

# **RECOMMENDATIONS TO THE COMMISSION OF ENQUIRY ON THE PIARCO AIRPORT 2002**

## **Preamble**

The Joint Consultative Council of the Construction Industry (JCC) in making recommendations to the Commission of Enquiry on the improvements that should be made to the procurement process in the state sector will go beyond the shenanigans that took place on the Piarco Airport Terminal Building Project and bring to bear on these proceedings our knowledge of procurement generally.

## **Needs Identification**

Procurement is a process, which starts when a need is identified, and services or works are to be undertaken, or goods are to be purchased. In several cases, the project to be undertaken and services or works to be undertaken or goods to be purchased are not properly defined.

In the case of the Piarco Airport Terminal Building Project, definition of need initially centered on the size of the terminal facility required to meet traffic demand. Subsequently the supply chain aspect of the procurement process was corrupted.

Under Project Pride, the technical staff at the Airports Authority undertook a needs assessment process. This process culminated in the Lea-Tra report. The Lea-Tra report clearly identified our immediate needs and proposed a flexible approach to design, an approach which would have allowed expansion of the facility to be subject to traffic demand requirements.

The Lea-Tra report was undertaken assuming an environment of fiduciary care and responsibility, an environment, which would have attracted public and private funding. Under Project Pride, the proposed utilisation of private funds determined that the project be feasible. The Piarco Terminal Project was constructed using state funds without regard to the financial or economic feasibility of the project.

## **Source of Funding**

**The lesson learnt is that source of funding influences the procurement process. Source of funding can play a vital role in**

determining the procurement process to the extent that funding itself becomes a procurement issue. This is self-evident when the delivery systems such as design finance build operate are taken into account. It should be noted that the present Central Tenders Board Act does not address the issue of procurement taking into account finance.

In more recent times, source of funds have led to radical changes in the procurement processes, in almost all countries. These changes were caused by:-

- The increasing frustration occasioned by the perceived long delivery times associated with financing from multilateral lending agencies such as the World bank and the Inter-American Development Bank.
- The need by some countries for off balance financing

These two facts have led to

- The aggressive entry by the private sector agencies such as banks and insurance companies into the funding of infrastructure projects and
- The innovative linking of private sector funding with fast delivery method by developers and contractors to gain competitive advantage.

In other words, financing and fast delivery systems are changing the face of the construction industry. It is thus imperative that our approach to procurement be not mired in the morass that surrounds the Piarco Airport Terminal Building Project but is visionary and flexible while at the same time maintaining that public procurement is to be conducted in a manner above reproach, with complete impartiality and with preferential treatment for none. Transactions relating to the expenditure of public funds require the highest degree of public trust and an impeccable standard of conduct.

### **Involvement of Ministers and Cabinet in the Procurement Process**

In looking at our procurement system specifically with the example of the Piarco airport fiasco before us, the issue of the degree of

interference by ministers either individually or collectively as a Cabinet in the process is alarming. . It is on record that

- The then Minister of Finance wrote in July 1996 the Prime Minister of Trinidad and Tobago, Basdeo Panday, informing him that he (Kuei Tung) “would like to proceed *unofficially* to Miami to see a firm called “Birk Hillman,” preferring it to be a private trip for ‘obvious reasons’.”
- The then Minister of Works in September 1996 stated publicly ... *[the Task Force] would map out a fast-track programme for implementation of the Development Concept for Piarco as determined by the Airports Authority of Trinidad and Tobago and its consultants who were retained utilising United States Exim Bank loan facility.<sup>1</sup> The Development Concept was done by Birk Hillman*
- A task forces and a Cabinet appointed committees took over the tendering processes of the Airport’s Authority and acted as a law on to themselves.
- Those employees of the Airports Authority who disagreed with the process were fired. The technical unit the Planning and Development Unit of the Airports Authority were disbanded.
- That Cabinet took decisions which resulted in the direct engagement of Birk Hillman and Northern Construction by NIPDEC,
- That civil servants appointed to a Task Forces and a Cabinet Appointed Committees wittingly or un-wittingly supervised processes that were blatantly corrupt

With respect to use and abuse of public office the House Lords Judgments - *Magill v. Porter* Magill weeks In looking at the *underlying legal principles* stated in December 2001

- *"Statutory power conferred for public purposes is conferred as it were upon trust, not absolutely - that is to say, it can validly be used only in the right, and proper way, which Parliament when conferring it is presumed to have intended . . ."*

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<sup>1</sup> Sadiq Baksh, Minister of Works and Transport, Speech at the opening day of the First Caribbean Intermodal Cargo Conference on 9 September 1996.

