



Republic of Trinidad and Tobago
THE HONOURABLE DR. KEITH ROWLEY, MP
LEADER OF THE OPPOSITION

March 10th 2014

His Excellency Anthony Thomas Aquinas Carmona, O.R.T.T., S.C.
The President of the Republic of Trinidad and Tobago
Circular Road
St. Ann's
PORT-OF-SPAIN

Dear Excellency,

**Re: Section 81 of the Constitution of the Republic of Trinidad and Tobago
Investigation into the circumstances/award by The National Gas Company of
Trinidad and Tobago/Water and Sewage Authority of Trinidad and Tobago of
a contract for the Design & Build, and Operation & Maintenance of the
Beetham Water Recycling Plant together with the associated Pipelines and
Water Storage Facilities to Super Industrial Services Limited on Friday
February 28th 2014**

I refer to the captioned and write in my capacity as the Leader of the Opposition and Political Leader of the Parliamentary Opposition party, the People's National Movement to urge you to investigate and call upon Mrs. Kamal Persad-Bissessar, Prime Minister of the Republic of Trinidad and Tobago, to explain the circumstances and Award by The National Gas Company of Trinidad and Tobago ('NGC')/Water and Sewage Authority of Trinidad and Tobago ('WASA') of a contract for the Design & Build, and Operation & Maintenance of the Beetham Water Recycling Plant together with the associated Pipelines and Water Storage Facilities to Super Industrial Services Limited on Carnival Friday February 28th 2014.

I inform His Excellency as set out hereunder:

1. Soon after the United National Congress ('UNC') led coalition (the People's Partnership – the 'PP') assumed office in May 2010, the Chief Executive Officer ('CEO') of WASA, who had been hired by WASA approximately a few months prior to the General Elections and after both local and international searches for

March 10th 2014

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candidates and proper due process, was effectively relieved of his duties, paid off and returned to the United Kingdom.

2. On May 28th 2010, Mr. Emanuel George was appointed by Mrs. Kamala Persad-Bissessar, the Prime Minister of Trinidad and Tobago as the Minister of Public Utilities with direct responsibility for WASA. He served as Minister of Public Utilities until June 26th 2011.
3. In July 2010, Mr. Ganga Singh (now Minister of the Environment and Water Resources and formerly Minister of Public Utilities in the UNC Government of 1995-2000) was appointed as the CEO of WASA.
4. The Opposition which I lead, made direct enquires of the Government and Mr. Emanuel George in the Parliament of Trinidad and Tobago as to how and by what process was Mr. Ganga Singh hired as the CEO of WASA.
5. On November 24th 2010, the Public Utilities Minister Emmanuel George informed the Parliament that Mr. Ganga Singh was appointed as an interim CEO only and gave a commitment that when the new board of WASA was appointed, an open, transparent and competitive process would be initiated in the search for a CEO, who would be appointed in an acceptable and transparent manner after the required process.
6. The new board of WASA was appointed in December 2010.
7. By way of Press Release from WASA under the hand of WASA's General Manager, Corporate Communications, Ellen Lewis dated December 15th 2011, the public was informed that Mr. Ganga Singh was confirmed as the CEO of WASA effective October 1st 2011. Lewis said Singh's confirmation came after he was recommended by WASA's Human Resource Committee in September 2011. Lewis said the WASA Board observed and evaluated Singh's performance as acting CEO for nine months prior to his appointment. She said, based on the Board's evaluation, Singh was confirmed, and will hold the position for three years. Lewis said Singh's appointment was unanimous. None of the information emanating from WASA as aforesaid was given by Mr. Emanuel George to the Parliament when he gave the undertaking as aforesaid in November 2010 and on a subsequent occasion in December 2011.
8. As Opposition Leader, I called on the Government to immediately rescind the appointment of Ganga Singh as the CEO of WASA at no cost to the taxpayers and to carry out the open, transparent and competitive process promised by Public

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Utilities Minister Emmanuel George in Parliament on November 24th 2010 and again on December 9th 2011.

