

DRAFT MOTION

The Parliament of Sint Maarten, in its meeting of today August 27, 2020:

CONSIDERING:

- That the outbreak of the COVID-19 pandemic has caused a worldwide economic collapse.
- That Sint Maarten's economy has come to a virtual standstill.
- That a sustainable economy is the result of a healthy local economy.
- That Sint Maarten's economy will be dependent on construction due to the negative effects that COVID-19 is having on the tourism industry.
- That Sint Maarten does not currently have local legislation for public procurement;
- That the economic benefit of keeping as much of the local dollars in the local economy also known as the "multiplier effect" is of extreme importance as it pertains to the revitalization of our economy.
- That if point schemes are established this would allow numerous factors to be considered when awarding procurement contracts and not solely depending on the bid price.
- That there is a need to facilitate fairness, transparency and encourage the participation of small and medium-sized enterprises (SMEs) in public procurement.

In view of:

- Article 67 of DIRECTIVE 2014/24/EU which relates to the Contract Award Criteria established by the European Union
- Article 47 of the National Ordinance Compatibilities

RESOLVES:

1. To send a request from the Parliament of St. Maarten to the Kingdom of the Netherlands making use of Article 67 of the Constitution to revisit the World Bank agreements and to make use of the provision to invoke article 5.2 of Annex 2 of the administrative agreement between the Government of the Netherlands and the World Bank. This article will enable the Dutch Government reallocation much needed funds for our economic growth.
2. To have the Government establish a national public procurement policy to guide the public bidding process for Government, Government owned companies, Construction related projects and the National Recovery Project Bureau for the various projects that will be financed by the Trust Fund and Foreign investors. The policy must include:
 - a. Detailed "Contract Award Criteria" with simplified local procurement preferences reflected as one of many criteria in a "best value" evaluation and award process with higher scoring on the social benefits of contracting locally when conducting a cost-benefit analysis and best price-quality ratio to determine winning bidder;
 - b. to apply a simplified bid-price preferences of between 6% - 10% for local SME applicants; For example: If a local subcontractor offers \$1000 and the foreign subcontractor offers \$900, the local subcontractor would be awarded because it falls within the 6%-10% difference.
 - c. Standard terms and conditions that must be stipulated in the solicitation for Requests for Proposals (RFP's), Requests for Qualifications (RFQ's) and RFI's (Request for Information) regarding provisions for joint ventures among foreign and local

contractors, whereby foreign contractors make use of local sub-contractors when supply is available locally.

d. Government is to clearly establish *what is considered a local business*.

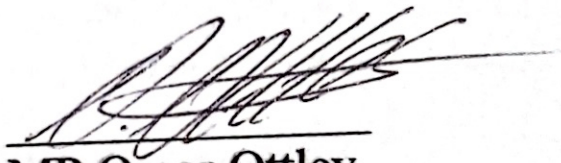
3. To have the Government of Sint Maarten through the Department of Labor establish a policy to condition employment permits based on article 6 of the National Ordinance regulation Foreign Employment for foreign investors to work with the Department of Labor to establish training packages, scholarship funding etc to the local population.

4. No machinery or heavy equipment shall be imported by foreign contractors once available locally.

5. To instruct the Government to execute this motion by October 29th 2020

And goes over to the order of the day.

Signed



MP Omar Ottley

Copies of this motion, to be sent to:

- Council of Ministers
- Governor of Sint Maarten
- National Recovery Project Bureau