



Public Procurement Commission

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Promoting Fairness, Transparency and
Efficiency in Public Procurement.

**STATEMENT BY THE PUBLIC PROCUREMENT COMMISSION IN REPOSE TO
THE STABROEK NEWS ARTICLE OF SUNDAY 29TH OCTOBER, 2023 TITLED
“PROCUREMENT COMMISSION SILENT ON REQUEST FROM OPPOSITION FOR
URGENT MEETING”**

The Public Procurement Commission (PPC) (‘the commission’) has taken note of an article in the Stabroek News edition of October 29th, 2023, with the caption “Procurement Commission silent on request from opposition for urgent meeting”. The article cited “APNU+AFC Member of Parliament David Patterson who stated that the procurement commission has not responded to the opposition’s request for an urgent meeting to discuss the controversial award of a pump station contract to a company that did not qualify and other matters”.

The PPC categorically rejects these baseless assertions since the request of Mr. Patterson, purporting to act, *inter alia*, on behalf of the Parliamentary Opposition (whether *de facto*, *de jure* or otherwise not disclosed) was received on Friday October 27th, 2023 and was duly considered at the commission’s meeting on the said day. To this end, an official response to the request for a meeting will be dispatched shortly, the weekend having intervened.

Therefore, the impression given by the headline that there has been some inaction by the commission to the request is sensationalist and scandalous as it is not grounded in fact.

Further, with regard to the reported request by Mr. Patterson for an investigation into the contract award of the Belle Vue Pump Station (“Tepui contract”), the commission wishes to confirm that:

- i. It received the said request by way of email on Wednesday, October 4th, 2023.
- ii. The request was considered by the commission at its next meeting on Friday, October 6th, 2023.
- iii. In accordance with the commission’s established procedures in pursuance to Article 212DD(1) of the constitution, a request in writing was sent, on the said day (6th Oct.), to both the procuring entity and the tender board, to wit, the National Drainage and Irrigation Authority (NDIA) and the National Procurement and Tender Administration Board (NPTAB), respectively, for the submission to the commission, within five (5) business days thereof, of certain relevant information and documents including the full record of the subject tender proceedings. Similarly, Mr. Patterson was also invited in writing to submit any documents or further information to support his allegations on which his request for an investigation was made.
- iv. To date the request has not been acknowledged or complied with by the procuring entity (NDIA) and or the tender board (NPTAB). Mr. Patterson has also not communicated with the commission as to the submission of any documents or further information to support his allegations.

- v. Mr. Patterson sought an update on his request by way of letter sent by email on October 23rd, 2023. The said letter was considered at a meeting of the commission on the said day and a reply was sent in accordance therewith on October 27th, 2023.

The hereinbefore investigation request is one (1) of five (5) active complaints before the commission, all of which the respective procuring entities and or NPTAB have not submitted to the commission, requested information, particularly, the record of the tender proceedings (including the Evaluation Reports) at all or the full record.

While Article 212DD(1) of the constitution empowers the commission to request information in certain circumstances, the subsequent sub-section (Article 212DD(2)) has not been given effect to by the Legislature to provide for penalties or other coercive powers for the failure to comply with such a request by the commission.

Accordingly, the commission has sought advice from its Legal Department as to the jurisdiction of the commission in the circumstances to ensure that the matters brought before it for investigation are duly discharged. The commission awaits receipt of the said advice and at this time, has not ruled out approaching the High Court for Orders compelling the production of the information.

Pursuant to Article 212W(2) of the Constitution of Guyana, the PPC is an “independent and impartial” body which shall discharge its functions fairly in accordance with law.

The commission once again urges restraint and responsibility in public statements of findings as a fact without the benefit of all of the facts and documentary evidence.

Dated October 30th, 2023.

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