

CENTRAL TENDERS BOARD ACT

CHAPTER 71:91

Act
22 of 1961

Amended by

93/1965	22 of 1987
18 of 1965	11 of 1988
70/1973	39 of 1991
173/1974	4 of 1992
36 of 1979	45/1992
*45 of 1979	108/1992
*31 of 1980	*3 of 1993
98/1982	5 of 2004
22 of 1983	17 of 2007
*2 of 1984	

*See Note on page 2

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
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LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

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2

Chap. 71:91

Central Tenders Board

Index of Subsidiary Legislation

	<i>Page</i>
Central Tenders Board Regulations (GN 137/1965)... ..	25
Central Tenders Board (Defence Force and Protective Services) (No. 2) Order (LN 89/1992)	34
Central Tenders Board (SECT International) (Exclusion) Order (LN 45/1982)	45
Central Tenders Board (Functions and Duties) Order (LN 179/1997) ...	46
Central Tenders Board (Contracts for the Lease of Computers and Computer Equipment) Order (LN 52/2002)... ..	47

Note on the Ordinance before it was Revised

A. **INCREASE IN FINES** — *See* Act No. 47 of 1979 which increased the fines in the Ordinance in accordance with paragraph 1(b), (c) and (d) of the Second Schedule to Act No. 44 of 1979.

B. **INCREASE IN MONETARY SUMS** — *See* LN 51/1980 (Pages 551 to 552) for increases in monetary sums.

Note on Act No. 45 of 1979

See sections 6 and 7 of Act No. 45 of 1979.

Note on Act No. 31 of 1980

The Central Tenders Board Ordinance (No. 22 of 1961) (hereinafter referred to as the “Ordinance”) came into operation on January 1, 1965 by GN 111/1964.

The Ordinance was re-enacted and validated by Act No. 31 of 1980 in order to bring it in conformity with the Trinidad and Tobago Constitution set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order-in-Council, 1962, and thereafter with the Constitution.

Note on Act No. 2 of 1984

NON-APPLICATION OF ACT — The Act does not apply to the Trinidad and Tobago Export Development Corporation. (*See* section 24 of Act No. 2 of 1984).

Note on Act No. 3 of 1993

See section 5 of Act No. 3 of 1993 for the validation of all contracts made between the National Insurance Property Development Company Limited acting on its own behalf.

CHAPTER 71:91

CENTRAL TENDERS BOARD ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.

PRELIMINARY

2. Interpretation.
3. Application.

PART I

**ESTABLISHMENT, FUNCTIONS AND PROCEDURE
OF THE BOARD**

4. Establishment of Board.
5. Composition of Board.
6. Officers of the Board.
7. Tenure of office.
8. Payment of remuneration to members of the Board and of the Committees.
9. Filling of vacancies of the membership of the Board.
10. Leave of absence of members of the Board.
Acting Appointments.
11. Chairman to preside over meetings.
12. Meetings of the Board.
13. Quorum.
14. Decisions of the Board.
15. Method of recording decisions of the Board.
16. Establishment of Committees of the Board.
Duties and powers of Sub-Committees.
17. Meetings of Committees.
18. Quorum.
Decisions of Committees.
19. Financial limits of Committee.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

- 20. Request for invitation of officers to be in writing.
- 20A. Government may act on its own behalf.
- 21. Offers to be placed in specially constructed and designed boxes.
- 22. Opening of Tenders Boxes.
- 23. Board may require deposit.
- 23A. Tax Clearance Certificate Fee.
- 24. Board to accept best offer.
- 25. Board to notify acceptance of offers.
- 26. Formal contract to be entered into.
- 27. Power of Board to require security.

PART II

APPOINTMENT OF CONSULTANTS

- 27A. Interpretation.
- 27B. Additional functions of the Board.
- 27C. Board to keep register.
- 27D. Procedure for appointing consultants.
- 27E. Fees.
- 27F. Monthly reports.
- 28. Disposal of surplus or unserviceable stores.
- 29. Custody and control of surplus and unserviceable articles.
- 30. Power of Board to consult officers and members of the public.
- 31. Offences.
- 32. Information to be confidential.
- 33. General or special directions of the Minister.
- 34. No personal liability shall attach to the Board.
- 35. Regulations.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

FOURTH SCHEDULE.

CHAPTER 71:91

CENTRAL TENDERS BOARD ACT

An Act to provide for the establishment of a Central Tenders Board for the Government of Trinidad and Tobago and certain Statutory Bodies and for matters incidental thereto. 22 of 1961.

[1ST JANUARY 1965]

Commencement.
[111/1964].

1. This Act may be cited as the Central Tenders Board Act. Short title.

PRELIMINARY

2. In this Act—

“articles” means all goods, materials, stores, vehicles, machinery, equipment and things of all kinds;

“Board” means the Central Tenders Board established under section 4 of this Act;

“Chief Administrator” means the person holding or acting in the office established under section 71 of the Tobago House of Assembly Act;

“Committee” means a Committee of the Board established under section 16 of this Act;

“company” includes a firm, a partnership or a statutory corporation;

“*ex officio* members” means the Chairman, Deputy Chairman and such other public officers as may be appointed to the Board;

“Government” means the Government of Trinidad and Tobago;

“Minister” means the Minister to whom responsibility for the Central Tenders Board is assigned;

“public officer” means the holder of any public office and includes any person appointed to act in any such office;

“project” includes any works or undertakings;

“public service” has the meaning assigned to it by section 3 of the Constitution;

“relative” means the father, mother, brother, sister, son or daughter of a person and includes the spouse of a son or a daughter of such person;

Interpretation.
[18 of 1965
36 of 1979
22 of 1987
3 of 1993
17 of 2007].

Ch. 25:03.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

6

Chap. 71:91

Central Tenders Board

“statutory body” means any municipality, municipal council, board, commission or similar body corporate established and incorporated by an Act;

Ch. 1:01.

“Tobago House of Assembly” means the Tobago House of Assembly established under section 141A of the Constitution;

“works” means buildings and engineering works of all kinds.

Application.

First Schedule.

3. (1) This Act applies to such of the statutory bodies as are set out in the First Schedule to this Act notwithstanding any general or special power or authority vested in such statutory body either by Act or by virtue of its incorporation.

(2) The President may, by Order published in the *Gazette*, amend the First Schedule to this Act by adding thereto or deleting therefrom a statutory body.

PART I

**ESTABLISHMENT, FUNCTIONS AND PROCEDURE
OF THE BOARD**

Establishment
of Board.
[36 of 1979].

4. (1) There is hereby established a Central Tenders Board which save as is provided in section 20A and in section 35 of this Act shall have the sole and exclusive authority in accordance with this Act—

(a) to act for, in the name and on behalf of the Government and the statutory bodies to which this Act applies, in inviting, considering and accepting or rejecting offers for the supply of articles or for the undertaking of works or any services in connection therewith, necessary for carrying out the functions of the Government or any of the statutory bodies;

(b) to dispose of surplus or unserviceable articles belonging to the Government or any of the statutory bodies.

(2) The Board shall have such other functions and duties as the President may by order prescribe from time to time.

Composition of
Board.
[18 of 1965].

5. (1) The Board shall be composed of eight members consisting of—

(a) at least five public officers appointed by the President, and

(b) such other members at large to be appointed by the President as may be necessary to fill up the membership of the Board.

