



JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY

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JCC Press Statement on Public Procurement

Welcome to the Media and our colleagues –

- The Local Content Chamber
- JCC
- TTMA

Once again we are reporting to you, the public, on disturbing developments in our country.

The JCC together with our Kindred Associations in the Private Sector/Civil Society group has made detailed submissions to the Public Procurement Joint Select Committee. There have been repeated promises from the Prime Minister that the new Public Procurement laws will be implemented very soon and we are in full support of that. Those new laws are needed to control the theft and waste of Public Money.

Yet, the 91 recommendations of the Uff Report are not being implemented.

The fact is that those recommendations were a leading part of the discussion at the very first post-Cabinet Press Briefing hosted by this administration on 1st July 2010 speaks to its prominence - as reported in the Express - see <http://www.trinidadexpress.com/news/97562054.html> -

"...Minister of Justice Herbert Volney has been given the responsibility of developing an action plan over the next six weeks for the implementation of the 91 recommendations of the report of the Uff Commission of Enquiry into the Urban Development Corporation of Trinidad and Tobago (UDeCOTT) and the construction sector.

Speaking at the first post-Cabinet news conference hosted by the People's Partnership government, Prime Minister Kamla Persad-Bissessar stated: "To date, there is no indication of any significant action having been taken to deal with the recommendations of this report and this has been viewed with great concern by members of the construction industry and citizens at large..."

The JCC has now written to the Minister of Justice on three occasions in 2011

(4th March, 4th June and 8th August – those letters are now published on our website) to offer our assistance in the important matter of implementing the 91 recommendations of the Uff Report. We have had neither an acknowledgment of or reply to those letters. Having written yesterday to the same Minister, this time on the questionable procurement procedure for the Judicial Centres, we have only just received at 9.30 am a verbal request to meet.

So what is in fact happening is that we are being promised legislation to control the transaction of Public Money and while that is being refined, the government is not implementing the Uff recommendations. Which means that there is the same scope for waste, nepotism and theft as in the past.

At this point we have to ask whether that was purely an election promise to implement the Uff recommendations.

We are directly asking the Prime Minister -

'What is the meaning of these delays?'

We are suffering from a broken election promise. That much is plain...

Is this administration serious in dealing with the theft and waste of Public Money, the nepotism?

If the election promise to implement the 91 recommendations of the Uff Report had been followed, we would be reporting to you on a more positive note.

Not one State Enterprise is in compliance with the Uff Report. Not a single one –

Some of the relevant Uff Report recommendations –

- #17 – *User groups and other interest groups should be properly consulted on decisions regarding public building projects, to ensure that relevant views can be expressed at the appropriate time and taken into account before decisions are made. **Judicial Centres, Invader's Bay, San Fernando Waterfront development, Couva Children's Hospital, UWI Debe***
- #38 - *It should be the responsibility of all Government Agencies and of Ministers to ensure that, in any tender situation, it is clear beyond doubt what rules are applicable to the tender process and that those rules are readily available and clear. **Invader's Bay and ARIMA Hospital.***

- #39 – *The reviewing of tenders and the making of decisions upon the award of contracts should be undertaken in as transparent a manner as possible, including demonstrating clear compliance with procurement rules, so as to allay suspicion of improper actions or potential corrupt influences. **UDECOTT, ETeck and UWI Debe.***
- #42 - *The Government's policy on the use of foreign contractors and consultants for public construction projects should be transparent and open to review. **No Government policy exists on Local Content or Foreign Participation as per this recommendation. We are now facing a fresh wave of Government to Government arrangements with no attempt to decide or even discuss a National Strategy.***
- #43 - *Local contractors and consultants who compete with foreign companies should be provided with the same or equivalent benefits as enjoyed by those foreign companies and should be protected from unfair competition through matters such as soft loans. **No Government policy exists as to the creation of financial instruments to protect local industry.***

The Uff Report was produced after over \$65M in Public Money was spent, so we need to ask

'What is the use of all that expense and effort if we are going to ignore the learning?'

The first wave of Political battle here was on the anti-colonial struggle and now, even after 1970 and even now with some of those leading elements from 1970 taking part in this government, we are seeing a grim neo-colonial situation taking shape.

The Government to Government arrangements are detrimental to our country and they have been completely discredited in our experience.

We are witness to a decision-making process that has plagued this country over the last fifty years. A process in which self-reliance is not an option. A process which has led to the destruction of our national psyche and the promotion of crime.

In 2010 the Nigerian government passed a law to secure proper local content in their key industries and our colleague from the Local Content Chamber will be touching on that, let us just note that there are progressive examples emerging.

The JCC and our Kindred Associations are not going to stand by in silence as this destruction continues to take place.

Some of the engagements we are proposing include –

- Immediate establishment of a working party to implement all the Uff Report recommendations
- Immediate passing of proper procurement legislation
- Civil Society participation in our country's Work Permit process to monitor the importing workers to add to our unemployment.

- Greater staffing levels and enforcement of OSHA standards as required by law so as to promote workplace safety. Civil Society oversight is required to ensure that compliance.
- The implementation of measures with civil society oversight to ensure that our labor laws are followed. The wage structure of all contractors should be stated at tender stage.
- In all projects in the tender documents a provision for the declaration of the foreign exchange requirements. In addition the evaluation procedures should take into account not only lowest tender price but the foreign exchange requirements of the project. Civil Society oversight is also required in this regard.
- The implementation of an effective series of measures to secure payments for local sub-contractors in all situations.
- Full enforcement of the existing legal standards with respect to the registration of architects, engineers and surveyors.
- The provision of reasonable time frames for tendering and implementation of all projects consistent with international best practice.

Thank You.

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