

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC
PROPERTY (RECORD OF PROCUREMENT PROCEEDINGS)
REGULATIONS, 2021

Arrangement of Regulations

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LEGAL NOTICE NO. 33

REPUBLIC OF TRINIDAD AND TOBAGO

THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY ACT, 2015

REGULATIONS

MADE BY THE MINISTER, ON THE RECOMMENDATION OF THE OFFICE OF
PROCUREMENT REGULATION UNDER SECTION 63 OF THE PUBLIC
PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY ACT AND
SUBJECT TO AFFIRMATIVE RESOLUTION OF PARLIAMENT

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC
PROPERTY (RECORD OF PROCUREMENT PROCEEDINGS)
REGULATIONS, 2021

1. These Regulations may be cited as the Public Procurement and Disposal of Public Property (Record of Procurement Proceedings) Regulations, 2021. Citation

2. In these Regulations, “record” means the record of procurement proceedings referred to in regulation 3. Interpretation

3. A procuring entity shall maintain an easily accessible and retrievable record for each procurement proceeding, which shall be marked with the record management reference number. Requirement to keep record

4. Where appropriate, a record shall contain the original and a copy of the information, document and communication related to the procurement proceeding, including but not limited to the following information that is not contained in the proposed procurement plan: Content of record

- (a) the document indicating approval to execute the various stages of the procurement proceeding;
- (b) the complete bidding document;
- (c) a description of the object of the procurement;
- (d) a list of each participating supplier or contractor and his qualification;
- (e) the reason for limiting participation, where participation is limited;
- (f) any request for clarification and the relevant response;
- (g) the reason for the cancellation of bids, where the bids are cancelled;

- (h) a statement of the reason for choice of the procurement method;
- (i) the tender price;
- (j) a summary of the evaluation of submissions, including the reason for the rejection of an abnormally low bid;
- (k) a decision to conduct a procurement without a standstill period and the reason for the decision;
- (l) a decision to suspend a standstill period;
- (m) the signed contract;
- (n) a decision of the Office pursuant to its review and the reasons for the decision; and
- (o) such other information required by the Office.

Disclosure and
retention

5. (1) A record shall be prepared and disclosed in a manner that avoids the disclosure of proprietary commercial information.

(2) A record shall, upon request, be made available to any person after submission has been accepted, unless any portion of the record is required to be disclosed earlier pursuant to law, or by order of the Office, Public Procurement Review Board, a competent court or a duly appointed arbitrator.

(3) A record shall be kept for a minimum period of seven years following completion or termination of the contract or the cancellation of a procurement proceeding save and except for any investigation, litigation or review by the Office or any competent authority.

Format of
Procurement
Records

6. (1) Procurement records shall be accurately maintained and kept up to date and may be in electronic form.

(2) Where procurement records are in electronic form, the procuring entity shall establish and maintain measures to safeguard the integrity, reliability and accuracy of the records.

Reporting

7. A procuring entity shall submit a summary of the report of its procurement activities to the Office in accordance with the handbooks and guidelines, approved for the entity by the Office.

Dated this 13th day of December, 2021

C. IMBERT
Minister of Finance

Approved by the Senate this 8th day of February, 2022.

K. MOTTLEY
Acting Clerk of the Senate

Approved by the House of Representatives this 14th day of January,
2022.

B. CAESAR
Acting Clerk of the House