



# PARLIAMENT

REPUBLIC OF TRINIDAD AND TOBAGO

FIRST SESSION OF THE ELEVENTH PARLIAMENT (2015/2016)

FIRST REPORT  
OF  
THE JOINT SELECT COMMITTEE  
APPOINTED TO CONSIDER AND REPORT ON THE PUBLIC PROCUREMENT  
AND DISPOSAL OF PUBLIC PROPERTY (AMENDMENT) BILL, 2015

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Ordered to be printed

TOGETHER WITH THE MINUTES OF PROCEEDINGS

PARL:

HOR PAPER NO: / 2016

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## MANDATE

1. Pursuant to resolutions of the House of Representatives on Friday November 13, 2015 and of the Senate on Friday November 17, 2015, a Joint Select Committee was established:

***“to consider and report on a Bill entitled the “Public Procurement and Disposal of Public Property (Amendment) Bill, 2015”; and...to report within eight weeks, that is to say, on or before January 22, 2016.”.***

## MEMBERSHIP OF THE COMMITTEE

2. The following persons were appointed to serve on the Committee:

- Mr. Colm Imbert, MP
- Mrs. Cherrie-Ann Crichlow-Cockburn, MP
- Mr. Adrian Leonce, MP
- Dr. Bhoendradatt Tewarie, MP
- Mr. Franklin Khan
- Mrs. Paula Gopee-Scoon
- Mr. Wayne Sturge
- Mr. David Small

## CHAIRMANSHIP

3. At its first meeting on Friday December 04, 2015, your Committee elected Mr. Colm Imbert to be its Chair, in accordance with House of Representatives Standing Order 97(3) and Senate Standing Order 87(3).

## SECRETARIAT AND TECHNICAL SUPPORT

4. During the session Ms. Jacqui Sampson Meiguel, Clerk of the House served as Secretary to the Committee and Ms. Chantal La Roche, Legal Officer II Parliament, served as Secretary of the Committee. Ms. Tanya Alexis, Legal Officer Parliament, also provided assistance to the Committee.

## MEETINGS

5. Since its appointment, your Committee held two (2) meetings on the following dates:
  - i. Friday December 04, 2015; and
  - ii. Friday January 08, 2015
  
6. The Minutes of the meetings of the Committee are attached at Appendix I.

## WORK TO DATE

7. At its First Meeting held on Friday December 04, 2015, your Committee agreed that all Members of the Committee should familiarize themselves with the provisions of the original procurement legislation, as well as the amendment Bill. To this end the Public Procurement and Disposal of Public Property (Amendment) Bill, 2015 and the Public Procurement and Disposal of Property Act 2015, Act No.1 of 2015 (partially proclaimed) were circulated. In addition, reports of the Joint Select Committee appointed during the Tenth Parliament to consider the procurement legislation were also made available to Members.
  
8. During preliminary discussions your Committee recognized that it would be a challenge to satisfactorily consider and report to Parliament on the Bill within two (2) months. Nevertheless, your Committee identified the need for external assistance during its deliberations and resolved that the Chief Parliamentary Counsel would be invited to assist with a clause by clause analysis on the Bill, and the Permanent Secretary of the Ministry of Finance would also be invited to assist the Committee during its deliberations.
  
9. At its Second Meeting held on Friday January 08, 2015, your committee heard from Mr. Milton Sorzano, Assistant Chief Parliamentary Counsel (Ag), Ms. Sharmaine Williams, Assistant Chief Parliamentary Counsel (Ag), and Mr. Parvin Sookhai, Parliamentary Counsel II (Ag) who were assigned by Chief Parliamentary Counsel's Department of the Ministry of the Attorney General to assist the Committee in its deliberations. Your Committee was also assisted by the Permanent Secretary of the Ministry of Finance, Mr Maurice Suite who offered his expert views on the Bill.

## SUBMISSIONS RECEIVED

10. By letter dated January 04, 2016 the Private Sector/Civil Society Group has requested a meeting with your Committee. Your Committee has also received written submissions on the Bill from Mr Timothy Hamel-Smith dated January 06, 2016.

## REPORT

11. The Committee wishes to report that a clause by clause analysis of the Bill is in progress but that additional time is required for the completion of this exercise. As such, the Committee is unable to submit its recommendations by the deadline of January 22, 2016.

## RECOMMENDATIONS

12. Your Committee therefore humbly requests a further period of six (6) weeks to complete its work and to submit a final report to the Parliament by February 26, 2015.

13. During the period of extension, the Committee proposes to continue its work in collaboration with the Ministry of Finance and the Chief Parliamentary Counsel's Department of the Ministry of the Attorney General, to meet with stakeholders as required and to assess submissions received.

