, for example, quarterly reporting and the office's agreement. The last of those was one by the Independent Bench. So, the 2023 position law installed a lock on the door, but this Bill "put in ah bigger door, it took off de lock and it fire de locksmith", Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Mr. President, the next clause I wish to address is clause 8, which repeals section 63(1)(c), which is the power to make rules for the exempt

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

procurement, and section 63(4), which requires those rules to provide for reporting. And clause 10 then revokes the 2024 (Simplified Procurement) Regulations. Now, I read—again, I did not hear anyone say this before—the Bill Essentials that I was sent that accompanied this. It is drafted by the Legal Unit of the parliamentary staff, Mr. President. It says in paragraph 20 that because the Bill removes the Minister's authority to make such regulations, the amendments:

“...render the Regulations a nullity.”

But here is what is revoked, Mr. President. Regulations 5(1):

“A procuring entity shall not split its procurement into separate parts in order to bring the procurement within the remit of these Regulations.”

Regulation 38, which required quarterly reports stating:

“(a) the method of procurement utilised...”—procurement—

“(b) supplier or contractor selected; and

(b) the contract price.”

But nothing in the section introduced a cap on the \$2 million limit for example. So, \$2 million per contractor—this is an example—for a particular period per contract, that is not there. So, the question is: Can a \$10 million road be divided into five \$2 million contracts and awarded to a single contractor all under the OPR? That is the question. The regulation that prohibited exactly that type of what—that is bid rigging—that is revoked by clause 10, Mr. President.

Now, in answer to that, if the Government wishes to point to section 31 of the existing Act, the question is: Who will enforce it? Because, yes, section 31 is there. The Act says it has to be the office, but clause 5 in this Bill takes away its power to stop or to enforce anything. So, one must look at the effect of the Bill

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

and not just the wording of this simple-looking 10-clause amendment Bill that is before us.

Mr. President, I wish to move now to section 13(2)(b). That says that:

“...the Office shall—

not be subject to the direction or control of any other person...but shall be accountable to the Parliament.”

The office works, therefore, for this Parliament, and therefore, for the people of Trinidad and Tobago. But clause 5 here is asking the Parliament to disarm it. This same Parliament.

Now, it should be remembered who built this thing. As we heard, the procurement Act was passed in December 2014, under a Government led by the present Prime Minister. When it was passed, Mr. President, the Joint Consultative Council for Construction Industry, who we knew had campaigned for procurement for years, said:

The greatest gain was an independent office of regulation reporting only to Parliament.

That was an achievement of that Government, Mr. President. It was parliamentary oversight that championed it all. So, the question for the Government today is: Why is it dismantling the one good thing they did between 2010 and 2015?

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And, Mr. President, in coming to a close, look at the order of events. In January, when this Chamber rejected the zones of special operations Bill, the Independent Bench was abused in terms that I will not repeat. In May, the Regulator was told, “Many questions to answer.” This weekend, the hon. Prime

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

Minister said the Government is not accepting a single amendment from anybody and that its Members on the Independent Bench will be relegated to uselessness, Mr. President. And this Bill makes the Regulator's findings, in the Government's own words, in this Bill, advisory. An advisory regulator. An advisory Senate. This Government wants every check in this country to be advisory and not a functional enforcer, Mr. President.

Sen. Smith: Mr. President, I stand on 46(1); 46(1), Mr. President.

Mr. President: Yeah, I think he is wrapping up in a moment. You are wrapping up, right? Because I will uphold that 46(1).

Sen. S. Boodhu: Mr. President, Sen. Vieira said something that is worthy of being on the *Hansard* last week, and he said it in one sentence. He said:

“...disagreeing with the Government...is not hostility to the Government...
It is the Independent Bench doing its job.”

And today, Mr. President, the Opposition is doing its job. It is not engaging in or perpetuating—

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu:—or attempting any hostility against the Government. Indeed, the Government would do well to finally make good on some of the promises that it has made to the people of Trinidad and Tobago. But the Opposition has to do our job, Mr. President. Our job is to hold the Government accountable, to expose weakness, to expose biases, to expose prejudices, and to educate and inform the population on the practical effects of the Government's legislative agenda, the effects on the people of Trinidad and Tobago, Mr. President.