9. I pointed out that Mr. Singh, a lawyer, whose tenure as minister responsible for WASA was the subject of police and DPP interest, has absolutely no qualifications in water services or related engineering matters. For media coverage of the aforementioned matters, I refer you to <https://guardian.co.tt/news/2011/12/15/ganga-singh-confirmed-wasa-ceo> and http://www.trinidadexpress.com/news/Remove_Ganga_Singh_as_WASA_CEO_-135710318.html. True copies of the said Articles are herewith enclosed for your ease of reference;
10. In or around April/May 2012, WASA issued a Request for Expressions of Interest for the Provision of DFBOO(T) Construction (Design Finance Build Own and Operate) of a Water Reuse (Reclamation) Facility. This project involved the treatment of 20 imperial million gallons/day of wastewater effluent from the Beetham Wastewater Treatment Plant to high quality industrial grade water to be utilized primarily by its customers at the Industrial Estate at Point Lisas in Trinidad. Expressions of Interests were to be delivered to WASA no later than June 4th 2012. A true and correct copy of WASA's Request for Expressions of Interest WTC 95/2012 is herewith enclosed for your ease of reference;
11. Mr. Ganga Singh was appointed a Senator and Minister of the Environment and Water Resources with direct responsibility for WASA on June 25th 2012;
12. WASA did not pursue the Request for Expressions of Interest WTC 95/2012 to conclusion;
13. During 2012 and continuing into 2013 and 2014, SIS pursued a campaign of advertisements in the media promoting its projects and itself in general;
14. SIS is a known financier of the United National Congress (UNC) and is the beneficiary of numerous awards for very lucrative contracts from the PP Government. SIS was also involved in construction works carried out on the home of the Prime Minister Mrs. Kamla Persad-Bissessar and the home of Mr. Ashworth Jack, leader of the Tobago Organisation of the People ('TOP') a PP Coalition Partner;
15. On September 2nd 2013, the NGC issued a Notice of Tender for the Design & Build, and Operation & Maintenance of the Beetham Water Recycling Plant together with the associated Pipelines and Water Storage Facilities – See the

March 10th 2014

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Tender Notice http://ngc.co.tt/wp-content/uploads/pdf/advertisements/2013-09-02_050913_notice-of-tender.pdf a true and correct copy of which is herewith enclosed for your ease of reference;

16. The time table for the bid process set by NGC was:
- (i) Issuance of the RFP September 4th 2013
 - (ii) Project briefing and Site Visit September 25th 2013
 - (iii) Last date for submission of Letter of Intent October 2nd 2013
 - (iv) Last date for submission of Request for Clarifications October 9th 2013
 - (v) Bid Closing Date October 28th 2013
 - (vi) Bid opening date and commencement of Bid evaluation October 29th 2013
 - (vii) Intended date for notification of Preferred Bidder November 26th 2013
 - (viii) Intended date for execution of the Agreements December 10th 2013;
17. I am informed that the Singapore Water Company advised WASA on the parameters of the project;
18. I am also informed that the firm KPMG advised the NGC on the tender process;
19. As Leader of the Opposition and Political Leader of the People's National Movement in replying to the Minister of Finance's Budget presentation in the debate on Appropriation (Financial Year 2014) Bill, 2013 on September 13th 2013, I specifically raised grave concerns with respect to the Notice of Tender and called upon the Prime Minister to halt the project stating that the bid had all the characteristics open to corruption and bid rigging. Amongst the several issues that I raised, I cautioned that:
- (i) the President of the NGC is the Chairman of WASA
 - (ii) the project is a WASA/NGC joint venture
 - (iii) there were contractual issues arising on the face of the Notice of Tender such that the document was weak in certain areas and seemed tailored to a particular outcome
 - (iv) the time frame for the close of the Request for Proposals was too short, and fell far from the best practice required for a multi billion dollar project.
– See my presentation beginning at page 18 of my Hansard contribution <http://www.ttparliament.org/hansards/hh20130913.pdf>. a true copy of the relevant pages of which is herewith enclosed for your ease of reference

March 10th 2014

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20. The Express Newspaper also covered my contribution - See article <http://www.trinidadexpress.com/news/WASA-doesnt-have--223797631.html>; A true copy of the said article is herewith enclosed for your ease of reference.

