

## **PUBLIC NOTICE**

The **Trinidad and Tobago Fair Trading Commission (TTFTC)** is an Independent Statutory Agency responsible for promoting and maintaining fair competition in the economy pursuant to the Fair Trading Act, Chapter 81:13. The objectives of the TTFTC include ensuring that all business enterprises operate in such a way that enhances competitiveness in the domestic economy.

The TTFTC wishes therefore to remind the public that the TTFTC is responsible for keeping business conduct under review and according to Section 5 (1) of the Fair Trading Act is required, inter alia, to carry out, either on its own initiative, **"or at the request of any interested person, such investigations in relation to the conduct of the business, as will enable it to determine whether any enterprise is engaging in business practices in contravention of this Act and the extent of such practices"**.

The business practices outlined by Section 5 (1) of the Fair Trading Act which are prohibited include; anti-competitive agreements, the abuse of monopoly power by enterprises in possession of such power and anti-competitive mergers which restrict or distort competition in a market.

More specifically, under Part III of the Fair Trading Act, an agreement that seeks to; fix prices, limits or controls markets, shares markets or sources of supply, applies dissimilar conditions to equivalent transactions, or makes contracts subject to extraneous conditions, is an anti-competitive agreement and is prohibited under this Act. Any enterprise that is found to have been party to an anti-competitive agreement has contravened the Fair Trading Act and may face a fine of up to Ten Percent (10%) of their annual turnover.

Bid-rigging (or collusive tendering) is an example of an anti-competitive agreement and occurs where businesses that would otherwise compete under normal competitive conditions, secretly conspire and agree among themselves and/or with the involvement of the tenderer with respect to which businesses will submit for and obtain procurement or project contracts. Bid-rigging can take common forms, such as cover bidding, bid suppression, bid rotation and market allocation, which all impede the competitive tendering process and which can result in higher prices and/or lower quality goods and services. Bid-rigging can be particularly harmful to private organisations and to the public procurement system as both rely on a competitive process to achieve better value for money.

The TTFTC stands ready to provide guidance, cooperate with and assist any association or body of persons in developing and promoting the observance of standards of conduct for the purposes of ensuring compliance with the provisions of the Fair Trading Act.

Further information on the work of the TTFTC can be found at <http://tandtftc.org>.