In 1962, “Sparrow” sang a calypso entitled “Our Model Nation”, and a

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Boodhu (cont'd)

model nation is not one without dishonest people because that does not exist anywhere, Mr. President. A model nation, however, has a feature that, where there is dishonesty, it can be stopped before the money is gone. The Government is offering the country a false choice between speed and honesty, and that has been said in various ways this evening, Mr. President. But we are all saying it does not have to be that way.

To the people listening, the calypsonian could not stop a contract either. So, the OPR, now joined by a calypsonian, neither of them could stop a contract. But what the calypsonian could have done is to ask the entire country to ask questions, to think about what is happening in your country and from tonight, if this Bill passes, the people of this country must do that. They must continue to ask the hard questions, as we will, because you pay as you earn and you have every right to demand that the State accounts for what it spends from your money, Mr. President. Mr. President, this side will not support this, Bill.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: But what this side will do is ask every Senator in this Chamber, who believes that public money should be spent in public, to reject this Bill out of hand, Mr. President. I thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Francis Lewis.

Hon. Senators: [*Desk thumping*]

8.00 p.m.

Sen. Francis Lewis: Thank you, Mr. President, for the opportunity to make a contribution in this debate. There have been legitimate concerns expressed by

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Lewis (cont'd)

many sides in this debate. I think the Government has identified some very real problems. Others, however, including Transparency International of Trinidad and Tobago and the Joint Consultive Council of Trinidad and Tobago, have raised different but equally important concerns. Among those concerns is whether the cumulative effect of the multiple changes, border exemptions, higher thresholds, shorter challenges periods, and reduced corrective powers of the OCR, weakens the State, the very thing that the Government is seeking to get done, whether it weakens the State and creates the potential for poor procurement decisions.

I do not think that the Senate needs to decide which narrative is correct, political or otherwise. I think the fundamental question is: Can we make the procurement system faster, efficient, more flexible—I accept that—without weakening the State’s ability to prevent, detect and correct improper or poorly-valued decisions involving public money? That is what I want to focus on. But before jumping into that, I have a basic question on which I would appreciate clarity at some point from the Government. It concerns the reports that the Government will not accept amendments proposed by the Bench, Independent Bench. I ask that for a very practical reason. If amendments are to be considered, and I am prepared to spend the time to examine, to frame amendments, develop proposals, detail fixes and safeguards, “ah doh want tuh waste big people time.” So if you are telling me in advance, “doh bother”, well, I will give my observations on the Bill, but not what we may wish to do or consider in moving it forward.

As I look at the Bill, I keep asking: What is the problem we are really trying to solve? Where precisely is the evidence that shows us these particular legislative changes are necessary? If procurement is taking too long, how long is too long?

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Lewis (cont'd)

How many projects have been delayed because of existing procurement requirements? How many procurement exercises have been abandoned or significantly delayed? What has been the financial and economic cost? And, I am curious, what provisions, what particular provisions in the existing law are responsible for those delays? I ask those questions not because, Mr. President, I oppose reform. But assertion is not evidence. I ask them because good legislation should identify the problem with sufficient precision to determine the remedy.

I am concerned that changing the legislation may not solve the very real problems, and I accept the problems that many Ministers have identified. Is the underlying problem an administrative capacity issue, inadequate planning, insufficient staffing or competence in the staffing, or poor preparation of procurement exercises? If those are reasons, then changing legislation “ain go make a difference”. I understand the frustration of getting things done and the uphill task that the Government has reported. Frustration is a very legitimate stimulus for change, but relying on it without the evidence could lead to bad law. That is my concern.

The Government has described the Bill as reducing or streamlining procedures to improve delivery. That is legitimate. But I am not sure I clearly understand the problems. And, you know, Mr. President, context matters. This Bill—and it is complex, and the procurement legislation runs into many hundreds of pages—was introduced and passed very quickly. It was introduced, debated and passed in the House in one day. I put it to my colleagues: Is this compressed process itself a concern because procurement law is institutionally important and technically very complex? I do not at all mean to cast suspicions, but with undue haste and rushing this legislation through, might this not generate concerns that there seem to be

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Lewis (cont'd)

some other reasons?

Regarding exemptions, what replaces the control? The Bill—and I am very conscious of not repeating what others have said—makes significant changes in the circumstances in which procurement can take place outside the established regime in a number of areas. People have gone through that, energy, national security, et cetera.

But I have not heard, in response to those concerns, if the ordinary procurement rules do not apply, what rules do not apply? An exemption from one control should normally mean that there is a reliance on some other control, some other system. It is not the absence of controls. These safeguards do not necessarily prevent the Government from moving quickly. It would simply ensure that flexibility continues with accountability.