(2) The President shall appoint two of the *ex officio* members of the Board, other than the Treasury Solicitor, to hold the offices of Director of Contracts and Deputy Director of Contracts respectively.

(3) The Director of Contracts shall be the Chairman and the Deputy Director of Contracts shall be the Deputy Chairman of the Board.

6. The President may appoint such officers and other staff as may be deemed necessary for the proper carrying out of the provisions of this Act.

Officers of the Board.

7. (1) Subject to subsection (2), members of the Board other than the *ex officio* members shall hold office during the President's pleasure.

Tenure of office.

(2) A member of the Board, other than an *ex officio* member, vacates his office—

- (a) automatically after he has held it for two years;
- (b) by written notice of resignation addressed by him to the President;
- (c) if he departs from Trinidad and Tobago for a period of thirty days without the leave of the President or remains out of the Territory after the expiration of his leave without the special permission of the President;
- (d) if he fails without reasonable excuse (the sufficiency whereof shall be determined by the President) to attend three consecutive regular meetings of the Board.

(3) A member of the Board who has vacated his office shall be eligible for reappointment.

8. The President may direct that such remuneration as he may determine shall be paid—

- (a) to members of the Board other than the *ex officio* members thereof;

Payment of remuneration to members of the Board and of Committees. [18 of 1965].

(b) to members of any Committee other than *ex officio* members and employees thereof or employees or members of boards of management of statutory bodies in respect of which such Committees are established.

Filling of vacancies of the membership of the Board.

9. Where, by reason of death, illness, absence, resignation or otherwise of a member other than an *ex officio* member, a vacancy occurs in the membership of the Board, the President shall appoint some other person to be a member of the Board for the unexpired term of the member whose office so becomes vacant; but so long as a quorum is present at any meeting, the Board shall be deemed to be duly constituted notwithstanding any vacancy in the membership of the Board.

Leave of absence of members of the Board.

10. (1) The President may grant leave of absence to any member of the Board other than the *ex officio* members.

Acting appointments.

(2) Except in the case of *ex officio* members the President may appoint a person in the place of any member of the Board who is temporarily absent from the Territory or unable to perform his duties by reason of illness or other cause.

Chairman to preside over meetings.

11. (1) Meetings of the Board shall be presided over by the Chairman.

(2) The Deputy Chairman shall, in the absence or inability of the Chairman, perform all the functions and duties of the Chairman, and shall perform such other functions and duties as may be required of him by the Board.

Meetings of the Board.
[18 of 1965].

12. (1) The Board shall meet as often as may be necessary or expedient for transacting its business but at least once in every month.

(2) Except in such cases as may be determined by the Chairman, notices of meetings together with agendas shall be circulated to members at least forty-eight hours before the time fixed for such meetings.

(3) A member of the Board, who is a member of a company or other body, or is a partner or is in the employment of a person or a company or other body, or is married to or who is or whose husband or wife is a relative of, a person who has submitted an offer for the supply of articles or for the undertaking of works or any services in connection therewith which is the subject of consideration by the Board, shall disclose the fact and shall not take part in the consideration or discussion of, or vote on any question relating to such offer.

(3A) If any person fails to comply with the provisions of subsection (3), he is guilty of an offence and liable on summary conviction to a fine of five hundred dollars, unless he proves that he did not know that an offer for the supply of articles or for the undertaking of works or any services in connection therewith was the subject of consideration at the meeting.

(4) Minutes of each meeting in proper form shall be kept by the Board and shall be confirmed by the Board and certified by the Chairman at the next succeeding meeting.

(5) Copies of such minutes certified by the Chairman shall be forwarded to the Minister.

(6) The Board shall furnish the Minister with all information or documents which the Minister may from time to time require.

13. At any meeting of the Board or for the purpose of voting on papers circulated four members shall constitute a quorum. Quorum.

14. (1) Decisions of the Board shall be taken at meetings or, in cases where the Chairman shall so direct, by the circulation of papers among the members. Decisions of the Board.

(2) Where papers are circulated among the members, the Chairman may direct that the papers shall not be circulated to any member, who through illness, interest, absence from the Territory or otherwise, is in the opinion of the Chairman, incapacitated from voting.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

10

Chap. 71:91

Central Tenders Board

(3) The decisions of the Board shall be by a majority of votes and for that purpose the Chairman shall have both an original and a casting vote.

Method of recording decisions of Board.

15. Any document purporting to record a decision of the Board and signed by the Chairman and any Notification in the *Gazette* purporting to record a decision of the Board, are admissible in evidence as *prima facie* proof of the decision recorded.

Establishment of Committees of the Board.

16. (1) There shall be established for every statutory body to which this Act applies a Committee of the Board consisting of an *ex officio* member as Chairman and four other persons appointed by the Minister, two of such persons being nominated by the statutory body in respect of which the Committee is established.

Duties and Powers of Sub-Committees.

(2) Any Committee so established shall consider offers for the supply of articles or the undertaking of works or services of all kinds that are made to the statutory body in respect of which the Committee is established and shall make recommendations to the Board for its acceptance or rejection of such offers.

(3) Subject to section 19, the Board may accept or reject any such recommendations made by a Committee or make its own decision and shall notify its decision to the statutory body in respect of which the Committee is established.

Meetings of Committees.

17. (1) Each committee shall meet as often as is necessary or expedient for the transacting of its business.

(2) Section 12 (2) and (3) shall apply *mutatis mutandis* to meetings of Committees.

(3) Minutes of each meeting in proper form shall be kept by its Chairman and shall be confirmed by the Committee at the next succeeding meeting.

(4) Copies of such minutes certified by the Chairman shall be forwarded to the Board who shall forward copies thereof to the Minister.

Quorum.

18. (1) At any meeting of a Committee or for the purpose of voting on papers circulated three members shall constitute a quorum.

(2) The provisions of section 14 relating to decisions of the Board apply to Committees thereof. Decisions of Committees.

19. (1) A Committee may act for the Board where the value of the articles to be supplied or the works and services to be undertaken does not exceed five hundred thousand dollars; but no Committee shall, for the purpose of purporting to give itself authority to act under this provision, sub-divide the quantity of articles to be supplied or works and services to be undertaken into two or more portions so that the value of the portions is five hundred thousand dollars or less. Financial limits of Committee. [22 of 1983 5 of 2004].

(2) Where the decision of a Committee on which an authority has been conferred under this section is unanimous, the Committee may exercise all the powers of the Board in respect of the matter being dealt with, but if the decision of the Committee is not unanimous the matter shall be referred, with the recommendation of the Committee, to the Board for decision.

20. (1) Subject to section 19, whenever articles or works or any services in connection therewith are required to be supplied to or undertaken on behalf of the Government or a statutory body to which this Act applies, the Government or such statutory body shall make written request to the Board to invite on its behalf offers for the supply of those articles or for the undertaking of the works or services in connection therewith. Request for invitation of offers to be in writing. [18 of 1965 22 of 1987].

(2) The request referred to in subsection (1) shall contain a sufficient description of the articles, works or services to be supplied or undertaken.

