SENSITISATION SESSION: SIMPLIFIED PROCUREMENT REGULATIONS AND CONTRACT REPORTING REQUIREMENTS

Presenters: Ms. Melissa Ramkumarsingh
Ms. Devika Singh
Ms. Clessie-Ann Ellis

October 25, 2024

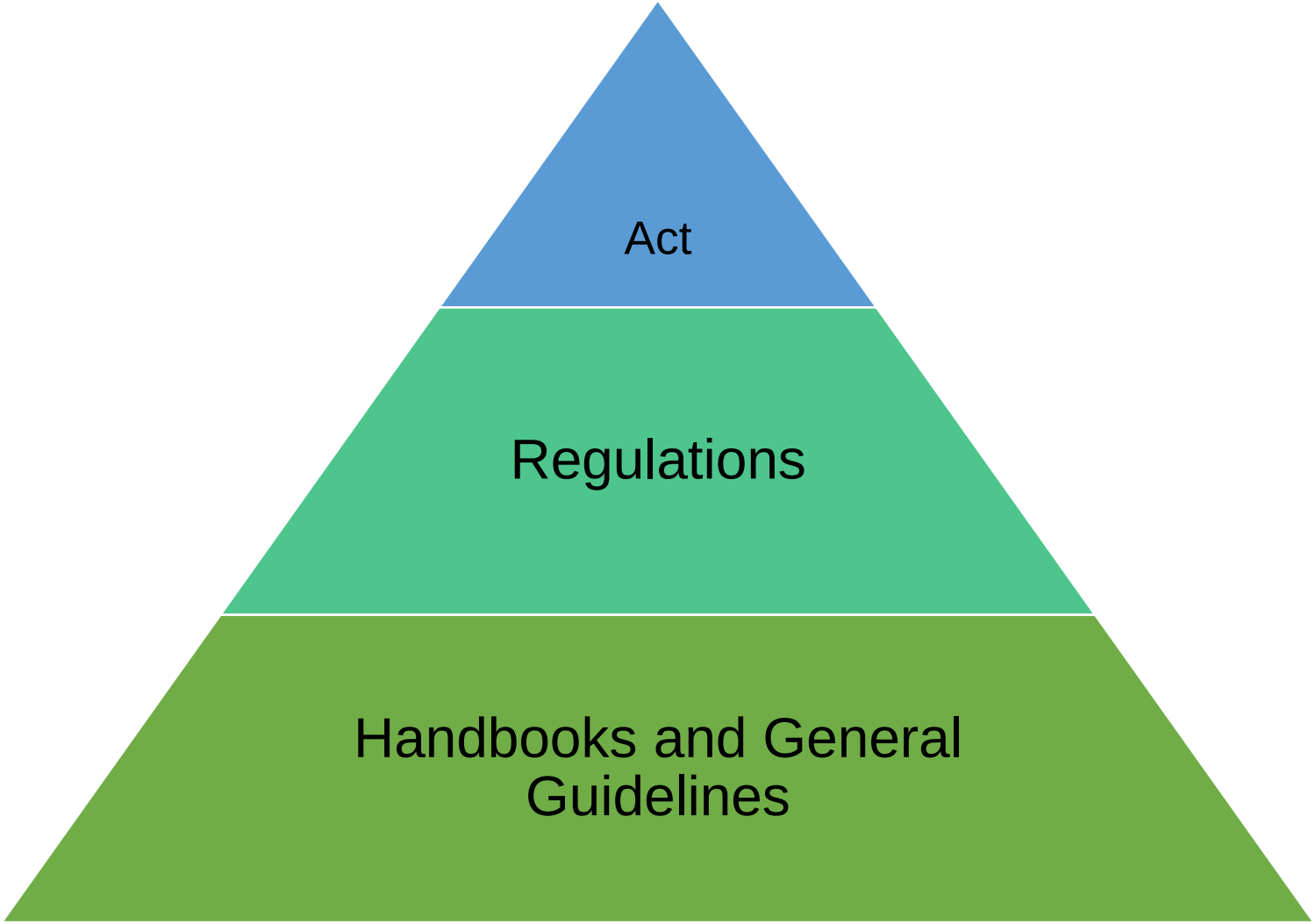
OPENING REMARKS

Ms. Beverly Khan
Chairman/Procurement Regulator

AGENDA

1. Brief Overview of the Public Procurement & Disposal of Public Property Act, 2015 (as amended)
2. The Simplified Procurement Regulations, 2024
3. Contract Reporting Requirements for Public Bodies

NEW PUBLIC PROCUREMENT FRAMEWORK



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BRIEF OVERVIEW OF THE PUBLIC PROCUREMENT & DISPOSAL OF PUBLIC PROPERTY ACT

ACT NO. 1 OF 2015

- "AN ACT to provide for public procurement, and for the retention and disposal of public property, in accordance with the principles of **good governance**, namely **accountability**, **transparency**, **integrity** and **value for money**, the establishment of the Office of Procurement Regulation, the repeal of the Central Tenders Board Act, Chap. 71:91 and related matters …"

PUBLIC BODY (SECTION 4 OF THE ACT)

