

## JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY

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24<sup>th</sup> April 2012

The Honourable Kamla Persad-Bissessar, MP,  
Prime Minister of the Republic of Trinidad & Tobago,  
Office of the Prime Minister,  
#13-15, St. Clair Avenue,  
St. Clair,  
**Port-of-Spain**

Honourable Prime Minister,

### **Urgent request for a meeting on Public Procurement issues**

The JCC is requesting an urgent meeting with you to voice our growing concern over the serious issues arising in relation to Public Procurement.

The JCC is in full support of your administration's promise to implement new Public Procurement laws to reduce the waste and theft of public money. However, we are greatly concerned over the fact that the 91 recommendations of the Uff Enquiry remain unimplemented. The greater part of those recommendations can be implemented without any need for legislation and the JCC has offered to assist in this exercise, as detailed in the first Appendix to this document.

In administrative terms, the present situation is the same as obtained during the previous administration. This situation offers the same scope for waste, theft and nepotism as well as the inevitable further erosion of public confidence.

An important aspect of our long-term campaign for a new and effective system of Public Procurement controls is the skepticism towards and scrutiny of 'Government-to-Government' arrangements. As far back as the previous 'Petro-Dollar boom' in the 1970's to 1980s, our country was subjected to those arrangements in which the Treasury ultimately had an obligation to repay inflated sums of foreign exchange to external contractors due to cost over-runs. That series of arrangements was detrimental to our national interest in that severe financial burdens were imposed in a scenario which denied opportunities to capable local contractors and increased our foreign exchange liabilities with the 'collateral damage' that none of the promised 'transfer of technology' took place. What is more, poor project controls meant that we were saddled with contentious and ostentatious projects such as the Mount Hope Medical Complex, the Hall of Justice and the Financial Complex, with the most glaring recent example being the NAPA at the Queen's Park Savannah – with unnecessarily burdensome repair and maintenance obligations.

The Chambers administration commissioned a special report into these Government-to-Government arrangements - the '*Ballah Report*'- authored by the late Lennox Ballah, which should be required reading for all senior public administrators and others with a commitment to long-term national development. Our Treasury was effectively targeted by larger 'partner nations' with self-serving agendas for development of their own industrial and contracting sectors with the consequence that our nation was left with a debilitated construction sector and the burden of huge, ill-suited projects to maintain at a time of greatly reduced national income.

The re-appearance of Government-to-Government arrangements is disturbing and the JCC is now openly questioning the rationale for such discredited arrangements.

The recent sod-turning ceremony on March 2<sup>nd</sup> 2012 for the Couva Children's Hospital is of particular concern to the JCC, raising as it does potent issues of the Needs Assessment in proper procurement practice.

To list just three points of concern -

1. Has there actually been a need established for another Children's Hospital in Trinidad, given the existing facilities at the Mount Hope Medical Complex?
2. Given the high noise and air-pollution levels, is a location along a major highway suitable for a health facility?
3. Given the existence of designs for a Rivulet Road Interchange - designs which have been approved by the Highways Division - it is important to note that the location of the proposed Couva Children's Hospital is in fact exactly the same as that proposed Interchange. If this new project were to proceed as intended it would effectively stifle planned road improvements in terms of access to our country's most significant industrial assets. Has planning permission been obtained?

.....3// Your own [address](#) at the sod-turning

Your own [address](#) at that sod-turning ceremony was significant in relation to our concerns on the 'Government-to-Government' arrangements -

*"...The Couva Children's Hospital initiative has been achieved using the guidance and technical expertise made available to us from the Government of the Republic of China. Today I wish to express my sincere appreciation to the government and people of the Republic of China and in particular to His Excellency the Ambassador of the People's Republic of China*

*This is the first in a series of projects involving Government to Government collaboration which will yield tangible results that will benefit Trinidad and Tobago in a number of ways..."*

This was also borne out by media reports of the event -

*"...The Prime Minister said the project would be funded by the Government of China and was one of several government to government projects taking place during her tenure..."*

It is an integral part of the Couva Children's Hospital project that the Government of the Peoples Republic of China will nominate the contractor, so it is difficult to reconcile that fact with your statement as to the provision of local jobs at the point of construction.

It is ironic that the sod-tuning ceremony for that \$150M USD project should take place a mere month before and a few hundred yards away from the opening of the Couva/Preysal Interchange on 3<sup>rd</sup> April. Your statements, as [reported](#) in the Express of 4<sup>th</sup> April, were in stark contrast to the real implications of the resumption of these Government-to-Government arrangements by your administration. In fact you were reported to have commended local contractors Seereeram Bros Ltd and Super Industrial Services Ltd (SIS) for helping to restore confidence in the local construction and engineering industry.

....4// You were then quoted as saying

You were then quoted as saying – "... (They have) given us yet another strong reason to be confident in the work of our people. There was a time before the People's Partnership when our local contractors were perceived as lacking the essential skills and capabilities to deliver projects of this nature. There was a time before the People's Partnership when the local contractors were protesting in the media the widespread belief that large projects were automatically channelled to foreign companies and many local businesses were strangled into bankruptcy. We have set out to change that."..."

At a time of excess liquidity, our local financial institutions are also being denied the opportunity to participate in national development in a manner which will redound to our long-term interests if precious foreign exchange were more carefully allocated. There is good cause for reflection in this matter as we consider the recommendations of the Uff Report mentioned above –

"...42. The Government's policy on the use of foreign contractors and consultants for public construction projects should be transparent and open to review.

43. Local contractors and consultants who compete with foreign companies should be provided with the same or equivalent benefits as enjoyed by those foreign companies and should be protected from unfair competition through matters such as soft loans..."

Uff's recommendations call for a thorough review of the policy as to the use of foreign contractors and the 'levelling of the playing-field' to introduce a proper measure of equity in the process of national development.

As always, the JCC stands ready to assist in any genuine attempt to resolve these pervasive issues which continue to beset our nation. In accordance with the 42<sup>nd</sup> Uff recommendation listed above, the JCC is calling on you to halt the present initiatives, and have a broad-based consultation amongst stakeholders in order to establish a proper policy on Government-to-Government arrangements and the use of foreign contractors and consultants.

At this stage, the Public Procurement process is under a damaging triple attack:

- State Enterprises and Agencies continue to operate without implementing the Uff recommendations;
- Ministries continue to circumvent the Central Tenders Board Act in seeking to advance the largest projects; and
- The discredited Government-to-Government arrangements now seem to have returned, effectively outsourcing the basic procurement safeguards.

The JCC considers this contradictory state of affairs to be an unfortunate report on the conduct of our large-scale public affairs in this our 50<sup>th</sup> Year of Independence. These pressing procurement and developmental issues are further addressed in the Appendices to this document.

The JCC is also taking the opportunity to call on your government, in the interest of transparency, to publish the Reports of other recent construction-related Commissions of Enquiry – the Bernard Report into the Piarco Airport project, the Biche School and the Caroni Bridge collapse. Those recommendations must be shared with the national community whose taxes funded the enquiries and be properly considered by all stakeholders and implemented, where appropriate, so as to avoid us repeating past mistakes and earning the condemnation of our citizens.

We trust that our concerns and proposals will receive your early attention.

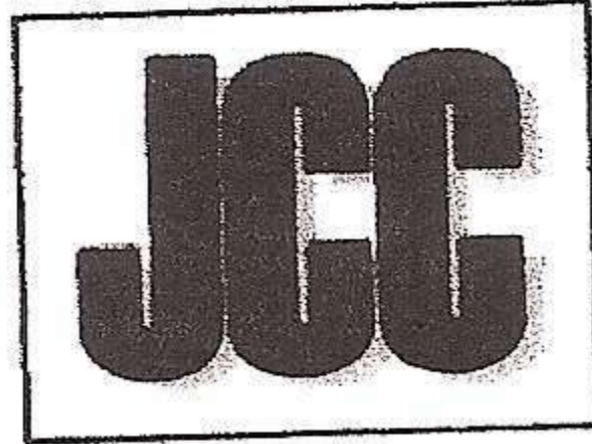
Yours respectfully,



.....  
Afra Raymond B.Sc., FRICS

**President**

Joint Consultative Council for the Construction Industry



JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY

19-04-12

**URGENT REQUEST FOR A MEETING ON PUBLIC PROCUREMENT ISSUES**

- 6 -

**Narine Singh**  
**PRESIDENT**  
Association of Professional Engineers  
of Trinidad and Tobago

**Dr. Charisse Charles-Griffith**  
**PRESIDENT**  
Institute of Surveyors of  
Trinidad and Tobago

**Mervyn Chin**  
**PRESIDENT**  
Trinidad and Tobago  
Contractors Association

**Mark Raymond**  
**PRESIDENT**  
Trinidad and Tobago  
Institute of Architects

**Arnim Cozier**  
**IMMEDIATE PAST PRESIDENT**  
Trinidad and Tobago  
Society of Planners

**Tyrell Melville**  
**IMMEDIATE PAST PRESIDENT**  
Trinidad & Tobago International  
Facility Management Association

## APPENDIX 1

### Public Procurement system and the JSC

The JCC welcomes the declared commitment of this administration to creating a new Public Procurement system to properly control the expenditure of Public Money. The Private Sector/Civil Society group convened by us submitted an entire draft '*Public Procurement and Disposal of Public Property Bill*' to the Joint Select Committee in December 2010.

Our group made presentations to the JSC on four occasions, which permitted a welcome exchange of views and the opportunity to refine our proposals. We have met the challenge to improve our proposals and made several revised submissions, the last being on 27<sup>th</sup> January 2012, under the signatures of our members –

- JCC
- TTMA
- TTCIC
- TTTI

We lobbied for the return of the Opposition to the JSC process and it is encouraging to note that they have now re-engaged this process.