The concerns regarding removing the powers of the OPR have been covered. I do not need to cover it. But there is a fundamental distinction between investigating a problem and being able to correct it. And if we follow through on this, then the OPR's recommendations would be advisory and non-binding. Is that what—

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: Just repeat that for me.

Sen. Allahar: 53(1)(b), tedious repetition.

Mr. President: Well, Sen. Lewis, you know, we are—so just tighten up your contribution and do not repeat what others have said, please.

Sen. F. Lewis: Thank you, Mr. President. I accept that. It is just to make the point that an investigation after money has been spent is valuable. But prevention

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Lewis (cont'd)

is considerably more valuable.

The HDC court matter has been covered. I just wondered if this law had been changed and it had gone through, what would have been the circumstance that arose after the Bill became law? What could the OPR do, given what it could no longer do after the Bill?

I have a question, and I do believe this is different, about the \$2 million threshold. I looked at that and I asked the question, and I do not think this has been raised before. The proposed increase from 1 million to 2 million, with a 500,000 for municipal corporations. I am not arguing that the 2 million is too high or too low. What is the evidence that establishes 2 million as the appropriate figure? You know, as I looked at it, I asked myself, well, originally it was 1 million. Maybe given inflation, 2 million or close to it is reasonable. So if I use the \$1 million accounting of the threshold, except it was established or proposed in 2010, inflation over the period from then to now would suggest that the appropriate amount is 1.83 million in 2016. So that is close enough to 2 million. On that basis, 2 million is broadly defensible as an updated figure. But if the benchmark for the statutory 2 million was of the simplified procurement framework, which was introduced in 2023, inflation brings that amount to approximately 1.06 to 1.07 million today. Inflation does not by itself explain for me the doubling of the amount from 1 to 2 million. There may be well good reasons, but I do not get it.

The standstill period and the supplier challenges have been covered. I understand the rationale for allowing legal costs. But an interesting thing in the Bill is that by allowing a challenge, we are allowing competitive forces to work, without the State having to intervene or without the matter having to be taken to court. We

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Lewis (cont'd)

created a place where competitive forces could encourage disclosure. If you remove that, I wonder if we end up with stronger systems and stronger suppliers. The concern I have, which I stated at the beginning, and I will be very brief, is that the legislation must also be examined in terms of its cumulative effect. The cumulation of changes in the Act: higher thresholds, shorter periods for challenge, potential costs for unsuccessful challengers, fewer corrective powers for an independent regulator. The cumulative effect might be quite different because each individual change I think can be justified. It can make sense in a certain context. Taken altogether, I worry about the cumulative effect and what it will do to us.

I wonder whether the Government may not, in its own interest, wish to consider a two or three-year sunset clause. So that you put the changes in and bring the evidence, because two or three years is sufficient time to see do these changes make sense and do they achieve what you want, both in terms of improved efficiency but in terms of not damaging the control systems. That would give Parliament an opportunity to evaluate whether those changes have achieved what was intended and for the Government to prove it.

So in conclusion, Mr. President, I believe that there are legitimate and real issues with procurement that this Bill is attempting to address. The Government is seeking faster, more flexible emergency response procurement, improved access, which I very, very much support, for MSMEs and for more effective delivery of energy, housing and public services. The question is not whether the procurement should be faster. It is whether in doing that, we weaken something that matters. So I would ask the Senate these questions, my colleagues. When an exemption is

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. Lewis (cont'd)

created, what safeguards replace the ordinary rule? When a threshold is raised, what monitoring takes place? When a standstill period is shortened, how do we preserve meaningful reviews using the powers of the marketplace? When the OPR investigates, what happens if it finds something seriously wrong? And, what information will the public and the Parliament receive on a regular basis? As we examine and as this Bill is put into effect.

There is just one very last comment. There is much said in the Senate about judgment and sentiment. Saying that you do not understand the problems, you have not walked the road. I understand and appreciate the concerns raised. But we are being asked to consider very technical issues. And while sentiment has its place, it cannot replace a deeply technical review. The devaluation of expertise and experience, wherever it comes from, is not something that wise persons would want to do.