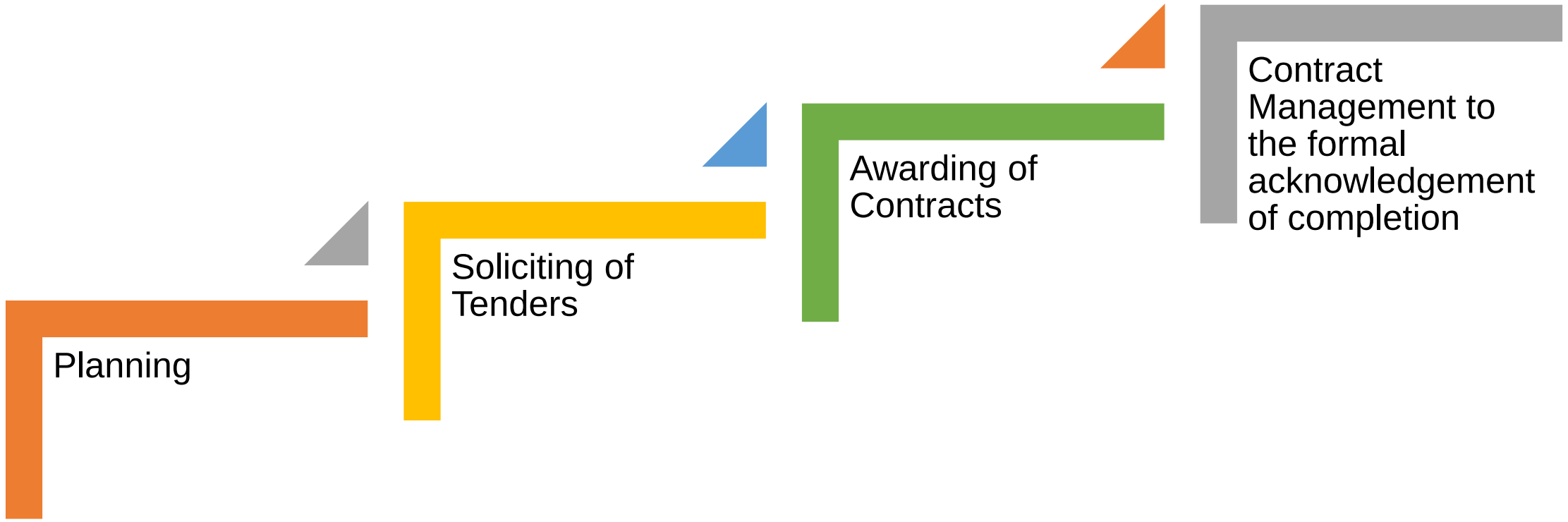
- The Office of the President
- The Parliament
- The Judiciary
- A Ministry or a department or division of a Ministry
- The Tobago House of Assembly, or a division of the Tobago House of Assembly
- A Municipal Corporation established under the Municipal Corporations Act
- A Regional Health Authority established under the Regional Health Authorities Act
- A statutory body, responsibility for which is assigned to a Minister of Government
- A State-controlled enterprise
- A Service Commission established under the Constitution or other written law
- A body corporate or unincorporated entity using public money

PUBLIC MONEY
(SECTION 4 OF THE ACT)

"Public money" means money that is—

(a) received or receivable by a public body;
(b) raised by an instrument from which it can be reasonably inferred that the State accepts ultimate liability in the case of default;
(c) spent or committed for future expenditure, by a public body;
(d) distributed by a public body to a person;
(e) raised in accordance with a written law, for a public purpose; or
(f) appropriated by Parliament.

PROCUREMENT PROCEEDINGS – SECTION 4



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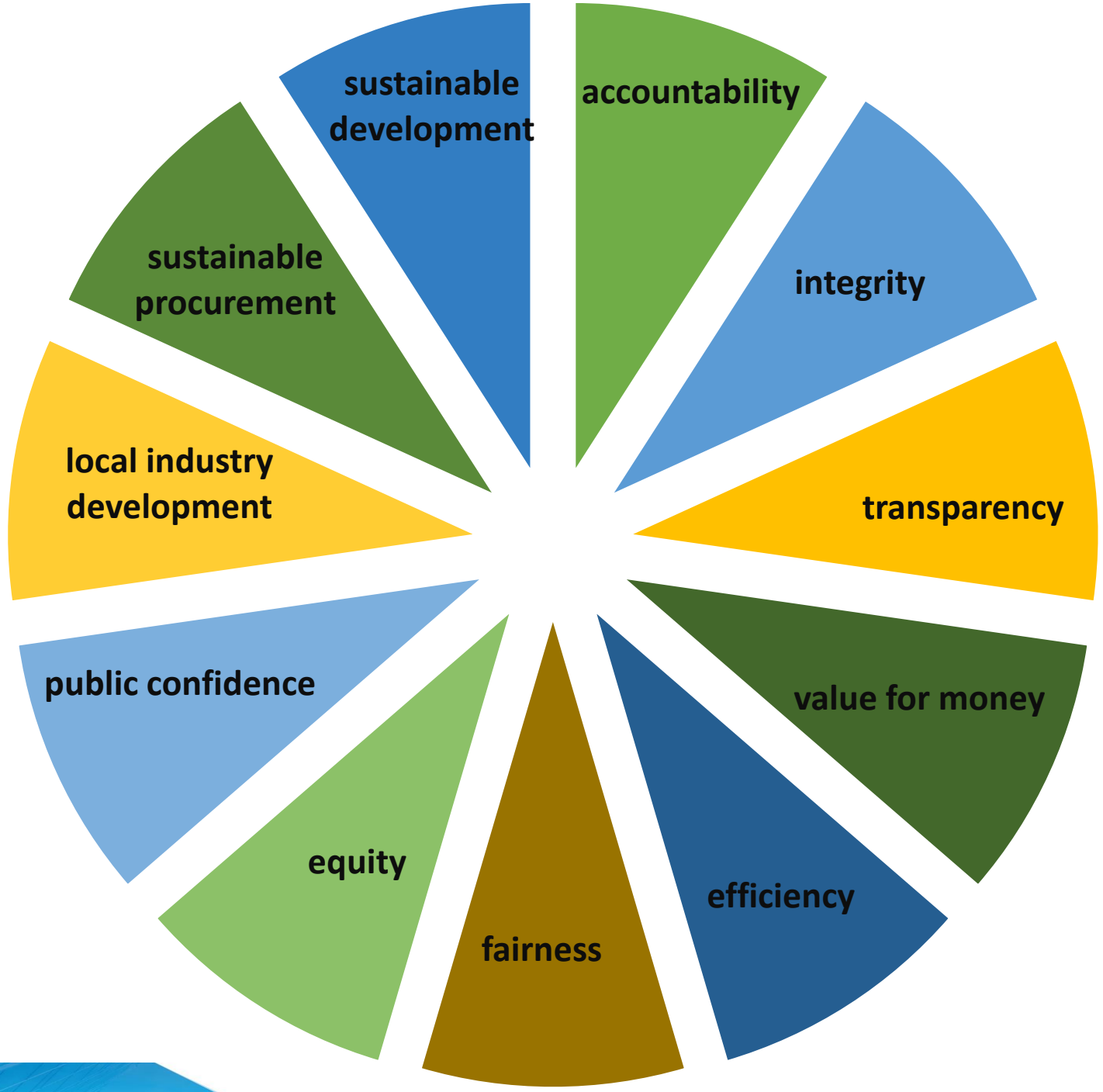
OBJECTS OF THE ACT (SECTION 5)



