WEBINAR:

The Procurement and Disposal Advisory Committee

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AGENDA

I. Purpose & Regulatory Requirements of the Procurement & Disposal Advisory Committee (PDAC)

II. Role of the PDAC Committee & its Members

III. The Importance of Drafting a Terms of Reference for PDAC

IV. PDAC's Role in the Disposal Process

PURPOSE & REGULATORY REQUIREMENTS OF THE PUBLIC PROCUREMENT & DISPOSAL ADVISORY COMMITTEE (PDAC)

PURPOSE OF THE PROCUREMENT AND DISPOSAL ADVISORY COMMITTEE ("PDAC")

The purpose of the Procurement and Disposal Advisory Committee includes:

Advisory Role	• The committee provides advice and recommendations on procurement and disposal policies and practices to ensure compliance with legal and regulatory frameworks
Oversight	• It oversees procurement processes to ensure transparency, fairness, and value for money in the acquisition of goods, works and services

ESTABLISHMENT OF THE PDAC

Part IX of the Public Procurement and Disposal of Public Property (Procurement Methods and Procedures) Regulations, 2021 states that:

21. (1) A procuring entity shall establish a Procurement and Disposal Advisory Committee (hereinafter referred to as "the Committee").

(2) The Committee shall comprise –

- **(a)** Corporate Secretary/Head of Legal;
- **(b)** Head of Finance;
- **(c)** Subject Matter Expert; and
- **(d)** Such other members as may be necessary

(3) A member of the Committee may be sourced from another public body

(4) A Senior Officer shall be appointed as the Secretary to attend all meetings of the Committee but shall not be a member of the Committee.

THE ROLE OF PDAC

(5) The Committee shall review reports, recommendations for contract award and procurement proceedings and property disposal files to determine –

- adherence to the Act and the Regulations;
- adherence to the Handbook and Guidelines;
- adherence to the approved procurement/disposal strategy; and
- achievement of the objects of the Act

THE ROLE OF PDAC (Cont'd)

(6) Where Committee is of the opinion that there is not adherence or achievement as set out in sub-regulations (5), it shall recommend the appropriate action to the procurement officer with a written explanation providing reason for its decision.

(7) The Committee shall cause the written explanation to be forwarded to the Accounting Officer for noting.

(8) Where there is an agreement, the Committee shall give the Accounting Officer a written recommendation which must be accompanied by the procurement proceedings file and property disposal file.

THE DUTY OF MEMBERS OF PDAC TO DISCLOSE INTEREST

(9) A member of the Committee shall disclose his interest and not take part in the proceedings of the Committee where he –

- **(a)** is a member, director or shareholder of a company or other body corporate;
- **(b)** is a proprietor of or partner in a firm, or partnership;
- **(c)** is employed by or is otherwise a party to a contract for services;
- **(d)** has a financial interest in or relationship with someone;
- **(e)** is a relative of an individual, being reviewed by the Committee.

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ROLE OF THE PDAC COMMITTEE & ITS MEMBERS

THE ROLE OF PDAC

The Committee shall review reports, recommendations for contract award and procurement proceedings and property disposal files to determine –

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- adherence to the Handbook and Guidelines;
- adherence to the approved procurement/disposal strategy; and
- achievement of the objects of the Act

THE COMPOSITION OF PDAC

The Committee shall comprise of-

- Corporate Secretary/Head of Legal
- Head of Finance
- Subject matter Expert
- Such other Members as may be necessary

WHAT IS THE ROLE OF THE CORPORATE SECRETARY/HEAD OF LEGAL?

Overarching responsibility in reviewing the procurement proceeding/disposal file is to ensure legal integrity, compliance and fairness of the procurement/disposal process.

The Corporate Secretary/Head Legal role provides support in the following areas: -

Legal guidance to safeguard against legal risk, support transparency and ensure that all procurement/disposal activities adhere to relevant laws and regulations.

Mitigation of risks, ensure fair and competitive bidding process and confirm terms and conditions for contract are legally sound/robust.

Interpretation of legal requirements, explaining complex terminology or statutory requirements in practical terms.

Suggests improvement or updates to procurement and disposal policies and guidelines, based on evolving legal standards or new regulatory requirements.

WHAT IS THE ROLE OF HEAD OF FINANCE?

