



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

No. :

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OFFICE OF THE CONTRACTOR-GENERAL

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JAMAICA, W.I

MEDIA RELEASE

OCG Makes Unannounced Visit to Ministry of Transport, Works and Housing and JEEP Secretariat to Sequester Outstanding JEEP Information

Kingston; March 20, 2012 – The Office of the Contractor General (OCG), in the exercise of its subpoena and enquiry powers under the Contractor General Act, has this morning executed an unannounced visit to the Offices of the Permanent Secretary in the Ministry of Transport, Works and Housing (MTWH) and the Jamaica Emergency Employment Programme (JEEP) Secretariat, both of which are housed at the Ministry.

The visit was executed by a team of six (6) OCG Inspectors, which was led by Mr. Craig Beresford, the OCG's Senior Director, Monitoring Operations, Corporate Communications and Special Projects.

The team, which was accompanied by a Police Officer, was directed by Contractor General, Greg Christie, to secure certain documents and records, whether electronic or otherwise, and associated correspondence, which will inform the OCG's monitoring activity and Special Enquiry of the JEEP.

The primary objective of the OCG unannounced visit to the MTWH was to sequester certain critical information and documentation, regarding the JEEP, which was formally requisitioned by the OCG, by way of letter that was dated February 27, but which is yet to be provided by the Ministry despite the fact that the Programme has already been officially operationalized or is about to be operationalized.

Among the outstanding pieces of information which the OCG had formally requisitioned from the Ministry's Permanent Secretary and Accounting Officer, Mrs. Audrey Sewell, are the following:

1. Evidence of the Ministry of Finance, Planning & the Public Service's support for the Programme.
2. An Implementation Schedule for the Programme, and its associated projects.
3. A list, and site location, of all the works projects that are to be implemented under the Programme.
4. Details of the criteria for the selection and prioritization of the works projects that are to be implemented under the Programme.
5. Details of the Procurement Methodologies which will be utilized, to engage



contractor(s)/subcontractors for the relevant projects. The Permanent Secretary, by way of letter that was dated March 7, 2012, had advised the OCG that *“No procurement has commenced. Details of the procurement methodologies to be utilized will be communicated to the OCG, as soon as they are determined and accepted by the Ministry”*. However, and despite the fact the Programme and its works projects have reportedly commenced, the subject information is yet to be provided to the OCG.

6. An indication of how the projects will be monitored/managed. It must be noted that the OCG was also advised by the Permanent Secretary, under cover of letter dated March 7, 2012, that *“The Project Manager is not yet engaged. The framework for operation will be finalized when the person is in place. As soon as this is done, the OCG will be advised as to the details.”* However, and despite the foregoing commitment, the OCG is yet to be provided with the referenced particulars.
7. A listing of the names of the Project Managers for the Programme/Projects along with their contact numbers. This information has not been provided although the Permanent Secretary had given the commitment that same would be forthcoming once the Project Manager was engaged.

The OCG’s heightened interest in the JEEP has also been prompted by concerns that it now has regarding the administration and operationalization of the Programme, particularly in light of what appears to be certain conflicting statements that have been publicly or otherwise attributed to Jamaica House, the Permanent Secretary in the MTWH and the recently appointed Project Director for JEEP, Mrs. Lucille Brodber.

Amongst the OCG’s concerns is the fact that although the Programme has been operationalized or is about to be operationalized, as has been officially announced by Jamaica House, neither the JEEP Manager and its Accountable Officer, Mrs. Lucille Brodber, who was appointed into office effective March 12, 2012, nor the Permanent Secretary in the MTWH who is the JEEP’s Accounting Officer, seem to have any particularized knowledge about the details of the Programme or its projects.

This is borne out, among other things, by (a) a statement that was attributed to Mrs. Brodber that, as at yesterday, ‘she was not yet in a position to outline works which have commenced under the programme’ (See Gleaner article ‘Jeep on the move’, dated March 20, 2012) and (b) the fact that in an article which was entitled ‘JLP Worried about JEEP launch’, which was published on the Gleaner/Power 106’s Website on March 19, 2012, the MTWH’s Permanent Secretary reportedly asserted that she was unable to provide details of the Programme and directed the news centre to the Minister, Dr. Omar Davies.