SYNOPSIS OF THE ACT: COMPLIANCE & ENFORCEMENT

- Any procuring of goods, works and services or retention or disposal of public property that is not done in accordance with the Act shall be void and illegal **– Section 6.**
- The **OPR** may conduct audits and periodic inspection of public bodies and issue directions to them – **Sections 13 & 14**
- The **OPR** has the power to investigate any alleged breaches of the **Act** and if of the view that an offence has been committed shall make a report to the **Director of Public Prosecutions Sections 41 – 48**
- The **OPR** must submit an Annual Report to the Parliament including the total number and value of contracts awarded by public bodies, the number of unfulfilled procurement contracts and those bodies that have failed to comply with the Act. – **Section 24.**

KEY PLAYERS IN THE PROCUREMENT & DISPOSAL PROCESS

- ✓Accounting Officer/ Chief Executive Officer or Equivalent
- ✓Procurement and Disposal Advisory Committee (PDAC)
- ✓Named' Procurement Officer (NPO)
- ✓The Disposal Committee

ACCOUNTING OFFICER / CEO OR EQUIVALENT

The Financial Regulations of the Exchequer and Audit Act set out the accountabilities of Accounting Officers as follows:

Section (4) An accounting officer shall be responsible for ensuring— (a) that the financial business of the State for which he is responsible is properly conducted; and (b) that public funds entrusted to his care are properly safe-guarded and are applied only to the purposes intended by Parliament

Section (5) All accounting officers are personally and pecuniarily responsible for— (a) the due performance of the financial duties of their departments; (b) the proper collection and custody of all public moneys receivable by them; and (c) for any accounts rendered by them or under their authority

PROCUREMENT AND DISPOSAL ADVISORY COMMITTEE (PDAC)

A procuring entity shall appoint a PDAC. PDAC shall review reports & recommendations for contract award & procurement proceedings and property disposal files & determines whether the following:

- Adherence to the Act, the Regulations, the Handbooks and Guidelines;
- Adherence to the approved procurement/disposal strategy; and
- Achievement of the objects of the Act

Recommended composition of the PDAC includes: the Corporate Secretary/Head of Legal, Head of Finance, Subject Matter Expert and such other members as may be necessary

Note: The PDAC may consult with the '**named**' procurement officer and/or the evaluation committee during its review of the proceedings.

WHO IS RESPONSIBLE FOR PROCUREMENT?

S. 61(2) For the purpose of this Act, a public body shall have a procurement officer who shall be responsible for public procurement and the disposal of public property for that body and shall notify the Office, in writing, of the name and designation of its procurement officer.

S. 61(3) A reference in this Act to the commission of an offence by a public body shall be construed as a reference to the commission of the offence by the procurement officer referred to in subsection (2) or an officer who purports to act in such capacity, if it is proved that—

(a) the offence was committed with his direct consent or connivance; or

(b) he, with knowledge, did not exercise reasonable diligence to prevent the commission of the offence.

THE DISPOSAL COMMITTEE

A public body shall establish a Disposal Committee (DC) comprising not less than three officers

The purpose of the Disposal Committee is to recommend the best method of disposing of unserviceable, obsolete or surplus stores or equipment

THE PUBLIC PROCUREMENT & DISPOSAL OF PUBLIC PROPERTY REGULATIONS

THE PP&DPP REGULATIONS

- Participation in Procurement
- Pre-qualification and Pre-selection
- Procurement Methods and Procedures
- Evaluation
- Procurement of Consultants
- Record of Proceedings
- Retention and Disposal
- Challenge Proceedings
- Ineligibility Proceedings
- Miscellaneous
- **Simplified Procurement Regulations 2024**