Finally, we take the opportunity to point out that our proposals for a new Public Procurement system have now been fully endorsed by two additional, important Private Sector/Civil Society bodies –

- Federation of Independent Trade Unions and NGOs – FITUN and
- American Chamber of Commerce – AMCHAM

The JCC has serious concerns on the implementation of this administration's Public Procurement agenda and we are now detailing those for your consideration.

## APPENDIX 2

### ***UFF REPORT recommendations***

This fact that this matter was a leading part of the discussion at the very first post-Cabinet Press Briefing hosted by this administration on 1st July 2010 speaks to its prominence - as reported in the Express - see <http://www.trinidadexpress.com/news/97562054.html> -

*"...Minister of Justice Herbert Volney has been given the responsibility of developing an action plan over the next six weeks for the implementation of the 91 recommendations of the report of the Uff Commission of Enquiry into the Urban Development Corporation of Trinidad and Tobago (UDeCOTT) and the construction sector.*

*Speaking at the first post-Cabinet news conference hosted by the People's Partnership government, Prime Minister Kamla Persad-Bissessar stated: "To date, there is no indication of any significant action having been taken to deal with the recommendations of this report and this has been viewed with great concern by members of the construction industry and citizens at large..."*

The JCC has now written to the Minister of Justice on three occasions in 2011 (4th March, 4th June and 8th August) to offer our assistance in the important matter of implementing the 91 recommendations of the Uff Report. We have had neither an acknowledgment of or reply to our letters, hence this renewed attempt to engage you on the matter.

The JCC is enquiring whether the Ministry of Justice has developed the 'action plan' mentioned by the PM? If so, is it being implemented? If not, is there any way in which our organisation could be of assistance to you in this matter?

In addition to our offers to assist in this important task, we also suggested to the Attorney General and the Minister of Justice that the proceedings and evidence of the Uff Commission needed to be made available for research purposes. The website for the Uff Enquiry has now been disabled and the actual testimony - comprising written evidence, accounts, plans, transcripts of hearings and so on - is not available to the public.



The Uff Enquiry was an historic and wide-ranging examination of how our nation conducted its large-scale public affairs at a particular stage of national development. As such, the evidence which was examined in that Enquiry offers a priceless window into the conduct of our nation's affairs for students of engineering, surveying, law, management, economics, accounting, public administration and project management. We have no doubt that our list of subject areas could be expanded, but the point is that although in excess of \$60M of Public Money was reportedly spent on the Uff Enquiry, those documents are now unavailable.

It would be a considerable irony if an administration which came to office due to public outrage at that unfortunate period of maladministration and excess, were to preside over what is effectively a suppression of those invaluable documents and their insights. The JCC developed a proposal for those documents to be housed within NALIS, which would also be responsible for re-activating the Uff Enquiry website.

### ***The consequences of ignoring/non-implementation of the Uff Report's recommendations***

The JCC has set out a few examples for consideration.

Invader's Bay – The JCC has already placed on public record its serious concerns with the process being used by the Ministry of Planning and the Economy in soliciting development proposals for the 70 acres of reclaimed public land at Invader's Bay. One of our concerns is the lack of proper consultation in the entire process, which is in violation of one of the Uff recommendations –

*"17. User groups and other interest groups should be properly consulted on decisions regarding public building projects, to ensure that relevant views can be expressed at the appropriate time and taken into account before decisions are made."*

In addition the RFP process for the Invader's Bay project is fundamentally flawed because, as detailed below, the rules for the evaluation of proposals were not available until after the closing-date, which renders that process voidable. That flawed process is also in breach of another of the Uff recommendations –

*"38. It should be the responsibility of all Government Agencies and of Ministers to ensure that, in any tender situation, it is clear beyond doubt what rules are applicable to the tender process and that those rules are readily available and clear."*

Eteck valuations – In its 4<sup>th</sup> January 2012 'Invitation to Bid Package', Eteck solicited tenders for the valuation of their Industrial Estate real estate portfolio, under terms which gave them the right to select a successful bidder without being obliged to give any explanation of its decision. Clause 14 of Eteck's ITBP (at page 4 of 10) states -

*"...e Teck will not divulge details or entertain any queries or protests whatsoever concerning its Tender Evaluation process or the results of the process..."*

UDECOTT Invitations to Tender – Despite the repeated statements that UDECOTT is now fully 'Uff-compliant', in UDECOTT's 16th November 2011 RFP for the fitting-out of the Customs & Excise Bldg, at page 7 of 85 -

*"...UDeCOTT reserves the right to reject any and all proposals and is not bound to provide explanations for its decisions..."*

Both those examples are in direct violation of Uff's recommendation –

*"39. The reviewing of tenders and the making of decisions upon the award of contracts should be undertaken in as transparent a manner as possible, including demonstrating clear compliance with procurement rules, so as to allay suspicion of improper actions or potential corrupt influences."*

The implementation of recommendation #39 is vital if some of the more flagrant episodes of corruption are to be curbed, yet we are still awaiting the elementary changes which would ensure its enforcement.

It is a matter of the most urgent concern that we have as yet been unable to engage in any meaningful process to implement these 91 critical recommendations made in the Uff Report. We urge you to set such a process in train so that we can collaborate in putting an end to this turbid period in our nation's history.

### APPENDIX 3

#### Invader's Bay RFP

The JCC has been making strenuous objections to the misguided and ill-advised process now set in train by the MPE for the development of these valuable public lands.

Most recently we considered the MPE reply of 1<sup>st</sup> March to our letter of 14th December 2011.

Our letter pointed out that the RFP published by the MPE in respect of the proposed Invader's Bay development did not comply with the provisions of the Central Tenders Board Act.

The MPE's interim reply of 21st December stated that they were seeking legal advice on that point from the Attorney General. We take the opportunity to record our continuing deep concern that an RFP for a project of this magnitude was published without first obtaining legal advice on such an elementary and essential point.

We note from the MPE letter of 5th March and recent statements recorded in Hansard, that the AG has now advised that the publication of the RFP was not required to be in conformity with the Central Tenders Board Act. The AG spoke on this point in the recent no-confidence debate, on Saturday 3rd March, by stating that his Office had advised that the MPE had not breached the CTB Act in their actions *thus far* in this Invader's Bay matter. The AG emphasized those words in his second intervention in that debate.

Given that we made specific assertions as to the relevant provisions of the CTB Act with respect to property disposals and the fact that the RFP is framed around leasing these lands to the chosen developer/s, it is entirely unsatisfactory that our well-founded concerns should be dismissed in a single, bald sentence.

In addition, to the CTB issue, we pointed out that the evaluation process for this RFP was deeply-flawed, since the rules - called *the Invader's Bay Development Matrix and Criteria Description* - were introduced ex-post, being yet another illegal element in this situation. In addition to Dr. Tewarie's confirmation of this when we met at his office on 25th September 2011, our assertion was confirmed by his statement in the Senate sitting of Tuesday 28th February 2012 at which, in response to a question on that document, Dr. Tewarie stated that "...the criteria were publicly articulated at an awards dinner of the contractors association...". The closing-date for responses to that RFP was Tuesday 4th October 2011. The RFP stipulated, at clause 3.1, that a choice of successful proposer/s would be made within one month of that closing-date. The Annual Dinner and Awards ceremony of the TTCA, at which Dr. Tewarie was the keynote speaker, was on Saturday 5th November 2011, over one month after the closing-date for this RFP.

On this point alone, this process is voidable, yet the MPE's reply is silent on this. Did they seek legal advice on this point? If not, why not? If so, what is that advice?

The MPE's letter of 1<sup>st</sup> March also advised that the Invader's Bay property had been valued at \$1.28Bn, which reinforces our assertion that the disposal or development of such a valuable and pivotal property should only be carried out in the most transparent manner, with full public participation.

The JCC received an email invitation on 27<sup>th</sup> March from the office of Carolyn Seepersad-Bachan MP to a public consultation on the *San Fernando Waterfront Development Project* on Monday 2nd April 2012 at Naparima Bowl at 7.00pm. This is yet another example of the inconsistent and improper conduct which is now guiding these important proposals. The JCC fully supports widespread public consultation on these large-scale projects, as per the 17th recommendation of the Uff Report. It is unacceptable in terms of good Public Administration for there to be Public Meetings on the *San Fernando Waterfront Development Project* - which is several years away from implementation - and none for Invader's Bay which we are repeatedly told will start construction within the next 12 months.

The Minister of Planning & the Economy was reported in the [Guardian](#) of 6<sup>th</sup> April to have said, in relation to the competing proposals for development of the San Fernando Waterfront

"...I am backing development, and there is no need to argue about this," he said. "All the parties need to do is get together within the Government and all stakeholder groups and work out a plan that is in the best interest of San Fernando..."

That is a statement with which the JCC fully concurs, but those sentiments are incompatible with the process which is being followed by the MPE in relation to the Invader's Bay development. The MPE has made no proposals for public consultations or meetings with stakeholder groups before working out a plan for Invader's Bay that is in the best interest of Port-of-Spain.

It is our view that the proper handling of this development process requires that MPE operate in an open and transparent manner so as to ease public concerns on possible corruption.

Given the high level of public concern, we are now calling on the government to publish the legal advice given to the MPE in this matter on the CTB and Assessment Criteria aspects.