So, the choice before us should not be efficiency and accountability. It is about how do we move forward to strengthen something that we all agree needs to be strengthened. And, to avoid the danger of where there are legitimate problems, taking excuse to make reason without the evidence that supports it. So, with that, Mr. President, thank you. These are institutional questions I wish to respectfully place before the Senate. Thank you very much.

Hon. Senators: [*Desk thumping*]

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh): Thank you very much, Mr. President, and thank you to all my colleagues who contributed to this debate.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Sen. Rose told me before the debate started, she said I normally start very placid and end up very rancid. But not in those words. But seeing that I did not bring my holy water, I still have anointed hands and can provide some level of exorcism.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: But I want to start with my colleague, Sen. Boodhu. While, of course, he very boisterously indicated that the Opposition will do their job, well, let me just tell him we will do ours too.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I want to correct your record, Mr. President. A lot has been said with the HDC \$3.4 billion. Let me say from the outset, and I want to again correct Sen. Boodhu. My understanding from the OPR is that the Ramhitis had pulled out of that contracting. In fact, they were investigating, not 3.4, 2 point-something. Because the Ramhitis had indicated that they were not interested in the project. So, I just want to say from the outset that what the OPR was investigating was not 3.4, was 2 point-whatever it was.

I know you like to call names, Sen. Boodhu. So let me call some names. Because, Sen. Dhanpaul, when you were Permanent Secretary, when you were Permanent Secretary in the Ministry of Finance—

Hon. Senators: [*Crosstalk*]

Sen. The Hon. Dr. K. Swaratsingh: No, no, no, no, no, because you all like to call people's names. But the record in the Ministry of Finance showed, and I want to pull up the record from the Ministry of Finance, because I have your signature on a sole-select contract.

Hon. Senator: [*Crosstalk*]

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Sen. The Hon. Dr. K. Swaratsingh: Yes. With Rhoda Bharath.

8.15 p.m.

So, when you see you are talking about public officers and the risks that public officers have to face, I just want to share—

Hon. Senators: [*Crosstalk*]

Sen. The Hon. Dr. K. Swaratsingh: But, you see, Mr. President, when you come across there and you want to call names, and you want to point fingers, just remember, when you point one, it has four pointing back.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Stop it. Well, you know, I just want, again, you see, “do so, doh like so.”

Hon. Senators: [*Crosstalk*]

Mr. President: Hon. Minister—let us not get involved in crosstalk. The Minister is on his legs; I have recognized him. Observe Standing Order 51, (e), (f), (g) and (h), respectively. Those who do not have the Standing Orders, get one. Continue, please.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Thank you, Mr. President. In the records at the Ministry of Finance, it says that:

The case also reveals a troubling pattern of procurement rationalization. Documents justify each new contract as a continuation of essential services, yet no evidence suggests that the Ministry explored cost efficiency, performance, alternative suppliers, and so on, and so on, and so on.

Mr. President, but, you know, as I said, I just want to clear the record, and every

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

time you all come here and call a name, I will call a name.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. Dr. K. Swaratsingh: Do not do that. Do not do it.

The other thing I want to suggest, that it shows—again, even when Sen. Dhanpaul talks about PPP arrangements, taxpayers' money; Sen. Boodhu, these PPP arrangements, the only reason why the OPR got involved is that it included state lands. There was no public money to these projects, none.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. Dr. K. Swaratsingh: It was 100 per cent financing from contractors who participated in a bid process, and the qualifying criteria was 100 per cent financing.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. Dr. K. Swaratsingh: There are other kinds of PPP arrangements. Those that come without the use of state lands, and there are varying other kinds of PPP arrangements; from government-to-government arrangements; PPP arrangements in the energy sector; in the housing development. One of the reasons why—and, you see, you know—and, Sen. Lewis, I want to thank you for some of the questions, because I want to just show some of the anecdotal evidence. Before the procurement regulation came into place, the usage rate at the PSIP was 73.2 per cent, 2022; from 2023, it started to go down; 66, 64.

In our full financial year, first full financial year being in Government, one of the things—and Sen. Rose alluded to the fact, when you put in this procurement regime, one of the debilitating factors is that every Ministry must have a procurement office, every agency. You cannot find people. So, you end up

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

putting HR practitioners, or other persons of the ilk, to man these procurement offices, and our utilization rate has dropped to 30.8 per cent. Now, by dollar value, what we allocated was \$4.1 billion. In reality, what was spent as of August 31st was \$1.25619 billion; \$1.2 billion. Let us say \$1.3 billion.