(3) On the receipt of any such request, the Board shall either—

- (a) invite members of the public in general to make offers for the supply of such articles or for the undertaking of such works or services, as the case may be, by Notice published in the *Gazette* and in local or overseas newspapers, or

- (b) subject to the approval of the Minister, invite such bodies or persons as may be selected by the Board to make offers for the supply of such articles or for the undertaking of such works or services, as the case may be, whenever the Board considers it expedient or desirable so to do.
- (4) The Notice shall contain:
- (a) a sufficient description of the articles required or of the works or services to be undertaken and shall whenever necessary also contain the place where and the time when additional information relating thereto can be obtained;
- (b) the form or manner in which an offer is to be made;
- (c) the date and time within which an offer is to be made;
- (d) the place where and the manner in which the offer is to be submitted; and
- (e) the date and time for the opening of the offers.

Government
may act on its
own behalf.
[36 of 1979
22 of 1987].
39 of 1991
3 of 1993].

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 the National Insurance Property Development Company Limited or a company which is wholly owned by the State, for the supply of articles or for the undertaking of works or services in connection therewith;

- (d) it enters into a contract with a company for the purchase of books for official purposes;
- (e) as a result of the occurrence or anticipation of flooding, hurricane, landslide, earthquake or other natural disasters, the Minister is of the opinion that an emergency situation has arisen in any part of Trinidad and Tobago, the abatement, prevention or alleviation of which necessitates the obtaining of articles or the undertaking of immediate works or services by the Government; or
- (f) items and services listed in the Third Schedule are approved by the Minister as being required for the purposes of the Trinidad and Tobago Defence Force or for the protective services. Third Schedule.

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

(2A) For the purposes of subsection (1)(f)—

- (a) “Trinidad and Tobago Defence Force” means the body of military forces established by section 5 of the Defence Act; and Ch. 14:01.
- (b) “protective services” means the services listed in the Fourth Schedule. Fourth Schedule.

(2B) The President may by Order—

- (a) make Rules governing the award of contracts for items and services referred to in the Third Schedule; and Third Schedule.
- (b) amend the Third and Fourth Schedules. Third and Fourth Schedules.

(2C) Regulations made by the National Insurance Property Development Company Limited with respect to the inviting, considering and accepting or rejecting of offers for the supply of articles or for the undertaking of works or services in connection therewith, in relation to contracts entered into with the Government, shall be laid in Parliament and be subject to negative resolution of Parliament.

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

(4) Where the Government acts in pursuance of subsection (1)(e), the Minister shall report the matter to Parliament within thirty days of the Government taking the decision so to act or at the first sitting thereafter, and shall cause a report of the expenditure incurred in completion of the work necessary for the abatement, prevention and alleviation of the emergency, to be laid in Parliament within thirty days of such completion.

Offers to be placed in specially constructed and designed boxes.

21. (1) The Board shall keep at its office and in such other places as in the opinion of the Chairman is necessary, specially constructed boxes in which all offers shall be placed.

(2) Each box shall bear the inscription “Tenders Box” and shall have two independent locks. The key for one lock shall be kept by the Chairman of the Board or of the Committee as the case may be and the key for the other lock shall be kept by such other member of the Board or Committee as the Board may direct.

Opening of Tenders Boxes. [22 of 1987].

22. (1) On the date and at the time fixed for the opening of offers, the Chairman and one other member of the Board or committee shall unlock the box and open the offers found therein and every person who made an offer shall be entitled to be present either personally or through a duly authorised representative at the opening of the Tenders Box.

(2) The Chairman and such other member of the Board or committee shall initial the offers so found and shall cause a note to be taken of the number of offers found and opened, the names of the persons making the offers and such further information as the Board or Committee may direct.

Board may require deposit. [18 of 1965].

23. (1) The Board may require any person who is desirous of making an offer to deposit with the Treasury a sum in an amount to be fixed by the Board before any offer is made.

(2) The Board may forfeit any sum so deposited if—
(a) any person making the deposit fails to make an offer;

- (b) any person whose offer is accepted fails or refuses to enter into a formal contract;
- (c) any person to whom a contract is awarded fails to execute and fulfil the terms thereof;
- (d) any person makes an offer after the date and time within which an offer is to be made in accordance with the notice published in pursuance of section 19(3); or
- (e) any person having made an offer withdraws the same.

(3) After a contract is awarded the Board shall arrange for the refund of any deposits to persons whose offers have not been accepted.

23A. The Board shall not accept any tender unless it is accompanied by a Tax Clearance Certificate and a Clearance Certificate issued under the Income Tax Act and the Value Added Tax Act, respectively and obtained from the Board of Inland Revenue.

Tax Clearance Certificate Fee. [11 of 1988 4 of 1992]. Ch. 75:01. Ch. 75:05.

24. (1) After the offers have been opened the Board or a Committee shall, at such time or times as may be deemed necessary or expedient, consider the offers so received and, except for good reason, the sufficiency whereof is in the discretion of the Board or the Committee, shall accept the lowest offer which represents the best value.

Board to accept best offer. [5 of 2004].

(2) The Board is not bound to accept the lowest or any offer.

25. (1) Where an offer has been accepted—

- (a) the person who has submitted the offer shall be notified by the Board of its acceptance, and the Board shall, whenever it deems it necessary so to do, inform him that he is required to enter into a formal contract with the Government or statutory body, as the case may be, at whose request offers were invited; and

Board to notify acceptance of offers. [18 of 1965].

(b) the Government or the statutory body on whose behalf offers were invited, shall be notified by the Board of the Board's acceptance of the offer.

(2) The notification referred to in subsection (1) is to be in writing and signed by the Chairman or, in his absence, by the Deputy Chairman.

Formal contract to be entered into.

26. (1) Where an offer has been accepted by the Board or a committee acting for and on behalf of the Board, the Government or the statutory body at whose request the invitation to offer was issued and the person whose offer has been accepted shall enter into a formal contract for the supply of the articles or the undertaking of the works or services, as the case may be.

(2) A formal contract shall be in such form, and contain such terms, conditions and provisions, as the Board may determine.

(3) The Board shall publish in the *Gazette* the name of the person or body to whom the contract is awarded, the amount of the tender and the date on which the award was made.

Power of Board to require security. [18 of 1965].

27. The Board may require every person to whom any contract is awarded to provide security in such form and to such extent as the Board may determine.

PART II

APPOINTMENT OF CONSULTANTS

Interpretation. [36 of 1979].

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 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 functions, including the operation of any enterprise of the Government or of any of the statutory bodies to which the Act applies;

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

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

27B. (1) For the purpose of this Act 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 Act applies in appointing consultants in connection with any project.

Additional functions of the Board. [36 of 1979 5 of 2004 17 of 2007].

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

- (a) by a Permanent Secretary or the Chief Administrator of the Tobago House of Assembly where the amount of fees payable to the consultant does not exceed two hundred thousand dollars; or
- (b) by a Tenders Committee where the amount of fees payable to the consultant does not exceed one million dollars.

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

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

Board to keep register. [36 of 1979].

(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.
[36 of 1979].

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 offer, publicly and 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 and 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.
[36 of 1979].

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.
[36 of 1979
3 of 1993].

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

28. (1) Whenever the Government or a statutory body to which this Act applies determines that any article which is the property of the Government or such statutory body and which was originally valued at more than one thousand dollars is unserviceable or is surplus to the requirements of the Government or such statutory body, the Government or the statutory body concerned shall report to the Board to this effect.

Disposal of surplus or unserviceable stores.
[51 of 1980].

(2) The report shall contain a full description of the articles, the quantity thereof and the places where the articles are stored.

(3) The Government or the statutory body shall continue to be responsible for the surplus or unserviceable articles until it surrenders the custody or control thereof to the Board.