In keeping with its prior commitment that was given in its Media Release of February 28, 2012, and in the interest of public transparency, the OCG will publish a full report of its findings as regards the Government’s administration and execution of the JEEP.

A copy of the Contractor General’s letter, of even date, to the MTWH’s Permanent Secretary, the JEEP Manager and the MTWH’s Portfolio Minister, regarding the OCG’s unannounced visit, is attached.

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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. Tel: 876-929-8560; Direct: 876-926-0034; Mobile: 876-564-1806



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URGENT AND IMMEDIATE

March 20, 2012

Mrs. Audrey Sewell
Permanent Secretary
Ministry of Transport, Works and Housing
138 Maxfield Avenue
Kingston 5

Dr. the Hon. Omar Davies, MP
Minister of Transport, Works and Housing
Ministry of Transport, Works and Housing
138 Maxfield Avenue
Kingston 5

Mrs. Lucille Brodber
Project Director
Jamaica Emergency Employment Programme
Ministry of Transport, Works and Housing
138 Maxfield Avenue
Kingston 5

Dear Sir and Mesdames:

Re: Monitoring and Special Enquiry into the Implementation of the Jamaica Emergency Employment Programme

Reference is made to the matter at caption and to the Office of the Contractor General's (OCG's) Requisition which was addressed to the Permanent Secretary in the Ministry of Transport, Works and Housing, Mrs. Audrey Sewell, that was dated February 27, 2012. Further reference is made to the response which was received from the Permanent Secretary in the Ministry of Transport, Works and Housing, which was submitted under cover of letter dated March 7, 2012.

The OCG, upon a review of the response which was provided by the Permanent Secretary, and in light of certain unfulfilled commitments and undertakings which were given therein, amongst other things, is now gravely concerned about the implementation of the Jamaica Emergency Employment Programme (JEEP). In particular, the OCG is yet to be fully provided with certain information which was requested from the



Permanent Secretary despite the fact that the Programme has been operationalized or is about to be operationalized.

Amongst the questions which remain unanswered or for which information remains outstanding, from the Permanent Secretary, are the following:

1. Evidence of the Ministry of Finance, Planning & the Public Service's support for the Programme. This information has not been provided despite the fact the Programme has reportedly commenced.
2. An Implementation Schedule for the Programme, and its associated projects. No specific details have been provided, despite the fact that the Programme has been reportedly commenced.
3. A list, and site location, of all the projects to be implemented. This information has not been provided for the Programme's works projects, despite the fact that the Programme has reportedly commenced.
4. Details of the criteria for the selection and prioritization of the projects. This information has not been provided for works projects under the Programme, despite the fact the Programme has reportedly commenced.
5. Details of the Procurement Methodologies which will be utilized, to engage contractor(s)/subcontractors for the relevant projects. The Permanent Secretary had advised the OCG that *"No procurement has commenced. Details of the procurement methodologies to be utilized will be communicated to the OCG, as soon as they are determined and accepted by the Ministry"*. However, and despite the fact the Programme and its works projects have reportedly commenced, none of the subject requisitioned information has, to date, been provided to the OCG.
6. An indication of how the projects will be monitored/managed. It must be noted that the OCG was advised by the Permanent Secretary, under cover of letter dated March 7, 2012, that *"The Project Manager is not yet engaged. The framework for operation will be finalized when the person is in place. As soon as this is done, the OCG will be advised as to the details."* However, and despite the foregoing commitment, the OCG is yet to be provided with the referenced particulars.
7. A listing of the names of the Project Managers for the Programme/Projects along with their contact numbers. This information has not been provided although the Permanent Secretary had also given the commitment that same would be forthcoming once the Project Manager was engaged.

