



TRINIDAD AND TOBAGO

No. 22—1961

[L.S.]

I ASSENT,

C.D. 1.1.1965
GN 110/1964
Page 154C. A. KELSICK
Governor's Deputy

4th July, 1961.

AN ORDINANCE to provide for the establishment of a Central Tenders Board for the Government of Trinidad and Tobago and certain Statutory Bodies and for matters incidental thereto.

[On Proclamation]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

1. (1) This Ordinance may be cited as the Central Tenders Board Ordinance, 1961.

Short title.

(2) This Ordinance shall come into operation on such day as the Governor may appoint by proclamation published in the *Royal Gazette*.

Interpretation.

2. In this Ordinance—

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

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

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

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

“Government” means the Government of Trinidad and Tobago;

“Minister” means the member of the Cabinet charged with the administration of the subject of finance;

“public officer” means the holder of a pensionable office under the law for the time being in force or any person appointed to act in any such office and includes any person serving the Government on agreement or on a temporary basis;

“public service” means the service of the Crown in respect of the Government of Trinidad and Tobago;

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

“Territory” means the Territory of Trinidad and Tobago;

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

Application.

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

(2) The Governor in Council may, by order published in the *Royal Gazette*, amend the First Schedule to this Ordinance by adding thereto or deleting therefrom a statutory body.

Establishment
of Board.

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

(a) to act for, in the name and on behalf of the Government and the statutory bodies to which this Ordinance

ance applies, in inviting, considering and accepting or rejecting offers for the supply of articles or for the undertaking of works or any services in connection therewith, necessary for carrying out the functions of the Government or any of the statutory bodies;

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

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

Governor may prescribe additional functions.

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

Composition of Board.

- (a) the Treasury Solicitor,
(b) at least four public officers appointed by the Governor, and
(c) such other members at large to be appointed by the Governor as may be necessary to fill up the membership of the Board.

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

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

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

Officers of the Board.

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

Tenure of office.

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

- (a) automatically after he has held it for two years;
(b) by written notice of resignation addressed by him to the Governor;
(c) if he departs from the Territory for a period of thirty days without the leave of the Governor or

remains out of the Territory after the expiration of his leave without the special permission of the Governor;

- (d) if he fails without reasonable excuse (the sufficiency whereof shall be determined by the Governor) to attend three consecutive regular meetings of the Board.

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

Payment of remuneration to members of the Board.

8. The Governor may in his discretion direct that such remuneration as he may determine shall be paid to members of the Board other than the *ex-officio* members.

Filling of vacancies of the membership of the Board.

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

Leave of absence of members of the Board.

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

Acting Appointments.

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

Chairman to preside over meetings.

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

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

Meetings of the Board.

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

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

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

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

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

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

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

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

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

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

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

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

Duties and
powers of Sub-
Committees.

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

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

Meetings of
Committees.

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

(2) Subsections (2) and (3) of section 12 shall apply *mutatis mutandis* to meetings of committees.

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

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

Quorum.

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

Decisions of
Committees.

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

Power of
Committee to
act where value
of contract
does not
exceed \$10,000.

19. (1) A committee may act for the Board where the value of the articles to be supplied or the works and services to be undertaken does not exceed ten thousand dollars; but no committee shall, for the purpose of purporting to give itself authority to act under this provision, sub-divide the quantity of articles to be supplied or works and services to be undertaken into two or more portions so that the value of the portions will be ten thousand dollars or less.

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

20. (1) Whenever articles or works or any services in connection therewith are required to be supplied to or undertaken on behalf of the Government or a statutory body to which this Ordinance applies, the Government or such statutory body shall make written request to the Board to invite on its behalf offers for the supply of those articles or for the undertaking of the works or services in connection therewith.

Request for invitation of offers to be in writing.

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

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

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

(b) subject to the approval of the Minister, invite such bodies or persons as may be selected by the Board to make offers for the supply of such articles or for the undertaking of such works or services, as the case may be, whenever the Board considers it expedient or desirable so to do.

(4) The notice shall contain:

(a) a sufficient description of the articles required or of the works or services to be undertaken and shall whenever necessary also contain the place where and the time when additional information relating thereto can be obtained;

(b) the form or manner in which an offer is to be made;

(c) the date and time within which an offer is to be made;

(d) the place where and the manner in which the offer is to be submitted.

