



CIPRIANI COLLEGE
OF LABOUR AND CO-OPERATIVE STUDIES

Lag screws

E

Line + Hose
Clamps

1/8" Pipe

1/8" Pipe

1/4" Pipe

3/8" Pipe

1/2" Pipe

1/2" Pipe

3/4" Pipe

WORK MATTERS

COLUMN

June 2023

The Procurement Legislation Is Only One Tool In The Toolbox

The Public Procurement and Disposal of Public Property Act 2015 is finally fully proclaimed with regulations to address specifically, problems associated with the process of procurement in public projects in Trinidad and Tobago. But procurement is not the only aspect of public works. Challenges also exist in the areas of governance and project management as identified previously by a government special committee and a commission of inquiry. Both reports found that all aspects of public works in Trinidad and Tobago was fraught with mismanagement. Although recommendations for better policies and practices were put forward to improve the systems, allegations of mismanagement continue.

As far back as the 1970s, there were significant issues with the procurement and management methods used. The system that was in place was an arrangement whereby foreign governments supplied contractors to the Government of Trinidad and Tobago (GovTT) for undertaking the quantity of works fuelled by significant increases in oil finds. This arrangement failed in procurement, governance and management of the works.

The then government commissioned a special committee headed by Mr. Lennox Ballah, Permanent Secretary in the Ministry of External Affairs and included Professor I.D.C. Imbert, Dean of the Faculty of Engineering, University of the West Indies. The Ballah report of 1982 on the government-to-government arrangements reviewed the efficiency of the existing framework for project implementation and monitoring of notable projects such as the Mt. Hope Medical Complex supported by the Government of France, the Financial Complex and Hall of Justice supported by the Government of the United Kingdom and the Golden Grove Prison Complex supported by the Government of Canada. Ballah's report indicated the extent of procurement issues experienced, including issues with the procurement methods, cost overruns, late delivery and the lack of project management.

One of the major recommendations of Ballah was the

implementation of project management practices to monitor and control projects. According to the report, "If existing government-to-government arrangements are allowed to continue, then adequate and effective project management systems (including managerial, professional and technical skills on a full-time basis) should be put in place for each project. In fact, all government projects should be project-managed."

In 2010, twenty-eight years after the Ballah report, the GovTT experienced another uptick in increased revenues due to natural reserves. They then decided to use State-Owned Enterprises (SOE) such as the Urban Development Corporation of Trinidad and Tobago (UDECO) and Education Facilities Company Limited (EFCL) to deliver infrastructure. As the project governance frameworks were developed through trial and error, issues plaguing the construction industry such as allegations of improper procurement of contractors and project cost and time overruns, remained. This led to the setting up of the Professor John Uff Commission of Inquiry into the Construction Sector. One recommendation from the Uff, 2010 report states that "Good project management includes (a) monitoring all project activities (b) taking action pro-actively to avoid foreseeable delay, including (c) identifying and resolving design errors in a timely manner (d) controlling the timing of unavoidable variations and (e) when appropriate, freezing the design. Project Managers who fail to perform adequately must be held to account."

To adopt the recommendations put forward by Ballah and Uff, the employment of a project governance framework is necessary, the implementation of which would lead to a standardized approach across state agencies. The procurement legislation is only one piece of legislation in a governance framework. Countries such as the United Kingdom, Norway, Canada and Ethiopia have introduced basic project management principles and frameworks of project governance that can be applied. The United States ensures that project, program, and procurement management are infused into their consti-

tutional framework via The Program Management Improvement and Accountability Act of 2015 (PMIAA). Paraguay, Ecuador and Chile have conducted several reforms of their SOEs and State Agencies for developing their public project governance framework as stated in the Inter-American Development Bank 2015 report.

These countries ensure their project governance framework includes project management standards for timeliness, costing, quality and procurement. This includes the use of qualified and licensed personnel for planning, and implementing projects. Inherent in these governance frameworks is the demand for sufficient upfront planning, including the development of the priority listing of public projects which give stakeholders, including local contractors, the opportunity to prepare and improve their capabilities and capacities.

The Public Procurement and Disposal of Public Property, Act 2015 ensures improvements in the selection of suppliers and contractors undertaking projects as reflected in the regulations for pre-qualification, selection and evaluation methods. While this is a good measure, maybe the time has come to adopt a project management governance framework model as used by the developed world to oversee and manage all aspects of public projects.

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