

The Commission for Standards in Public Life

Mr Peter Gough
Strategic Advisor to the Deputy Governor
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CAYMAN ISLANDS

Via E-mail: peter.gough@gov.ky

11 October 2016

Dear Mr Gough,

I write further to my letter regarding the draft procurement legislation dated 2 September 2016.

The Commission is aware that the Procurement Bill 2016 (“the Bill”) has been gazetted (indeed, on the same date that the aforementioned letter was sent to you) and has had the opportunity to review the same.

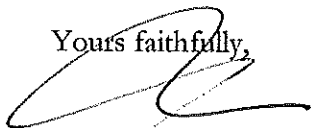
The Commission notes that its concern (expressed previously in the e-mail correspondence addressed to you dated 3 December 2015) suggesting that reference be made to the Constitutional responsibility of the Commission “to review and establish procedures for awarding public contracts” (s.117(9)(d), Cayman Islands Constitution Order, 2009) does not appear to have been considered in the drafting of the Bill.

The Commission also notes its concern that consideration should be given to a statutory requirement for a member of the Commission to be appointed to the Public Procurement Committee under Schedule 3 of the Bill has not been considered and/or included in the Bill. Additionally, the Commission wishes to re-emphasize its recommendations as they relate to the drafting of the necessary Regulations for this Bill, specifically the inclusion of a timeframe in Regulation 16 (Acceptance of Bids).

The Commission considers this issue to be of sufficient importance to echo its concerns to the Minister of Finance and Economic Development as the entity responsible for putting forward the Bill. We thank you and the Procurement Team for your previous response to our concerns and look

forward to continuing our dialogue as the Procurement Team proceeds with drafting the regulations to accompany the Bill.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Rosie Whittaker-Myles', written over the text 'Yours faithfully,'.

Rosie Whittaker-Myles
Chairman, Commission for Standards in Public Life