



Fishermen and Friends of the Sea (FFOS)
c/o #34 Frederick Street,
Port of Spain,
Trinidad and Tobago.
31st March, 2021

Her Excellency Paula – Mae Weekes (ORTT)
President of the Republic of Trinidad and Tobago
Office of the President,
Circular Road St. Ann's.

Your Excellency,

Re: Amendments to the Public Procurement and Disposal of Property Act (2015) (PPDPA)

We write your Honourable Office, deeply concerned about the economic future of our country. On 7th December 2020, the Public Procurement and Disposal of Property (Amendment) Bill (PPDPB), 2021 was passed by a singular vote in our Senate. These amendments, if operationalized, will significantly handicap the Office of the Procurement Regulator's (OPR's) ability to oversee the expenditure of public funds. As you know, once a Bill is passed in Parliament, responsibility falls on your good office to proclaim it into Law. Given our history of corruption, widespread public discontent (raised by several independent entities) surrounding these amendments and the dire state of our economy, we respectfully plead with your Honourable Office to refrain from proclaiming these amendments until the substantive concerns raised are meaningfully addressed by our Government.

Some of the concerns are firstly, there are numerous objections to the amendment of Section 7(2) which removes Government to Government relations from the OPR's purview. Whilst our Government has cited "international best practice" as their reason for doing same, many citizens remained concerned that our close economic ties to countries such as China necessitate some level of independent third party oversight over State transactions. Your Excellency would recall in 2019, when the Government cancelled a USD 71.7M contract with the China Gezhouba Co. Ltd, for the construction of 5000 unit apartments. This contract was a novel one, the likes of which had never been agreed to in our Country's history. Normally, the cancellation of such a contract would have attracted stiff penalties but our mysteriously close relationship with China has buried this atrocity and mired its resolution in a cloak of secrecy. How was our Government able to enter into such an enormous contract then cancel it without any known consequences? By removing the OPR's ability to tangibly oversee Government to Government arrangements including the mechanisms for the settlement of disputes, the extent to



which our Government uses tax payer's dollars in such dealings remains secret. Our public purse is being held ransom to "secretive" politicians who seem unconcerned by China's well documented "debt trap policy."

Secondly, the Law Association of Trinidad and Tobago (LATT) has raised serious concerns about the exemption of Public Private Partnerships from the OPR's purview. Should there be credence to their reasoning, the entire aim of the Public Procurement and Disposal of Property Act (2015) is undermined as our Government's dealings with the private sector are now outside of the OPR's scope. To this day, the Honourable Attorney General has not responded to the LATT's statement and a concerned populace is left in the dark as to whether our Government has clandestinely legalized corruption.

Finally, the Government has also exempted the following services from the OPR's purview:

- (a) legal services;
- (b) debt financing services for the National Budget;
- (c) accounting and auditing services;
- (d) medical emergency or other scheduled medical services; or
- (e) such other services as the Minister may, by Order, determine.

The Government has given no explanation for these new exemptions and have interestingly exempted legal services and services provided during a medical emergency from the OPR's scope. These exemptions concern us especially because:

- 1) We are in the midst of a pandemic and as such, there is uncertainty whether it allows the procurement of vaccines/medical services without independent oversight; and
- 2) The Government is currently prosecuting former members of the Opposition for exorbitant legal fees during their tenure, thus it is dumbfounding that they now seek to exempt the same conduct which they evidently deem criminal.

In light of the foregoing, we appeal to your Honourable Office to consider our pleas and refrain from proclaiming the most recent amendments until there is a free, fair and open public discussion between the Government and the public on the purpose/extent and benefit of these amendments. As it stands, they are shrouded in a veil of secrecy, a concern you alluded to in your 2021 New Year's Address. We anticipate your response and know that you will to act with our country's best interest at heart.

Should you wish to meet/discuss our concerns we are more than willing to assist.

Sincerely and Respectfully,

Gary Aboud
Corporate Secretary