In our first full year in our budgeting cycle—now, we are 16 months or 17 months into the life of this administration, and those who think that this administration will continue, in a next full budgeting year, with this kind of performance, you “ha” to be smoking, because we will not allow it. Where I sat down as Minister of Planning in that PSIP meeting, with every single Ministry—all my colleagues here will tell you that—and the number one problem that everybody identified was in my own Ministry. When I came in, we inherited a census programme. I asked up to last week, “Where?”. It is still in procurement; almost 18 months after it went.

In fact, it was in procurement before I got there as Minister, because you have to procure tablets, and various other things to do the census; still in procurement. The issue that this Government and this administration face is that we will not allow our delivery to be stymied.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: We will work assiduously to bring our delivery to the people of Trinidad and Tobago; 30.8 per cent is not acceptable.

Now, there may come a time when there are the capacity and the behaviours that will allow for a more robust system. That time is not now, and we will not spend the next three years, afterwards, blaming the—we cannot spend our time blaming the procurement system. So, today we come, building capacity takes

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

time. You have been the only one for the last 30 years, you said.

Sen. Dr. Rose: No, I never said—[*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: No, no, what I mean—but, you know, you have been a practitioner for the last 30 years. I do not know many persons like you. Even when Sen. Dhanpaul was there, he himself had problems following these systems, and he was not sent into the dark room with the typewriter and the fax machine.

Now, when the then Minister of Finance, by negative resolution on September 07, 2023, exempted—and, you see, that is why sometimes the level of exemption already exhibited by those opposite, finance—and, I mean, the Attorney General, he is not feeling well today, so I will spare him, but the Attorney General will tell you the amount of legal—the exemption for legal services, the bill he inherited. Of course, at some time in the future, I will speak to what we got in financial services. The time is not tonight, but I will leave that for another time.

For Sen. Vieira, I have to—and that is why, as I said, I want to correct two things, that the PPP for housing does not contemplate public funds, first and foremost; that the only public involvement, in some cases, will be state lands. The second thing is that when Sen. Dhanpaul talked about if a default takes place. There is no financial or any obligation on behalf of the State for any default on a PPP arrangement. That is the sole purview of the contractor who will bring his balance sheet to get a loan, not the Government; no obligation, no commitment on behalf of the State. That is why sometimes, you know, for those who want to speak as if they know—I would leave some other things unsaid.

But, Sen. Vieira, there is one thing you said that I really want to question. I

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

felt as if you were questioning our motives, and, you see, the thing is, that the experience of government in the history of Trinidad and Tobago, from 1962 to now, could question government. You can question so many things that took place in government. During the time that we have been in Government, I am not sure that there are things that you could point to that you can question our motives. You see that is why when you question our motives, it allows us to question the motives of others, because we could question your motives. We could question the motives of the Opposition.

I want to also caution—I do not mind if people talk about “bobol”. I was one of those who—I was taken to the Integrity Commission by a former member of the Partnership. You may have remembered that. Yes, of course, I was cleared, and so on, but the point is, that is the system we live in. I am one of those who were never offended personally by anything, but I feel very strongly that if anybody must question my motives, or the motives of this administration, bring facts.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. Dr. K. Swaratsingh: I have a lot of confidence. I know my Prime Minister has said it to us, that she “ain’t” going to jail for nobody.

I have very strong confidence in my friend, the hon. Attorney General, and as much as sometimes people may cast aspersions to those on this side, and especially my colleague, like Phillip Alexander, his intent is to fix it.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. Dr. K. Swaratsingh: So, if you want to question our motives, you could only question it based on the performance of those opposite.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I am all too aware of the pitfalls of the seven deadly sins. But the recurring concern on this side is not about grifters, you know, it is about performance. We intend to deliver.

We will not spend the next year or two—because politics have changed. It used to be, at some stage, three and two; three years, you start, you are doing work; and two, you will start to wind down. Politics have changed. People want delivery now.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: People want services now.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: They want housing now.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: As far as I am concerned, we have already spent one year too long waiting. We are not going to wait any longer.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Now, I have heard all kinds of anecdotes about not throwing up, you know—sorry, I am trying to find some here. Can we change and maintain the status quo? What is the problem we are trying to solve? Whether or not we are forgoing accountability for convenience, all kinds of—the short answer, hon. Senators, is that the hon. Prime Minister, in coming to the electorate in April of last year, with a commitment to revamp the economic structures we inherited, the fortune of Trinidad and Tobago, to make sure and bring greater availability of opportunity, of jobs to a wider cross-section of persons,

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

demands of all of us that we get into our Ministry and we get to work, and we try to make sure and get things going.