Head of Finance plays a critical role by providing the financial oversight/compliance and ensuring budgetary alignment. Their expertise is essential to ensure that procurement and disposal decisions are fiscally responsible, aligns with the organisation’s financial goals and adhere to budgetary constraints.

WHAT IS THE ROLE OF THE SUBJECT MATTER EXPERT (SME)?

The SME plays a key role in reviewing the procurement proceeding/disposal files to ensure the technical specifications, references to quality standards and suitability of goods, works or services are sound/can withstand scrutiny. The SME's expertise ensures the selected products or services meet the operational needs and technical standards of the organisation.

SME is instrumental in ensuring that robust practices exist for managing technical risks, procurement decisions align with operational needs, and regulatory standards are obtained.

THE ROLE OF SME (Cont'd)

The SME further provides support by:-

Clarifying technical aspects of the proposals for other committee members, thus enabling an informed recommendation on the technical soundness of the option/recommendation

Reviewing the procurement proceeding file to validate technical specifications, ensuring accuracy, completeness and relevance to the intended use

Identifying potential technical risks, such as technology obsolescence, compatibility issues etc.

Ensuring proper documentation of technical decisions/recommendations to maintain transparency in the process

Advising on the most appropriate means for the disposal of public property, taking into account the nature of the property being disposed, health, safety and environmental considerations, related costs etc.

THE IMPORTANCE OF DRAFTING A TERMS OF REFERENCE FOR PDAC

TERMS OF REFERENCE FOR PDAC

1. COMPOSITION OF THE COMMITTEE
2. FUNCTIONS
3. PROCEDURES FOR MEETINGS OF THE COMMITTEE
4. CONFLICT OF INTEREST
5. MINUTES OF MEETINGS
6. FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

1. COMPOSITION OF THE COMMITTEE

The Head of the Legal Department (current Chairperson-to be rotated)

The Head of the Finance Department (current Deputy Chairperson-to be rotated)

The head of the Human Resources and Administration Department (or any other member as necessary)

A Subject Matter Expert (Member)

2. FUNCTIONS of PDAC

To review the procurement record and disposal of public property files to determine that the following were achieved:

a) the **objects of the Act;**

b) adherence to the **Act** and **Regulations**;

c) adherence to the approved internal processes as set out in the **Handbook and Guidelines**; and

d) adherence to the approved **procurement/disposal strategy.**

2. FUNCTIONS of PDAC (Cont'd)

Chairperson

- Convening meetings;
- Adjudicating and deciding on potential conflicts of interest;
- Ensuring proper order during the meeting; and
- Finalise PDAC's report and recommendations.

Members

- Promptly accept invitations to meetings;
- Review documentation;
- Participate actively in deliberations; and
- Review minutes and endorse the recommendation and/or provide comments.

Secretary

- Schedule meetings
- Review procurement file to ensure it is complete and sufficient for review;
- Request further information or clarifications as required by the members or chairperson;
- Prepare minutes of meetings and obtain endorsement of it by members
- Ensure proper records are kept

3. PROCEDURES FOR MEETINGS

Procedures may outline the following:

- Details of scheduling meetings (including frequency, date, time and place).
- Timeframe for issuing notices and agendas of meetings to members of the Committee.
- Timeframe for sharing procurement file to members of the Committee.
- Details for review of minutes of meetings.

4. CONFLICT OF INTEREST

- He is a member, director or shareholder of a company or other body corporate; or
- Is a proprietor of or partner in a firm, or partnership; or
- Is employed by or is otherwise a party to a contract for services; or
- Has a financial interest in or relationship; or
- Is a relative of someone who submitted an offer for the consideration of the Committee.

5. MINUTES OF MEETINGS

Who is responsible for preparing minutes

Format for preparing minutes (template, electronic and/or hard copy)

Confirmation of minutes

Submission of minutes to Accounting Officer

6. FINDINGS AND RECOMMENDATIONS

Recommendations made by PDAC and justification and conditions, if any, are to be recorded. TOR should outline:

- How recommendations are recorded
- Possible timeframes for submitting recommendations
- Who is responsible for communicating the recommendations of the Committee
- What happens when a member does not agree with the recommendations and how it is recorded

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PDAC'S ROLE IN THE DISPOSAL PROCESS