29. (1) On the receipt by the Board of a report under section 28(1), the Board may in its discretion assume the custody and control of the surplus and unserviceable articles.

Custody and control of surplus and unserviceable articles.

(2) The Board shall sell and dispose of the articles by public auction or may adopt such other method of disposal as the Board may consider proper and desirable.

(3) A member of the Board or such officer of the Board as may be nominated by the Chairman shall attend every such sale and report to the Board the result thereof.

(4) The Board shall make arrangements for the deposit of the proceeds of such sale less all expenses incurred as a result thereof with the Comptroller of Accounts for the account of the Government or the statutory body concerned, as the case may be.

30. (1) In the exercise of the authority vested in it under this Act, the Board or a committee may—

Power of Board to consult officers and members of the public.

(a) consult with any officer or officers of the Government or of a statutory body to which this Act applies or such other person or persons as the Board in its discretion may consider proper and desirable;

- (b) request that the services of any officer of the Government or of a statutory body to which this Act applies be made available to the Board with respect to any of the functions and duties of the Board, and the Government (or the statutory body, as the case may be) shall comply with any such request;
- (c) require any person who has made an offer to the Board to attend a meeting of the Board and furnish the Board within a specified time with such information with respect to that person's finance, equipment or professional or technical qualification as the Board may require; or any other information that in the opinion of the Board is necessary for the proper assessment of the offer and the offerer's capacity to execute the same; and
- (d) make inspections and arrange for the Chairman, another member or an officer of the Board, to make an inspection wherever the Board considers it desirable so to do.

(2) The services referred to in subsection (1)(b) include the attendance at meetings, the giving of advice and the making of reports to the Board.

Offences.

31. Any person requested by the Board or a Committee to furnish to the Board or a Committee any information by virtue of section 30(1)(c) who wilfully furnishes the Board or a Committee with information that is false, is guilty of an offence and is liable upon summary conviction to imprisonment for a period not exceeding one year or to a fine not exceeding five hundred dollars or to both such imprisonment and such fine.

Information to be confidential.

32. (1) Every person having an official duty or being employed in the administration of this Act shall regard and deal with all documents and information relating to the functions of the Board as confidential.

(2) Save as is provided in section 12(6) every person having possession of or control over any document or information relating to the functions of the Board, who at any time communicates or attempts to communicate any information contained in such documents, to any person other than a member of the Board, is guilty of an offence and is liable upon summary conviction to imprisonment for a period not exceeding one year or to a fine not exceeding five hundred dollars or to both such imprisonment and such fine; but this provision does not apply so as to make any such person guilty of an offence where he discloses any such information in the course of his official duties.

(3) Any person whether he has made an offer or not who, with the intention of gaining any advantage or concession for himself or any other person, offers any member of the Board or a Committee or any officer thereof a gift of money or other thing or approaches any member of the Board, Committee or any officer thereof with respect to any matter that is before the Board or a committee or that is expected to come before the Board or Committee is, in addition to being disqualified from being awarded a contract, guilty of an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for one year or to both such fine and such imprisonment.

33. In the exercise of its powers and the performance of its duties, the Board shall conform with any general or special directions given to it by the Minister.

General or special directions of the Minister.

34. No member of the Board or of any Committee is personally liable for any act or omission of the Board or Committee done or omitted in good faith in the course of the operations of the Board or Committee; and any sums of money, damages or costs that are recovered against the Board or any Committee for anything done or omitted as aforesaid shall be paid out of the funds of the Territory.

No personal liability shall attach to the Board.

35. (1) The President may make such Regulations as may appear to him to be necessary or expedient for the proper carrying out of the intent and provisions of this Act and, without limiting the generality of the foregoing, may make Regulations—

Regulations. [18 of 1965].

- (a) prescribing the procedure to be adopted by the Board in the exercise of the authority vested in it by this Act;

- (b) prescribing the forms to be used in making offers;
- (c) prescribing the periods for which advertisements should be published and fixing the responsibility for the cost thereof;
- (d) prescribing the forms of contract to be used;
- (e) prescribing the financial limits within which contracts may be awarded by public officers and officers of statutory bodies and the limit of the value of articles which may be purchased by such officers without inviting tenders;
- (f) prescribing the procedure to be adopted in disposing of unserviceable articles or surplus stores and the limits within which they can be disposed of by prescribed officers of statutory bodies;
- (g) for establishing Ministerial, departmental or special committees to deal with departmental contracts or special items or services, the value of which does not exceed an amount, if any, fixed by the Regulations; and
- (h) prohibiting the entering into of contracts for the supply of articles or the undertaking of works or any services connected therewith with members of statutory bodies to which this Act applies or any officers thereof or with such other persons as may be specified in the Regulations.

(2) Regulations made under subsection (1) may provide, for the contravention thereof or non-compliance therewith, a penalty on summary conviction of a fine of five hundred dollars, or imprisonment for six months or both such fine and such imprisonment.

***FIRST SCHEDULE**

(Section 3).

The Mayor, Aldermen, Councillors and Citizens of the City of Port-of-Spain;
The Mayor, Aldermen, Councillors and Citizens of the City of San Fernando;
The Mayor, Aldermen, Councillors and Burgesses of the Borough of Arima;
The Mayor, Aldermen, Councillors and Burgesses of the Borough of Point Fortin;
The Mayor, Aldermen, Councillors and Burgesses of the Borough of Chaguanas;
The Chairman, Aldermen, Councillors and Electors of the Region of Diego Martin;
The Chairman, Aldermen, Councillors and Electors of the Region of San Juan/Laventille;
The Chairman, Aldermen, Councillors and Electors of the Region of Tunapuna/Piarco;
The Chairman, Aldermen, Councillors and Electors of the Region of Sangre Grande;
The Chairman, Aldermen, Councillors and Electors of the Region of Mayaro/Rio Claro;
The Chairman, Aldermen, Councillors and Electors of the Region of Princes Town;
The Chairman, Aldermen, Councillors and Electors of the Region of Couva/Tabaquite/Talparo;
The Chairman, Aldermen, Councillors and Electors of the Region of Penal/Debe;
The Chairman, Aldermen, Councillors and Electors of the Region of Siparia;
The Tobago House of Assembly;
The Central Water Distribution Authority;
The Railway Board;
The Marketing Board;
The Cocoa and Coffee Industry Board;
The Sugar Industry Control Board;
The Sugar Industry Labour Welfare Committee;
The National Housing Authority.

* This Schedule has been amended by the following: 93/1965; 70/1973; 173/1974; 70/1981; 98/1982; 108/1992.

SECOND SCHEDULE

(This Schedule has been omitted since it deals with amendments to various Acts and Ordinances which have been incorporated in the relevant amended Act or Ordinance.)

45/1992.

THIRD SCHEDULE

**ITEMS AND SERVICES REQUIRED FOR THE PURPOSES OF THE
TRINIDAD AND TOBAGO DEFENCE FORCE AND
PROTECTIVE SERVICES**

1. Arms and ammunition.
 2. Repair and maintenance of aircraft and Coast Guard vessels.
 3. Security equipment including scanners, detectors and safe tax machines.
 4. Uniforms and protective gear.
 5. Aircraft, marine craft and parts thereof.
 6. Wireless equipment and spares including radar systems.
-

[Section
20A(2A)(b)].
[39 of 1991].