- The principle is routinely applied, as by Neill LJ in *Credit Suisse v Allerdale Borough Council* [1997] QB 306 at 333 who described it as "*a general principle of public law*".

*"Such powers are exercised by or on the delegation of councillors. It is misconduct in a councillor to exercise or be party to the exercise of such powers otherwise than for the public purpose for which the powers were conferred. Where public powers are conferred on a council, it is the body of elected councillors who must exercise those powers save to the extent that such exercise is lawfully delegated to groups of councillors or to officers. All will act in the name or on behalf of the council. It follows from the proposition that public powers are conferred as if upon trust that those who exercise powers in a manner inconsistent with the public purpose for which the powers were conferred betray that trust and so misconduct themselves. This is an old and very important principle. It was clearly expressed by the Lord Chancellor of Ireland in Attorney General ex rel Rea v Belfast Corporation (1855) 4 IR Ch"*

- *"Powers conferred on a local authority may not lawfully be exercised to promote the electoral advantage of a political party. Support for this principle may be found in R v Board of Education [1910] 2 KB 165 at 181 where Farwell LJ said: "If this means that the Board were hampered by political considerations, I can only say that such considerations are pre-eminently extraneous, and that no political consequence can justify the Board in allowing their judgment and discretion to be influenced thereby."*
- *"Municipal Corporations would cease to be tangible bodies for any purpose of redress on account of a breach of trust, if the individuals who constituted the executive, and by whom the injury has been committed, cannot be made responsible. They are a collection of persons doing acts that, when done, are the acts of the Corporation, but which are induced by the individuals who recommend and support them; and this Court holds that persons who withdraw themselves from the duties of their office may be rendered equally answerable for the acts of those whom they allow, by their absence, to have exclusive dominion over the corporate property . . . As the trustees of the*

*corporate estate, nominated by the Legislature, and appointed by their fellow citizens, it is their duty to attend to the interests of the Corporation, conduct themselves honestly and uprightly, and to see that everyone acts for the interests of the trust over which he and they are placed."*

The above underlying legal principles were quoted because the events we are dealing with predate our Integrity in Public Life Act and Integrity In Public Life Act does not address the broad range of issues identified in the underlying legal principles applicable to the House Lords Judgments - Magill v. Porter Magill Weeks December 2001. Further, the judgment underscores the following:-

- The reason why Ministers and persons in public office should not be just rubberstamps for a decision made by others, and
- The reason why the decisions of Cabinet should be limited to policy issues and not the making of day to day decisions on procurement issues.

On the issue of conflict of interest the Integrity in Public Life Act 2000 under the laws of Trinidad and Tobago states :-

*29 (1) "For the purposes of this Act, a conflict of interest is deemed to arise if a person in public life or any person exercising a public function were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought to reasonably to have known, that in the making of the decision, there is an opportunity either directly or indirectly to further his private interest or that of a member of his family or any other person."*

## **The Cabinet Machine**

Since we suggest there are problems with Cabinet's involvement on this project, it is only fair to describe how Cabinets under the Westminster system operate.

The business of the Cabinet and Ministerial Committees mainly consists of:

1. Questions, which significantly engage, the collective responsibility of the Government because they raise serious issues of policy or because they are of critical importance to the public;

2. Questions on which there is an unresolved argument between Ministries. When such a difference occurs, it should not be referred to the Cabinet until other means of resolving it have been exhausted, including personal correspondence or discussions between the Ministers concerned.

### Collective Responsibility

Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned. On occasions, it may be desirable to emphasise the importance of a decision by stating specially that it is the decision of the Government. This, however, is the exception rather than the rule.

Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This, in turn, requires that the privacy of opinions expressed in Cabinet should be maintained.

Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility as defined above need not be brought to the Cabinet or to a Ministerial Committee unless the Minister wishes to inform his colleagues or to have their advice. A precise definition of such matters cannot be given: in borderline cases a Minister is advised to seek collective consideration. Questions involving more than one Department should be examined interdepartmental, before submission to a Ministerial Committee, so that the decisions required may be clearly defined.<sup>2</sup>

### Ministerial Committees

Ministerial Committees (both standing and ad hoc) support the Cabinet, which have a two-fold purpose. Cabinet Committees provide a framework for collective consideration of and decisions on, major policy issues and issues of significant public interest. First, they relieve

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<sup>2</sup> © Crown Copyright, <http://www.cabinet-office.gov.uk/cabsec/2000/guide>

the pressure on the Cabinet itself by settling as much business as possible at a lower level or, failing that, by clarifying the issues and defining the points of disagreement. Second, they support the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgement will be sufficiently authoritative to ensure that the Government as a whole can be properly expected to accept responsibility for it.

If the Ministerial Committee system is to function effectively, appeals to the Cabinet must be infrequent. Those who chair Committees are required to exercise their discretion in advising the Prime Minister whether to allow appeals to Cabinet. The only automatic right of appeal is if the Finance Minister is unwilling to accept expenditure as a charge on the reserve; otherwise the Prime Minister will entertain appeals to the Cabinet only after consultation with the Minister who chairs the Committee concerned. Departmental Ministers should normally attend in person meetings of Committees of which they are members or to which they are invited. Unless they make it possible for their colleagues to discuss with them personally issues which they consider to be important, they cannot - except where their absence is due to factors outside their control - expect the Prime Minister to allow an appeal against an adverse decision taken in their absence.<sup>3</sup>

### **Preparation of business for Cabinet and Ministerial Committees**

It is the responsibility of the initiating section of Government to ensure that proposals have been discussed with other interested sections and the results of these discussions reflected in the memorandum submitted to Cabinet or a Ministerial Committee. Proposals involving expenditure or affecting general financial policy should be discussed with the Ministry of Finance before being submitted to the Cabinet or a Ministerial Committee. The result of the discussion together with an estimate of the cost to the Treasury should be included, along with an indication of how the

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cost would be met (e.g. by offsetting savings). Proposals involving legal implications, especially if there is a risk of successful legal challenge, should be cleared with the appropriate legal officers. Memoranda should also include any significant costs or benefits to the environment; any change in local government responsibilities; consequences for international obligations; and presentational aspects including, where appropriate, a draft statement or announcement. If, exceptionally, papers are circulated as minutes addressed to the Prime Minister, they are subject to the same requirements.

This does not limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

Memoranda for the Cabinet and Committees of the Cabinet should be as clear and as brief as possible. They should not normally exceed four pages at most, and the Cabinet Office may not accept an over-long memorandum for circulation. Time spent in making a paper short and clear is saved many times over in reading and in discussion; and it is the duty of Ministers to ensure that this is done and that, where necessary, papers submitted to them are revised accordingly. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations, and concludes with a precise statement of the decisions sought. Paragraphs should be numbered for ease of reference. Detailed analysis and argument, together with supplementary detail, should be dealt with, where necessary, in annexes.<sup>4</sup>

### Cabinet Conclusions and Ministerial Committee minutes

The record of Cabinet and Committee proceedings is limited to the conclusions reached and such summary of the discussion as is necessary for the guidance of those who have to take action.

Ministers are mainly responsible for instructing their ministries to give effect to the conclusions of the Cabinet

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or of one of its Committees, and for telling subordinate units or branches about decisions affecting them.<sup>5</sup>

### The Legal Officers

The appropriate legal officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations. It will normally be appropriate to consult the Law Officers in cases where:

- 1 The legality or constitutional propriety of a matter or legislation which Government proposes to introduce;
- 2 The vagaries of the proposed matter;
- 3 The legality of proposed administrative action, particularly where that action might be subject to challenge in the courts by means of application for judicial review;
- 4 Ministers, or their officials, wish to have the advice of the Law Officers on questions involving legal considerations, which are likely to come before the Cabinet or Cabinet Committee;
- 5 There is a particular legal difficulty which may raise political aspects of policy;
- 6 Two or more governmental agencies disagree on legal questions and wish to seek the view of the Law Officers.

