Third Session Twelfth Parliament Republic of Trinidad and Tobago

REPUBLIC OF TRINIDAD AND TOBAGO

# Act No. 13 of 2023

[L.S.]

AN ACT to amend the Public Procurement and Disposal of Public Property Act, 2015 and to validate the non-laying of statutory instruments as required under section 7(7) of the Public Procurement and Disposal of Public Property Act

*[Assented to 26th July, 2023]*

WHEREAS the Public Procurement and Disposal of Public Property Act, 2015 in section 7(6) provides that the Act shall not apply to certain services and further provides that the Minister may by Order determine other services: Preamble

And whereas section 7(7) provides that the Order is subject to affirmative resolution of Parliament but incorrectly states that the Order is made under subsection 7(5) instead of 7(6):

And whereas Legal Notice No. 206 of 2023 and Legal Notice No. 164 of 2023 were promulgated but not laid:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title

**1.** This Act may be cited as the Public Procurement and Disposal of Public Property (Amendment and Validation) Act, 2023.

Interpretation No. 1 of 2015

**2.** In this Act, "the Act" means the Public Procurement and Disposal of Public Property Act.

Section 7 amended

**3.** Section 7 of the Act is amended—

*(a)* in subsection (6), by deleting paragraph *(e)* and substituting the following:

"*(e)* such other services as the Minister may, on the recommendation of the Office or upon the initiative of the Minister with the agreement of the Office, by Order, determine.";

*(b)* in subsection (7), by—

(i) deleting the words "(5)" and substituting the words "(6)*(e)*"; and

(ii) deleting the word "affirmative" and substituting the word "negative".

Section 58A inserted

**4.** The Act is amended by inserting after section 58, the following new section:

"Exemption from this Act

58A. Subject to regulations made under section 63, the procurement of goods and services up to one million dollars are exempt from the procurement requirements under this Act.".

**5.** Section 63 of the Act is amended— Section 63 amended

*(a)* in subsection (1)—

(i) by deleting the *chapeau* and substituting the following:

"The Minister may, on the recommendation of the Office or upon the initiative of the Minister with the agreement of the Office, make regulations to give effect to the provisions of this Act, including regulations with respect to—";

(ii) in paragraph *(a)*, by deleting the words "; and" and substituting the word ";";

(iii) in paragraph *(b)*, by deleting the word "." and substituting the words "; and"; and

(iv) by inserting after paragraph *(b)*, the following new paragraph:

"*(c)* the procedures for the procurement of goods and services up to one million dollars under section 58A.";

*(b)* in subsection (3), by deleting the word "affirmative" and substituting the word "negative"; and

*(c)* by inserting after subsection (3), the following new subsection:

"(4) Regulations made under section 63(1)*(c)* shall provide for the contracts awarded to be reported to the Office.".

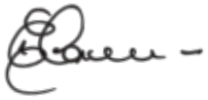
Validation

**6.** All statutory instruments, including Legal Notice No. 206 of 2023 and Legal Notice No. 164 of 2023, purported to be made under section 7(6) of the Act and all acts or contracts done and things purported to be done pursuant to those instruments, are deemed to be lawfully and validly made and done to the extent that they would have been lawfully and validly made and done had the instruments complied with the requirements of section 7(7) of the Act.

Passed in the House of Representatives this 19th day of July, 2023.

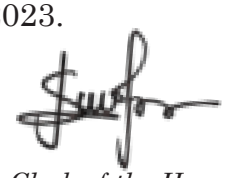
*Clerk of the House*

Passed in the Senate this 21st day of July, 2023.



*Clerk of the Senate*

Senate amendments were agreed to by the House of Representatives this 24th day of July, 2023.



*Clerk of the House*

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