



**CIPRIANI COLLEGE**  
OF LABOUR AND CO-OPERATIVE STUDIES

# WORK MATTERS

**COLUMN**

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# Transparent Procurement toward a better nation.

The full proclamation of the Public Procurement and Disposal of Public Property Act, no 1 of 2015 in Trinidad and Tobago is a major milestone. This is noteworthy as it relates to the appropriate management of government projects, goods, and services. For a long time, the absence of procurement laws in Trinidad and Tobago led to an absence of faith and credibility in government procurement processes. Contracts and Projects were often awarded without a competitive bidding process, and bias appeared out of control. The impact was publicly noted in projects such as The Piarco Airport in 1995 and the Life Sports Program in 2014.

Most professionals in the fields of procurement, project management, and construction understand what this means, but what does it mean for the citizens of Trinidad and Tobago? How does this milestone benefit, not just this generation but future generations as well? How does this proclamation contribute to the sustainable development goals of our country? I am suggesting that when adequately resourced and operationalized by the government, the Act will help in providing improved public project delivery in infrastructure, utilities, and social and national security projects, amongst others.

The procurement bill was under discussion for years and though further clarification was given on amendments before full implementation, for citizens adoption of this Act is a step in the right direction. In past years, many suppliers, consultants, and contractors may not have met the required scope of work in delivering projects in the public sector and were not properly held accountable for shoddy works or services. For far too long those with access to extra resources have not been adequately disciplined or penalized for “wrongdoing” in capital projects. Society can’t be allowed to descend to one where misconduct is rewarded, and ethical behavior is penalized.

Implementation of the Act should bring about the positive impact that we hope to see when providing public goods and services to citizens, regardless of location

in the country. The absence of procurement proclamation promotes the absence of consequence, such that suppliers or contractors who deliver tawdry or inferior works to citizens will continue to deliver poor quality products and projects across government ministries e.g., road rehabilitation works, purchasing public utility equipment and rural drainage construction. This law is therefore important as it has the potential to transform behavior in this country, not just at a financial level but at a moral and organizational level, such that if each of us does the right thing, our country will progress. Based on what is going on in our country today these are principles that are paramount to defend.

Some may say when the law is implemented that it can indeed be effective in dealing with some of the issues mentioned earlier. However, this law has the potential to disturb or muddle existing arrangements, and the time has come for persons responsible for suitable procurement processes and practices to stop hiding behind the typical “corporate veil” of just paying a fine and no one is held accountable, for example, the Court of Appeal order on the state for San Fernando Harbor development project in 2019. For the first time in our country’s history, this law identifies a person (the Chief Procurement Officer) to have oversight for any negligence or misconduct in the procurement process, with sanctions for wrongdoing.

Proclamation towards a better nation can also impact the private sector or state companies in how they select suppliers or contractors to do work at their organizations. This means that if a contractor or supplier, for example, is removed from the qualified list of vendors by any state organization, this will be transparent to other state organizations, The reason for removal will also be noted for transparency and full disclosure. The new legislation guides contractors and suppliers to register with the Office of the Procurement Regulator (OPR) and to provide the required information for pre-qualification assessment before being allowed to provide services to public bodies. In this way, potential buyers of services

will be aware if there are any pending court matters between the contractor or supplier and any other company.

This move towards increased transparency and fairness in public procurement processes is not only significant for the government and businesses in Trinidad and Tobago but also for the citizens on whose behalf, the goods and services are being procured. The Procurement Act will help to prevent corruption and favoritism when selecting contractors or suppliers for public goods, services, and projects, thereby promoting trust and efficiency in government expenditure, which can attract foreign investment and increase economic growth.

Whilst no law is perfect or a panacea, continuous improvement should be pursued, not only to gain financial benefits but also toward the restoration of the country's order and stability.

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