



Promoting Fairness, Transparency and
Efficiency in the Public Procurement Process

Public Procurement Commission
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Setting the Record Straight: PPC Addresses Inaccuracies in Recent Reports on Procurement Investigation

The Public Procurement Commission (PPC) ('the Commission') acknowledges and notes with interest the Stabroek News article titled "Moment of truth for Tepui project and NDIA," dated March 10, 2025, followed in lockstep by a Kaieteur News's editorial dated March 15, 2025, captioned "Public Procurement Commission".

However, for the record, it is imperative to correct mischaracterizations, misrepresentations and misinformation therein of the PPC's role and the timeline of its actions in the matter concerning the \$865M pump station contract awarded to Tepui Inc.

1. PPC's Mandate and Investigative Authority

First and foremost, the PPC's constitutional mandate is enshrined in Article 212W of the Constitution of Guyana, which is an oversight responsibility to monitor that public procurement is carried out in a fair, equitable, transparent, competitive and cost-effective manner according to law. The Commission does not award contracts. It does not have executive authority to cancel contracts, nor does it act as an enforcement agency. One of the many functions of the Commission however is to investigate procurement processes, issue recommendations and remedial actions.

2. Timely Investigation and Public Disclosure

Contrary to claims of tardiness and being hesitant in addressing this particular matter, the PPC acted within its remit and in a timely manner:

- The Commission promptly initiated an investigation into the award of the contract after concerns were raised by the public and a formal request for an investigation ("the complaint") was lodged on October 3rd, 2023, by an Opposition Member of Parliament. There was absolutely no hesitancy as the PPC's investigative mechanism was engaged within seventy-two hours of receiving the complaint with a request being dispatched on October 6th, 2023, to the procuring entity and the subject tender board to answer the allegations of the complaint.



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- Though there were delays in receiving responses, the PPC, in keeping with timelines for its investigations and bettering timelines of the prior constituted Commission, on April 16th, 2024, published its comprehensive and thorough 35-page **Summary of Findings** making thirteen recommendations, *inter alia*, that the subject procuring entity, to wit, the National Drainage and Irrigation Authority (NDIA) monitor the contractor's performance and take appropriate action if breaches occurred. The matter was also referred to the Auditor General in accordance with Article 212AA(1)(l) of the constitution.
- The PPC maintaining its oversight responsibility, requested updates from the procuring entity. As disclosed by the Commission and reported in an Editorial of the Stabroek News of July 15, 2024, headlined, "*Disrespect to the Public Procurement Commission*", the requested information was not forthcoming, and consequent steps were being taken to engage the subject Minister on the matter.
- Still receiving no updates, the PPC conducted a site visit on **November 28, 2024**, to assess the progress of the project and continued to follow up with procuring entity for submission of related project execution documents.
It is important to note that this site visit followed that of the Auditor General, on August 14th, 2024, as reported in the Auditor General's 2024 Report.
A complete bundle of documents was submitted by the procuring entity to the Commission some two months later in January 2025, which then enabled a comprehensive fact-based assessment of the status of the works including the percentage of work completed in comparison to its projected status as at the date of the visit.
- The matter was considered by the Commission at a meeting in February 2025 and the procuring entity promptly thereafter engaged.

3. PPC's Due Process and Procedural Integrity

The claim that the PPC delayed action for three months between its site visit and its formal correspondence to NDIA ignores not only the aforesaid facts, but the Commission's duty to observe due process. The PPC must conduct thorough assessments, compile findings, and ensure that all recommendations align with legal procurement frameworks. Issuing public statements or



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recommendations on speculation without a complete and substantiated report would be premature and irresponsible.

4. Responsibility of the NDIA and Other Procurement Authorities

Both publications appear to incorrectly place the burden of enforcement solely on the PPC. The NDIA, as the procuring entity, has a **direct responsibility** to ensure that the contractor meets performance obligations. The National Procurement and Tender Administration Board (NPTAB) was responsible for the evaluation and approval of the award. The PPC, in keeping with its constitutional mandate, investigated the matter and made recommendations, but ultimate enforcement remains within the NDIA's jurisdiction.

In the premises, it is improper to assert, as charged in the aforesaid publications, that there was hesitation or tardiness on the part of the PPC.

Further in the aforementioned Stabroek News article, the entity feigns ignorance stating that, *"It is unclear why it took the PPC three months to write the NDIA on the findings of its visit on November 28th last year."*

This is an astonishing position since the publication had sought updates from the PPC and was responded to as recently as February 20th, 2025, wherein the PPC informed that:

"The Commission received the complete bundle of documents from National Drainage Irrigation Authority (NDIA) in January 2025 and conducted a site visit as part of its monitoring function. The matter was most recently considered at the Commission's last meeting on Thursday. However, no public comments will be made at this time, as the procuring entity has not yet had the opportunity to be engaged."

This was surreptitiously not disclosed.

It of course goes without saying that any matters which were "unclear" could have been clarified by seeking clarification from the PPC prior to print which would be expected within journalistic ethics.



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Specifically, the Kaieteur News editorial displays reckless and utter disregard for accuracy preferring instead to peddle misinformation and wild irrational speculation. *Inter alia-*

- i. The statement that “it took the PPC 14 months from September 2023, the date of the contract award, to visit the Belle View Pump Station” does not take into account, *inter alia*, the site visit conducted by the PPC in March 2024 as part of its investigation and considered in the Summary of Findings published on the Commission’s website. It would therefore appear that the editorial was written thereon without even reading the same. Nor does it take into account any of the aforementioned considerations.
- ii. The statement that the PPC has completed four investigations and issued two reports, without disclosing a source, was stated to be, admittedly not current. That is, from the period July 2022-December 2023. From a perusal of the Commission’s website, it could be easily ascertained that in fact to date, the Commission has issued seven (7) investigative reports from July 2022 to date, an Annual Report and host of other publications and work in execution of the Commission's thirteen (13) constitutionally enshrined functions.
Further, had the publication engaged the Commission prior to print, it could also have been easily ascertained that to this date, there are no pending complaints before the Commission, all requests having been duly considered and acted upon accordingly.
- iii. The publication further repeats its false narrative, prior published, of a purported increase in employment and other costs by comparing a period when the Commission was not constituted with a period when the Commission became constituted and thereby staffed. The Commission previously addressed this false narrative of Kaieteur News by way of Press Release dated December 4, 2024, which the publication did not carry or take cognizance of in its Editorial.

The PPC remains committed to upholding procurement integrity. The findings published in April 2024 served as an early warning for the NDIA to take action and further follow-ups reinforced the urgency of intervention.



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The PPC in the premises categorically rejects any assertion that it has been hesitant or tardy in addressing the Tepui Inc matter. The Commission has acted within its constitutional framework, provided transparency through its published findings, and continues to monitor that procurement entities execute their responsibilities in the best interest of public funds. It is now incumbent upon the NDIA to act in accordance with procurement laws.

March 21, 2025

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