CAF/OPR PANEL & ROUNDTABLE DISCUSSION
'BEST PRACTICES FOR PUBLIC PROCUREMENT REFORM'
CHAIRMAN/PROCUREMENT REGULATOR'S WELCOME REMARKS
HYATT REGENCY – AUGUST 29TH 2024

Mr. Bernardo Requena, Country Representative for the Development Bank of Latin America and the Caribbean (CAF) in Trinidad and Tobago

CAF Executive members and other CAF representatives

Members of the Procurement Board of Trinidad and Tobago

Directors, Chairmen, CEOs, other Executives and representatives of Public Bodies, and Private Sector and Civil Society Organisations

Representatives of the Inter-American Development Bank

Former Chairman/Procurement Regulator of the Procurement Board of Trinidad and Tobago (online) and other former members of the Procurement Board of Trinidad and Tobago

Esteemed panellists

Management and staff of the Office of Procurement Regulation

Other Stakeholders joining us online via Zoom and Facebook

Ladies and Gentlemen, Good Morning.

It is my absolute pleasure to warmly welcome you all to this Panel and Roundtable Discussion which is a collaborative endeavour of the Development Bank of Latin America and the Caribbean (CAF) and the Office of Procurement Regulation (OPR). I also want to acknowledge at the outset, the support of the Ministry of Finance in facilitating access to CAF funding for this event and for a major capacity building initiative of the OPR to be executed within the next 6 months.

This is the Second Roundtable Discussion hosted by the OPR, with the first having taken place almost two years ago. The intent, then as it is today, is to engage in a very meaningful, pragmatic and intellectually stimulating exchange with stakeholders and partners to spur progression of the new regime for public procurement in Trinidad and Tobago. Two years ago, the focus of the discourse was on the powers of the OPR under the then partially proclaimed Act. Today, the magnifying lens is on 'Best Practices for Public Procurement Reform', and with good reason!

After nearly six (6) decades of navigating the pathway to public procurement reform, on April 26, 2023 the momentous full introduction of the new regime was achieved, not just by those who persevered and contributed to the cause along the way but, I daresay, by and for the people of Trinidad and Tobago. The stakes are high for all of us to work collaboratively and with a common purpose to make this long-pursued ambition a successful reality that serves as a cornerstone of national development. The need for constructive collaboration is now more required than before full proclamation and it must be conditioned with an understanding that the system is new for all of us, as we come to terms with the reality that the law now requires us all to be diligent and pursue the objects of the Act in every procurement and disposal process.

The 16 months since full proclamation of the Act has been a period of transformative change in public procurement, retention and disposal of public property in Trinidad and Tobago and this will be the reality for the next year and quite possibly for several years after that. Not surprisingly, and in this regard, Trinidad and Tobago is in no way unique, the disruption of the status quo has brought the convulsions associated with ***Unlearning the Old ….. and Embracing the New*** which the OPR selected as the theme for its inaugural report to the Parliament, covering the period April 2023- April 2024.

In preparing this Report, the OPR had to grapple with several complexities in the acquisition, consolidation and validation of the data required to undertake the analysis for reporting, in accordance with the requirements of the Act. In its engagement with public bodies, the OPR uncovered the prevalence of a sizeable capacity deficit, in terms of both competent human resources and systems and a general level of unpreparedness to operate in accordance with the new legislative framework. As a result, performance in terms of both compliance and reporting requirements was less than satisfactory. Reporting on contracts awarded was particularly disconcerting with too many public bodies either not reporting or partially reporting on contracts awarded.

This situation led us to conclude that public bodies have not grasped the gravity of non-compliance with the legislative framework that now governs public procurement and the disposal of public property in this country.

Indeed, many practitioners continue to struggle to navigate the new system amidst limited human resources, inadequate professional capacity, outdated policies and procedures, a lack of systems to support the new regime and the need for legislative and procedural enhancements.

The OPR also encountered its own challenges in meeting an avalanche of demands from public bodies for clarification, guidance and technical support while having to resolve issues with supplier and contractor registration and pre-qualification on the Procurement Depository.

On a positive note, the redress mechanisms provided for under the Act have taken root. In the past 16 months, 24 challenge proceedings have been initiated (10 within this month alone), 59 complaints have been received by the OPR (27 are under review by the Legal Department, 15 have been referred to the Audit and Investigations Department, 17 have been closed) and over 60 reports have been recorded on the whistleblowing platform.

In anticipation of the future, it is apparent to us at the OPR that there is still much more work to be done by Government agencies changed with human resource management and systematic change in the public service as well as by public bodies, suppliers and contractors and the OPR. Most importantly, there is a critical need for a culture shift that is grounded in, and champions the objects of the Act.

In these circumstances, learning from the best practice experiences of other jurisdictions in procurement reform will help to shape our understanding of, and devise workable approaches to resolving the impediments that will continue to come our way.

The OPR is optimistic that public procurement reform will redound to the benefit of Trinidad and Tobago as it has for other countries. Our optimism is conditioned with an understanding that such a monumental shift will require the benefit of time, collective will, the participation of all stakeholders and the regulatory oversight provided for in the Act through the OPR.

In closing, I wish to underscore that engagements such as the one we are embarking on today are integral to a very deliberate strategy on the part of the OPR to build strong, purposeful partnerships and networks with our stakeholders here in Trinidad and Tobago as well as with our counterparts regionally and internationally.

All of us have an important role to play in upholding the good governance principles that is in the DNA of the Act, the Regulations and the Handbooks and Guidelines and all of us also have a responsibility to remain watchful for those instances when these principles are violated, intentionally or not. The onus is on all of us to act and respond with a genuine intention not only to protect our own interest but also that of the wider public interest. Public procurement must work for the benefit of every sector – government, private and civil society and it must do so in full alignment with the objects of the Act.

To the CAF Representative in Trinidad and Tobago, I express gratitude on behalf of the Board of the OPR for partnering with us on this initiative today. We are also deeply grateful to other partners … the IDB and the OAS and to the many stakeholder bodies in the country for their continued vigilance.

I also welcome our regional partners who have realised success in their own public procurement reform initiatives even as we recognize that public procurement reform in Latin America and the Caribbean (LAC) has been part of the wider transformation of the public sector movement that started in the 1990s. While there has been a lot of progress in recent years, the majority of the initiatives have been dispersed and carried out in isolation. In that regard, in the Caribbean we have the opportunity to work together as a region through an exchange of knowledge and lessons learned. Addressing complex challenges from a regional perspective can help leverage scarce resources and enable countries at various stages in their reform agenda to support each other through collaboration.

Finally, I end with the assurance that the OPR remains committed and vigilant in our efforts to pursue, at all times, the objects of the Act and to resolutely uphold the law. We have a duty to enforce the requirements of the law and to exercise our powers in the conduct of that duty.

I thank you.