Since October 2011 the JCC has also been attempting to confirm reports that there has been a lease or agreement for lease in respect of the Invader's Bay property. We have made enquiries with the Ministry of Food Production, Lands and Marine Affairs, the Commissioner of State Lands and the Port Authority of Trinidad & Tobago. Apart from the Port Authority confirming that those lands were not ever within their control, there has been no substantive response to our several queries, which includes applications under the Freedom of Information Act. The JCC views this pattern of behaviour as being incompatible with the levels of transparency and accountability promised by this administration. Accordingly, we are requesting that you order the release of this information without any further delay. Copies of the correspondence are also attached for ease of reference

The present legislative proposals before the JSC are in respect of '*Public Procurement and Disposal of Public Property*'. The proposed reforms clearly envisage that, like acts of public procurement, all acts of disposal of public property, and especially those of the scale of the development of Invader's Bay, must be governed by an adequate legal framework and guided by the core principles of Transparency, Accountability and Value for Money. We expect that all parties to the transactions involved in the Invader's Bay project will be clearly seen to conform both to the letter of the current law and to the spirit of the proposed reforms.

## APPENDIX 4

### Proposed Port Expansion

The Ministry of Transport issued an invitation for Expressions of Interest on 23<sup>rd</sup> March a proposed project to create a new port at La Brea in a situation in which parties are required to "...ensure that the lands proposed are owned by the State..." Hence there is a significant investment from the State in the form of the required land. The proposed port is to be financed, designed, built, owned and operated by the successful proposer. That format will make this project a Public Private Partnership (PPP), which is said to require only minimal State funding. This proposed port is stated to be handling trans-shipment of cargo with 450m-berths.

A further notable point is that the advertisement stated that proposals are due on 10th May, offering a mere 6 weeks for that. In a variation of the Invader's Bay RFP conditions in that no Letter of Guarantee is required in respect of the financing, so proposers are asked to demonstrate how they intend to finance the project. This amounts to an indefinite specification for this critical item.

The JCC is also concerned that this process raises even more pressing questions on the number and purpose of State Enterprises/Statutory Corporations. The development of a new Port is clearly an addition to the nation's infrastructure, but there does not seem to be any role for the Ministry of Works & Infrastructure or their related SOE, National Infrastructure Development Company (NIDCO). What is more, there is no role ascribed to the nation's Port Authority in relation to the operation of the proposed La Brea port.

In addition, the fact is that the National Energy Corporation of T&T (NEC) operates a Port (with DryDock) at La Brea, as per this 2011 Press [Release](#).

*"...The Port at La Brea Industrial Estate has seen a continuous increase in utilization since 1997, moving from 15% berth occupancy in 2004 to peaking at 91% in 2009 and ending 2010 at 78%. Port activities include cargo handling, rig/vessel repairs, platform fabrication and offshore support services. The La Brea Port is certified in accordance with the International Ship and Port Facility Security Code (ISPS)..."*

The NEC is also involved in the development of Port [Galeota](#) and the Port of [Brighton](#) in La Brea, the latter said to be under development as an expansion of existing port facilities.

At this time the JCC is also concerned at the PLIPDECO advertisement of 4<sup>th</sup> April 2012 for Expressions of Interest to significantly expand the Point Lisas port facility. This project is also intended to be executed on the finance, design, build and operate basis, as a PPP, with a required minimum 350m-berth. In this case the stated closing-date is 30<sup>th</sup> April, which is barely four weeks.

What is more, the PLIPDECO EoI also states that its rationale is the prospect of increased trans-shipment of cargo.

The JCC has four areas of concern as to these proposed port expansions –

1. Needs Assessment – The major question is whether there has been a need established for all these proposed port expansions, particularly given that two of the examples are being advanced on the same rationale.
2. Investor Confidence – Following from the previous point, the JCC is also concerned that investor confidence could be adversely affected by the emergence of apparently competing large-scale developments at the same time. The State is seeking to execute these large-scale PPP developments with minimal investment and without issuing Letters of Guarantee or Letters of Comfort, since those would increase its contingent liabilities. When one considers the competing developments and the requirements of the private sector it is unlikely that the intended limitation of the nation's contingent liabilities could be maintained.
3. Land Use Planning – The JCC is also concerned at the extent to which the proposed port expansions are compliant with the existing local plans in respect to land use.
4. Local Content – Finally, the JCC would once again note its serious concern at the fact that these, being some of the largest physical development proposals in the country are silent as to any requirement for local content in supply, design, finance, construction, labour and other services. At a time when the State should be dedicating its limited resources to the benefit of its citizens, the lack of local content requirements in large-scale projects is incompatible with any meaningful move towards real development of all our nation's people and resources.

## APPENDIX 5

### CDA Master Plan

The Chaguaramus Development Authority (CDA) published an [RFP](#) to prepare a Master-Plan for the 14,572 acres in the North-Western peninsula of Trinidad.

That RFP invited the participation of firms in preparing a concept and outlining a Master Plan for the land uses in this relatively undeveloped, invaluable part of our country. There is a lack of clarity, despite repeated requests, as to whether the conceptual designs will be required at this stage and also whether proposers will be paid for the preparation of those. In consequence there are important issues in relation to the scope of the initial exercise as well as the ownership of any designs submitted. At a time when local design practices are under pressure due to limited work and delayed payment, these issues must be resolved now in order to foster participation.

In addition there is a lack of clarity as to the process for assessment of the proposals, with no information being provided as to the identity of the assessment panel, which is accepted international best-practice.

The RFP document is being sold at \$1,000 USD and there are no provisions for prospective teams to view those. This is a counter-productive arrangement in the JCC's view, since it would prevent teams from examining the RFP package to decide if they can usefully participate in the exercise. An alternative arrangement could be to have the RFP package available for inspection and limit participation in the RFP process to those teams which had actually purchased the package.

It is in the public interest for these issues to be resolved so that there can be an improved number and quality of proposals for the CDA to select from in this important exercise.



## APPENDIX 6

### UWI DEBE

In May 2011, the UWI invited Expressions of Interest (EoI) for the design and construction of a South Trinidad campus on a 100-acre parcel of land at Debe. The proposed campus would comprise a built area in excess of 150,000sf and can be considered a large-scale project.

That project was inaugurated at a sod-turning ceremony on 30<sup>th</sup> January 2012, with addresses being given by the UWI principal and the Honourable Prime Minister.

The JCC is registering its concern at these aspects of this large-scale development –

- Needs Assessment – The question is whether Trinidad is really in need of yet another university campus.
- Land Use Planning – A regional plan was completed in 2010 under the auspices of the Ministry of Local Government for the municipality of Debe-Penal and nowhere in that document is the proposal for such a facility which will have significant impacts upon the future development of the area. The ongoing approach of expediency taking precedence over principle will cost our country dearly; it has always done so in the past.
- Local Content – Finally, the JCC would once again note its serious concern at the fact that this is one of the largest physical development proposals in the country, yet it is silent as to any requirement for local content in supply, design, finance, construction, labour and other services. At a time when the State should be dedicating its limited resources to the benefit of its citizens, the lack of local content requirements in large-scale projects is incompatible with any meaningful move towards real development of all our nation's people and resources. That exclusionary approach to this huge project is at odds with UWI's stated purpose in respect of the development of our human resources and regional enterprise.

- Regulatory Consents – Even though the sod was turned on 30<sup>th</sup> January, the designs had not been submitted and as such, there can have been no regulatory approvals either in respect of planning approvals or building approvals, to name just two aspects.

This project is being executed with Public Money and we call for it to proceed in accordance with best procurement practice to include proper public and stakeholder consultation.

## APPENDIX 7

### JUDICIAL CENTERS

The Ministry of Justice has announced [plans](#) for four Judicial Centres to be designed and constructed in the East-West Corridor, Central and South Trinidad. The Minister of Justice is reported in the Express of 18<sup>th</sup> May 2011 to have stated –

*"...Volney said the architectural drawings for the centres which are to be built in three years have been delivered and will be before the Cabinet for consideration later this week.*

*"And I anticipate the ground will be broken and the sod turned in just a matter of weeks," he said..."*

The Trinidad & Tobago Institute of Architects has enquired into this series of large-scale developments and was informed by the Permanent Secretary of the Ministry of Justice that no professional services were procured or any architects selected in respect of those.

This statement is clearly at odds with the Minister's earlier announcement and the recent publication of an RFP for these Judicial Centres only adds to the turbid situation. At best, it would appear that conceptual designs have been commissioned as shown in the Ministry of Justice's publication for the first year of the Peoples Partnership government. In the absence of any advertisement inviting proposals, those conceptual designs would appear to have been commissioned without any element of competition, which is a serious breach of the most elementary public procurement safeguards.

## APPENDIX 8

### EFCL Investigation

The JCC welcomes the long-overdue probe recently announced into the operations of the Education Facilities Company Limited (EFCL).

Given the allegations which have emerged and our long-standing concerns over the delays in settling certified payments due to our members, the JCC is seeking clarification of these important points –

1. Which are the EFCL Divisions to be investigated?
2. Who will be the person/s responsible for this investigation?
3. What is the period of time to be investigated?

One of the obvious limitations of an audit-type investigation is that it can be frustrated by delay in providing or just with-holding of documents, without any penalty being levied against the guilty parties. That is the reason the JCC is calling for the exercise of legal/ judicial powers in this investigation. A relevant recent example of the specific terms is the Discovery Order issued by the Uff Enquiry into UDECOTT, a copy of that document is attached for your consideration. The JCC is recommending its adoption in this situation.

We have recently witnessed the smooth execution of search warrants by the Police Service against the media to seek certain evidence, yet what remains in question is the disposition of the Police Service to use its powers in taking action against large-scale '*White Collar Crime*'. The gathering of evidence in investigating these allegations of bid-rigging, 'back-fitted' tender evaluation procedures, self-dealing and nepotism needs to be of similar broad scope as that of the recent media episodes to include the cell phones, email accounts and laptops/PCs/tablets of the parties under suspicion.