Without prejudice to the foregoing, the OCG's heightened interest in the captioned matter has also been prompted, *inter alia*, by concerns that it now has regarding the administration and operationalization of the programme in light of what appears to be certain conflicting statements that have been publicly or otherwise attributed to Jamaica House, the Permanent Secretary in the Ministry and the recently appointed Project Director for JEEP, Mrs. Lucille Brodber. Amongst the OCG's concerns is the following:

The fact that although the Programme has been operationalized or is about to be operationalized, as has been officially announced by Jamaica House, neither the JEEP Manager and its Accountable Officer, Mrs. Lucille Brodber, who was appointed into office effective March 12, 2012, nor the Permanent Secretary in the Ministry of Transport, Works and Housing and the JEEP's Accounting Officer, Mrs. Audrey Sewell, seem to have any knowledge of the details of the Programme.

This is borne out, particularly, by (a) a statement that was attributed to Mrs. Brodber that 'she was not yet in a position to outline works which have commenced under the programme' (See Gleaner article 'Jeep on the move', dated March 20, 2012) and (b) the fact that in an article which was entitled 'JLP



Worried about JEEP launch', which was published on the Gleaner/Power 106's Website on March 19, 2012, the Permanent Secretary in the Ministry of Transport, Works and Housing, reportedly asserted that she was unable to provide details of the Programme and directed the news centre to the portfolio minister, Dr. Omar Davies.

The OCG's Monitoring and Special Enquiry into the Implementation of the Jamaica Emergency Employment Programme is being undertaken pursuant to the powers which are vested in a Contractor General, by the Contractor-General Act (1983) and, in particular, pursuant to the provisions which are contained in Sections 4, 15 (1) and 18 of the Act.

As such, it is very important that your attention is formally directed to the following provisions of the Contractor General Act:

- (1) Sections 4 (1) (a) (i) and (ii) which mandates the Contractor General, "... on behalf of Parliament- to monitor the award and the implementation of Government contracts with a view to ensuring that such contracts are awarded impartially and on merit (and that) the circumstances in which each contract is awarded ... do not involve impropriety or irregularity ...".
- (2) Section 4 (1) (b) of the Contractor General Act, which provides that it shall be the function of a Contractor-General, on behalf of Parliament "to monitor the grant, issue, suspension or revocation of any prescribed licence, with a view to ensuring that the circumstances of such grant, issue, suspension or revocation do not involve impropriety or irregularity and, where appropriate, to examine whether such licence is used in accordance with the terms and conditions thereof."
- (3) Section 15 (1) which prescribes the discretionary power of a Contractor General to conduct an investigation into any or all of the following matters:
 - (a) "the registration of contractors";
 - (b) "tender procedures relating to contracts awarded by public bodies";
 - (c) "the award of any Government contract";
 - (d) "the implementation of the terms of any Government contract";
 - (e) "the circumstances of the grant, issue, use, suspension or revocation of any prescribed licence";
 - (f) "the practice and procedures relating to the grant, issue, suspension or revocation of prescribed licences".
- (4) Section 4 (2) (b) which provides that "For the purpose of the discharge of his functions under this Act a Contractor-General shall be entitled - subject to section 19, to have access to all books, records, documents, stores or other property belonging to government, whether in the possession of any officer of a public body or a contractor or any other person";
- (5) Section 4 (2) (d) which prescribes the power of a Contractor General "to have access to all books, records, documents or other property used in connection with the grant, issue, suspension or revocation of any prescribed licence whether in the possession of any public officer or any other person";



- (6) Section 4 (2) (e) which prescribes the power of a Contractor General “to have access to any premises or location where he has reason to believe that any such books, records, documents or other property as are referred to in paragraph (d) or any property which is the subject of a prescribed licence, may be found”;
- (7) Section 4 (2) (f) which prescribes the power of a Contractor General “to enter any premises occupied by any person in order to make such enquiries or to inspect such document, record or property as he considers necessary to any matter being investigated by him”; and
- (8) Section 4 (2) (g) which expressly authorizes a Contractor General “...to retain any such document, record or other property referred to in paragraph (f)”
- (9) Section 4 (4) of the Act which provides that a Contractor General “For the purposes of paragraphs (d) and (e) of subsection (2) the Contractor-General shall have power to require any public officer or any other person to furnish in such manner and at such times as may be specified by the Contractor-General, information with regard to the grant, issue, suspension or revocation of any prescribed licence and such other information in relation thereto as the Contractor-General considers desirable.”
- (10) Sections 18 (1) through to Section 18 (4) of the Contractor General Act which provides that:

“(1) Subject to the provisions of subsection (5) and section 19 (1), a Contractor-General may at any time require any officer or member of a public body or any other person who, in his opinion, is able to give any assistance in relation to the investigation of any matter pursuant to this Act, to furnish such information and produce any document or thing in connection with such matter as may be in the possession or under the control of that officer, member or other person.