When we sat, after one full year of managing our budget and recognizing some of the issues we face, we could continue with a system that is not working for the Government of Trinidad and Tobago. The other side felt it too. That is why they brought the exemptions. That is why they walked in the footsteps that they did. Unlike the former Minister of Finance, we are not coming with condescension or derision. We are not coming with arrogance, we are coming with a practical solution to say, “You know what, this is not working, we are going to change it so that we can deliver goods, services and work for the people of Trinidad and Tobago.”

Hon. Senators: [*Desk thumping*]

8.30 p.m.

Sen. The Hon. Dr. K. Swaratsingh: Because we are the ones who have to look at our constituents, look at the faces of our people who want jobs, who want housing, who want moneys to be circulated within the economy, and we are the ones who have to answer those questions on a weekly basis. We cannot go to them and say, “Is de procurement system”. And we are not blaming the Procurement Regulator. We have no fight with the Procurement Regulator. We are not doing this in response to what happened in HDC. In HDC, the hon. Chairman of HDC withdrew and took advice from the Procurement Regulator, and will wheel and come again.

In fact, our focus has been in the time-intervening period to look at mortgages so that when the HDC contracts are ready again, we have already

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

supported it with mortgages approved. So far, the IDB Invest has given TTMB \$350 million as a social bond to deal with mortgages for people who are socially challenged, single families, single women, and so on. We are working on a facility to give TTMB another \$1billion with mortgages through the World Bank, so that we are able to then be able to build a robust housing sector that is not—we as the State cannot fund everything anymore.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Cannot do it. We need the energy sector to start kicking in at a faster rate. That is why you would have seen the EMA giving certificates of clearance. The Prime Minister, the Minister of Foreign and CARICOM Affairs, the Minister of Energy and Energy Industries have been working assiduously to make sure that all the contracts—and the bidding process for acreage is circumscribed by the Petroleum Act. So, when we sit here and talk about procurement from a perspective of something, it is supposed to work in a certain way. It is not.

Every Ministry, every agency, must now set up procurement offices. They are struggling even to find people, and the people who are doing it now, some of them do not know what they are doing. It is a cumbersome process that has effectively ground the state delivery apparatus to a standstill. Now you will see a rush of Permanent Secretaries, as we end the financial year, Sen. Dhanpaul knows that. The rush as we end the financial year to try to get—vire funds. So, at the end of the year, the PSIP will skew, but it is not effective spending. So, if you want the anecdotal evidence, Sen. Lewis, “it here”. “It here.” We are not coming because we have some ulterior motive or we are trying to find—we are 16 months into the

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

life of our administration. But this is the evidence: 30 per cent. I sat in all of those meetings. Look at my Instagram. You will see it. You will see me. I posted it there so that they could see all the meetings I sat in; days, hours of meetings and when you ask people, what is your number one issue as to why you cannot get your thing going? It is procurement. But those opposite, right, they want us to stay with this level of delivery. That is why—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—“dey need to find ah wok” for some of their former colleagues, so that they will stop writing to the OPR, cause frivolous investigations. That is what they do. They know exactly what they are trying to do. Because when we have to go back to the electorate, you think we could then blame the OPR? When we have to go to our constituents every week, you think we could blame the OPR or the Opposition? We have to take a stand. It is either we are focused on delivering to the citizens of Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—or we are going to sit down and talk for the next five years and do nothing. So, it is not accountability or convenience. It is about making sure we can deliver. Now, there may come a time in the future, who knows, when, with the help of persons like Sen. Rose, we can build the capacity and competence required to have all the regimes we need in order to be a First World country. But for the next five years, this Kamla Persad-Bissessar-led administration will deliver to the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I would want to go on a little bit longer, but

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026
Sen. The Hon. Dr. K. Swaratsingh (cont'd)

my colleague is not feeling the best today, and some of the legal questions, I would want him to address at the committee stage. Somebody, I think, had some legal questions.

I will end by thanking Sen. Mc Nish, as the only person on that side of the aisle who congratulated the President on his award.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And we talked about all the safeguards, Sen. Lewis. The only thing I would not address is the sunset clause because “de last time allyuh ask us to do dat, and we did it, yuh did not support it”.