The JCC is most concerned at unconfirmed reports that the EFCL investigation will be include a process audit to be conducted by Price Waterhouse Coopers, since that firm was providing audit services in every one of the highly questionable corporate fiascoes which have recently caused tremendous and well-deserved public concern, leading to high-level investigations – UDECOTT, CL Financial group and Hindu Credit Union.

To quote the Minister of Finance from page 8 of the 2011 [Budget](#), in reference to the CL Financial collapse –

*“...This crisis was caused by an absence of risk management, excessive borrowing internally and externally to fund high risk speculative investments, and **wrong financial reporting...**”* The emphasis is ours.

If the purpose of this exercise is to get to the root of the problem and in so doing restore a necessary measure of public confidence, we urge that another choice of auditor be made.

The JCC is also taking the opportunity to point out that under our proposed new system for Public Procurement, allegations of this kind would be investigated by the Public Procurement Commission (PPC), which would have the legal powers of a standing Commission of Enquiry. The PPC is intended to be the investigative arm of the new Public Procurement system and our proposals also require that any report of the PPC be published. That is to avoid recurrence of the unacceptable fact that so many important Commissions of Enquiry, conducted at public expense and stated to be on behalf of the public, remain unpublished, for whatever reason.

In the matter of corruption and the abuse of Treasury funds, we repeat our call for the publication of the Bernard Report into the Piarco Airport fiasco and the implementation of the 91 recommendations of the Uff Report. It is the JCC's position that the publication of the Bernard Report and the implementation of the Uff recommendations would have reduced the scope for the large-scale corruption with which our nation is once again beset.

The JCC is therefore calling for this EFCL Probe to be under the control of a legal or judicial officer with the powers to effectively penalise any attempts at delay or cover-up. In addition, the JCC is calling for the results of that investigation to be made public, immediately upon completion.

Public confidence is an important element in maintaining good order, so every effort must be made to restore the trust of the public in relation to this all-too-familiar issue of alleged improper behaviour of public officials.

## APPENDIX 9

### Programme for Upgrading Road Efficiency (PURE)

The JCC is also concerned that an operational and important arm of the State, charged with responsibility for repairs and maintenance of our nation's roads and bridges, appears to have become hamstrung by an investigation into allegations of corruption.

The JCC has always stood firmly against any sort of corruption in the construction sector, yet it seems that the prolonged and inconclusive enquiry into the operations of PURE is now further slowing efforts to engage the construction sector in promoting economic activity.

If there are charges or other consequences to emerge from that enquiry, those need to be pursued, but further delay in publishing that report is to the detriment of our common cause.

The Minister of Finance is reported in the Guardian of Friday March 23<sup>rd</sup> 2012 to have said -

*"...Asked if there was any evidence to support the claims of corruption in PURE, Dookeran said: "No, there was no such evidence in the report, it was systemic." He said the report was internal and there was no obligation to present it in Parliament because "I don't think it will add anything at this point."*

The Report of the PURE Investigation must now be published.

In addition to the lack of clarity in relation to PURE, there have also been published reports of a statement from you as Prime Minister that a new Agency or Program - '*National Road Rehabilitation Programme*' - is to be established to intensify road repairs.

In light of those mixed signals and the recent advertisements for both programs - PURE and NRRP - the JCC is also requesting clarification on this matter.

## **APPENDIX 10**

### **FLOODING MEMORANDUM OF UNDERSTANDING**

The inauguration of this administration in May 2010 was marked by yet another episode of the serious flooding which had become a hallmark of our inadequate infrastructure. The perennial flooding of significant parts of our country is a national problem in need of a strategic solution.

With that in mind, the JCC proposed to the Minister of Works & Transport in July 2010 that a tripartite, innovative approach be adopted to develop real solutions to this problem. Our proposal was for a Storm Water Management Committee to be established under the Chairmanship of UWI leading hydrologist, Dr. Vincent Cooper, with participation from the JCC and officials from the MoWT's Drainage Division.

The proposed mandate of that Committee was –

- Examine the several drainage reports to make recommendations for staged implementation of the projects outlined.
- Propose packages of contracts for construction and maintenance of existing watercourses and drains in a manner which would facilitate participation by local contractors.
- The work of the Committee was to be carried out at no expense to the State and the Secretariat was to be hosted by the MoWT.

The Storm Water Management Committee met on seven occasions, until the MoWT requested that its work should be guided by a MoU to outline the respective roles/responsibilities. The JCC prepared a draft MoU, which was submitted to the MoWT in October/November 2010.

We have never had a response to that requested MoU and we believe that it will be to the nation's benefit if the work of the Storm Water Management Committee is put onto an official footing as proposed. The JCC stands ready to work on this important initiative in the nation's interest.

FEDERATION OF INDEPENDENT TRADE UNIONS AND NGOS  
(FITUN)

c/o Oilfields Workers' Trade Union  
99a Circular Road  
San Fernando  
Trinidad and Tobago

tel: (868) 652-2701/3  
fax: (868) 652-7170  
email: fitun\_tt@yahoo.com

---

February 6, 2012

Senator Dr. Bhoendradatt Tewarie,  
Chairman,  
Joint Select Committee on Public Procurement,  
The Red House,  
Abercromby Street,  
POS

Dear Dr. Tewarie,

**Re: Private Sector/Civil Society Proposals on Public Procurement**

The Federation of Independent Trade Unions and NGOs (FITUN) is formally registering its full support for the Private Sector/Civil Society proposals on Public Procurement. Our organization has maintained an active interest in this aspect of public administration in our country. FITUN shares the view of many other civil society organizations in Trinidad and Tobago that proper procurement practice is critical in ensuring that public expenditure is at all times characterized by transparency and accountability.

Our commitment to this important issue has been demonstrated on several occasions, including the hosting of a public forum jointly with the Private Sector/Civil Society group at OWTU's Paramount Hall on Thursday August 11th 2011. At this forum, the proposals developed by this group were presented to our membership and other affiliates. After a robust and interactive discussion with our members, we are now pleased to confirm FITUN's full support of these proposals.

Yours sincerely,

Joseph Remy  
Deputy President  
FITUN

x.c: Mr. Afra Raymond – President, Joint Consultative Council





## AMERICAN CHAMBER OF COMMERCE OF TRINIDAD AND TOBAGO

Street Address: 62 Maraval Road, Port of Spain  
Mailing Address: P.O. Bag 150, Newtown, Port of Spain  
Tel: (868) 622-4466/0340/628-2508; Fax: (868) 628-9428  
Email: [inbox@amchamtt.com](mailto:inbox@amchamtt.com)  
Website: [www.amchamtt.com](http://www.amchamtt.com)

February 7<sup>th</sup> 2012

Senator The Honourable Dr Bhoë Tewarie  
Chairman  
Public Procurement Joint Select Committee  
Office of Parliament  
Tower D, Level G7  
International Waterfront Centre  
1A Wrightson Road  
Port of Spain

Dear Senator Tewarie,

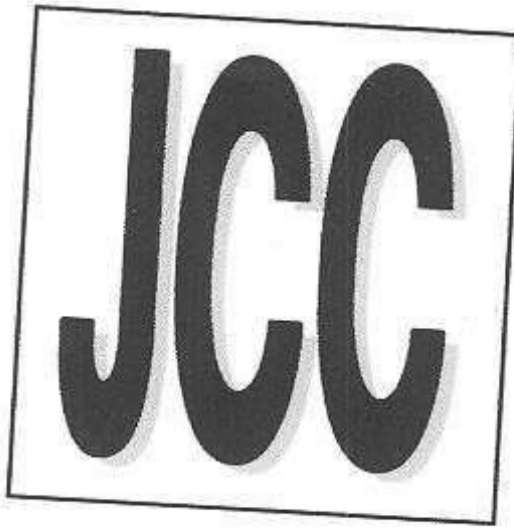
On behalf of our Board of Directors I wish to confirm the support of American Chamber of Commerce of Trinidad and Tobago (AmCham T&T) for public procurement legislation which addresses the concerns of transparency, certainty and fairness. AmCham T&T therefore supports the proposals outlined in the *Bill for Public Procurement and Disposal of Public Property Act, 2010 prepared by the Joint Consultative Council* as a means of enhancement of the procurement practices and policies of the public sector.

In this regard, AmCham T&T would be pleased to work more closely with the Joint Select Committee in the pursuit of its objectives.

Respectfully

Desiree Gobin-Seecharan  
Executive Director

cc. President JCC



**JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY**

The Professional Centre Building  
1<sup>st</sup> Floor Unit B202, 11-13 Fitzblackman Drive, Wrightson Rd. South Ext.,  
Port of Spain  
Tel: (868) 623-9396 Fax: (868) 628-2563/ 625-5749  
jcctt1@gmail.com www.jcc.org.tt

3<sup>rd</sup> March, 2011

Ref: CO/AG/Mar-11/001

Senator the Honourable Anand Ramlogan  
Attorney General of the Republic of Trinidad & Tobago,  
Cabildo Chambers  
Corner St. Vincent and Sackville Streets  
**Port-of-Spain**

Honourable Attorney General:

The JCC welcomed the appointment of the Uff Commission of Enquiry into the Public Sector Construction Industry, as a means of addressing widespread public concerns over perceived corruption in those operations of the State.

The Uff Report was completed and published in March 2010, which was a real landmark in our history as the first Commission of Enquiry report to be published.