21. I am advised that sixteen (16) contractors, including well known international contractors, with serious expertise in projects such as this Beetham Wastewater project purchased packages;

22. Each bid package cost US\$5,000.00 being TT\$32,000.00 – See Tender Notice http://ngc.co.tt/wp-content/uploads/pdf/advertisements/2013-09-02_050913_notice-of-tender.pdf;

23. Representatives from fifteen (15) contractors attended the Pre-Tender Project Briefing and Site Visit held at the Kapok Hotel on September 25th 2013 being representatives from:

- (i) SIS
- (ii) Kentz Caribbean & Latin America
- (iii) Vinci Construction Grands Projets
- (iv) GLF Construction
- (v) Technologia Intercontinental
- (vi) Aqualia Infraestructuras;
- (vii) Societe Generale des Eaux
- (viii) Doshion Private Limited;
- (ix) UEM India Private Limited;
- (x) Universal Projects Limited;
- (xi) Seven Seas Water (Trinidad);
- (xii) AST Clean Water Technology;
- (xiii) EARTH Company Limited;
- (xiv) G.E. Water;
- (xv) Atlatec SA de CV

A true and correct copy of the Minutes of Meeting provided to bidders by NGC under cover of its letter dated October 9th 2013 is herewith enclosed for your ease of reference.

24. Only two (2) contractors returned bids namely:

- (i) Atlatec, S.A. de C.V. of Privada San Alberto No. 301, Col. Residencial Santa Barbara, San Pedro Carza Garcia, Nuevo Leon, Mexico 66266, Mexico; and

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(ii) SIS

25. I am advised that Atlatec S.A de C.V's parent companies are Mitsui and Toyo Engineering;
26. In the period September 4th 2013 to October 18th 2014, I am advised that requests were made for the extension of the deadline date for tender, but that these requests were denied by NGC. I am further advised that the vast majority of bidders had fallen out of the contest due to the impossibilities of the time frame for the submission of meaningful bids and that an extension of time for the submission of bids was eventually granted (i) by way of Addendum delivered by Email dated October 16th 2013 which pushed the deadline back to December 2nd 2013 and (ii) by way of Addendum delivered by Email dated November 26th 2013 which pushed the deadline back to December 10th 2013. True copies of the said Email Addendum notifications are herewith enclosed for your ease of reference;
27. It would seem that NGC has awarded the contract for the Design & Build, and Operation & Maintenance of the Beetham Water Recycling Plant together with the associated Pipelines and Water Storage Facilities to SIS under the distraction and cloak of National Carnival activities and holidays in Trinidad and Tobago on Friday February 28th 2014;
28. I am advised that the contract award to SIS is in the amount of US\$167,000,000.00 or TT\$1,068,800,000.00 or approximately TT\$1.1B;
29. I am advised that the engineer's estimate was originally set at US\$130,000,000.00 but was revised to US\$137,000,000.00 being TT\$876,800,000.00 being approximately TT\$0.9B;
30. I am advised that Atlatec, S.A. de C.V.'s bid was US\$95,000,000 being TT\$608,000,000.00 or approximately TT\$0.6B;
31. I am advised that significant issues, which affect the ultimate cost of this project remain undetermined including geotechnical and land title issues.
32. The NGC Board would have been advised by the NGC Tender's committee to accept the SIS award. The Chairman of NGC Mr. Chan Chadeesingh is an Attorney-at-Law, and I am advised that he has served as the Chairman of SIS, and as one of its Attorneys-at-Law.

March 10th 2014

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33. The NGC Board would have submitted its recommendations to the Cabinet, which would have approved the project award.
34. I am advised that Mr. Ganga Singh was integrally involved in the entire bid process in his capacity as the CEO of WASA and as the line minister with responsibility for WASA.
35. I am of course aware that a Board of Directors is not obliged to accept the lowest tender. The issue would have been which bidder met the criteria on the whole. From an appreciation of (i) the construction of the requirements in the Request for Proposals and (ii) the impossibility of the timeframe for submission of meaningful bids – it seems that the entire bid was designed and weighted in favour of SIS's own background. In other words the bid seems to have been engineered to produce the desired outcome of an award to SIS.
36. Background considerations:
 - (i) NGC does not supply water and it does not own the Point Lisas Industrial estate;
 - (ii) This Beetham Wastewater Project is a WASA initiative;
 - (iii) This type of wastewater project was considered even prior to the establishment of the Desalination Company of Trinidad and Tobago ('Desalcott') pioneered by the UNC government in the period 1995-2000 when Mr. Ganga Singh served as the Minister of Public Utilities and Mr. Emanuel George served as the Permanent Secretary to Mr. Ganga Singh;
 - (iv) The last PNM government had advice from a Consultant in relation to the establishment of a wastewater treatment plant at the Beetham site in 2009. The original concept was a submarine line from Beetham to Point Lisas. The project is now a land line. The project was not pursued because the PNM was informed by Desalcott that it could easily expand and double its operations to meet the demands for the industrial estate in Point Lisas and the new estate to be built in La Brea. Further the expansion of Desalcott to meet additional water needs could be achieved without capital investment;
 - (v) The project is designed as a long term contract in similar fashion to the Desalcott arrangement;
 - (vi) The tenderer who is awarded the Beetham contract will have long term benefits just as in the Desalcott arrangement and WASA will have to have a water sale agreement in place;
 - (vii) At the end of the day WASA will become another purchaser.

