

THE PUBLIC PROCUREMENT ACT

The Public Procurement (National Development Project) (Montego Bay Perimeter Road Project) Order, 2021

WHEREAS section 2 of the Public Procurement Act provides that a “national development project” means a development project approved by the Cabinet and Parliament to which the Public Procurement Act (hereinafter referred to as the Act) or any provision thereof is declared not to apply by order of the Minister under section 3(3):

AND WHEREAS by virtue of section 3(3) of the Act the Minister may, by order, subject to affirmative resolution declare that the Act, or any provision thereof, shall not apply –

- (a) to a public private partnership approved by the Cabinet;
- (b) to a national development project;
- (c) in respect of procurement of any class of goods, works or services;
- (d) to a public body,

as the Minister may, subject to such terms and conditions, if any, specify:

AND WHEREAS on the 17th day of March, 2021, the Cabinet approved the declaration of a development project known as the Montego Bay Perimeter Road Project to be a national development project to which the Act, or any provisions thereof, shall not apply:

AND WHEREAS the Honourable Houses of Parliament approved the declaration of a development project known as the Montego Bay Perimeter Road Project to be a national development project to which the Act, or any provisions thereof, shall not apply:

NOW, THEREFORE, in exercise of the powers conferred on the Minister by section 3(3) of the Public Procurement Act, and every other power hereunto enabling, the following Order is hereby made:-

1. This Order may be cited as the Public Procurement (National Development Project) (Montego Bay Perimeter Road Project) Order, 2021.

2. In this Order –

“H.E.A.R.T./NSTA Trust” has the meaning assigned to it by section 3 of the Human Employment and Resource Training/ National Service and Training Act;

“Joint Industrial Council” means the Joint Industrial Council for the Building and Construction Industry in Jamaica established for the building and construction industry to establish standard wage rates and other conditions of employment and the members of which are –

- (a) the Bustamante Industrial Trade Union;
- (b) the National Workers Union;
- (c) the Trade Union Congress; and
- (d) the Incorporated Masterbuilders Association of Jamaica, representing the employers in the construction industry;

“Montego Bay Perimeter Road Project” or “Project” means the development project for the execution of works by China Harbour Engineering Company Limited –

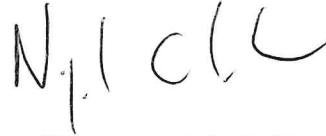
- (a) on the Montego Bay Perimeter Road;
- (b) on the Barnett Street/West Green Avenue Road Rehabilitation and includes rehabilitation and expansion works;
- (c) on the Long Hill Bypass to reduce road traffic congestion; and
- (d) to conduct a comprehensive drainage study of the Montego Bay

Bypass area.

3. It is declared that the Public Procurement Act shall not apply to the Montego Bay Perimeter Road Project, a national development project.
4. The China Harbour Engineering Company Limited in the execution of works under the Project shall –
 - (a) utilize Jamaican services or labour as follows –
 - (i) a minimum of 90% Jamaican workers for unskilled construction work; and
 - (ii) subject to the availability of Jamaican workers with the required technical skills, a minimum of 50% Jamaican workers for technical works;
 - (b) in collaboration with the H.E.A.R.T./NSTA Trust, develop and implement a training programme for the transfer of knowledge and technology –
 - (i) to Jamaican workers not having the required technical skills who are suitable candidates to work on the Project as on-the-job trainees under the knowledge and technology transfer training programme;
 - (ii) from foreign workers having the required technical skills to the Jamaican workers referred to in sub-paragraph (b)(i) by the pairing of the foreign workers to work with those Jamaican workers;
 - (c) make wage payments to Jamaican construction workers no less favourable than the standard wage rates and comply with conditions of employment determined by the Joint Industrial Council; and

(d) utilize suitable and available goods, services and components originating from or made in Jamaica for the Project works.

Dated this 5th day of May, 2021.

Handwritten signature in black ink, appearing to read "N. J. C. C." with a stylized flourish at the end.

Minister of Finance and the Public Service