When advice from the Law Officers is included in correspondence between Ministers, or in papers for the Cabinet or Ministerial Committees, the conclusions may if necessary be summarised but, if this is done, the complete text of the advice should be attached.<sup>6</sup>

### Trinidad and Tobago Cabinet's Constitutional Responsibilities

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<sup>6</sup> © Crown Copyright, <http://www.cabinet-office.gov.uk/cabsec/2000/guide>

Cabinet should not be intimately involved in procurement. Under the Constitution it has the following responsibility:

*75.- 1. "There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible, therefore, to Parliament."*

It is crystal clear Cabinet is to be involved in the "general" direction and control of the Government and setting government policy. "General" does not mean intimate involvement, particularly in something that requires specialised expertise like government procurement. General means a "general" instruction. We simply have to move away from the type of mind-set that thinks there is a need for the direct involvement of Cabinet at this level in the day-to-day administration of Government procurement.

During the Project PRIDE situation, former Minister John Humphrey had it right when he said:

*"... all we should get from Cabinet is an instruction that Piarco be modernised on the basis of concepts, on the basis of its own resources, and without the involvement of any foreign partner."*<sup>8</sup>

It was quite funny to see Minister Humphrey chairing the Ministerial Committee meeting with contractors and deciding on tile and artwork, among other things of minutia with the project. In fact, this had to have NIPDEC's project team wondering what their role was.

Cabinet's policy to Government procurement should be simply a review to see that the A-list methodology below is used by the contracting agency in coordination with the Central Tenders Board when Cabinet's approval is sought for projects:

- 1 APPROACH to the project
- 2 AFFORDABILITY determination
- 3 ACHIEVABILITY
- 4 ACCOUNTABILITY

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<sup>7</sup> The Constitution of the Republic of Trinidad and Tobago.

<sup>8</sup> Kamla Rampersad,

## **5 ATTAINMENT**

## **6 AUDIT, AUDIT, AUDIT throughout**

**Notwithstanding all of the above, Ministers are responsible to Parliament for the operation of all Government Boards and agencies within their portfolios. They have the authority either directly to make appointments to Government Boards, or indirectly to recommend appointments to Cabinet or the Governor in Council. The authority of a Minister to give directions to a Board is spelled out in the enabling legislation, if any**

### **Procurement Objectives**

**The main procurement objectives are transparency, accountability, equal opportunity and efficiency. Government procurement is actually a science in which specific procurement criteria is set up; where the procurement objectives can be assessed systematically to offer an assurance of quality, transparency, objectivity, cost benefits, proper cash flows and time considerations; with prospective contractors treated fairly and impartially and standards of procurement integrity maintained.**

**While Government need not know how to produce the products or services it needs, it does need to do seven things to enable performance-based services acquisition:**

- 1. Establish integrated solutions team, a team that integrates all stakeholders' efforts toward one goal: mission accomplishment, defining rules of conduct and defining roles and responsibility.**
- 2. Decide what problem needs solving and develop a business strategy (looking at choices of procurement and finance), defining (at a high level) desired results and what constitutes success, determining the current level of performance.**
- 3. Conduct a job analysis by examining solutions, meeting with industry groups.**
- 4. Develop a Performance Work Statement (PWS) (conduct a job analysis and/or a Statement of Objectives (SOO), writing performance objectives, identifying constraints and maintaining perspective.**

5. **Decide how to measure and manage performance by developing a quality assurance plan, choosing an incentive-type contract with on-going honest assessment.**
6. **Transparently select the right contractor, by competition among contractors, using due diligence in emphasising past performance, assessing conflict of interest and making sure the playing field is level.**
7. **Manage performance with a surveillance plan, assigning accountability for contract performance.**

**These skills are called “contracting management” and all Government personnel responsible for procurement should be trained in them.<sup>9</sup>**

**The JCC is of the view that in order to come to terms with the procurement issues a detailed study is required. The study should be placed in a historical context. The historical context will reveal how different procurement strategies have affected institutions and organisations in both the public and private sectors. The study should look at the following:**

**The advantages and disadvantages of the current system with particular reference to the legal framework, knowledge gap between the Central tenders Board and other state agencies, the degree of centralized control, limitations on spending, lack of standardization of forms of contracts and measurement methods, lack of dispute resolution procedures and, bottlenecks,**

**Review the various amendments to the Central Tenders Board Act that allowed the proliferation of procurement agencies NIPDEC, UDECOTT, NEC, MTS< PIDCOTT, VIMCORTT etc.**

**Identify the drivers and constraints on the procurement process such as the source of funding, demand for quick delivery, and prevailing law.**

**Review past project to determine the efficiency of needs identification and definition, the validity of the time frames set, the validity of the initial budgets, the level of preparation of tender documents, the levels of transparency and accountability, the**

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<sup>9</sup> Steven Kelman, “Remaking Federal Procurement, Working Paper, No. 3,” The John F. Kennedy School of Government, Visions of Governance in the 21st Century.

resources and ability of state institutions to manage modern procurement approaches and the need for training.