Sen. Lewis: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: “Ah know. But still. So, I eh going down dat road with yuh again. We go sun set dat sunset.”

But let me end by saying, though, I sincerely want to ask my colleagues, and this is from the evidence that I would have seen in the Ministry of Finance, and looking at all the figures, that we have a problem, and it will be remiss of us if we do not come to try to fix that problem. I want to thank all the public officers who would have worked on this piece of legislation, to thank the Attorney General and to thank all the colleagues for supporting it. I hope we too would get your support because we need to move the country forward and deliver goods, services and a better quality of life to the people of Trinidad and Tobago. I beg to move, Mr. President.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in Committee

Mr. Chairman: Hon. Senators, there are 10 clauses in the Bill before us, and we have no amendments before us. So, with your leave, I understand that the Minister of Planning, Economic Affairs and Development wants to make an intervention on some legal matters, he said, required some clarification. So what we will do, we will take all the clauses conjointly, collectively and before putting the question, allow the clarification to be had. Is that okay?

Clauses 1 to 10.

Question proposed: That clauses 1 to 10 stand part of the Bill.

Mr. Chairman: Minister of Planning, would you want to intervene at this time?

Sen. Dr. Swaratsingh: Mr. President, just checking to make sure that some of the amendments from the House are incorporated into the Bill.

Mr. Chairman: The list of amendments are not contained in that Bill, but it was circulated to all Members of the House.

Sen. Dr. Swaratsingh: Okay. All right.

Mr. Chairman: So, Members are aware. All right. So that would be incorporated, those amendments that is. Okay. So, would you want to make any further intervention? Minister.

Sen. Jeremie SC: Chair, as I understand it, the Bill was amended in the House, so it came to the Senate as amended in the House.

Mr. Chairman: All right. We do have the list of amendments. We have circulated all to the Members. They are incorporated in the Bill. But that will be addressed. So, yes. The Bill has been amended in the House of Representatives, and we have circulated the amendments here. Okay.

Public Procurement and
Disposal of Public Property (Amdt.)
Bill, 2026

Sen. Dr. Swaratsingh: Thank you.

Question put and agreed to.

Clauses 1 to 10 ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the *Senate*.

Senate resumed.

Bill reported, without amendment.

Question put: That the Bill be read a third time.

Sen. Dr. Browne: Division.

Mr. President: Division.

The Senate divided: Ayes 15

Noes 15

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

Swaratsingh, Hon. Dr. K.

Maharaj, Hon. S.

Baptiste, Hon. L.

Alexander, Hon. P.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, K.

Zakour, Hon. E.

Smith, Hon. D.

Nakhid, D.

Rasheed, D.

Jack, A.

NOES

Browne, Dr. A.

Al-Rawi SC, F.

Roberts-Radgman, Mrs. M.

Dhanpaul, V.

Rose, Dr. M.

Boodhu, S.

Vieira SC, A.

Chote SC, Ms. S.

de la Bastide SC, M.

Jones-Simmons, Ms. C.

Lewis, F.

Murray, Dr. D.

Lalite-Ettienne, Mrs. A.

Mc Nish, C.

Phillips, Ms. Z.

Mr. President: Hon. Senators, the result of the division is as follows: 15 Members voted for the Bill, 15 Members voted against the Bill, so there is now an equality of votes. Under section 59 of the Constitution and 54 of the Standing Orders, if I have those sections correctly, I am required to exercise a casting vote. I exercise the casting vote in favour of the ayes, so we are now 16 for and 15 against. The Bill is carried.

Hon. Senators: *[Desk thumping]*

Sen. Al-Rawi SC: Standing Order 54—

Sen. Allahar: Mr. President, Mr. President, I beg to move—

Sen. Al-Rawi SC: Standing Order 54, for your reasons, please—for the purposes of the record, Standing Order 54. I am standing—[*Inaudible*]

Sen. Allahar: Mr. President, I wish to move the Motion—

Hon. Senators: [*Crosstalk*]

Mr. President: Take your seat. Listen, my reason remains as constant as the North Star and first—no.

