



## **Roadmap for Compliance with the Public Procurement and Disposal of Public Property Act 2015 (as amended)**

*This Roadmap for Compliance with the Public Procurement and Disposal of Public Property Act, 2015 (as amended) (hereinafter referred to as the Act) has been developed by the Office of Procurement Regulation (OPR) to assist Public Bodies with fulfilling the requirements of the Public Procurement and Disposal of Public Property Act, 2015 (as amended). To assess your Public Body's Readiness for Full Proclamation of the Act complete the Readiness Assessment checklist.*

- 1. Develop and Implement a Code of Conduct for Public Procurement, Retention and Disposal of Public Property in keeping with the objects of the Act.**
  - a. The code of conduct will establish a standard of conduct for Public Officers involved in procurement and disposal of public property. The Board and Management must also demonstrate their commitment to the contents of the code of conduct and the objects of the Act through their actions and behaviours.
  - b. Develop and implement a training plan for staff and stakeholders to ensure a shared understanding of the values of the code of conduct including confidentiality in the procurement and disposal processes
  
- 2. Establish an Internal Control Framework for Procurement, Retention and Disposal of Public Property.**
  - a. An internal control framework is the mechanism which will provide Public Bodies with reasonable assurance that its objectives will be achieved and to ensure

effectiveness and efficiency of operations. A robust internal control framework enables executive management of the Public Body to identify and respond to risks that may impact the achievement of the objectives of the public bodies and to safeguard the resources entrusted to them.

- b. Ensure adequate segregation of responsibilities in the procurement function.
3. Undertake a needs assessment and determine Procurement, Retention and Disposal capacity needs.
- a. Assess the procurement, retention and disposal capacity needs based on the mandate and the level of expenditure of the public body.
  - b. Establish an organisational structure and the delegation of authority for the management and execution of procurement, retention and disposal.
  - c. Establish Functional Responsibilities and Reporting Relationships within the Public Body and the Procurement and Disposal Units. *[Accounting Officers as defined by the Exchequer and Audit Act, Chapter 69:01 Section 2 Part I, are accountable for the procurement performance of their respective procuring entities. Accounting Officers may delegate responsibilities for tasks associated with the management of procurement and the disposal of public property to procurement staff within their respective Public Bodies.]*
  - d. Establish job descriptions and budget(s) for the recruitment, training, development and retention of the staff required. *[Cabinet by Minute No. 7 of January 5, 2017 approved the proposed organisational structure for large, medium and small Ministries/Departments/State Agencies and the Job Descriptions for the Chief Procurement Officer ('Named' Procurement Officer), Senior Procurement Officer and Procurement Officers. Additionally, circular number 3 of 2018 issued by the Chief Personnel Officer to all Permanent Secretaries, Heads of Departments, Chief Administrator, Tobago House of Assembly and Heads of Statutory Authorities subject to the Statutory Authorities Act, Chapter 24:01 addresses the changes in Administrative Arrangements in respect of contract employment in the Public Service (Procurement), specifically salaries and job descriptions. These documents can be consulted for further guidance.]*

- e. Obtain approval for the Procurement Unit and associated budget.

**4. Establish the Procurement and Disposal Function and inform the Office of the ‘Named’ Procurement Officer.**

- a. Hire/Appoint a ‘Named’ Procurement Officer who will be responsible for public procurement and the disposal of public property for your public body. *[The ‘Named’ Procurement Officer is the person defined in the Public Procurement and Disposal of Public Property Act, 2015 at Section 61 (2).]*
- b. Notify the Office, in writing, of the name and designation of the ‘Named’ Procurement Officer as required by the Act.
- c. Recruit, develop and retain competent individuals for the Procurement and Disposal Units based on the approved organisational chart and job descriptions.
- d. Assign two (2) trained Technically Capable Public Officers for Stores & Inventory Management.

*[One Officer from within the Finance/Accounting Department who will be the single point of accountability to perform the following functions in relation to the effective retention of public property:*

- a) Monitoring the accuracy and usefulness of the public property records;*
- b) Establishing the procedures for the protection of the public property;*
- c) Conducting initial and periodic physical inventories of the public property;*
- d) Verifying items identified for disposal; and*

*Another Officer to effectively manage and record the receipt, storage, issuance and disposal identification of personal property under the Public Body’s purview].*

**5. Develop Handbooks and Guidelines and establish support systems for Procurement and Disposal.**

- a. Develop handbooks and guidelines in relation to public procurement and disposal of public property based on the model handbooks and guidelines issued by the

Office. Public Bodies may adopt the model handbooks and guidelines issued by the Office or use the guidelines issued by the Office as a model for developing its own special guidelines, which requires the approval of the OPR. *[Where the Public Body adapts the model handbooks and guidelines for its own use, the Public Body must inform the Office of this decision. Where the Public Body chooses to adapt the model handbooks and guidelines issued by the Office the Public Body must:*

