



Any reply or subsequent reference to this communication should be addressed to the Contractor-General and the following reference quoted:-

No. :

TELEPHONE No.:876-929-8560/6466

FAX No. : 876-929-2476

E-mail: communications@ocg.gov.jm

**OFFICE OF THE CONTRACTOR-GENERAL**

**PIOJ Building**

**16 Oxford Road**

**P.O. BOX 540**

**KINGSTON 5**

**JAMAICA, W.I**

## **MEDIA RELEASE**

### **Contractor General writes to the Jamaica Observer Newspaper in Response to Flawed Mark Wignall Column**

**Kingston; February 2, 2012** – Contractor General, Greg Christie has today written to the Editor of the Jamaica Observer Newspaper, in response to a flawed Mark Wignall Column that was published in today's edition of the Newspaper. The column is entitled – **“China Harbour Engineering and Greg Christie's huge error”**. A full transcript of the Contractor General's letter to the Jamaica Observer is reproduced, verbatim, hereunder, as follows:

“February 2, 2012

Mr. Vernon Davidson,  
Executive Editor – Publications  
The Jamaica Observer  
40-42 ½ Beechwood Avenue  
Kingston 5

Dear Sir:

Re: Flawed Column published in the February 2, 2012 edition of the Jamaica Observer entitled – China Harbour Engineering and Greg Christie's huge error

I write with reference to a column which appears in today's edition of your newspaper which you have assertively, but misguidedly, entitled as follows: “China Harbour Engineering and Greg Christie's huge error”.

The column is written by noted Jamaica Observer columnist Mr. Mark Wignall and appears to be Mr. Wignall's response to the public recommendation which has been made by the Office of the Contractor General (OCG) (a) to bring to a halt the 'sole source' negotiating process which was being pursued, at the direction of the outgoing JLP Administration, for the completion of the construction of the US\$600 million North-South Link Highway 2000 by the China Harbour Engineering Company (CHEC), and for the Government's consequential granting of a Fifty (50) Year Toll Concession to the said company, and (b) having halted the referenced negotiations, for the Government to open up the road construction and toll-road concession opportunity to a transparent and public international competitive bidding process.



(2)

Upon a careful reading of the column, it appears that the “huge error” to which the Jamaica Observer and Mr. Wignall have attributed to me, and to the OCG, is that neither I nor the OCG has any lawful jurisdiction whatsoever to monitor or to investigate the referenced CHEC/GOJ contracting/concession opportunity.

This is conclusively borne out in Mr. Wignall’s bold assertion that I, as the Contractor General, have ‘inserted myself in a process where I have pretty much no business’. Further, and in an effort to justify, substantiate and give credence to his contention, he has placed reliance upon what is essentially an immaterial circumstance, via his statement to the effect that “the North-South link of Highway 2000 involves not a loan but an investment of US\$600 million by CHEC! In his zeal, was Mr Christie not aware of this?”

However, I must hasten to point out to you, and to your readers, that it is Mr. Wignall and the Jamaica Observer who have both made a very grave error since the substratum of the proposed transaction is not so much that it is intended to be financed by CHEC, but rather that CHEC, in return, will receive a fifty (50) year concession from the Government of Jamaica to operate the toll road, thus bringing the entire transaction within the ambit of the Contractor General Act and, by extension, within the lawful ambit of the Contractor General’s contract monitoring and investigation jurisdiction.

To put the matter beyond doubt, I would respectfully direct your and Mr. Wignall’s attention to Section 2 of the Contractor General Act which expressly defines a **“government contract”**, over which a Contractor General has lawful jurisdiction, as including **“any licence, permit or other concession or authority issued by a public body...”**.

It is also critically important that Mr. Wignall and the Jamaica Observer should note that a Contractor General is not only, in point of fact, expressly mandated by Sections 2, 4 and 15 of the Contractor General Act to monitor and to investigate “concessions” of the precise kind which is currently being negotiated between the Government and CHEC, but, more importantly, he is mandated to ensure that any such concession is “awarded impartially and on merit” and in circumstances that “do not involve impropriety or irregularity”.

Since Mr. Wignall’s column has also failed to highlight what lies at the heart of the OCG’s concerns in this matter, I will publicly state it again. It is simply that the only way in which value for money and transparency can be assured for the Jamaican taxpayer, in any Government contracting or concession granting opportunity – particularly one which is valued at US\$600 million – is when the opportunity is opened up to a competitive and transparent tender process.

This was made clear in the letter, dated January 6, 2012, that I had written to the Most Hon. Portia Simpson Miller, the Prime Minister of Jamaica, when I stated as follows:

“The OCG continues to maintain that the current negotiations between NROCC and CHEC should be terminated forthwith, and that the said transaction, irrespective of its structure, should be subjected to a transparent and international competitive bidding process whereby Value for Money can be secured for the benefit of the People and Taxpayers of Jamaica.



The OCG is not only amazed, but alarmed, that the former JLP Administration was seemingly bent on persisting in what would be another controversial ‘sole-source’ contract award to CHEC, despite the fact of the ongoing public controversies, audits and OCG Investigations which have arisen in consequence of a similar sole-source award of the US\$400 million Jamaica Development Infrastructure Programme (JDIP) Government of Jamaica contract, to the same company.”

Mr. Wignall, in his column, has also mysteriously sought to justify why the Government should continue its closed door, non-transparent negotiations with CHEC, for the granting of the referenced fifty (50) year concession, as opposed to putting same to international competitive tender. In particular, he has curiously made reference to other construction projects which CHEC has completed.

All this would suggest that Mr. Wignall is of the belief that CHEC is the only competent company in the world that has the capacity to cost-effectively undertake and/or finance such projects, although he has absolutely no empirical or credible basis upon which he can come to such a conclusion in the absence of an open international competitive bidding process.

While, however, Mr. Wignall is entitled to his opinions, however flawed they might be, I, on the other hand, as Jamaica’s Contractor General, enjoy no such luxury, for I am mandated by the Contractor General Act “**to ensure**” that the subject road construction and toll-road concession opportunity is awarded ‘**impartially and on merit and in circumstances that do not involve impropriety or irregularity**’.

Obviously, I cannot, and neither can the Government, in the present circumstances, and particularly in light of the unique knowledge that the OCG has about the proposed transaction, give any such assurance to the people and taxpayers of Jamaica.

Consequently, and since it is my intention to continue in the faithful discharge of my sworn mandate under the law, I should publicly but respectfully advise that the OCG’s positions in this matter continue to remain wholly undisturbed by your publication of Mr. Wignall’s column.

Having regard to the significant public interest issues which you have raised by the referenced publication, and the errors of fact and of law that are contained therein, I have no doubt that you will give my entire letter the same prominence which you have given to Mr. Wignall’s positions.

Very respectfully yours,

Greg Christie (Signed)

---

Greg Christie  
Contractor General”

-END-

Contact: The Communications Department, Office of the Contractor General of Jamaica  
C/o Craig Beresford, Senior Director of Monitoring Operations, Corporate Communications and Special Projects  
E-mail: [communications@ocg.gov.jm](mailto:communications@ocg.gov.jm). Tel: 876-929-8560; Direct: 876-926-0034; Mobile: 876-564-1806