Sen. Dr. Browne: Mr. President—[*Inaudible*]

Mr. President: No. I—no. Listen—

Hon. Senators: [*Crosstalk*]

Mr. President: Listen, listen. Listen, the Standing Order is very clear, I do not have to give a reason.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Browne: Mr. President, on a point of—

Mr. President: I do not have to give a reason. But—

Sen. Dr. Browne: [*Inaudible*]

Mr. President: No, no, no. The Standing Orders are very clear. And because Sen. Al-Rawi has asked the question, I have said again, because of my last casting vote, there is no subtle practice as it relates to this question of the Standing Orders—the casting vote, rather, in respect of the status quo. That is my reason.

Sen. Dr. Browne: Would you circulate—

Mr. President: Listen, could you read the title?

Sen. Dr. Browne: Mr. President—

Mr. President: No, I have given my reason. Could you proceed? Could you read the long title?

Sen. Dr. Browne: Would you circulate same, Mr. President?

Mr. President: Could you read the long title now, Clerk?

Sen. Dr. Browne: Mr. President, would you, on this occasion, give a commitment to circulate your research and reasons to Senators?

Sen. Allahar: Can we read the Bill a third time?

Mr. President: [*Inaudible*]*—that is not for here. You have written to me on that matter—*

Sen. Dr. Browne: Mr. President, that was on the last occasion.

Mr. President: Anyway, that is the last occasion and I will respond to you.

Sen. Dr. Browne: Mr. President—

Mr. President: Clerk, could you proceed and read the long title, please?

Sen. Roberts-Radgman: Standing Order 115, please.

Mr. President: Please. Please.

Sen. Boodhu: Mr. President, I respectfully stand on Standing Order—

Bill accordingly read the third time and passed.

Sen. Roberts-Radgman: Mr. President, I stand on 115—

Mr. President: Leader of Government Business.

Hon. Senators: [*Desk thumping*]

Sen. Roberts-Radgman:—requesting—

Sen. Allahar: Mr. President, I have been invited to move the Motion—

Sen. Roberts-Radgman:—requesting that the reasons—[*Inaudible*]

Sen. Allahar: Both of us cannot stand up at the same time.

Sen. Roberts-Radgman: Standing Order—[*Inaudible*]

Sen. Allahar: Sit down.

Mr. President: Take your seats. Take your seats.

Sen. Roberts-Radgman: Do not shout at me—[*Inaudible*]

Hon. Senators: [*Crosstalk*]

Mr. President: Hello, hello.

Hon. Senators: [*Continuous crosstalk*]

Mr. President: Hello, hello, hello, hello. Everybody—Everyone take their seats. Everyone take their seats. I have called—I have recognized the Leader of Government Business. Could you now, right—

Hon. Senators: [*Desk thumping*]

ADJOURNMENT

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President. Mr. President, I beg to move that this Senate do now adjourn to Friday the 2nd of October—

Sen. Boodhu: Mr. President, I stand on Standing Order—

Sen. The Hon. D. Allahar: Mr. President—

Hon. Senators: [*Crosstalk*]

Sen. The Hon. D. Allahar: May I please—

Sen. Boodhu: Mr. President, I stand on Standing Order—

Sen. Dr. Browne: A point of order is being raised.

Sen. The Hon. D. Allahar: Sit down.

Hon. Senators: You cannot say that.

Sen. The Hon. D. Allahar: Sit down. Sit down.

Sen. Boodhu: I stand on Standing Order 115, please, Mr. President. May I please be heard—

Mr. President: Could you—could you—

Sen. Dr. Browne: Mr. President—

Mr. President: There can be no debate after the matter—

Sen. Dr. Browne: Mr. President, it is not a debate.

Mr. President: I have answered your questions already. I call—

Sen. Roberts-Radgman: Mr. President—

Mr. President: Now, if anyone continues to defy the Chair, I have ruled. I have called on the Leader of Opposition Business. Please, Leader of Opposition Business, okay?

Hon. Senators: Government Business.

Mr. President: Leader of Government Business. Sorry, I beg your pardon.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: Thank you, Mr. President. Mr. President, I beg to move that this Senate do now adjourn to Friday the 2nd of October, 2026, at 10.30 a.m., and, Mr. President, for the information of all my colleagues in the Senate, on that day we will be taking the following Bill through all its stages: The Miscellaneous Provisions (Alcohol, Cannabis, Dangerous Drugs, Gambling and Tobacco) Bill, 2026, subject to its passing in the other place. And on that day, we intend to also deal with the Motion on the Gambling (Gaming and Betting) (Remote Gambling) Order, 2026, to completion.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 8.55 p.m.