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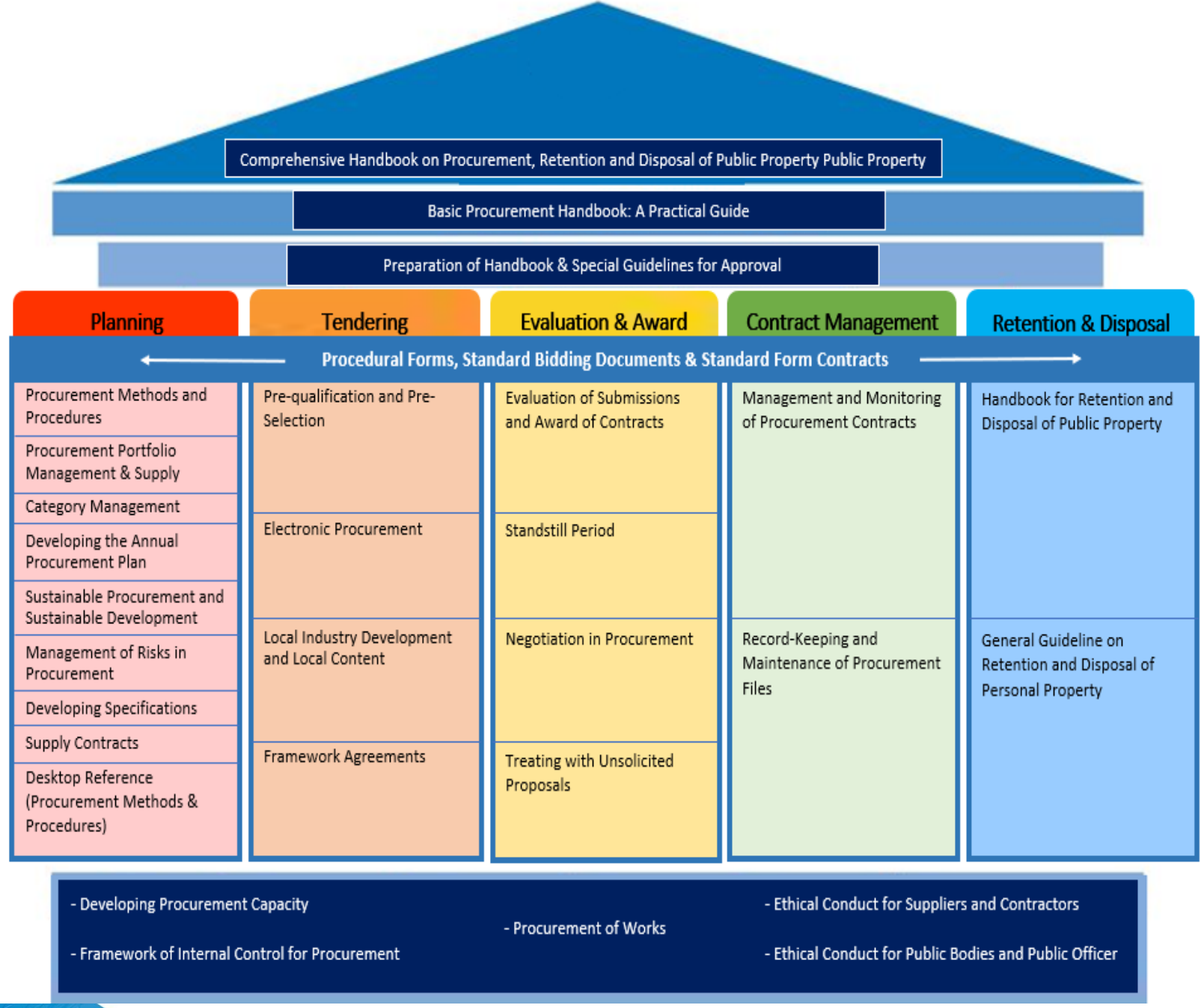
HANDBOOKS & GUIDELINES



HANBOOKS AND GUIDELINES

Public bodies are required to:

Comply with the General Guidelines issued by the OPR in relation to Public Procurement, Retention & Disposal. Sections 30 (1) (a) and 54 (1) (a) - of the Act

Prepare Handbooks & Special Guidelines, if applicable

Submit the completed Handbook & Special Guidelines to the OPR for its approval.

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ROADMAP FOR COMPLIANCE AND COMPLIANCE ASSESSMENT CHECKLIST

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (SIMPLIFIED PROCUREMENT) REGULATIONS, 2024