The JCC is writing to seek your intervention on an important matter arising from the Uff Commission. Our concern is not, on this occasion, related to the aspects of possible criminal charges and convictions. We are here pursuing the educational and historic imperatives arising from this important national exercise.

Our concern is with the contribution which the Uff Commission itself represents to our nation and indeed, the wider world of learning. A major advance was made in the actual conduct of the Uff Commission, in that the hearings were televised and the sworn testimony was accessible on their website - [www.constructionenquiry.gov.tt](http://www.constructionenquiry.gov.tt).

For whatever reason, that website, which was formerly run by your Ministry, is no longer accessible. The information which was recorded as evidence in the course of the Uff Commission offers a deep, unprecedented insight into the state of affairs and the conduct of our substantial business dealings.

2// That evidence....

3 March, 2010

Ref: CO/AG/Mar-11/001

Senator the Honourable Anand Ramlogan  
Attorney General

-2-

That evidence, even those parts which were hotly contested, is literally an indispensable part of our nation's history.

To have those insights now become unavailable would be a serious loss in terms of public knowledge and literally a case of '*One step Forward, two steps Backward*' which future generations would rightly deplore.

It would be a situation rich in irony to have those testimonies vanish from public view while this administration were in office, having promised to implement the Uff Report recommendations.

We are proposing that the actual hard copy documents and the virtual website be hosted by National Library and Information Systems Administration (NALIS), being the most appropriate home for this collection.

If those documents were curated at NALIS, they would form an important repository for research and teaching in critical fields such as Government, Engineering, Surveying, Planning, Social Sciences, Law, Management and other associated fields.

We have taken the initiative of discussing this proposal with NALIS' Executive Director, Ms. Annette Wallace. Ms. Wallace has indicated that NALIS would be supportive of this JCC proposal.

We look forward to your earliest response to our request as outlined above.

Yours respectfully,

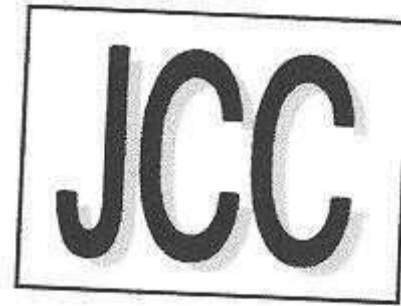
**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**



Afra Raymond B.Sc., FRICS

**PRESIDENT**

**Joint Consultative Council for the Construction Industry**



JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY

Ref: CO/AG/Mar-11/001

- 3 -

**Richard Saunders**  
**PRESIDENT**  
**Association of Professional Engineers**  
**of Trinidad and Tobago**

**Aidan Gregoire**  
**PRESIDENT**  
**Institute of Surveyors of**  
**Trinidad and Tobago**

**Mikey Joseph**  
**PRESIDENT**  
**Trinidad and Tobago**  
**Contractors Association**

**Mark Raymond**  
**PRESIDENT**  
**Trinidad and Tobago**  
**Institute of Architects**

-----  
**Arnim Cozier**  
**PRESIDENT**  
**Trinidad and Tobago**  
**Society of Planners**



**JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY**

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jcctt1@gmail.com www.jcc.org.tt

4th June, 2011

Senator the Honourable Anand Ramlogan  
Attorney General of the Republic of Trinidad and Tobago  
Cabildo Chambers  
Corner St. Vincent and Sackville Streets  
**Port of Spain**

Honourable Attorney General:

The Joint Consultative Council for the Construction Industry (JCC) wrote to you on 3rd March, 2011(copy attached) seeking your intervention to facilitate the educational and historic imperatives which arose from the publication of the Uff Report in March, 2010.

We are of the considered opinion that the Uff Enquiry made an invaluable contribution to our nation and the wider world of learning, given that the sworn testimony was accessible on their website [www.constructionenquiry.gov.tt](http://www.constructionenquiry.gov.tt) which gave an unprecedented insight into the state of affairs and the conduct of our substantial business dealings. However, we have also noted that the website which was overseen by your Ministry is no longer accessible.

As stated above we believe that the evidence given to the Uff Enquiry is of educational and historic importance, so we are proposing that actual hard copy and the virtual website be hosted by National Library and Information Systems Administration (NALIS).

Moreover, if these documents were curated at NALIS, they would form an important repository for research and teaching in critical fields such as Government, Engineering, Surveying, Planning, Social Sciences, Law, Management and other associated fields.

We have taken the initiative of discussing this proposal with NALIS' Executive Director Ms. Annette Wallace. Ms. Wallace has indicated that NALIS would be supportive of this JCC proposal.

We look forward to your earliest response to our request as outlined above.

Yours respectfully,

**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**

A handwritten signature in black ink, appearing to read 'Afra Raymond', is written over a horizontal dashed line. The signature is fluid and cursive.

Afra Raymond B.Sc., FRICS  
**President**

From: **Samraj Harripaul** <[sharripaul@ag.gov.tt](mailto:sharripaul@ag.gov.tt)>

Date: Tue, Jun 14, 2011 at 3:37 PM

Subject:

To: [afraraymond@gmail.com](mailto:afraraymond@gmail.com)

Cc: [anand@tsstt.net.tt](mailto:anand@tsstt.net.tt)

Dear Mr. Raymond

I have been directed by the Honourable Attorney General to respond to your letter of 3 March and e-mail of 11 May in relation to the UFF Commission of Enquiry.

Please note that all the evidence, submissions, and other material concerning this Enquiry is now within the portfolio of the Ministry of Justice. You thus advised to direct your request to that Ministry.

Thank you.

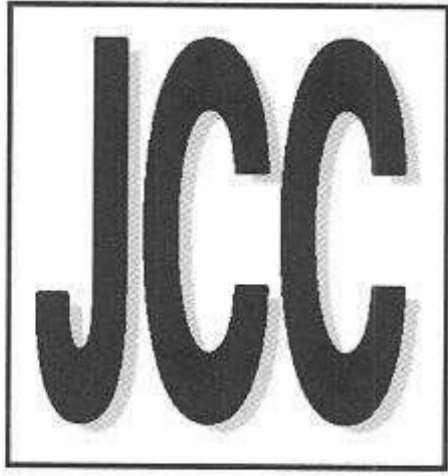
Sincerely

Samraj Harripaul  
Chairman  
Law Reform Commission  
6th Floor, Cabildo Chambers  
23-27 St.Vincent Street  
Port of Spain  
Trinidad, WI

PBX:  [\(868\) 623-7010, Ext. 2632](tel:(868)623-7010)

Direct/Fax:  [\(868\)627-5562](tel:(868)627-5562)

[sharripaul@ag.gov.tt](mailto:sharripaul@ag.gov.tt)



JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY  
The Professional Centre Building  
1<sup>st</sup> Floor Unit B202, 11-13 Fitzblackman Drive, Wrightson Rd.  
South Ext., Port of Spain  
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jcctt1@gmail.com www.jcc.org.tt

4<sup>th</sup> March, 2011

*Ref: CO/Jus V/Mar-11/001*

The Honourable Herbert Volney, MP,  
Minister of Justice  
Level 16, 17, 20 and 21,  
Port of Spain International Waterfront Towers,  
#1 Wrightson Road,  
**Port-of-Spain**

Honourable Minister,

**Re: The Uff Report**

The Joint Consultative Council for the Construction Industry (JCC) welcomed the appointment of the Uff Commission of Enquiry into the Construction Industry, as a means of addressing widespread public concerns over perceived corruption in those operations of the State.

The Uff Report was completed and published in March 2010, which was a landmark in our history as the first Commission of Enquiry report to be published.

The JCC is writing to seek your update on an important matter arising from the publication of the Uff Report. Our concern is not, on this occasion, related to the aspects of possible criminal charges and convictions. We are here pursuing the implementation aspect.

Firstly, the ninety-one (91) recommendations of the Uff Report were a clear statement as to the necessary steps to ensure that such monumental waste of public resources never again takes place in our country. So much so, that the present administration has on several occasions given its public commitment to ensuring the implementation of those recommendations. That commitment is fully endorsed by the JCC.

We understand that the implementation of the Uff recommendations is now the responsibility of the Justice Ministry. This letter serves as our formal request for a public update as to what progress has been made in that exercise.

*//2 In that connection ...*

3 March, 2011  
Ref: CO/Jus V/Mar-11/001  
Honourable Herbert Volney (MP)  
Minister of Justice  
-2-

In that connection, we are enquiring whether an implementation working party has been established. Has separate funding been identified and/or made available? What bottlenecks or technical hurdles have been identified?

In the event that such a working party has not yet been established, we would invite your attention to one of the most important of the 91 Uff Report recommendations to prevent the recurrence of corruption and wastage in procurement.

No. 49 reads as follows:

*It should be assumed that the construction industry is vulnerable to potential corruption and steps should be taken to avoid actual corruption following the guidelines and recommended practices laid down by Transparency International and its affiliates.*

We urge you to invite the Trinidad and Tobago Transparency Institute (TTTI), the National Chapter of Transparency International, to be part of any implementation working party or committee you may set up so as to ensure that you have the benefit of an authoritative exposition of the "guidelines and recommended practices" that Professor Uff had in mind when that recommendation was written.

In furtherance of achieving a broadly-based and effective implementation working party, we are also offering to delegate two JCC representatives as members, so that the intended exercise can benefit from the necessary expert input.

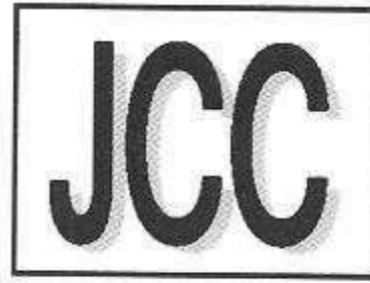
We look forward to your earliest response to our concerns as outlined above.