OVERVIEW OF THE DISPOSAL PROCESS
WORK POSITIONS & OPERATIONAL REQUIREMENTS

POSITION	OPERATIONAL REQUIREMENT
Assigned Trained Technically Capable Public Officer (*Stores & Inventory Management*)	• Identifies items requiring disposal; and completes a **Request for Asset Disposal (Form A)**
Named Procurement Officer (NPO)	• Reviews **Form A** and submits to the **Disposal Committee** to convene meeting
Disposal Committee	• Assesses property for disposal and determines the estimated value. • Conducts requirement, stakeholder and market analysis and develops disposal strategy with the preferred disposal option. **(Forms B, C, D and E)** • Submits completed report to NPO, which includes **Forms A to E**.
Named Procurement Officer (NPO)	• Reviews & signs **Disposal Strategy Approval (Form E)** and forwards to the **Procurement & Disposal Advisory Committee (PDAC)**

OVERVIEW OF THE DISPOSAL PROCESS
WORK POSITIONS & OPERATIONAL REQUIREMENTS

POSITION	OPERATIONAL REQUIREMENT
Procurement & Disposal Advisory Committee (PDAC)	• Reviews full report & signs off accordingly on **Disposal Strategy Approval** (**Form E).** • If clarification or additional information is required, request is re-routed through to NPO/ Disposal Committee members for response. • **All disposal forms and report (Forms A-E)** are submitted to the **Accounting Officer** or equivalent for review & final approval.
Accounting Officer	• Once disposal strategy approved, **Disposal Strategy Approval (Form E)** is signed and returned to the **PDAC**. • If clarification or additional information is required, request is re-routed through PDAC to NPO/ Disposal Committee members for response.
Named Procurement Officer & Disposal Committee	• Executes disposal strategy as approved and completes **Summary Report of Approved Disposal Action (Form F)** • Submits **Form F** to PDAC & Accounting Officer or equivalent for signature, then to the Office of Procurement Regulation.

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REMINDER

PDAC'S Role:

To review the disposal strategy report submitted by the 'Named' Procurement Officer/ Disposal Committee

KEY ELEMENTS FOR PDAC TO CONSIDER IN THE DISPOSAL STRATEGY DEVELOPMENT REPORT

- Ensure the property for disposal underwent proper inventory & inspection and appraisal
- Ensure that the disposal process was followed, and all applicable parties were notified and included (Asset Management Officer, NPO & Disposal Committee
- Ensure the selected disposal strategy is properly justified: look for evidence of market and stakeholder analysis, pros & cons of proposed disposal methods etc.
- Make sure that all applicable forms (Forms A to G) were completed & utilised in the disposal process

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Form E: DISPOSAL STRATEGY APPROVAL/SIGNATURE FORM

Disposal of: _____

Disposal Request Reference:		
Approved by Disposal Committee:	Name: _____ Signature: _____	Name: _____ Signature: _____
	Name: _____ Signature: _____	Name: _____ Signature: _____
	Date Approved by Disposal Committee: _____	
Reviewed by Named Procurement Officer:	Name: _____ Signature: _____	Date: _____
Reviewed by Procurement & Disposal Advisory Committee (PDAC):	Name: _____ Signature: _____	Name: _____ Signature: _____
	Name: _____ Signature: _____	Name: _____ Signature: _____
	Date Approved by PDAC: _____	

Approved : ☐

Not Approved: ☐

Accounting Officer/ Equivalent: _____ **Date:** _____

Enclosed: Forms A to D

Once PDAC committee has no objections, the **Disposal Strategy Report (Form E)** is signed, and all documents are forwarded to Accounting Officer and/ or equivalent for final sign off accordingly.

SIGN HERE

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Form F: SUMMARY REPORT OF APPROVED DISPOSAL ACTION

As executed on: _____ (date)

Was the disposal strategy executed as approved?	YES ☐ NO ☐
If no, state reasons why and the action taken:	
Summary of Proceedings:	
Challenges Encountered:	
Total Proceeds/ Revenue Earned: (Based on Report from Cashier)	

