THE OFFICE OF PROCUREMENT REGULATION
ACCOUNTABILITY | INTEGRITY | TRANSPARENCY | VALUE FOR MONEY

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PUBLIC ADVISORY #24

FEES ASSOCIATED WITH AVAILABILITY OF BIDDING DOCUMENTS CONTRARY TO REGULATION 22 (3) OF THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (PROCUREMENT METHODS AND PROCEDURES) REGULATIONS, 2021

Regulation 22 (3) of the Public Procurement and Disposal of Public Property (Procurement Methods and Procedures) Regulations, 2021, provides that:

> *"The **bidding document may be made available in electronic or hard copy format** to suppliers and contractors. **A cost, if any,** to be charged for the bidding document **shall only reflect the cost of printing and distribution of a hard copy."***

Public bodies are thus advised, that where a cost is to be charged for bidding documents, such cost should **only reflect the cost of printing and distribution** for a hard copy and **should not** include any additional costs that may be incurred by public bodies. The legislation **does not provide** for a cost to be attached to **the provision and distribution of electronic copies**.

Moreover, public bodies are reminded of Regulation 7 of the Public Procurement and Disposal of Public Property (Miscellaneous) Regulations, 2021, which states that:

> *"A person who contravenes these Regulations **commits an offence and is liable on conviction to a fine not exceeding one million dollars and imprisonment for five years."***

Public bodies are further reminded of the OPR's powers pursuant to section 14 of the Public Procurement and Disposal of Public Property Act, 2015, as amended ("the Act"), in particular, the following:

> *"14. (1) In the performance of its functions, the Office may –*
>
> *(a) **monitor the procurement of goods, works and services**, and the disposal of public property, by public bodies to ensure compliance with this Act;*
>
> *...*
>
> *(c) **issue directions to public bodies to ensure compliance with this Act;** and*
>
> *(d) carry out such other activities and do such other acts as it considers necessary or expedient for the carrying out of its functions.*
>
> *(2) A public body or person who, without reasonable justification, **fails to comply with a direction issued under this Act commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars."***

Therefore, in exercise of its authority under section 14 (1) of the Act, the OPR hereby requests that all public bodies comply with Regulation 22 (3) (supra).

Should you have any questions or require further clarification regarding the above information, please do not hesitate to contact the OPR for assistance using the following support channels:

- Telephone – (868) 627-4677 • Email – support@opr.org.tt

The public is reminded that the OPR is a body corporate established pursuant to the Act, which aims to provide for public procurement, and for the retention and disposal of public property **in accordance with the principles of good governance, namely accountability, integrity, transparency, and value for money.**

Beverly Khan
Chairman/Procurement Regulator
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