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

Offers to be placed in specially constructed and designated boxes.

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

Opening of
Tenders Boxes.

22. (1) On the date fixed for the opening of offers, the Chairman and one other member of the Board or committee shall unlock the box and remove and open the offers found therein.

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

Board may
require deposit.

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

(2) The Board may forfeit any sum so deposited if—

- (a) any person making the deposit fails to make an offer,
- (b) any person whose offer is accepted fails or refuses to enter into a formal contract, or
- (c) any person to whom a contract is awarded fails to execute and fulfil the terms thereof.

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

Board to
accept lowest
offer.

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

Board to notify
acceptance of
offers.

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

- (a) the person who has submitted the offer shall be notified by the Board of its acceptance, and the Board shall inform him that he is required to enter into a formal contract with the Government or statutory body, as the case may be, at whose request offers were invited, and
- (b) the Government or the statutory body on whose behalf offers were invited, shall be notified by the Board of the Board's acceptance of the offer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Offences

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

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

Information to be confidential.

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

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

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

General or special directions of the Minister.

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

No personal liability shall attach to the Board.

Regulations.

35. The Governor in Council may make such regulations as may appear to him to be necessary or expedient for the proper carrying out of the intent and provisions of this Ordinance and without limiting the generality of the foregoing may make regulations—

- (a) prescribing the procedure to be adopted by the Board in the exercise of the authority vested in it by this Ordinance;
- (b) prescribing the forms to be used in making offers;
- (c) prescribing the periods for which advertisements should be published and fixing the responsibility for the cost thereof;
- (d) prescribing the forms of contract to be used;
- (e) prescribing the financial limits within which contracts may be awarded by officers of statutory bodies;
- (f) prescribing the procedure to be adopted in disposing of surplus stores and the limits within which they can be disposed of by prescribed officers of statutory bodies;
- (g) for establishing Ministerial, departmental or special committees to deal with departmental contracts or special items or services, the value of which does not exceed an amount, if any, fixed by the regulations;
- (h) prohibiting the entering into of contracts for the supply of articles or the undertaking of works or any services connected therewith with members of statutory bodies to which this Ordinance applies or any officers thereof or with such other persons as may be specified in the regulations.

Amendment of
the County
Councils Ordinance,
Ch. 39,
No. 15 and
repeal of the
County
Councils
(Amendment
No. 2) Ordinance,
1959.

36. The enactments mentioned in the first column of the Second Schedule to this Ordinance are hereby amended or repealed to the extent specified in the second column of that Schedule.

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FIRST SCHEDULE

The Mayor, Aldermen and Citizens of the City of Port-of-Spain
 The Mayor, Aldermen and Burgesses of San Fernando
 The Mayor, Aldermen and Burgesses of Arima
 The St. George County Council
 The St. Andrew-St. David County Council
 The Nariva-Mayaro County Council
 The St. Patrick County Council
 The Caroni County Council
 The Victoria County Council
 The Tobago County Council
 The Central Water Distribution Authority
 The Industrial Development Corporation
 The Railway Board
 The Marketing Board
 The Planning and Housing Commission
 The Trinidad and Tobago Tourist Board
 The Cocoa Board.

SECOND SCHEDULE

Enactments amended or repealed.

<i>Short Title</i>	<i>Extent of Amendment or Repeal</i>
The County Councils (Amendment No. 2) Ordinance, 1959	The whole Ordinance is hereby repealed.
The County Councils (Amendment) Ordinance, 1960	Paragraph (c) of subsection 3 of section 98 is hereby repealed.
The Port-of-Spain Corporation Ordinance, Ch. 39. No. 1, as amended by the Port-of-Spain Corporation (Amendment) (No. 2) Ordinance, 1954	Section 129 is hereby repealed.
The San Fernando Corporation Ordinance, Ch. 39. No. 7 amended by the San Fernando (Amendment) Ordinance, 1960	Section 123c is hereby repealed.
The Arima Corporation Ordinance, Ch. 39. No. 11, as amended by the Arima Corporation (Amendment) Ordinance, 1960	Section 113c is hereby repealed.

Passed in Council this twelfth day of June in the year of
 Our Lord one thousand nine hundred and sixty-one.

G. R. LATOUR

Clerk of the Council