## **Recommendations to Improve the Procurement Process**

- **Revise legislation based upon international guidelines. The legislation should allow for the procurement of finance and the use of different delivery systems. The legislation should be facilitative rather than restrictive.**
- **The procurement process should be decentralized so that procurement could take place at source. The Central Tenders Board should have jurisdiction over all procurement processes in the state sector. All procurement procedures in the public and quasi-public sector should be subject to the Central Tenders Board Act and Regulations. The Central Tenders Board should function as a regulatory agency undertaking training and audit functions. The CTB should have the powers to investigate and subpoena.**
- **A clearly defined procurement policy needs to be articulated. There should be a single national procurement system. Each Ministry, Regional Co-operation, State Board, state owned company and any other institution handling or managing state funds should adhere to the national procurement system.**
- **A Code of Conduct (in addition to the professional codes of conduct) should be created and adhered to by state agencies, companies or individuals who wish to participate in the procurement process.**
- **The Integrity Pacts as originated by Transparency International on projects over a specified amount should be instituted.**
- **A clearly defined and credible conflict of interest policy should be instituted to ensure impartiality in the decision-making process.**
- **The CTB's regulations should be revised to meet the following**

- a) **Publication of general procurement guideline**
- b) **Publication of evaluation criteria and standard evaluation format**
- c) **Setting up a review mechanism for appeals**
- d) **Publication of a set of standardised procurement documents for goods, services, contracting**
- e) **Publication of sets of standard methods of measurement for works**
- f) **Establishing continuing training on procurement for private and public sectors**
- g) **Undertaking of audits without notice on the operations of the procurement system at any source.**
- h) **Pre-qualify in categories twice per year contractors, consultants and suppliers for use by government agencies. The list should be published**

#### **International Chamber of Commerce Rules of Conduct**

**Below are suggested Rules of Conduct of the International Chamber of Commerce, which are, in addition, to the local Rules of Conduct of the professional organisations.**

**These rules will work only if the commitment to ethics and integrity starts at the top. In any event, no company should be allowed to tender on government projects unless they have such a policy and it is evidenced that it is signed by each member of the management team who will be employed on any project for which a company is attempting to be pre-qualified and/or tender.**

**These Rules of Conduct are intended as a method of self-regulation by business. Their voluntary acceptance by business enterprises will not only promote high standards of integrity in business transactions, whether between enterprises and public bodies or between enterprises themselves, but will also form a valuable defensive protection to those enterprises which are subjected to attempts at extortion.**

**These Rules of Conduct are of a general nature constituting what is considered good commercial practice in the matters to which they relate but are without direct legal effect. They do not derogate from applicable local laws, and since national legal systems are by no means uniform, they must be read subject to such systems.**

**The business community objects to all forms of extortion and bribery. It is recognised, however, that under current conditions in some parts of the world, an effective programme against extortion and bribery may have to be implemented in stages. The highest priority should be directed to ending large-scale extortion and bribery involving politicians and senior officials. These represent the greatest threat to democratic institutions and cause the gravest economic distortions. Small payments to low-level officials to expedite routine approvals are not condoned. However, they represent a lesser problem. When extortion and bribery at the top levels is curbed, government leaders can be expected to take steps to clean up petty corruption.**

#### **Basic principle**

**All enterprises should conform to the relevant laws and regulations of the countries in which they are established and in which they operate, and should observe both the letter and the spirit of these Rules of Conduct.**

**For the purposes of these Rules of Conduct, the term "enterprise" refers to any person or entity engaged in business, whether or not organised for profit, including any entity controlled by a State or a territorial subdivision thereof; it includes, where the context so indicates, a parent or a subsidiary.**