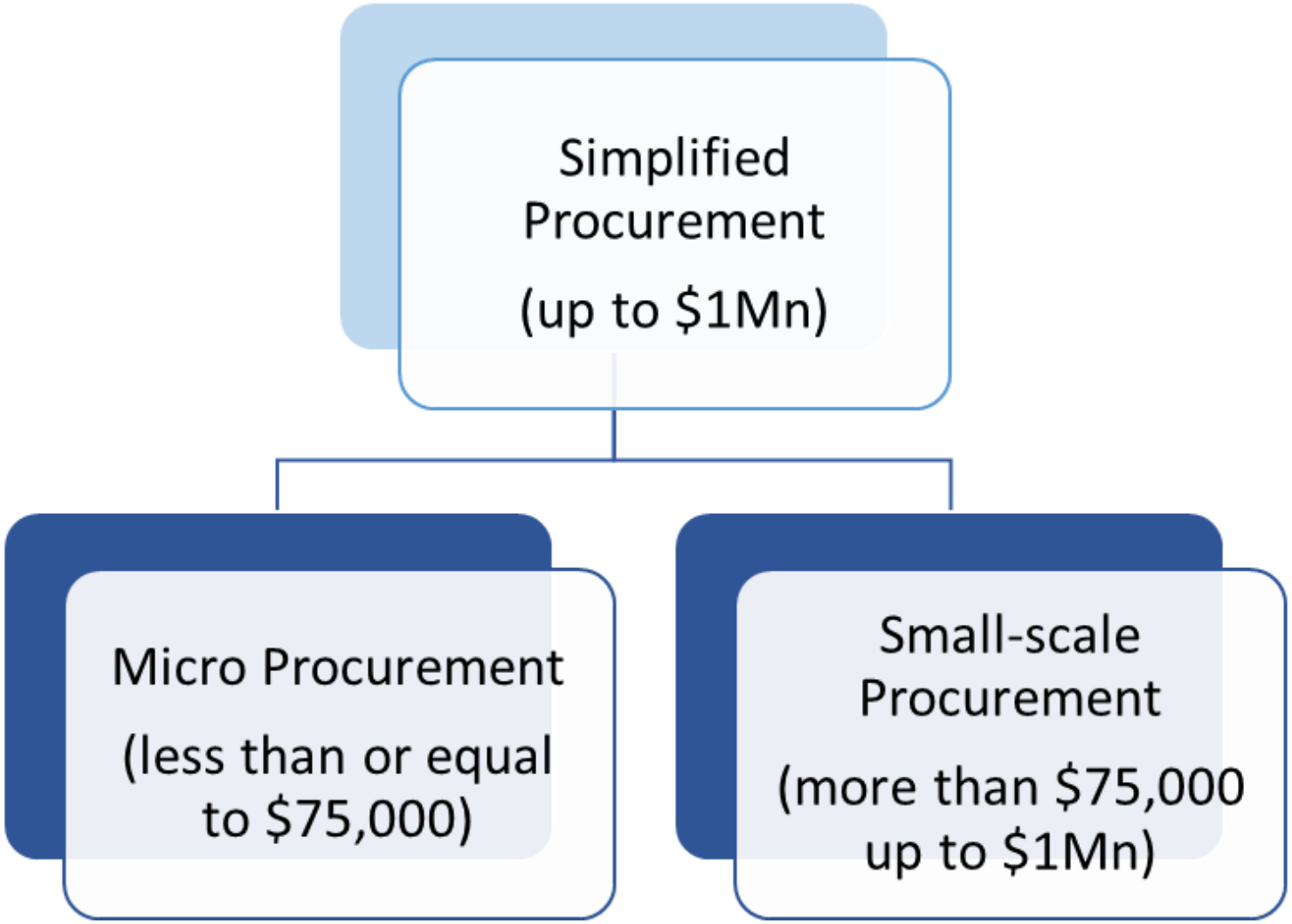
Presenter: Ms. Devika Singh

PROCUREMENT OF G/W/S UNDER TT$ 1MN

The Amendment Act # 13 of 2023 at Section 4 amends the 2015 Act at Section 58A as follows:

"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."

SIMPLIFIED PROCUREMENT – UP TO TT$1MN



NEW PROVISIONS INTRODUCED UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

1. A definition of the term "**emergency procurement**" *[Regulation 2].*

> "Emergency" is defined as an exceptional and unforeseeable situation where:
>
> a) Life, property, equipment or business continuity is immediately at risk; or
> b) Standards of public health, welfare or safety need to be re-established without delay.

2. **One-time waiver** to suppliers and contractors who are unable to provide satisfactory evidence of having fulfilled their obligations to pay all required taxes and contributions in Trinidad and Tobago *[Regulation 10].*

NEW PROVISIONS INTRODUCED UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

3. Reduced tendering timeframes for submission of bids, proposals and quotations *[Regulation 11].*

OPEN BIDDING	no fewer than **ten (10) working days** from the date of publication of the procurement notice.
LIMITED BIDDING	no fewer than **seven (7) working days** from the date of issuance of the solicitation documents.
REQUEST FOR QUOTATION	no fewer than **two (2) working days** from the date of issuance of the solicitation documents.
SINGLE SOURCE	no fewer than **five (5) working days** from the date of the issuance of the solicitation documents.
SOLE SOURCE	no fewer than **five (5) working days** from the date of the issuance of the solicitation documents.

NEW PROVISIONS INTRODUCED UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

4. Verbal quotations, **for micro procurement only** *[Regulation 16 (3) and (4)].*

Description of Procurement

Description of Good/Service:

_____

_____

_____

_____

File Number: _____

Name of Person obtaining Verbal Quotation: _____

Name of Procurement Officer: _____

Signature of Person obtaining Verbal Quotation	Signature of Procurement Officer
Date	Date

Details of Supplier/Contractor

Name: _____

Contact Number: _____

Email Address: _____

Quoted/Proposed Price (TT$): _____

Date and Time of Communication: _____

Mode of Communication: _____

NEW PROVISIONS INTRODUCED UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

3. **Direct contracting** procurement method, for micro procurement only *[Regulation 25]*

4. Establishment and maintenance of a **registry of suppliers or contractors** by public bodies *[Regulation 26 (1)].*

   - Micro Procurement - Suppliers and Contractors are to register on the Public Body's Registry
   - Small-scale Procurement – Suppliers and Contractors are to Register on the Procurement Depository

5. Reporting by category of goods, works or services for micro procurement *[Regulation 29].*

PROCUREMENT REQUIREMENTS THAT ARE NOT APPLICABLE UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

1. Registration of Suppliers or Contractors in the Procuring Entity's Registry or in the Procurement Depository

Payment to a public utility;

The acquisition of g/s which is only available via an online platform;

Procurements for the conduct of business of the State outside of Trinidad and Tobago;

Air travel and hotel services and other related expenses to conferences, foreign trade fairs and training seminars;

The acquisition of goods, services or works during an emergency;

One-off provision of g/w/s to be utilised outside of Trinidad and Tobago, by suppliers or contractors who are not resident in Trinidad and Tobago;

Direct online purchases with no sales contact;

PROCUREMENT REQUIREMENTS THAT ARE NOT APPLICABLE UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

2. **Publication** of the Annual Schedule of Planned Procurement Activities (**for micro procurements only**) on the public body's website or in an electronic format. [Regulation 7(2)].