Yours respectfully,  
**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**



Afra Raymond, B.Sc., FRICS  
**PRESIDENT**





JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY

Ref: CO/Jus V/Mar-11/001

- 3 -

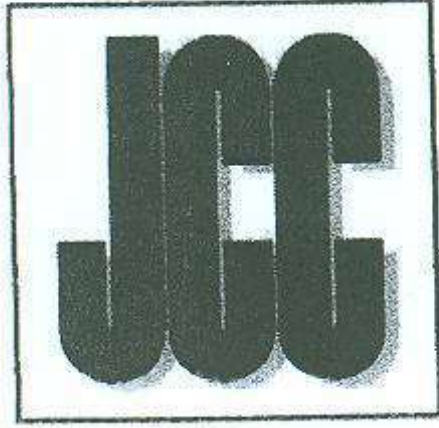
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-----  
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PRESIDENT  
Trinidad and Tobago  
Society of Planners



**JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY**

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jcctt1@gmail.com www.jcc.org.tt

4th June, 2011

The Honourable Hebert Volney, MP,  
Minister of Justice  
Level 16, 17, 20 and 21  
Port of Spain International Waterfront Towers,  
# 1 Wrightson Road,  
Port of Spain

Honourable Minister,

Re: The Uff Report

With reference to the subject at caption, the Joint Consultative Council for the Construction Industry (JCC) wrote to you in the first instant on 4th March, 2011 (see copy attached) seeking your update on an important matter arising from the publication of the Uff Report. We indicated in that missive, that we are pursuing the implementation of the Ninety-One (91) recommendations, which we believe to be necessary in ensuring that such monumental waste of public resources never again takes place in our country.

Furthermore, we enquired whether or not an implementation working party has been established with the requisite funding to execute its mandate and if any technical hurdles have been identified. Of particular concern to us was recommendation 49 which reads as follows:

It should be assumed that the construction industry is vulnerable to potential corruption and steps should be taken to avoid actual corruption following the guidelines and recommended practices laid down by Transparency International and its affiliates.

In light of the foregoing, we urged you to invite a member of the Trinidad and Tobago Transparency Institute (TTTI), the National Chapter of Transparency international, to be part of any implementation working party. Additionally, the JCC was of the view that in order to achieve a broad-based and effective implementation working party we would offer two delegates from our organization as members who would extend expert advice.

The implementation of the UFF recommendations is the responsibility of the Ministry of Justice, so your early response would be appreciated.

Yours respectfully,

**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**

Afra Raymond, B.Sc., FRICS  
**PRESIDENT**



**JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY**

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jcctt1@gmail.com www.jcc.org.tt

8<sup>th</sup> August, 2011

The Honourable Herbert Volney, MP,  
Minister of Justice  
Level 16, 17, 20, and 21  
Port of Spain International Waterfront Towers,  
#1 Wrightson Road,  
Port of Spain

Honourable Minister,

**Re – The Uff Commission**

The JCC has written to you twice on this matter, setting out our concerns and proposals on the implementation of the 91 recommendations of the Uff Report. Those letters – 4<sup>th</sup> March and 4<sup>th</sup> June 2011 are attached for ease of reference.

During the same period we were also in correspondence with your colleague, the Honourable Attorney General, on the evidence and the Uff Enquiry website. We were informed on 14<sup>th</sup> June that the evidence, submissions and other material concerning the Uff Enquiry were now the responsibility of the Justice Ministry. Our letters – 4<sup>th</sup> March and 4<sup>th</sup> June 2011 – and the AG's email of 14<sup>th</sup> June, are also attached for ease of reference.

//2...We have not had a response

8<sup>th</sup> August, 2011

The Honourable Hebert Volney, MP,  
Minister of Justice  
Re – The Uff Commission

---

We have not had a response to our concerns and would point out that the implementation of those recommendations would only be possible with dynamic and well-grounded leadership. The JCC is once again offering our expert members as delegates to work along with your own nominees in any implementation or working group.

We trust that we can have your early attention to this matter.

Yours respectfully,

**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**



Afra Raymond, B.Sc., FRICS  
**PRESIDENT**



The Office of the Minister of Planning and the Economy

December 21, 2011

**Mr. Afra Raymond**  
**President**  
**The Joint Consultative Council for the Construction Industry**  
**The Professional Centre Building**  
**1<sup>st</sup> Floor Unit B202**  
**11-13 Fitzblackman Drive**  
**Wrightson Road South**  
**PORT OF SPAIN**

Dear Mr. Raymond

Thank you for your letter of December 14, 2011. Your concerns are duly noted.

I am aware of the fact that your public procurement proposal have been taken into account during deliberations of the Joint Select Committee on this matter and will be taken fully into account as that Committee proceeds to complete its work.

On the matter you raise with regard to the Central Tenders Board, I have asked the Attorney General for his advice on the matter.

With Sincere Best Wishes for a Merry Christmas and a successful 2012.

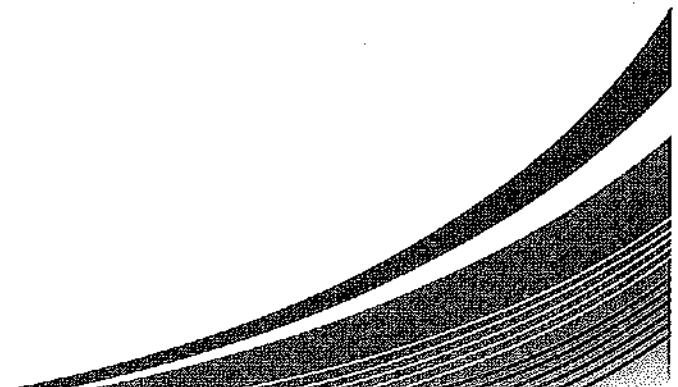
Sincerely

**Dr. Bhoendradatt Tewarie**  
**Minister**

Ministry of Planning and the Economy

Level #14, Eric Williams Finance Building,  
Independence Square, Port of Spain,  
Republic of Trinidad and Tobago

Tel: (868) 623-3716  
Fax: (868) 627-4195  
Website: <http://pesrqa.gov.tt>



SCHEDULE

(Section 13)

THE FREEDOM OF INFORMATION ACT, 1999

**Request for Access to Official Document(s)**

(pursuant to section 13)

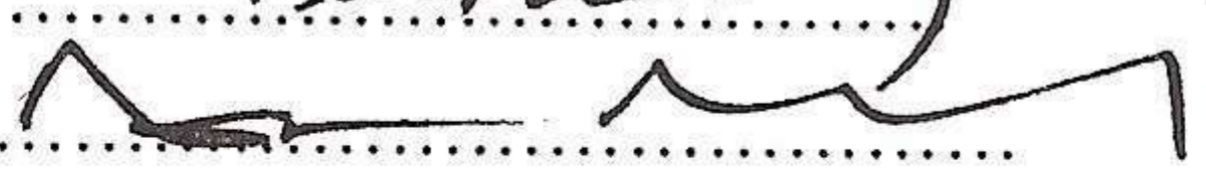
- 1. Name of Public Authority COMMISSIONER OF STATE LANDS .....
- 2. Name of Applicant JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY .....
- 3. Address of Applicant PROFESSIONAL CENTRE, 11-13 FITZBLACKMAN DRIVE, PORT OF SPAIN .....
- 4. Telephone Number of Applicant 623-9396 OR 627-2522 .....

5.	Doc. No.	Description of Document Requested	Form of Access
	1.	A COPY OF THE LEASE OR AGREEMENT FOR LEASE OF THE PROPERTY NAMELY; 28HECTARES AT INVADER'S BAY AS PER THE MINISTRY OF PLANNING AND THE ECONOMY, REQUEST FOR PROPOSALS (RFP) PUBLISHED ON 31 <sup>ST</sup> AUGUST, 2011 <a href="http://www.jcc.org.tt/invadersbay/MPE_InvadersBay_RF&lt;br/&gt;P_Notice.pdf">http://www.jcc.org.tt/invadersbay/MPE_InvadersBay_RF P_Notice.pdf</a>	COPY
	2.		
	3.		

[Note: Applications shall identify the document(s), or provide sufficient information to enable an officer/employee of the public authority who is familiar with the relevant documents, to identify the document(s) with reasonable effort.  
Continue on a Separate Page if necessary.  
Subject to the provisions of the Act access to a document may be granted by supplying a printed copy of it or by making it available for inspection or, if appropriate, by supplying a copy of a tape, disk, film or other material containing the information, by supplying a transcript of such tape, film or other material or by making arrangements for the hearing or viewing the such tape, disk, film or other material].

6. Assuming that all documents requested are exempt documents, give the Document Number of the documents described above of which you would like to have access to an edited version, if possible.