FOURTH SCHEDULE

PROTECTIVE SERVICES

- Ch. 15:01. The Police Service established by section 3 of the Police Service Act;
- Ch. 13:02. The Prison Service established by section 3 of the Prison Service Act;
- Ch. 15:02. The Rural Police and Estate Police established by section 3 of the Supplemental Police Act;
- Ch. 15:03. The Special Reserve Police established by section 3 of the Special Reserve Police Act; and
- Ch. 35:50. The Trinidad and Tobago Fire Service established by section 3 of the Fire Service Act.
-

SUBSIDIARY LEGISLATION

CENTRAL TENDERS BOARD REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

1. Citation.
 2. Interpretation.
 3. Fixing dates, etc., of meeting.
 4. Contents of agenda.
 5. Reservation of questions for discussion.
 6. Recording of dissent from decision.
 7. Form of notices.
 8. Cost of advertisement or announcement.
 9. Form, etc., of offers.
 10. Forms of contract.
 11. Ministerial and Departmental Committees.
 12. Powers of Permanent Secretaries, etc.
 - 12A. Purchases of computer equipment.
 13. Special Committees for office machines, etc.
 14. Drugs and Hospital Supplies Committee.
 15. Procedure to be adopted in disposing of surplus or unserviceable articles of original value of \$1000. or less.
 16. Contracts with officers and employees, effect of.
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LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

26

Chap. 71:91

Central Tenders Board

[Subsidiary]

137/1965.*

CENTRAL TENDERS BOARD REGULATIONS

made under section 35

Citation. **1.** These Regulations may be cited as the Central Tenders Board Regulations.

Interpretation. **2.** In these Regulations—

Ch. 71:91. “Act” means the Central Tenders Board Act;

“Chairman” means the Chairman of the Board and includes the Deputy Chairman where the context so requires;

“Department” means any Department of Government not under Ministerial control;

“member” means a member of the Board;

“statutory body” means a statutory body to which the Act applies.

Fixing dates, etc., of meeting.

3. The Chairman shall fix the dates, time and place at which the Board shall meet and may call special meetings of the Board for the consideration of any urgent matter.

Contents of agenda.

4. At meetings of the Board agenda shall provide for—

(a) confirmation of the minutes of the Board’s last meeting and of any special meetings;

(b) adjourned business, if any;

(c) committee’s reports, consideration thereof, and such action thereon as the Board may deem fit;

(d) current business requiring the Board’s consideration;

(e) any other competent business.

Reservation of questions for discussion.

5. On the circulation of papers to members of the Board as provided for in section 14(1) of the Act any member of the Board may request the Chairman to reserve any question for discussion at the next meeting of the Board.

* These Regulations have been amended by GN 41/1976; GN 44/1968; GN 139/1969; 190/1977; 24/1983; 45 of 1997; 159/1979; 51/1980; 24/1983; 138/1983; 4 of 1992; 114/1992; 88/1995; 117/1996; 223/2003; and 132/2007.

6. Any member of the Board who dissents from any decision may request the Chairman to, and the Chairman shall record his dissent and the reasons therefor in the minutes.

Recording of dissent from decision.

7. (1) The notices inviting members of the public to make offers for the supply of articles or for the undertaking of any services in connection therewith shall be in such form as the Board may from time to time determine and shall be signed by the Chairman.

Form of notices.

(2) Notices described in subregulation (1) shall be advertised in not less than two issues of local or overseas newspapers, for a period of not less than 14 days.

(3) The Chairman may cause such announcements in respect of offers for the supply of articles and for the undertaking of works or any services in connection therewith to be made by radio or television as he may from time to time deem expedient.

8. When notices inviting members of the public to make offers for the supply of articles or for the undertaking of works or any services in connection therewith have been advertised or any announcements in respect thereof are made by radio or television the cost thereof shall—

Cost of advertisement or announcement.

(a) where articles are to be supplied to or the works or services in connection therewith are to be undertaken for the Government, be borne by the Government and shall be paid out of the vote provided therefor under control of the Ministry of Finance; and

(b) where articles are to be supplied or the works or services in connection therewith are to be undertaken for a statutory body, be borne by such statutory body.

9. (1) The Board may prepare and cause to be printed such form, etc., of offers as in its opinion are necessary and appropriate for the making of offers for the supply of articles or for the undertaking of works or any services in connection therewith.

Form, etc., of offers.
[4 of 1992
223/2003].

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

28

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board Regulations

(2) Offers for the supply of articles or for the undertaking of works or any services in connection therewith may be made on the appropriate form supplied in accordance with subregulation (1), or when so directed by the Board by letter, shall be signed by the person making the offer or in the case of a company, partnership or business firm by a duly authorised officer or employee of such company, partnership or business firm and shall be enclosed in a sealed envelope addressed to the Chairman of the Board.

(3) Every offer shall, unless otherwise directed in writing by the Board, be accompanied by—

(a) a Certificate from the Board of Inland Revenue to the effect that the person, company, partnership or business firm has, to the satisfaction of the Board of Inland Revenue, complied with and discharged his or its obligations under the Income Tax Act and the Value Added Tax Act; and

(b) a Certificate of Compliance issued in accordance with the National Insurance Act.

Ch. 75:01.

Ch. 75:06.

Ch. 32:01.

(4) Alterations or erasures in any offer made to the Board shall be initialled by the person making the offer or in the case of a company, partnership or business firm by a duly authorised officer or employee of such company, partnership or business firm.

(5) The Board may reject any offer which does not comply with any of the provisions of this regulation.

Forms of contract.

10. Every formal contract shall be in such form as the Board on the advice of the State Solicitor may from time to time determine and shall specify, *inter alia*, whenever applicable—

(a) a description of the articles to be supplied or the works or services to be undertaken;

(b) the price to be paid for the supply of such articles or the undertaking of such works or services;

(c) the period within which the matters contemplated by the contract are to be performed;

- (d) the amount of damages payable by the Contractor for delay or non-completion within the period stipulated; and
- (e) provision for termination on breach.

11. (1) There shall be established for every Ministry or Department of the Government not under Ministerial control a Ministerial or Departmental Committee comprised—

Ministerial and
Departmental
committees.
[24 of 1983
51/1980
138/1983
114/1992
88/1995
223/2003].

- (a) in the case of a Ministerial Committee, of a Chairman who shall be the Director or Deputy Director of Contracts and two officers nominated by the Minister responsible for the Ministry concerned and appointed by the Minister responsible for the subject of Finance;
- (b) in the case of a Departmental Committee, of a Chairman who shall be the Director or Deputy Director of Contracts and two officers nominated by the Head of the Department and appointed by the Minister responsible for the subject of Finance.

(2) Any Committee established in accordance with subregulation (1) may act for the Board where the total of the value of the articles to be supplied or the works and services to be undertaken does not exceed one million dollars; but no such Committee shall for the purpose of giving itself authority to act under this regulation subdivide the quantity of articles to be supplied, works and services to be undertaken into two or more portions so that the value of the portions will be one million dollars or less.

(3) *(Revoked by LN 88/1995).*

(4) In the exercise of the authority vested in it under these Regulations, a Ministerial or Departmental Committee may consult with any officer or officers of the Government as such Committee in its discretion may consider proper and desirable.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

30

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board Regulations

Powers of
Permanent
Secretaries, etc.
[41/1967
44/1968
159/1979
51/1980
24/1983
138/1983
88/1995
117/1996
223/2003
132/2007].