Respectfully submitted,

Colm Imbert, MP  
Chairman

January 20, 2016

# APPENDIX I



**JOINT SELECT COMMITTEE ON THE PUBLIC PROCUREMENT AND DISPOSAL  
OF PUBLIC PROPERTY (AMENDMENT) BILL, 2015**

**MINUTES OF THE FIRST MEETING HELD IN THE ARNOLD THOMASOS  
ROOM (EAST), LEVEL 6, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A  
WRIGHTSON ROAD, PORT OF SPAIN ON DECEMBER 04, 2015 at 11:30 a.m.**

**PRESENT**

Mrs. Brigid Annisette-George - Speaker of the House

**Committee Members**

Mr. Colm Imbert, MP - Member  
Mrs. Cherrie-Ann Crichlow-Cockburn, MP - Member  
Mr. Adrian Leonce, MP - Member  
Mr. Franklin Khan - Member  
Mrs. Paula Gopee-Scoon - Member  
Mr. David Small - Member

**Secretariat**

Ms. Chantal La Roche - Assistant Secretary  
Mrs. Jacqui Sampson Meiguel - Secretary

**ABSENT/EXCUSED**

Mr. Wayne Sturge - Member  
Dr. Bhoendradatt Tewarie, MP - Member

**COMMENCEMENT**

1.1 The meeting was called to order by the Speaker of the House at 11:35 a.m.

## ELECTION OF CHAIRMAN

2.1 The Speaker advised that her role was to facilitate the election of a Chair and she invited nominations.

2.2 Mr. Franklin Khan nominated Mr. Colm Imbert for the chairmanship and this nomination was seconded by Mrs. Paula Gopee-Scoon.

2.3 There being no further nominations, Mr. Imbert was declared Chairman.

2.4 The Speaker of the House informed Members that Mrs Jacqui Sampson Meiguel would serve as Secretary to the Committee and Ms Chantal La Roche as Assistant Secretary.

2.5 Mr. Imbert was invited to take the Chair.

2.6 The Chairman took the Chair and thanked Members for their unanimous support for his nomination.

## QUORUM

3.1 The Chairman proposed a quorum of 4 persons, inclusive of the Chair, provided that at least one Member from each House was present. The Committee agreed to this proposal.

## TERMS OF REFERENCE

4.1 The Chairman reminded Members of the Terms of Reference of the Committee as follows:

- i. to consider and report on a Bill entitled "An Act to amend the Public Procurement and Disposal of Public Property Act, 2015";
- ii. to discuss the general merits of the Bill along with its details; and
- iii. to report by **January 22, 2016.**

## DISCUSSIONS ON THE WAY FORWARD

5.1 The Chairman invited discussion on the approach to be taken by the Committee in achieving its mandate.

5.2 The Chairman suggested, and the Committee concurred, that the Committee would first conduct a clause by clause analysis of the Bill.

5.3 The Committee also agreed that a work plan would be settled during its Second meeting, and the Chairman recommended that the Committee should meet on a weekly basis.

5.4 Members also requested that the Secretary circulate the report of the Joint Select Committee appointed during the Tenth Parliament to consider and report to the Parliament on the legislative proposals to provide for public procurement disposal of public property.

### **External Expert Assistance**

5.5 The Committee also identified the need for external assistance during its deliberations and agreed to the following:

- i. The Chief Parliamentary Counsel would be invited to assist with a clause by clause analysis on the Bill, as well as to assign an officer to assist the Committee during its deliberations; and
- ii. The Permanent Secretary of the Ministry of Finance would also be invited to assist the Committee during its deliberations.

### **ADJOURNMENT**

6.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Friday January 8, 2016 at 10:00 a.m.

6.2 The adjournment was taken at 11:45 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

December 4, 2015





**JOINT SELECT COMMITTEE ON THE PUBLIC PROCUREMENT AND DISPOSAL  
OF PUBLIC PROPERTY (AMENDMENT) BILL, 2015**

**MINUTES OF THE 2ND MEETING HELD IN THE ARNOLD THOMASOS ROOM  
(EAST), LEVEL 6, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A  
WRIGHTSON ROAD, PORT OF SPAIN ON JANUARY 8<sup>TH</sup> 2016 AT 10:00 AM**

**PRESENT**

**Committee Members**

Mr. Colm Imbert, MP	-	Chairman
Mrs. Cherrie-Ann Crichlow-Cockburn, MP	-	Member
Mr. Adrian Leonce, MP	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Mr. David Small	-	Member
Mr. Bhoendradatt Tewarie, MP	-	Member

**Secretariat**

Ms. Chantal La Roche	-	Assistant Secretary
Ms. Tanya Alexis	-	Legal Officer I

**ABSENT/EXCUSED**

Mr. Franklin Khan	-	Member
Mr. Wayne Sturge	-	Member
Mrs. Jacqui Sampson Meiguel	-	Secretary

**Office of the Chief Parliamentary Counsel**

Mr. Pavin Sookhai	-	Parliamentary Counsel II (Ag.)
Mr. Milton Sorzano	-	Asst. Chief Parliamentary Counsel (Ag.)
Ms. Sharmaine Williams	-	Asst. Chief Parliamentary Counsel (Ag.)