3. **Review** by the Procurement and Disposal Advisory Committee ("PDAC"). *[Regulation 13(a)].*

4. Observance of the **standstill period**. *[Regulation 13(b)].*

PROCUREMENT REQUIREMENTS THAT ARE NOT APPLICABLE UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

5. **Public notice** of the award of a procurement contract or framework agreement. *[Regulation 13(c)].*

6. **Challenge proceedings** set out in Part V of the Act. *[Regulation 13(d)].*

PROCUREMENT REQUIREMENTS THAT **REMAIN APPLICABLE** UNDER THE SIMPLIFIED PROCUREMENT REGULATIONS

1. Adherence to the objects of the Act *[Regulation 3].*
2. Inclusion of **all** simplified procurements as part of APP. *[Regulation 7(1)].*
3. Stages of the public procurement proceedings *[Regulation 19].*
4. Quarterly reporting to the OPR *[Regulations 29 and 38].*

RECAP – MICRO VS SMALL-SCALE

	Micro Procurement	Small-scale Procurement
Threshold	≤ $75,000 (inclusive of applicable taxes, duties, charges)	$75,000.01 ≥ $1M (inclusive of applicable taxes, duties, charges)
Annual Procurement Plan (APP)	✓	✓
Included in the Annual Schedule of Planned Procurement Activities (Schedule/ASPPA)	✗	✓
Review by Procurement and Disposal Advisory Committee (PDAC)	✗	✗
Requirement of standstill period	✗	✗
Requirement of public notice to award	✗	✗
Must inform each participating supplier or contractor of contract award or entry into a framework agreement	✗	✓

RECAP – MICRO VS SMALL-SCALE

	Micro Procurement	Small-scale Procurement
Threshold	≤ $75,000 (inclusive of applicable taxes, duties, charges)	$75,000.01 ≥ $1M (inclusive of applicable taxes, duties, charges)
Verbal quotation may be utilised	✓	✗
Direct contracting may be used	✓	✗
Suppliers or contractors to be solicited, where applicable, from the procuring entity's Registry	✓	✗
Suppliers or contractors to be solicited, where applicable, from the Procurement Depository	✗	✓
Quarterly reporting required	✓	✓

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (SIMPLIFIED PROCUREMENT) REGULATIONS, 2024

Arrangement of Regulations

Regulations

PART I

PRELIMINARY

1. Citation
2. Interpretation

PART II

GENERAL

3. Adherence to objects of the Act
4. Illegality of simplified procurement
5. Splitting of procurement
6. Estimating procurement value
7. Planned procurement
8. Responsibility of procurement officer
9. Power of accounting officer
10. Responsibility of procuring entity
11. Time for making submission
12. Prohibition of victimisation

PART III

PARTICIPATION IN SIMPLIFIED PROCUREMENT

13. Disapplication of requirements for simplified procurement
14. Pre-qualification and pre-selection
15. Due diligence
16. Submission of quotations
17. Confidentiality
18. Exemption from registration for simplified procurements
19. Stages of simplified procurement
20. Restriction on solicitations
21. Participation by foreign suppliers or contractors in simplified procurement
22. Online transactions

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THE OFFICE OF PROCUREMENT REGULATION