12. (1) A Permanent Secretary, the Chief Administrator of the Tobago House of Assembly or an officer of a statutory body (other than a Municipal Council) appointed for that purpose by such statutory body may act for the Board where the total value of the articles to be supplied or the works and services to be undertaken does not exceed in the case of—

- (a) a Permanent Secretary or the Chief Administrator of the Tobago House of Assembly five hundred thousand dollars; or
- (b) an officer appointed under this subregulation, twenty-five thousand dollars,

but he shall not for the purpose of giving himself authority to act under this regulation subdivide the quantity of articles to be supplied or works and services to be undertaken into two or more portions so that the value of each portion places such portion within his jurisdiction.

(2) In the case of Municipal Councils—

- (a) the Chief Executive Officer may award contracts where the total value of the articles to be supplied or the works and services to be undertaken does not exceed fifty thousand dollars;
- (b) a special Ministerial Committee comprising the Permanent Secretary in the Ministry responsible for the administration of Local Government and Social Welfare or his nominee, the Chief Executive Officer and Road Officer of the Municipal Council concerned, may award contracts where the total value of the articles to be supplied or the works and services to be undertaken does not exceed one hundred thousand dollars; and
- (c) a Chief Executive Officer or a special ministerial committee established under subparagraph (b) shall not for the purpose of giving himself or itself authority to act under this regulation sub-divide the quantity of articles

to be supplied or works and services to be undertaken into two or more portions so that the value of each portion places such portion within his or its jurisdiction.

(3) A Permanent Secretary, the Chief Administrator of the Tobago House of Assembly or an officer of a statutory body appointed pursuant to the provisions of paragraph (1), as the case may require, may without inviting tenders purchase articles and approve payment for the performance of services the total cost of which does not exceed in the case of—

- (a) a Permanent Secretary or the Chief Administrator of the Tobago House of Assembly five hundred thousand dollars; or
- (b) an officer of a statutory body, twenty-five thousand dollars.

(4) A special Ministerial Committee established by paragraph (2)(b) may without inviting tenders purchase articles or approve payment for the performance of services as and when required, the total cost of which does not exceed fifty thousand dollars.

(5) Where by reason of the location of an undertaking or the undue delay which would otherwise be occasioned in the completion of the undertaking or for any other good and sufficient cause, a Permanent Secretary, the Chief Administrator of the Tobago House of Assembly or an officer of a statutory body appointed pursuant to the provisions of paragraph (1), is satisfied that any of the powers conferred by paragraph (3) could more conveniently be exercised by the officer charged with the responsibility for the immediate supervision of the undertaking, the Permanent Secretary, the Chief Administrator of the Tobago House of Assembly or officer of the statutory body may by written directions or orally, as the urgency of the case requires, authorise the officer to exercise any or all of the said powers; but where the directions are given orally the directions shall as soon as is practicable thereafter be reduced to writing and signed by the Permanent Secretary, the Chief Administrator of the Tobago House of Assembly or officer of the statutory body concerned.

12A. Notwithstanding regulations 11 and 12, purchases of main frames, major networks or work stations for computer systems shall be approved by the Minister to whom responsibility for national information systems is assigned.

Purchases of computer equipment. [88 of 1995].

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

32

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board Regulations

Special committees for office machines, etc.

13. (1) There shall be established a special Committee to be known as the Office Machines, Appliances and Furniture Committee to act for the Board in the purchasing of office machines, appliances, and furniture for offices and quarters or works and services to be undertaken in connection therewith and such committee shall be comprised of such officers as the Minister of Finance shall from time to time nominate one of whom shall be an *ex officio* member of the Board.

(2) The Office Machines, Appliances and Furniture Committee shall act for the Board with no financial limit in purchasing office machines, appliances and furniture for offices and quarters or works and services to be undertaken in connection therewith.

Drugs and Hospital Supplies Committee.

14. (1) There shall be established a special Committee to be known as the Drugs and Hospital Supplies Committee to act for the Board in the purchasing of drugs and hospital supplies generally and such Committee shall be comprised of such officers as the Minister of Finance shall from time to time nominate one of whom shall be an *ex officio* member of the Board.

(2) The Drugs and Hospital Supplies Committee shall act for the Board with no financial limit in purchasing drugs and hospital supplies and services to be undertaken in connection therewith.

Procedure to be adopted in disposing of surplus or unserviceable articles of original value of \$1000. or less. [51/1980].

15. An article which is declared by the Government or a statutory body to be unserviceable or surplus, and which was originally valued at two hundred and fifty dollars or less, may be sold by auction by an auctioneer appointed by the Board or destroyed or otherwise disposed of by such public officers or by such officers of statutory bodies as are nominated for the purpose by the Ministry or the statutory body concerned, as the case may require, and an article which was originally, valued at more than two hundred and fifty dollars but not more than one thousand dollars may be sold by auction or destroyed or otherwise disposed by a Committee of the Board established for a statutory body under section 16 of the Act or by a Ministerial or Departmental Committee.

16. (1) A public officer or an employee of the Government, or a member or employee of a Statutory Body or the spouse or any child of such person shall not enter into any contract for the supply of articles to, or the undertaking of any works or services for the Government or such statutory body, as the case may be, and where a person becomes a public officer or employee of the Government or a member or employee of a Statutory Board, after he or his spouse or any child has entered into such contract, the contract with such person or his spouse or any child shall thereupon be treated as terminated upon such terms as the Board considers appropriate.

Contracts with officers and employees, effect of. [139/1969].

(2) Any person specified in paragraph (1) who contravenes the provisions thereof is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

[Subsidiary]

**CENTRAL TENDERS BOARD (DEFENCE FORCE
AND PROTECTIVE SERVICES) (NO. 2) ORDER**

ARRANGEMENT OF CLAUSES

CLAUSE

1. Citation.
 2. Interpretation.
 3. Establishment of a Special Tenders Committee.
 4. Function of Committee.
 5. Meetings of the Committee.
 6. Consideration of tenders by Committees.
 7. Documents and information to be confidential.
 8. Disqualification of tender.
 9. Procedures for tender.
 10. Tenders box.
 11. Deposit.
 12. Tender to be sealed.
 13. Opening of tenders.
 14. Consideration by the Committee of tenders made.
 15. Form of contract.
 16. Exemption.
 17. Prohibition.
 18. Foreign tenders.
-

**CENTRAL TENDERS BOARD (DEFENCE FORCE
AND PROTECTIVE SERVICES) (NO. 2) ORDER**

89/1992.

made under section 20A.

1. This Order may be cited as the Central Tenders Board (Defence Force and Protective Services) (No. 2) Order. Citation.

2. In this Order— Interpretation.

“Chairman” means the Chairman of the Committee;

“Committee” means the Special Tenders Committee established by paragraph 3;

“items” means the items for use by the Trinidad and Tobago Defence Force and Protective Services and described in the Third Schedule to the Act; Third Schedule.

“Minister” means the Minister to whom responsibility for national security is assigned;

“relative” means the father, mother, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law of a person;

“services” means the services required by the Trinidad and Tobago Defence Force and Protective Services and described in the Third Schedule to the Act.

3. (1) There is hereby established within the Ministry a Special Tenders Committee which shall comprise the following persons: Establishment of a Special Tenders Committee.