**The making of this request is free of charge, but where access to a document is to be given in the form of a copy (printed or otherwise), the applicant shall be required to pay the prescribed fee.**

Date of Application 21 February 2012  
Signature of Applicant 

SCHEDULE

(Section 13)

THE FREEDOM OF INFORMATION ACT, 1999

**Request for Access to Official Document(s)**

*(pursuant to section 13)*

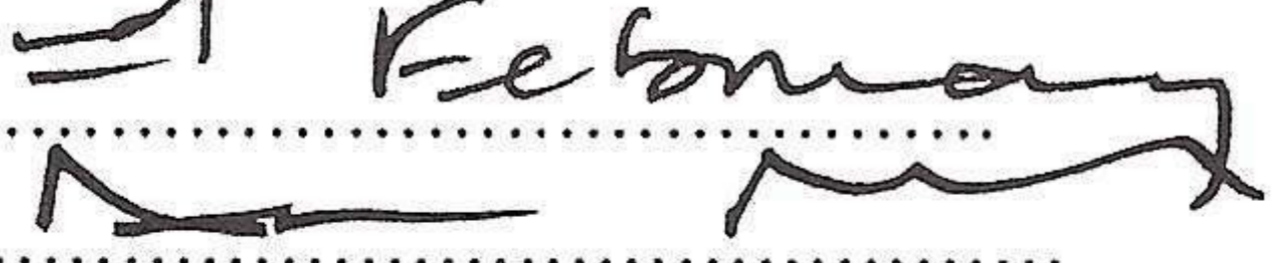
1. Name of Public Authority MINISTRY OF FOOD PRODUCTION, LAND & MARINE AFFAIRS.....
2. Name of Applicant JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY .....
3. Address of Applicant PROFESSIONAL CENTRE, 11-13 FITZBLACKMAN DRIVE, PORT OF SPAIN .....
4. Telephone Number of Applicant 623-9396; 627-2522 .....

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[Note: Applications Shall identify the document(s), or provide sufficient information to enable an officer/employee of the public authority who is familiar with the relevant documents, to identify the documents, to identify the document(s) with reasonable effort.  
Continue on a Separate Page if necessary.  
Subject to the provisions of the Act access to a document may be granted by supplying a printed copy of it or by making it available for inspection or, if appropriate, by supplying a copy of a tape, disk, film or other material containing the information, by supplying a transcript of such tape, film or other material or by making arrangements for the hearing or viewing the such tape, disk, film or other material].

6. Assuming that all documents requested are exempt documents, give the Document Number of the documents described above of which you would like to have access to an edited version, if possible.

**The making of this request is free of charge, but where access to a document is to be given in the form of a copy (printed or otherwise), the applicant shall be required to pay the prescribed fee.**

Date of Application... 21 February 2012  
Signature of Applicant... 



The Office of the Minister of Planning and the Economy



March 1, 2012

**Mr. Afra Raymond**  
**President**  
**The Joint Consultative Council for the Construction Industry**  
**The Professional Centre Building**  
**1<sup>st</sup> Floor Unit B202**  
**11-13 Fitzblackman Drive**  
**Wrightson Road South**  
**PORT OF SPAIN**

Dear Mr. Raymond

**Re: Invader's Bay Development**

Further to my letter of December 21, 2011 on the Invader's Bay Project, I write to let you know that based on advice from the Office of the Attorney General I can say that the publication of the Request for Proposals for screening of potential investors making an investment proposal on State Lands located at Invader's Bay was not required to be in conformity with the Central Tenders Board Act. I trust that this will be of some comfort to you.

For your further comfort, I wish to indicate that said lands have been valued at 1.280 billion Trinidad and Tobago dollars and this is being fully taken into account by the Technical Committee charged with the responsibility of engaging potential investors.

Sincerely

**Dr. Bhoendradatt Tewarie**  
**Minister**

Ministry of Planning and the Economy

Level #14, Eric Williams Finance Building,  
Independence Square, Port of Spain,  
Republic of Trinidad and Tobago

Tel: (868) 623-3716  
Fax: (868) 627-4195  
Website: <http://pesrga.gov.tt>



**MEMORANDUM OF UNDERSTANDING**  
**between**  
**THE MINISTRY OF WORK AND TRANSPORT**  
**DRAINAGE DIVISION**  
**and**  
**THE UNIVERSITY OF THE WEST INDIES**  
**CIVIL AND ENVIRONMENTAL ENGINEERING DEPARTMENT**  
  
**and**  
  
**THE JOINT CONSULTATIVE COUNCIL OF THE CONSTRUCTION INDUSTRY OF**  
**TRINIDAD AND TOBAGO (JCC)**

**I. PARTIES**

The purpose of this Memorandum of understanding (MOU) on water and coastal engineering management (WCEM) is to provide a framework for initiatives which will lead to improvement of (WCEM) in Trinidad and Tobago. This ("MOU") is the result of an initiative of the Storm Water Management Committee of the Joint Consultative Council of Trinidad and Tobago (JCC) and is here entered into between the University of the West Indies ("UWI") of which the Civil and Environmental Engineering Department ("UWICEED") will be the executor of this MOU on behalf of the UWI and the JCC a non-profit non-partisan body representing the interests of all professional bodies operating within the Construction Industry. .

**II. PURPOSE**

This MOU is entered pursuant to the Water Works and Water Conservation Act, Chap. 54:41 and any other future Act detailing out the jurisdiction of the MOWTDD. Any agreements entered pursuant to this MOU will be authorized by and be consistent with these Acts or other applicable statutes and regulations. This MOU is designed to provide a linkage between the MOWTDD the UWI and the JCC towards creating mechanisms for continuous and sustainable technical assistance, research and development and capacity building in the water and coastal engineering management focusing on

- Flood management
- Drainage and irrigation
- Coastal engineering and management
- River engineering and management
- Hazard awareness, prevention and mitigation was
- Fluvial processes, sedimentology and geomorphology
- Geographic Information Systems technology
- Decision support
- Any other related field

Teams of professionals from the MOWTDD and UWICEED will work together within the framework of this MOU. A Management Team (MT) comprising professionals from the Parties

and any other stakeholder agencies to facilitate the fulfilment of the goals and objectives identified in this MOU.

Effective cooperation and collaboration promoted through this MOU is expected to improve the level of service provided by the MOWTDD in keeping with its mandate to enhance the quality of the lives of the citizenry of Trinidad and Tobago, as well as to significantly advance the individual missions of the MOWTDD the UWICEED and the JCC

This MOU reaffirms the desire of MOWTDD the UWICEED and the JCC for close working relationships that promote the development of research and technology, education and capacity building towards conservation, improvement, and sustainable development of the nation's resources and environment.

### **III. BACKGROUND OF THE PARTIES AND AUTHORITY TO ENTER THIS MOU**

- 1) The MOWTDD is responsible for the development and maintenance of main watercourses and irrigation systems; design and construction of hydraulic and coastal structures; provision of advisory services, to ensure efficient and effective flood, erosion and sedimentation control, drainage and irrigation, coastal protection and reclamation; in keeping with its mission to improve the quality of lives of the citizenry of Trinidad and Tobago. The MOWTDD is empowered to act under the Waterworks and Water Conservation Act, Chap. 54:41
- 2) The UWICEED is a department within the Faculty of Engineering (“FOE”). The mission of the FOE is to (i) be a provider of world quality education, (ii) provide research and development programmes in support of Caribbean business, industry and infrastructure and (iii) position the human resources assets of the nation at the forefront in propelling growth, development and innovation in the region.
- 3) The JCC is a non-profit, non-partisan body consisting of at present:
  - i. The Association of Professional Engineers of Trinidad and Tobago;
  - ii. The Board of Architects of Trinidad and Tobago;
  - iii. The Institute of Architects of Trinidad and Tobago;
  - iv. The Institute of Surveyors of Trinidad and Tobago;
  - v. The Trinidad and Tobago Contractors Association;
  - vi. The Trinidad and Tobago Society of Planners.

The JCC has as some of its objectives the obligation “to make representation to Government Bodies on matters which pertain to the national interest”..and ‘to improve all aspects of the construction industry.’ The JCC is also the Industry Training Organisation (ITO) under the national Training Agency (NTA). The JCC in conjunction with FIDIC is

also the provider of professional training in FIDIC forms of contract and has trained over 2500 professionals in the Caribbean

#### **IV. PARTICIPATION IN THE MT**

The MOWTDD, JCC and UWI agree to participate in the MT,. The MT will endeavour to achieve MOWTDD, UWICEED and JCC objectives by doing the following:

- i. developing a shared JCC/MOWTDD/UWICEED vision through the setting of goals to develop support and capacity for storm water and coastal engineering management in a sustainable manner taking into account the nation's resources and the environment;
- ii. supporting the developing and the utilization of institutional policies, organizational structures, and operational procedures to focus resources to formulate and achieve sustained technical support and assistance, research and development and capacity building in the fields of herein identified within this MOU;
- iii. ensuring that research and technology development and capacity building is responsive to present and emerging stakeholder needs and national priorities;
- iv. promote the developing of detailed research and technology proposals, including funding and personnel requirements and educational programmes in the fields of water management identified within this MOU; to address stakeholder needs and national priorities..
- v. commenting on the implementation and completion of proposals with respect to their timely and substantial completion, technology development and transfer process that is synchronized with existing and anticipated management, education, training and outreach requirements.
- vi. The detailed Research, Technology Development and Management proposal under this MOU will be developed and agreed upon between THE MOWTDD AND UWICEED only. The JCC's role will be limited to activated on the MT. The research and technology proposal will be developed incrementally and will form appendices to this MOU.