## Ministry of Finance

Mr. Maurice Suite

- Permanent Secretary

### COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 10:20 a.m.
- 1.2 The Chairman indicated that Mr. Franklin Khan and Mr. Wayne Sturge were excused from the day's meeting.

### CONFIRMATION OF MINUTES

- 2.1 The Minutes were confirmed by Mrs. Crichlow-Cockburn and seconded by Mr. Small.

### MATTERS ARISING FROM THE MINUTES

#### 3.1 Item 5.5

- The Chairman informed Members that the following persons from the Office of the Chief Parliamentary Counsel will be assisting the Committee during its deliberations,
  - Mr. Milton Sorzano, Assistant Chief Parliamentary Counsel (Ag);
  - Ms. Sharmaine Williams, Assistant Chief Parliamentary Counsel (Ag);
  - and
  - Mr. Parvin Sookhai, Parliamentary Counsel II (Ag).
- The Chairman also advised that the Permanent Secretary of the Ministry of Finance, Mr Maurice Suite had also agreed to assist the Committee with its deliberations on the Bill.

### CLAUSE BY CLAUSE ANALYSIS OF THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (AMENDMENT) BILL, 2015

- 4.1 The Committee invited Mr. Sorzano, Ms. Williams and Mr. Sookhai to join the meeting to give a brief presentation on the Public Procurement and Disposal of Public Property (Amendment) Bill, 2015.
- 4.2 The Committee then engaged in a clause by clause discussion on the Bill.

- 4.3 The Committee approved and adopted Clauses 1 and 2 of the Bill.
- 4.4 The Committee noted the use of the term “The President” in Clause 3 and its practical effect in relation to authority to remove the Regulator. The Committee agreed to suspend discussions on this clause until a written opinion was provided by the Office of the Chief Parliamentary Counsel.
- 4.5 The Committee approved and adopted Clause 4 of the Bill.
- 4.6 In relation to Clause 5, Dr. Tewarie noted that there was a similar provision in the Public Procurement and Disposal of Public Property Act, 2015. The Committee agreed to suspend consideration of this clause until the next meeting to allow for further discussion.
- 4.7 The Committee agreed to suspend discussions on Clause 6 pending the submission by the Chairman of a paper relating to the creation of a Review Board.
- 4.8 The Committee approved and adopted Clause 7 of the Bill

## **OTHER MATTERS**

- 5.1 The Chairman advised the Committee that the following correspondence had been received:
  - i. Letter dated January 4, 2016 from Private Sector Group/Civil Society, FAPETT requesting a meeting;
  - ii. Electronic mail dated January, 6 2016 from Mr. Timothy Hamel-Smith inquiring on invitations for written submissions; and
  - iii. Letter and CV dated November 30, 2015 from Cheryl-Ann Simmons Project Management Consultant, offering assistance to the Committee.
- 5.2 The Committee agreed as follows:
  - i. the Committee will meet with the FAPETT on a date to be decided during its next meeting;
  - ii. written submissions on the Bill would be received from Mr. Hamel-Smith; and
  - iii. there was no need to engage the services of an external Consultant at this time.

## **DISCUSSIONS ON THE WAY FORWARD**

6.1 Discussion ensued on the effect of the imminent reporting deadline on the work of the Committee.

6.2 As a consequence, the Committee agreed that a report would be tabled to bring to the attention of the Parliament:

- i. the decisions of the Committee thus far;
- ii. its inability to complete its work in the mandated period; and
- iii. its request for an extension to the end of February 2016.

The Committee concurred that this report would be approved by round-robin.

6.3 The Committee agreed that its next meeting will be held on Friday January 22, 2016 at 10:00 a.m., to continue clause by clause analysis of the Bill.

## **ADJOURNMENT**

7.1 The Chairman thanked Members and adjourned the meeting to Friday January 22, 2016 at 10:00 a.m.

7.2 The adjournment was taken at 11:20 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

January 8, 2016