(a) the Permanent Secretary in the Ministry, who shall be Chairman;

(b) the Chief of Defence Staff;

(c) the Commissioner of Police;

(d) the Chief Fire Officer;

(e) the Commissioner of Prisons;

(f) an Administrative Officer V in the Ministry; and

(g) the Accounting Executive I in the Ministry.

(2) The Committee may co-opt such other members of the Ministry as it considers necessary.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

36

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board (Defence Force and Protective Services) (No. 2) Order

(3) Where the Committee proposes to award a contract, the value of which exceeds one hundred thousand dollars, the Committee shall invite the Director of Contracts or his nominee to take part in the consideration or discussion of the award and to vote on the matter.

(4) In the absence of the Chairman at a meeting or any part thereof, the Committee shall elect one of the members present to perform the functions of Chairman.

(5) An officer of the Ministry, not below the classification of Clerk IV, shall attend meetings of the Committee and shall act as secretary to the Committee.

Function of Committee.

4. The Committee shall invite and consider tenders for the supply of the items or services and shall decide whether to accept or reject such tenders in accordance with this Order.

Meetings of the Committee.

5. (1) The Committee shall meet as often as the Chairman shall determine for the transaction of its business.

(2) Except where the Chairman otherwise determines, notices and agendas of meetings shall be circulated to members of the Committee at least forty-eight hours before the time fixed for such meetings.

(3) At a meeting of the Committee, four members shall constitute a quorum.

(4) Decisions of the Committee shall be by a majority of votes and for that purpose the Chairman shall have both an original and a casting vote.

(5) Minutes of each meeting shall be prepared in the proper form by the secretary, confirmed by the Committee at the next meeting and kept at the Ministry.

(6) Copies of minutes certified by the Chairman shall be forwarded monthly to the Minister and the Prime Minister.

(7) Decisions of the Committee may be taken at meetings or, where the Chairman so directs, by the circulation of papers among members.

(8) Where papers are circulated among the members, the Chairman may direct that the papers shall not be circulated to any member who through declared interest, illness, absence from the country or otherwise, is in the opinion of the Chairman precluded from voting.

(9) Where papers are circulated among members for decision, any member of the Committee may request the Chairman to reserve any matter for discussion at the next meeting of the Committee.

(10) Any member of the Committee who dissents from a decision may request the Chairman to record such dissent, and the Chairman shall record such dissent and the reason therefor in the minutes.

- 6.** (1) A member of the Committee or the Ministry who—
- (a) is a member of a company or other body;
 - (b) is a partner in a firm or partnership;
 - (c) is employed by a company, firm, partnership or other body;
 - (d) has a financial interest in a company, firm, partnership or other body;
 - (e) is married to a person; or
 - (f) is married to a person who has a relative,

Consideration of tenders by Committees.

that has submitted a tender for the supply or purchase of items or services which is the subject of consideration by the Committee, shall disclose the fact to the Committee and that person shall not take part in the consideration or discussion of the tender nor vote on any question concerning the tender.

- (2) In its consideration of a tender the Committee may—
- (a) consult with any officer of the Ministry's staff, or any officer of Government or of any statutory body, or such other person as the Committee may in its discretion consider proper and desirable;

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

38

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board (Defence Force and Protective Services) (No. 2) Order

- (b) require any person who has submitted a tender to the Committee to attend a meeting of the Committee with such information with respect to that person's finance, equipment, professional or technical qualifications, or any other information that the Committee may require, so that the Committee may properly assess the tender and the capacity of the person to execute it;
- (c) make inspections or arrange for the Chairman or another member of the Committee or an officer of the Ministry to make inspections; and
- (d) require samples of items to be submitted for test or examination.

Documents and information to be confidential.

7. All documents and information relating to the functions of the Committee shall be treated with the utmost confidentiality by all persons in any way connected with the work of the Committee.

Disqualification of tender.

8. A person, whether he has submitted a tender or not, who with the intention of gaining any advantage or concession for himself or any other person, offers any member of the Committee or officer of the Ministry a gift or money or other thing or approaches any member of the Ministry with respect to any matter that is or is expected to come before the Committee, shall be disqualified from being awarded the contract.

Procedures for tender.

9. (1) Where items or services are required to be supplied, a detailed description in writing of the items or services requested shall be given to the Committee.

- (2) On receipt of a request, the Committee may—
 - (a) invite members of the public to tender for the supply of such items or services, as the case may be, by notice published in the *Gazette* and in local or overseas newspapers; or
 - (b) invite such persons or firms as may be selected by the Committee to tender for the supply of such items or services, as the case may be.

(3) The notice shall be signed by the Chairman and shall contain—

- (a) a sufficient description of the items or services required and, whenever necessary, also state the place and the time at which additional information relating thereto can be obtained;
- (b) the form or manner in which a tender is to be made;
- (c) the date of completion of services or the period of delivery for the items;
- (d) the date and time within which a tender is to be made;
- (e) the place where, and the manner in which the tender is to be submitted;
- (f) the date and time when all tenders are to be opened; and
- (g) any other relevant information.

(4) The Chairman may cause such announcements in respect of tenders for the supply of items or services to be made by radio or television.

(5) The Ministry shall prepare and cause to be printed such forms as in the opinion of the Committee are necessary and appropriate for the making of tenders for the supply of items or services in connection therewith.

(6) A tender for the supply of items or services may be made on the appropriate form or when so directed by the Committee, by letter, and shall be signed by the person or firm making the tender or by a duly authorised officer or employee and shall be enclosed in a sealed envelope, addressed to the Chairman.

(7) A tender shall be accompanied by a valid Income Tax Certificate issued by the Board of Inland Revenue to the effect that the person, company, firm, partnership or other body has to the satisfaction of the Commissioner complied with the

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

40

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board (Defence Force and Protective Services) (No. 2) Order

Ch. 75:01.
Ch. 75:05. provisions of, and discharged his or its obligation under the Income Tax Act, and by a Value Added Tax Registration Number, if the person or firm is registered under the Value Added Tax Act.

(8) Alterations or erasures to a tender submitted to the Committee shall be initialled by the person, or by a duly authorised officer or employee of the company, firm, partnership or other body submitting the tender.

(9) The Committee may reject a tender which does not comply with any provision of this paragraph.

Tenders box.

10. (1) The Ministry shall keep at its offices or in such other place as in the opinion of the Chairman may be necessary for security or accessibility specially constructed boxes in which all tenders shall be placed.

(2) Each box shall be marked "Tenders Box", and shall be constructed so as to ensure the security of the documents placed in the box.

(3) Each box shall have two independent locks that control the opening of the box, the key of one lock shall be kept by the Chairman and the key of the other lock shall be kept by such other member of the Committee as the Committee shall decide.

(4) The Chairman shall assign a box for the receipt of tenders on any matter up to the date and time fixed in the relevant notice and shall cause the box to be marked so that it may readily be identified by persons delivering tenders.

Deposit.

11. (1) The Committee may require any person who is desirous of submitting a tender to deposit with the Treasury a sum in an amount to be fixed by the Committee before the tender is submitted.

(2) The Committee may forfeit any sum so deposited where—

- (a) a person making a deposit fails to submit a tender;
- (b) a person whose tender is accepted fails or refuses to enter into a formal contract;

- (c) a person to whom a contract is awarded fails to execute and fulfil the terms thereof; or
- (d) a person withdraws a tender.