Reviewed by Named Procurement Officer: _____ _____
SIGNATURE DATE

Reviewed by PDAC: _____ _____ _____ _____
MEMBER 1 SIGNATURE MEMBER 2 SIGNATURE MEMBER 3 SIGNATURE MEMBER 4 SIGNATURE

Date Reviewed by PDAC: _____
DATE

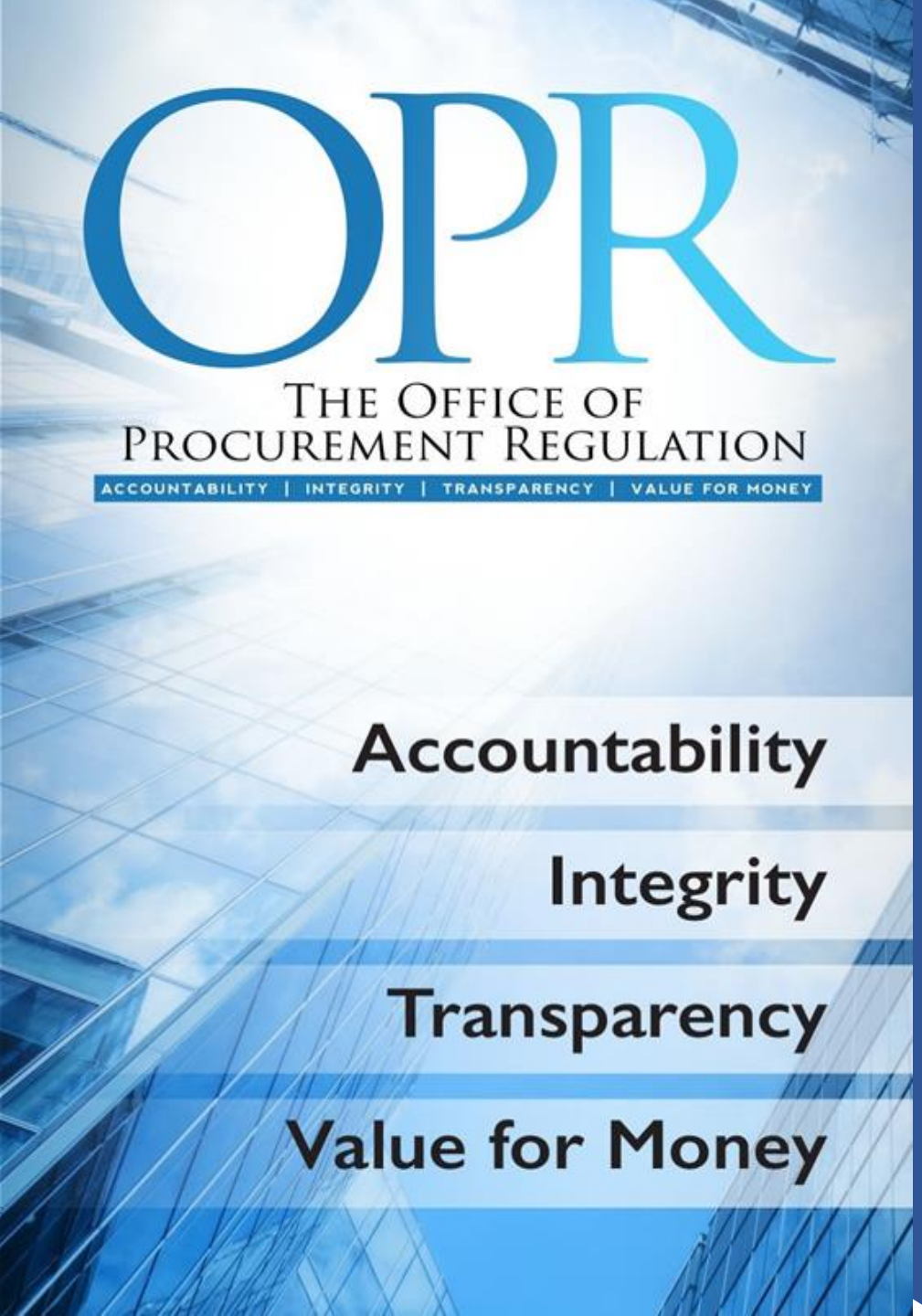
Reviewed by Accounting Officer: _____ _____
SIGNATURE DATE

(Attach report from Cashier/ Finance representative & any other supporting documents as applicable)

Enclosed: Forms A to E

Once disposal is completed, NPO completes details in **Summary Report of Approved Disposal Action (Form F),** and then submits to PDAC & Accounting Officer for final signature.

SIGN HERE



Thank you for your kind attention!

We are happy to answer any questions you may have.

- **Level 19, Tower D, Port of Spain International Waterfront Centre, 1A Wrightson Road, Port of Spain**
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