
Third Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 36 of 1979

[L.S.]

AN ACT to amend the Central Tenders Board Ordinance,
1961.

[Assented to 7th September, 1979]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Central Tenders Short title
Board (Amendment) Act, 1979.

Ordinance
amended, No. 22
of 1961

2. The Central Tenders Board Ordinance, 1961 (hereinafter referred to as "the Ordinance") is amended by inserting immediately after section 1 the following—

"PRELIMINARY"

Section 2 of
Ordinance
amended

3. The Ordinance is amended in section 2 by inserting in their appropriate alphabetical order the following definitions—

"company" includes a firm, a partnership or a statutory corporation;

"project" includes any works or undertakings."

Ordinance
amended

4. The Ordinance is amended by inserting immediately after section 3 the following—

"PART I

ESTABLISHMENT, FUNCTIONS AND PROCEDURE OF BOARD"

Section 4 of
Ordinance
amended

5. The Ordinance is amended by inserting the words "in section 20A and" immediately after the words "as is provided" occurring in line 2 of section 4(1).

Ordinance
amended

6. The Ordinance is amended by adding immediately after section 20 the following section—

"Government
may act on
its own
behalf

20A. (1) Notwithstanding the provisions of section 20(1), the Government may act on its own behalf where—

- (a) as a result of an agreement for technical or other co-operation between it and the Government of a foreign state, the latter designates a company to supply the articles or to undertake the works or any services in connection therewith;
- (b) the articles or works or any services in connection therewith are to be supplied or undertaken by a company which is wholly owned or controlled by a foreign state;
- (c) it enters into a contract with a company which is wholly owned by the State, for the supply of

articles or for the undertakings of works or services in connection therewith; or

(d) it enters into a contract with a company for the purchase of books for official purposes.

(2) The President may by Order published in the *Gazette* exclude from the provisions of the Ordinance any company which, having successfully undertaken one phase of a project, has expressed a desire, and is able financially and otherwise to complete the project or any other phase thereof.

(3) The provisions of the Ordinance shall not apply where the Government exercises the power conferred on it by subsection (1).”

7. The Ordinance is amended by inserting immediately after section 27 the following— Ordinance amended

“PART II

APPOINTMENT OF CONSULTANTS

Interpretation 27A. In this Part—

“consultant” means a person who, in the opinion of the Board is qualified to be registered for a project and includes such a person who is an architectural or engineering consultant, a quantity surveyor, a marketing consultant or a technical or managerial consultant;

“project” means any proposals for the supply of articles or for the undertaking of works or for the operation of any enterprise and any services in connection therewith, necessary for carrying out the functions, including

the operation of any enterprise of the Government or of any of the statutory bodies to which the Ordinance applies;

“register” means the register kept by the Board under section 27c;

“registered consultant” means a consultant registered in the register.

Additional
functions
of the
Board

27B. (1) For the purposes of this Ordinance the Board shall have, subject to subsection (2), the sole and exclusive authority to act for, in the name and on behalf of the Government and the statutory bodies to which the Ordinance applies in appointing consultants in connection with any project.

(2) Registered consultants may be appointed in accordance with this Part—

(a) by a Permanent Secretary where the amount of fees payable to the consultant does not exceed five thousand dollars; or

(b) by a Tenders Committee where the amount of fees payable to the consultant does not exceed twenty-five thousand dollars.

(3) Nothing in sections 20 to 27 shall apply where the Board exercises the functions conferred on it by this Part.

Board to
keep
register

27c. (1) The Board shall keep a register of each category of consultants in accordance with this section.

(2) The Board shall publish annually in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago an invitation to practising consultants to register with the Board for the purpose of negotiating their appointment as consultants in connection with any project.

(3) A person may at any time apply to the Board to be registered as a consultant but nothing in this Part shall be construed as being mandatory for the Board to register any consultant and the Board shall not register a consultant where it is satisfied that it is not in the public interest so to do.

(4) An application for registration shall contain such particulars as the Board may from time to time require.

Procedure
for
appointing
consultants

27D. (1) After considering the particulars of the registered consultants, their existing workload, their other commitments and such other information that it considers necessary, the Board shall invite offers on any project from at least three of the consultants in the required category; the offers shall contain such details as the Board may specify.

(2) Where the number of registered consultants in the required category is less than three, the Board shall invite offers from all those consultants and where there is no such consultant the Board shall invite offers, publicly or privately, from any consultant.

(3) Notwithstanding the provisions of subsection (1) the Board may, where it is satisfied that a project requires special expertise and experience not fully possessed by a registered consultant, invite offers, publicly or privately, on such project from any consultant.

(4) The Board shall consider the offers submitted pursuant to its invitation and may interview any of the consultants submitting such offers and may negotiate fees and other remuneration to be paid to them.

(5) Upon completion of its considerations, interviews and negotiations the Board shall appoint the consultant for the project in respect of which the invitation was issued.

Fees

27E. (1) Fees payable to consultants may be negotiated at a fixed price or in accordance with the scale of fees drawn up by a recognised association, if any, for the particular category of consultant or on such other basis as the Board may determine.

(2) In negotiating the fees payable to a consultant on any project the Board may require that the fees should be based on a consolidated fee structure which would take into account consultancy fees payable in respect of all consultancy services rendered in the project.

Monthly reports

27F. The Board shall submit monthly to the Minister of Finance a written report on the appointment of consultants and shall cause the report to be published in the *Gazette*.

PART III

MISCELLANEOUS AND GENERAL."

G. N. No. 56 of
1977 revoked

8. The Central Tenders Board (Appointment of Consultants) Order, 1977, is revoked.

Commencement

9. This Act is deemed to have come into operation on the 12th April, 1977.

Passed in the House of Representatives this 10th day of August, 1979.

J. E. CARTER
Clerk of the House

Passed in the Senate this 21st day of August, 1979.

R. L. GRIFFITH
Clerk of the Senate