(3) After a contract is awarded the Chairman shall arrange for the refund of any deposit to persons or firms whose tenders have not been accepted.

(4) A tender may be withdrawn only by a letter delivered to the Chairman signed by a person, partner of the firm or duly authorised officer or employee of the company or body that submitted the tender.

12. A tender shall be submitted in an envelope, which shall be sealed and deposited in the tender box before the closing date and time specified in the notice.

Tender to be sealed.

13. (1) On the date fixed for the opening of tenders the Chairman and the member of the Committee with the key to the second lock shall unlock the box, remove the tenders found therein, open the sealed envelopes containing the tenders and cause a note to be taken of the following:

Opening of tenders.

- (a) the names of the persons, firms, companies or other bodies submitting tenders;
- (b) the sums of money mentioned in the tenders;
- (c) Income Tax Certificates;
- (d) Value Added Tax Registration Numbers; and
- (e) such other information as the Committee required,

and the Chairman and said member shall sign each tender as it is opened, and shall also sign the note taken of all tenders opened.

(2) Any person or representative of a firm, company or other body submitting a tender may be present at the opening of the tenders.

14. (1) After the tenders have been opened the Committee shall consider the offers made.

Consideration by the Committee of tenders made.

(2) Where there is no significant difference in the quality of items or in the capacity to undertake the required services, as

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

42

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board (Defence Force and Protective Services) (No. 2) Order

between tenders, the lowest tender shall be accepted by the Committee, subject to the following:

- (a) where the quality of the item differs as between tenders, the Committee in determining which tender shall be accepted shall take cognisance of—
 - (i) the price quoted;
 - (ii) any evidence of reliability of performance;
 - (iii) any warranty or guarantee given;
 - (iv) the maintenance or repair services offered;
 - (v) the adequacy of stocks or spare parts held in Trinidad and Tobago; and
 - (vi) any other matter relating to the quality, reliability or capability of the items or services;
- (b) where there is a significant difference in the capabilities of persons or bodies submitting tenders, the Committee in determining which offer shall be accepted shall take cognisance of—
 - (i) the price quoted;
 - (ii) any evidence of previous performance of similar items or services;
 - (iii) any warranty or guarantee given;
 - (iv) technical skills, adequacy of support staff, supporting financial and contractual arrangements available in Trinidad and Tobago to the persons or bodies submitting tenders;
 - (v) compatibility with other items and services used by the Defence Force and Protective Services; and
 - (vi) any other matter relating to the quality or adequacy of performance of the items or services.

(3) Where a tender has been accepted by the Committee the person or body who submitted the tender shall be notified by the Chairman of its acceptance, and the Chairman shall inform him that he is required to enter into a contract with the Ministry.

15. (1) A contract shall be in such form and contain such terms, conditions and provisions, as the Ministry may determine, and shall specify, *inter alia*, whenever applicable—

Form of contract.

- (a) a description of the items to be supplied or services to be undertaken;
- (b) the price to be paid for the supply of such items or services;
- (c) the period within which the matters contemplated in the contract are to be performed;
- (d) the amount of damages payable for delay or non-completion within the period stipulated; and
- (e) provision for termination on breach of contract.

(2) The Ministry may require a person to whom any contract is awarded to provide security in such form and to such extent as the Committee may determine.

16. (1) On the recommendation of the Committee and with the approval of the Minister and the Prime Minister the purchase of items or services may be exempted from the operation of this Order where—

Exemption.

- (a) there is a limitation of sources of supply of the items or services;
- (b) the items or services form part of a system already in use by the Defence Force or Protective Services; or
- (c) the items are spares or replacement parts for other items already in use by the Defence Force or Protective Services.

(2) The Committee shall report any purchase made under this clause to the Minister and to the Prime Minister.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

44

Chap. 71:91

Central Tenders Board

[Subsidiary]

Central Tenders Board (Defence Force and Protective Services) (No. 2) Order

Prohibition.

17. A member of the Committee, or an officer of the Ministry or the relative of any such person shall not tender for the supply of items or services, and where a person becomes an officer of the Ministry, after he or his relative has entered into a contract with the Ministry, the Ministry may terminate the contract upon such terms as it considers appropriate.

Foreign tenders.

18. Where consideration is being given to the award of contracts involving foreign tenders, the Committee shall seek the advice of the Ministers to whom responsibility for finance and international trade are assigned.

**CENTRAL TENDERS BOARD (SECT
INTERNATIONAL) (EXCLUSION) ORDER**

45/1982.

made under subsection (2) of section 20A

WHEREAS subsection (2) of section 20A of the Central Tenders Board Act, provides that the President may by Order published in the *Gazette* exclude from the provisions of the Act any company which, having successfully undertaken one phase of a project, has expressed a desire and is able financially and otherwise to complete any other phase thereof:

And whereas Société Centrale pour l'Équipement du Territoire (SECT) International having successfully undertaken Phase I of the Oropouche Drainage and Irrigation Project, has expressed a desire and is able financially and otherwise to complete Phase II of the said project:

Now, therefore, the President in the exercise of the powers vested in him as aforesaid do hereby order as follows:

1. This Order may be cited as the Central Tenders Board (SECT International) (Exclusion) Order. Citation.

2. This Société Centrale pour l'Équipement du Territoire (SECT) International is hereby excluded from the provisions of the Central Tenders Board Act. Exclusion.
Ch. 71:91.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

46

Chap. 71:91

Central Tenders Board

[Subsidiary]

179/1997.

CENTRAL TENDERS BOARD (FUNCTIONS AND DUTIES) ORDER

made under section 4(2)

Citation.

1. This Order may be cited as the Central Tenders Board (Functions and Duties) Order.

Functions and duties.

2. The functions and duties of the Central Tenders Board are hereby extended to include the authority to act for, in the name and on behalf of the Government to dispose of real property owned by the Government in such manner as the Government may consider appropriate and desirable.

**CENTRAL TENDERS BOARD (CONTRACTS FOR
THE LEASE OF COMPUTERS AND COMPUTER
EQUIPMENT) ORDER**

52/2002.

made under section 4(2)

1. This Order may be cited as the Central Tenders Board (Contracts for the lease of Computers and Computer Equipment) Order. Citation.

2. In this Order— Interpretion.

“computer” means an electronic, optical, electrochemical, or a magnetic, or other data processing device, or a group of such interconnected or related devices, performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device or group of such interconnected or related devices, but does not include—

- (a) an automated typewriter or typesetter;
- (b) a portable hand held calculator; or
- (c) a similar device which is non-programmable or which does not contain any data storage facility;

“computer equipment” means—

- (a) main storage devices;
- (b) disk units;
- (c) network switches, cards and other network devices;
- (d) computer printers;
- (e) printer devices, network printer devices, and network printing devices;
- (f) computer switches;
- (g) relay systems;
- (h) couplers;
- (i) line conditioners;
- (j) battery backup, and

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

48 **Chap. 71:91**

Central Tenders Board

[Subsidiary]

*Central Tenders Board (Contracts for the Lease of
Computers and Computer Equipment) Order*

any other items of equipment, whether hardware or software, that are used while connected, whether physically or virtually, to a computer;

Ch. 71:91. “Act” means the Central Tenders Board Act.

Additional
functions of the
Board.

3. For the purposes of the Act, the Central Tenders Board shall have the authority to invite, consider, accept or reject offers for the lease of computers and computer equipment by all Government Ministries and Government Departments.