#### **V RESEARCH, TECHNOLOGY DEVELOPMENT AND MANAGEMENT PROPOSAL BETWEEN THE MOWTDD AND UWICEED.**

Proposals are to be developed through Standard Project Proposals identified as appendices to this MOU in which the MOWTDD AND UWICEED responsibilities are as follows:

- a) MOWTDD agrees to:
  - i. Identify as part of the MT projects or areas in which technical support and assistance is required from the UWI facilitated by the UWICEE

- ii. Participate in setting technical support and assistance, research and technology development and capacity building priorities as part of the MT and to communicate these priorities the MT, the Ministry of Works and Transport (“MOWT”) and other stakeholders.
- iii. Provide or recommend, if possible and consistent with MOWTDD’s authority and priorities, funding to facilitate technical assistance and support and carry out research plans and implement educational programmes developed by the MT.
- iv. Participate, when feasible and consistent with MOWTDD’s authority and priorities, in the transfer of research findings into technologies useable by MOWTDD, UWICEED and other stakeholders, including the general populace.
- v. Assist in life cycle monitoring of the effectiveness of technologies and practices implemented and provide feedback to help make any necessary improvements in technologies and practices.

b) UWICEED agrees to:

- i. Provide the requisite professional and support personnel and resources to enable the provision of technical support and assistance for projects or areas identified by the MOWTDD.
- ii. Participate in setting of technical support and assistance, research and technology development and capacity building priorities as part of the MT.
- iii. Provide, if feasible and consistent with UWICEED's authority and priorities, funding and personnel to support and carry out research, technology development, and education activities and training.
- iv. Participate, when feasible and consistent with UWICEED’s authority and priorities, in the transfer of research findings into technologies useable by MOWTDD, UWICEED and other stakeholders, including the general populace.
- v. Provide leadership in training MOWTDD's professional and support staff, including field personnel in the application of new and revamped technologies and practices; as prioritized by the MT.

- vi. Provide leadership in development of education programmes and activities within the fields of water management identified within this MOU; as prioritized by the MT.
- vii. Transfer research and technology findings into formats useful to the MOWTDD's professional and support staff, as well as other stakeholders, including the general populace.
- viii. Assist in life cycle monitoring of the effectiveness of technologies and practices implemented and provide feedback to help make any necessary improvements in technologies and practices.

## **V. Implementation**

The responsibility for implementation of this MOU is expected to be shared between the MT and the MOWTDD and will take the form of the following:

- i. The MT will have the overall responsibility for carrying out aspects of this agreement as outlined under **IV. PARTICIPATION IN THE MT**
- ii. The MOWTDD through the Director of Drainage will be responsible for the development (or delegation of such development) of Project Sub-Agreements (PSA) if and when such sub-agreements are deemed necessary or appropriate to the successful implementation of specific projects or activities. Standard Project Proposal

### **Assumptions:**

- Every project proposal needs to be approved by the Signatory at MOWT (Minister, PS, and Director of Drainage) depending if and what budget required
- Each project proposal will have to be written in the format here outlined and in collaboration with the Drainage Division,
- Each project proposal needs to clearly state which goals and objectives mentioned in the MOU are supported by this particular project

In order to define a general project proposal the following are identified:

- UWI offering independent specialized technical assistance (in-depth reviews / recommendations)
- UWI offering training for MOWT personnel (specific courses, seminars, symposia, access to UWI courses)
- MOWTDD to offer students practical experience in related fields (design, construction)
- MOWTDD to offer thesis projects in areas covered by this MOU

- UWI supporting MOWTDD with improving population awareness through the developing of materials such as booklets, TV ads, etc...
- The MT to identify and aid in developing professional platform in areas covered by this MOU.
- The MT to support development of national database in collaboration with other stakeholders
- 

Some projects can be done within the context of the existing responsibilities of each party and will require no extra budget. Others, which require input beyond the normal activities, will have to identify responsibilities, input and budget for each particular project. Financing will be provided via the MOWT.

### **Proposed Standard Project Proposal Set-up**

The following are the items proposed for the standard proposal (see excel table for more details)

- 1 Introduction
- 2 Justification
- 3 Background
- 4 Scope of Work
- 5 Approach
- 6 Project Planning
- 7 Responsibilities
- 8 Output
- 9 Resources
- 10 Project Management
- 11 Budget

- iii.** Establishing internal processes, procedures and relevant review criteria to include continuous review of program plans, the development and monitoring of success benchmarks regarding the MOWTDD-UWICEED collaborations and project plans; and evaluation of projects supported under this MOU.
- iv.** Periodically assessing the success and progress of projects launched pursuant to this MOU and recommending improvements to this MOU and/or implementing procedures.
- v.** Preparing periodic status reports on each of the projects undertaken through Project PSA under this MOU to the Permanent Secretary, Ministry of Works and Transport.

## **VI. Designated Points of Contact**

The primary contact and liaison to each Party to this MOU is as follows:

### **For MOWTDD:**

Director of Drainage  
Ministry of Works and Transport  
Drainage Division  
41-43 Sackville Street  
Port of Spain  
Trinidad, W.I.

Telephone: 868-623-7729  
Facsimile: 868-627-4780

### **For UWICEED:**

Head of Department  
University of the West Indies  
Civil and Environmental Engineering Department  
St. Augustine Campus  
St. Augustine  
Trinidad, W.I.

Telephone: 868-662-2002 ext 2504  
Facsimile:

### **For JCC**

The President of the JCC  
The Professional Centre Building  
Unit 202, Fitzblackman Drive, Wrightson Road Extension, Port of Spain,  
Trinidad, West Indies.  
Tel: 868-623-9396 or 622-2722  
Fax: 625-5749  
Email: [jcctt1@gmail.co](mailto:jcctt1@gmail.co)

The primary contact and liaison to each Party to this MOU may designate a secondary contact and liaison to be a member of the PM

## **VII Duration**

- i. This MOU will become effective upon the date of the last signature of a party's approving official and shall remain in effect for 5 years from the effective date. This MOU may be terminated by mutual written agreement or by any party at any time and for any reason. A party wishing to terminate this MOU should endeavour to give the other party 90 days written notice.
- ii. This MOU will be reviewed annually and may be amended at any time by mutual written consent of the authorized representatives of the parties to the MOU. It may be subject to reconsideration at other times as may be required and as agreed to by the authorized representatives of the parties to the MOU.

**IN WITNESS THEREOF** the Parties, each acting through their duly authorized representatives, have caused this MOU to be signed in their names and delivered.

**Ministry of Works and Transport**

\_\_\_\_\_  
(Signature)

Name:  
Title:

Date: Month Day, 2010

**University of the West Indies  
Civil and Environmental Engineering Department**

\_\_\_\_\_  
(Signature)

Name:  
Title:

Date: Month Day, 2010

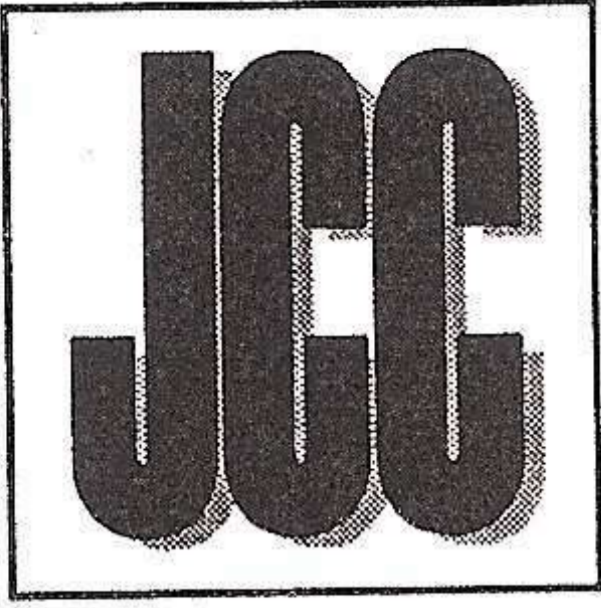
**The Joint Consultative Council**

\_\_\_\_\_  
(Signature)

Name:  
Title:

Date: Month Day, 2010





**JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY**

The Professional Centre Building  
1<sup>st</sup> Floor Unit B202, 11-13 Fitzblackman Drive, Wrightson Rd. South, Port of Spain  
Tel: (868) 623-9396 Fax: (868) 628-2563/ 625-5749  
jcctt1@gmail.com www.jcc.org.tt

28<sup>th</sup> May, 2012

The Honourable Kamla Persad-Bissessar, MP,  
Prime Minister of the Republic of Trinidad & Tobago,  
Office of the Prime Minister,  
#13-15, St. Clair Avenue,  
St. Clair,  
**Port-of-Spain**

Honourable Prime Minister,

**Urgent request for a meeting on Public Procurement issues**

The JCC wrote to you on 24<sup>th</sup> April to seek an urgent meeting to discuss our serious concerns on Public Procurement issues.

We have not received an acknowledgment of that letter and we are once again asking, as a matter of urgency, that you please schedule a meeting with us to discuss these issues of growing national concern.

We trust that this will receive your early attention given the JCC's growing concerns regarding some current developments, and the importance of this topic to the entire National Community.

Yours respectfully,  
**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**

-----  
Afra Raymond BSc, FRICS  
**President**



**JOINT CONSULTATIVE COUNCIL FOR  
THE CONSTRUCTION INDUSTRY**

The Professional Centre Building  
1<sup>st</sup> Floor Unit B202, 11-13 Fitzblackman Drive, Wrightson Rd. South, Port of Spain  
Tel: (868) 623-9396 Fax: (868) 628-2563/ 625-5749  
jcctt1@gmail.com www.jcc.org.tt

20<sup>th</sup> June 2012

The Honourable Kamla Persad-Bissessar, MP,  
Prime Minister of the Republic of Trinidad & Tobago,  
Office of the Prime Minister,  
#13-15, St. Clair Avenue,  
St. Clair,  
**Port-of-Spain**

Honourable Prime Minister,


**Urgent request for a meeting on Public Procurement issues**

The JCC wrote to you on 24<sup>th</sup> April and again on 28<sup>th</sup> May to seek an urgent meeting to discuss our serious concerns on Public Procurement issues.

We have not received an acknowledgment of those letters and we are once again inviting your urgent attention to these issues of growing national concern.

We trust that this will receive your early attention.

Yours respectfully,  
**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**

  
.....  
Afra Raymond B.Sc., FRICS  
**President**