

April 14th, 2021



udecott

Urban Development Corporation of
Trinidad and Tobago Limited

Mr. Fazir Khan
President
Joint Consultative Council for the Construction Industry
The Professional Centre Building
1st Floor Unit B202
11-13 Fitzblackman Drive
Wrightson Road South
PORT OF SPAIN

By Email and Registered Post

Dear Sir,

Re: Request for Access to Official Documents under the Freedom of Information Act, Chap. 22:02

Reference is made to the matter at caption, to your Application dated March 15th, 2021, submitted under the Freedom of Information Act, Chap 22:02 ("the Act"), and to our letter of acknowledgement dated March 18th 2021.

We are replying to your requested for the following:

1. The request for Expression of Interest (EOI) and/or Request for Proposals (RFP) for the consultancy to produce a Master Plan for the Revitalization of Port of Spain;
2. The terms of reference for the consultancy to prepare a Master Plan for the Revitalization of Port of Spain;
3. Contract for the consultancy between NLBA Architects Limited and the Ministry of Planning and Development through the Urban Development Corporation of Trinidad and Tobago Limited;
4. Master Plan for the Revitalization of Port of Spain, prepared by NLBA Architects Limited; and
5. Confirmation of the status of the Master Plan in accordance with Section 7 of the Town and Country Planning Act Chapter 35:01

Further to your requests for access to official documents under Section 13 of the Act, please be informed as follows:-

1. **The request for Expression of Interest (EOI) and/or Request for Proposals (RFP) for the consultancy to produce a Master Plan for the Revitalization of Port of Spain**

Please find enclosed, a copy of the Request for Proposal for Consultancy Services for the Revitalization of Port of Spain.

2. **The terms of reference for the consultancy to prepare a Master Plan for the Revitalization of Port of Spain**

Please refer to the Request for Proposal identified in the response at item 1. above.

3. Contract for the consultancy between NLBA Architects Limited and the Ministry of Planning and Development through the Urban Development Corporation of Trinidad and Tobago Limited

Please be informed that UDeCOTT is not in possession of any Contract between NLBA Architects Limited and the Ministry of Planning and Development.

4. Master Plan for the Revitalization of Port of Spain, prepared by NLBA Architects Limited

Please be informed that the key elements of the Plan have been provided in the public domain via the following:

- public consultations;
- "Spotlight on Urban Development, The Revitalization of Port of Spain" held on November 16th 2020;
- broadcasts via television, streaming media and social media;
- various newspaper publications; and
- online publications on websites of Ministries;

Further, we wish to advise that the elements of the Plan which were not published are exempt by virtue of Sections 24(1) (b) & (c) and Sections 33(1)(b) & (e) of the Act on the grounds that these:

- constitute information prepared for the consideration of Cabinet and which is related to issues that have been before Cabinet;
- constitute information prepared for the purpose of briefing a Minister of Government in relation to issues to be considered by Cabinet;
- consist of information, the disclosure of which would be contrary to the financial interests of UDeCOTT by giving unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public authority for the acquisition or disposal of property or the supply of goods or services in relation to the various projects covered by the Plan; and
- consist of information, the disclosure of which would be contrary to the public interest by reason that it would disclose instructions issued to, or provided for the use or guidance of, officers of a public authority on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts and activities relating to the financial property or management and assessment interests of the State or of UDeCOTT.

The respective Sections of the Act state as follows:

- "24. (1) A document is an exempt document if it is—
 - ...(b) a document that has been prepared by a Minister of Government or on his behalf or by a public authority for the purpose of submission for consideration by Cabinet or a document which has been considered by Cabinet and which is related to issues that are or have been before Cabinet;"
 - (c) a document prepared for the purpose of briefing a Minister of Government in relation to issues to be considered by Cabinet;"

- “33. (1) A document is an exempt document if—
- ... (b) its disclosure under this Act would be contrary to the financial interests of the public authority by giving an unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public authority for the acquisition or disposal of property or the supply of goods or services;
 - ... (e) its disclosure under this Act would be contrary to the public interest by reason that it would disclose instructions issued to, or provided for the use or guidance of, officers of a public authority on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personal management and assessment interests of the State or of a public authority.”

In light of the preceding, you are hereby given notice that you are entitled to apply to the High Court for judicial review of the aforementioned decision and that any such application for judicial review must be made within three (3) months of the date hereof.

5. Confirmation of the status of the Master Plan in accordance with Section 7 of the Town and Country Planning Act Chapter 35:01

Please note that pursuant to Section 7 of the Town and Country Planning Act, Chap 35:01, the responsibilities identified therein pertain to the respective Minister, and as such, you may wish re-direct your request accordingly.

Yours respectfully,

**Urban Development Corporation of
Trinidad and Tobago Limited**



**Kimberly Carr-Hamilton
Corporate Secretary**

Enc.

cc: Ms. Tamica Charles-Phillips – Chief Executive Officer, UDeCOTT