(2) Subject as aforesaid, a Contractor-General may summon before him and examine on oath -

(a) any person who has made representations to him; or

(b) any officer, member or employee of a public body or any other person who, in the opinion of the, Contractor-General is able to furnish information relating to the investigation,

and such examination shall be deemed to be a judicial proceeding within the meaning of section 4 of the Perjury Act.

(3) For the purposes of an investigation under this Act, a Contractor-General shall have the same powers as a Judge of the Supreme Court in respect of the attendance and examination of witnesses and the production of documents.

(4) Any obligation to maintain secrecy or any restriction on the disclosure of information or the production of any document or paper or thing imposed on any person and by or under the Official Secrets Act, 1911 to 1939 of the United Kingdom (or any Act of the Parliament of Jamaica replacing the same in its application to Jamaica) or, subject to the provisions of this Act, by any other law



(including a rule of law) shall not apply in relation to the disclosure of information or the production of any document or thing by that person to a Contractor-General for the purpose of an investigation; and accordingly, no person shall be liable to prosecution by reason only of his compliance with a requirement of the Contractor-General under this section.”

The OCG has decided, in the exercise of its discretionary powers, to secure, without delay or reservation, certain documents and records, electronic and otherwise, and associated correspondence, which will inform its monitoring activity and Special Enquiry.

Consequently, the OCG is, hereby, requesting that the complete file(s), inclusive of electronic records, pertaining to the implementation of the Jamaica Emergency Employment Programme (JEEP), be made available, by you, for review and/or custody by an OCG Team, at 11:45 AM, today, March 20, 2012.

All other files, inclusive of any associated correspondence, reports and any other information, as is determined in the sole discretion of the OCG Enquiry Team, should also be made available, by you, for scrutiny and/or custody.

The OCG’s Team will be led by Mr. Craig Beresford, who is the OCG’s Senior Director, Monitoring Operations, Corporate Communications and Special Projects. The OCG’s Enquiry Team will be accompanied by a member of the Island Special Constabulary Force (ISCF).

In order to effectively facilitate the review process, we are requesting that access to a photocopier and/or photocopy services be made available during the course of the review.

Out of an abundance of caution, and given the demands which are made herein, it is incumbent upon me to advise you of the offences and penalties which are prescribed under Section 29 (a) and (b) of the Contractor General Act and which would become applicable should you fail to comply with, obstruct and/or hinder the OCG’s Investigation.

Section 29 of the Contractor General Act provides, *inter alia*, as follows:

“29. Every person who -

(a) wilfully makes any false statement to mislead or misleads or attempts to mislead a Contractor General or any other person in the execution of his functions under this Act; or

(b) without lawful justification or excuse -

(i) obstructs, hinders or resists a Contractor-General or any other person in the execution of his functions under this Act; or

(ii) fails to comply with any lawful requirement of a Contractor-General or any other person under this Act...

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to



a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.”

I would like to thank you in advance for your full and anticipated cooperation in this endeavor.

Respectfully yours,

Greg Christie (Contractor General)

Greg Christie
Contractor General

Copy: The Most Hon. Portia Simpson Miller, ON, MP, Prime Minister
Ambassador the Hon. Douglas Saunders, OJ, CD, JP, Cabinet Secretary, Office of the Cabinet
The Hon. Noel Arscott, MP, Minister of Local Government and Community Development
Mrs. Sharon Crooks, Permanent Secretary, Ministry of Local Government and Community Development
Dr. the Hon. Peter Phillips, MP, Minister, Ministry of Finance and Planning
Dr. Wesley Hughes, CP, JP, Financial Secretary, Ministry of Finance and Planning