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- (viii) The ownership of the plant and the facility will ostensibly eventually vest in NGC;
 - (ix) The rationale of the project is based on the need to free up the potable water for drinking;
 - (x) Essentially the project will see the freeing up of water produced by Desalcott ;
 - (xi) Desalcott is in an expansion mode to produce 40million gallons of water more per day;
 - (xii) There has not been an examination of how much water is needed in Trinidad;
 - (xiii) It can be argued that Trinidad is producing enough water now as the main issue is fixing the leaks in the water transmission systems;
 - (xiv) If the leaks are fixed it will be true to say that we are overwhelming the system with a large amount of water;
 - (xv) If there is a fix for the leaks what will be the use for the large amount of water;
 - (xvi) WASA currently produces approximately 234million gallons of water per day;
 - (xvii) Desalcott produces currently produces 32million gallons of water per day;
 - (xviii) This Beetham Wastewater project will produce 10million gallons of water per day – This water will not potable;
 - (xix) The per capita consumption of water in Trinidad and Tobago is 2-3 times higher than in the United States perhaps due to a combination of leaks and lack of proper use/conservation;
37. Issues Arising – NGC/WASA/Cabinet must explain the entire process. They must specifically inform what is the rationale for the project and must specifically:
- (i) Inform who designed the project for WASA/NGC and on what basis it/they was/were chosen;
 - (ii) Inform who the project management company for the project is and on what basis it/they was/were chosen;
 - (iii) Inform who the EPC contractor for the project is and on what basis it/they was/were chosen;
 - (iv) Inform what the process used in this bid is/was;
 - (v) Inform whether the SIS bid/ award was close to above or below the engineer's estimate;
 - (vi) If SIS's bid/award is above the engineer's estimate it must be explained;
 - (vii) Inform, now that Desalcott is expanding - what are the requirements for this contract and what is the cost benefit advantage in pursuing this project as opposed to expanding the Desalcott operation;

March 10th 2014

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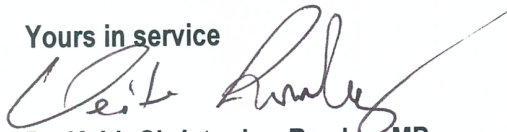
- (viii) Inform what the water leakage plan is;
- (ix) Inform why the NGC is involved in this arrangement insofar as it is not the owner of the Point Lisas Industrial Estate and is not engaged in the water distribution business;
- (x) Inform why a proper period for the tender was not allowed originally so as to ensure the proper participation of the broadest cross section of bidders in a competitive environment – particularly when there is no urgency for this project;
- (xi) Inform what funding is in place for this project and at what cost;

It is the view of the Opposition that all due alacrity is required in respect of the investigation required into the issues arising in the captioned matter particularly insofar as the entire construct of this tender and the cloaking of its ostensible award reeks of bid-rigging and exposes the tax payers of Trinidad and Tobago to the worst form of odium and contempt. The Opposition was heartened by His Excellency's promise on his inauguration and remains comforted that insistence upon transparency from this Government will prevail.

I shall continue to act in defence of the public requirement for transparency and accountability in this and all other matters and stand immediately available to provide clarification and assistance in any manner that His Excellency should desire.

I remain

Yours in service



Dr. Keith Christopher Rowley, MP
Leader in the Office of the Opposition
Encs.

c.c.	The Integrity Commission	Joint Consultative Council for the Construction Industry
	The World Bank	International Monetary Fund
	The Inter-American Development Bank	Organization of American States Trinidad and Tobago
	Secretariat of to the Caribbean Community (CARICOM)	Caribbean Development Bank
	Joint Trade Union Movement (JTUM)	National Trade Union Centre (NATUC)
	Trinidad and Tobago Transparency Institute	