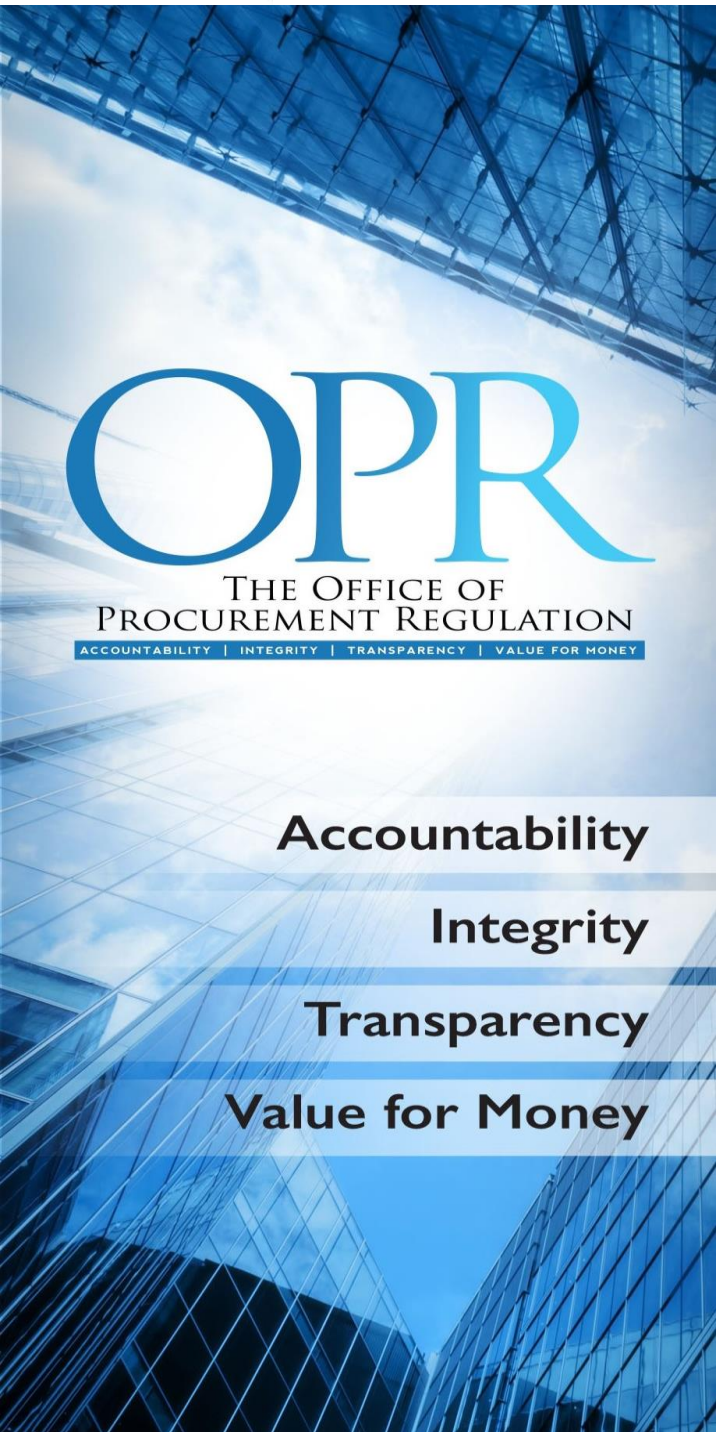
GENERAL GUIDELINES

Simplified Procurement

Prepared by: The Office of Procurement Regulation

HGGE10 - 10-2024 - Version 1.0

Developed in accordance with the Trinidad and Tobago Public Procurement and Disposal of Public Property Act Number 1 of 2015 (as amended) and the attendant Public Procurement and Disposal of Public Property Regulations 2021



CONTRACT REPORTING REQUIREMENTS

Presenter: Ms. Clessie-Ann Ellis

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WHY and WHEN

WHY?

It's a STATUTORY OBLIGATION.

WHEN?

Twenty-One (21) calendar days after the end of each quarter

(i.e., December, April, June, September)

HOW TO REPORT?

1. Obtain OPR reporting templates and checklists.
2. Follow the instructions to populate data fields.
3. Thoroughly review for compliance with instruction.
4. Rename templates as instructed.
5. Draft email for submission and include any explanations for missing mandatory data.
6. Submit to email - contractreporting@opr.org.tt

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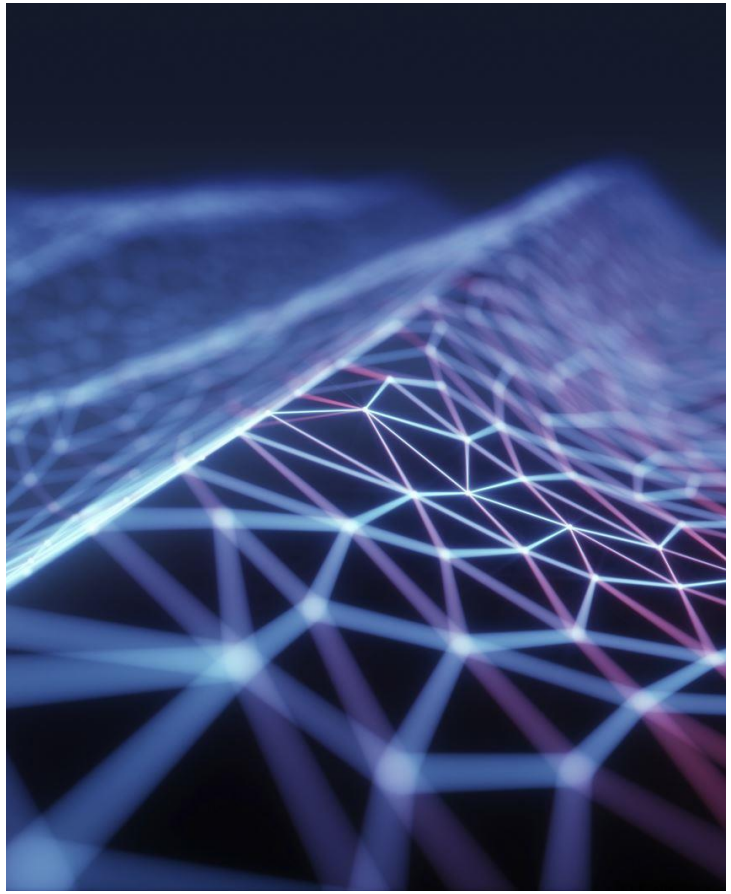
MICRO PROCUREMENT CONTRACT REPORTING TEMPLATE

AREAS OF MICRO PROCUREMENT REPORTING

AWARDS	Captures **NEW** awards (*contracts & purchase orders*) issued during the reporting quarter.
VARIATIONS	Captures **ALL** variations which occurred during the reporting quarter for any micro procurement transaction.
PAYMENTS	Captures **ALL** payments made in the reporting period for all micro procurement transactions.



MICRO PROCUREMENT AWARDS

Name of Public Body (Mandatory)	Goods, Works, Services? (Mandatory)	Category of goods, works, service (Mandatory)	Procurement Method (Mandatory)	Number of times Procurement Method Used (Mandatory)	Total Value of Award (TTD) (Mandatory)	Was RFQ Used? (Y/N) (Mandatory)

VARIATIONS

Name of Public Body (Mandatory)	Contract or Purchase Order Reference Number (Mandatory)	Initial Total Value of Contract or Purchase Order TTD (Mandatory)	Value of Variation (Mandatory)

PAYMENTS

Name of Public Body (Mandatory)	Total Payments Made under Micro procurements (TTD) (Mandatory)

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STANDARD CONTRACT REPORTING TEMPLATE (Over 75,000)

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AREAS OF REPORTING FOR CONTRACTS OVER 75,000.