- 1) Map all changes (inclusions, edits, deletions) against the model guide.*
- 2) Obtain internal approval for these Special Handbooks and Guidelines*
- 3) Submit a copy to the Office for review and approval.]*

- b. Establish a system to assess risk by applying appropriate tools such as SUPREM or other applicable risk assessment tools.
  - c. Establish a Procurement Records and Information Management System. This system should retain hard and electronic copies of records of procurement proceedings. These records shall be retained for a minimum period of seven (7) years unless the procurement activity is the subject of an investigation. Public Bodies are also required to maintain records of personal property owned and real property under its purview.
  - d. Establish a 'Stores and Inventory Management System'. The management system shall include economic order quantities, reorder levels, and where appropriate buffer stock. Where possible the system shall be in electronic format to ensure maximum efficiency.
  - e. Implement measures to safeguard public property based on the risks identified.
- 6. Appoint Procurement and Disposal Advisory Committee (PDAC) and the Disposal Committee.**
- a. Accounting Officer appoints Members and Alternate Members of PDAC. PDAC should comprise of the Head of Legal, Head of Finance and the Subject Matter

Expert for the specific procurement activity. *[In the absence of the requisite internal resources you can obtain the assistance of experts from other Public Bodies or hire such resources for high value procurements.]*

- b. Appoint the Disposal Committee and alternate members of the Disposal Committee. This Committee should comprise of a Senior Procurement Officer, the assigned Stores or Asset Officer and the Subject Matter Expert for the specific disposal activity.

## **7. Conduct Training and Capacity Building.**

- a. Provide internal sensitisation training to staff on the Act, Handbooks and Guidelines and Special Guidelines approved by the OPR for the Public Body and the internal systems established for procurement, retention and disposal of public property.
- b. Continuously assess procurement capacity against training and certification standards established by the OPR and research undertaken internally to promote best practices in procurement.
- c. Provide training opportunities to procurement and disposal staff based on any gaps identified in performance/competence.

## **8. Prepare Annual Procurement Plan and Annual Schedule of Planned Procurement Activities.**

- a. The 'Named' Procurement Officer must prepare the Annual Procurement Plan and the Annual Schedule of Planned Procurement Activities within six (6) weeks of the approval of the National Budget. *[The Annual Procurement Plan provides details of the items to be procured for the period, risk and market analyses, procurement strategies and objectives, and contract management strategies for the spend categories. The Annual Procurement Plan should be developed in collaboration with the Public Body's budget holders. The Annual Schedule of Planned Procurement Activities is a tabular representation of information regarding all planned procurement activities for the twelve (12) month fiscal*

*period. Public Bodies can refer to the General Guideline: Developing the Annual Procurement Plan for these templates.]*

- b. Obtain the approval of the Accounting Officer.
  - c. Submit the Annual Procurement Plan to the Office for its review and noting within six (6) weeks of the approval of the National Budget.
  - d. Publish the Annual Schedule of Planned Procurement Activities on the Public Body's website, or in any other electronic format. *[This publication must be done within six (6) weeks of the approval of the National Budget.]*
- 9. Establish a mechanism for compliance with the Reporting Requirements in the Act and fulfil obligations.**
- a. *Publish notice of the award of procurement contracts or framework agreements on the Public Body's website, upon entry into force of contract or conclusion of a framework agreement.*
  - b. *Prepare and submit Quarterly Reports to the Office.* The 'Named' Procurement Officer must submit a report of all contracts to the Office no later than three (3) weeks after the end of each quarter. *[The Office is establishing a database to be used by Public Bodies to assist in the preparation of this report.]*
  - c. *Prepare and submit the Annual Procurement Performance Report to the Office within six (6) weeks of the end of the fiscal year. [The Annual Procurement Performance provides details of the performance of the procurement function during the fiscal year, comparing planned with actual activities and outcomes for each category of expenditure. This report is must be developed by the 'Named' Procurement Officer, approved by the Accounting Officer and submitted to the Office of Procurement Regulation. The report provides details of the performance of the procurement function during the fiscal year, comparing planned with actual activities and outcomes for each category of expenditure.]*
  - d. *Prepare and submit other reports as requested by the Office.* The Office may require that Public Bodies provide information on matters relating to procurement, retention and/ or disposal of public property. The Public body will be required to

prepare and provide the report in the manner and format, and within the timeframe stipulated by the Office.

**10. Establish an Internal System to Monitor Performance.**

- a. Monitor the execution of the procurement and disposal function against plans and identify weaknesses/ gaps in the process or performance.
- b. Implement measures to improve the performance of the procurement and disposal function.