#### **Basic Rules**

##### **Article 1 : Extortion**

**No one may, directly or indirectly, demand or accept a bribe.**

##### **Article 2 : Bribery and "Kickbacks"**

**No enterprise may, directly or indirectly, offer or give a bribe, and any demands for such a bribe must be rejected.**

**Enterprises should not (i) kick back any portion of a contract payment to employees of the other contracting party, or (ii) utilise other techniques, such as subcontracts, purchase orders or consulting agreements, to channel payments to government officials, to employees of the other contracting party, their relatives or business associates.**

### **Article 3 : Agents**

**Enterprises should take measures reasonably within their power to ensure:**

- **That any payment made to any agent represents no more than an appropriate remuneration for legitimate services rendered by such agent;**
- **That no part of any such payment is passed on by the agent as a bribe or otherwise in contravention of these Rules of Conduct; and**
- **That they maintain a record of the names and terms of employment of all agents who are retained by them in connection with transactions with public bodies or State enterprises. This record should be available for inspection by auditors and, upon specific request, by appropriate, duly-authorised governmental authorities under conditions of confidentiality.**

### **Article 4 : Financial Recording and Auditing**

**All financial transactions must be properly and fairly recorded in appropriate books of account available for inspection by boards of directors, if applicable, or a corresponding body, as well as auditors.**

**There must be no "off the books" or secret accounts, nor may any documents be issued which do not properly and fairly record the transactions to which they relate.**

**Enterprises should take all necessary measures to establish independent systems of auditing in order to bring to light any transactions which contravene the present Rules of Conduct. Appropriate corrective action must then be taken.**

#### **Article 5 : Responsibilities of Enterprises**

**The board of directors or other body with ultimate responsibility for the enterprise should:**

- **Take reasonable steps, including the establishment and maintenance of proper systems of control aimed at preventing any payments being made by or on behalf of the enterprise which contravene these Rules of Conduct;**
- **Periodically review compliance with these Rules of Conduct and establish procedures for obtaining appropriate reports for the purposes of such review; and**
- **Take appropriate action against any director or employee contravening these Rules of Conduct.**

#### **Article 6 : Political Contributions**

**Political party financing and political patronage are problematic in the fight against corruption, and we need to tighten the rules on lobbying.**

**Contributions to political parties or committees or to individual politicians may only be made in accordance with the applicable law, and all requirements for public disclosure of such contributions shall be fully complied with. All such contributions must be reported to senior corporate management. All such contributions in aggregate totalling over \$5,000.00 by company management, immediate family and employees in any given year must be reported at the time of pre-qualification. Political contributions include in kind contributions and purchases of anything that benefits a particular political party.**

#### **Article 7 : Company Codes**

These Rules of Conduct being of a general nature, enterprises should, where appropriate, draw up their own codes consistent with the ICC Rules and apply them to the particular circumstances in which their business is carried out. Such codes may usefully include examples and should enjoin employees or agents who find themselves subjected to any form of extortion or bribery immediately to report the same to senior corporate management. Companies should develop clear policies, guidelines, and training programmes for implementing and enforcing the provisions of their codes.<sup>10</sup>

### **Code for a Statutory Body:**

Each statutory body shall:

- Ensure that its operations are carried out efficiently, effectively and economically;
- Cause funds and accounts to be established and faithfully and properly kept;
- Ensure that liability for expenditure is incurred for lawful purposes only, and expenditure is made in compliance with any prescribed requirements;
- As far as possible having regard to the limits of its powers and control, ensure reasonable value is obtained for moneys expended by it;
- Ensure that its procedures, including internal control procedures, afford at all times adequate safeguards with respect to the correctness, regularity and propriety of payments made, the prevention of fraud or mistake, and the assessment, levy and collection of revenue and other amounts receivable;
- Ensure that fees and charges for services or goods supplied to any person are properly assessed and levied and are adequate;

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<sup>10</sup>International Chamber of Commerce,  
[http://www.iccwbo.org/home/extortion\\_bribery/rules.asp](http://www.iccwbo.org/home/extortion_bribery/rules.asp).

- **Ensure the prescribed requirements are met regarding preparation, certification and rendering of annual financial statements;**
- **Establish and maintain an adequate internal audit function.**

**Hopefully, the recommendations of this Commission of Enquiry will go down in history as identifying some of the solutions to our problems and eventually an administration with true concern and love for people will act**

**Winston Riley B.Sc. FAPETT  
President  
Joint Consultative Council for the Construction Industry**