CONTRACT AWARDED	Captures **NEW** contracts where a letter of award was issued during the reporting quarter.
PURCHASE ORDER ISSUED	Captures **NEW STAND-ALONE** purchase orders issued during the reporting quarter.
VARIATIONS	Captures **ALL** variations which occurred during the reporting quarter for any transaction.
UNFULFILLED CONTRACTS	Captures **ALL** contracts (*including purchase orders*) which is delayed, incomplete or terminated for the reporting quarter.
PAYMENT PROGRESS	Captures the value of work completed and **ALL** payments made for all procurement transactions during the reporting quarter.

COMMON ERRORS IDENTIFIED IN Q3-2024 SUBMISSIONS

ERRORS IN THE OVER 75,000 TEMPLATE

Missing information from mandatory data columns

Incorrect use of the Lessons Learnt field in the "Contracts Awarded in qtr." sheet.

Inclusion of possible Micro Procurement awards in the wrong contract reporting template.

Errors in the Micro Procurement Template

Failure to aggregate micro procurement awarded values by the procurement method used.

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KEY ACTIVITIES TO REMEMBER BEFORE SUBMISSION

REMEMBER

1. To provide explanations for missing mandatory data.
2. To thoroughly review reports before submission.
3. To contact the OPR with unique areas for clarification before submission.
4. To ensure data inserted match the data types identified in the instructions given in the template (*E.g. text in value columns*).

REMEMBER

5. To ensure data reported in this template is not reported in the other templates.
6. To ensure separators (,) were not inserted for numbers.
7. To ensure reports are not submitted in PDF or any other modified format.

USE THE SUPPORTING CHECKLISTS

QUERIES & QUESTIONS?:

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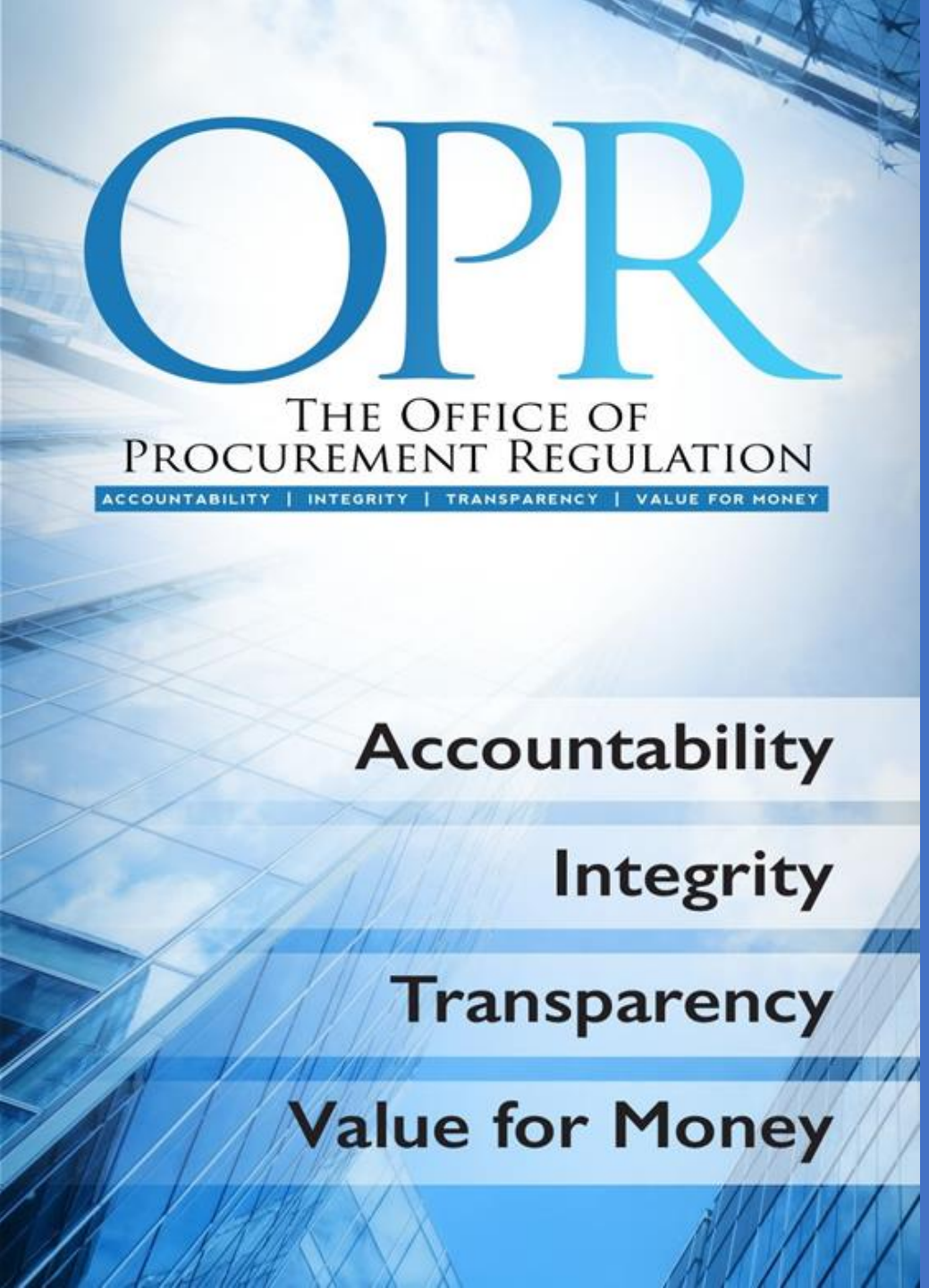
feedback@opr.org.tt



THANK YOU FOR YOUR KIND ATTENTION!

We are happy to answer any questions you may have.

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