



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

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MEDIA RELEASE

CONTRACTOR GENERAL GETS CONFIRMATION THAT CABINET'S DECISION REGARDING CONTRACTS FOR SPECIAL EMPLOYMENT PROGRAMMES WAS NEVER CIRCULARIZED – REITERATES DENIAL OF ANY AGREEMENT WITH MINISTER

Kingston, November 20, 2006 - Contractor General, Greg Christie, received confirmation on Friday, November 17, 2006, that Cabinet Decision No. 28/01, dated July 30, 2001, was never circularized to the OCG by the Ministry of Finance and Planning. The classified Cabinet Decision, a copy of which is now in the possession of the Office of the Contractor-General (OCG), is marked 'CONFIDENTIAL'.

Clearly noted on the Decision are the following words: **Referred to Ministry of "MTW". For Attention And Supplied For Information To "MFP, MLGCD, Aud. Gen., MLGE"**. It is instructive to note that nowhere on the document is there any indication that the Decision was sent or was to be sent to the OCG.

The confirmation was received during a telephone conversation on Friday morning between a senior official of the Ministry of Finance and Planning (MOFP) and Mr. Percival Griffiths, the Director of Licences and Permits at the OCG.

Amendments by Cabinet, to the Government's Procurement Procedures and Guidelines, are typically sent to the MOFP, which then embodies the Decision into a formal Ministry Circular, assigns to it a reference number and then formally issues the Circular to relevant Public Bodies, inclusive of the OCG.

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Friday's disclosure by the Ministry of Finance is fully consistent with and confirms the position which was previously articulated by the Contractor General. In a letter which was sent, on November 15, 2006, to Mr. Wilmot Perkins of the Perkins On-Line Radio Talk Show, Mr. Christie had made it clear that there was "no evidence that the subject Cabinet Decision was ever previously communicated to the OCG".

Mr. Christie had also said that the first occasion on which an OCG representative was shown a copy of the confidential document was Thursday, November 9, 2006, when the OCG's Mr. Griffiths attended a meeting at the Ministry of Local Government and the Environment.

It is also the OCG's understanding that senior Local Government Ministry officials had, themselves, only secured a copy of the Decision that same day or on the previous day, Wednesday, November 8. This became apparent when the Ministry was contacted by Mr. Griffiths on November 8 and was advised that they too were also awaiting a copy.

"It is therefore very unfortunate and regrettable that the Minister of State in the Ministry of Local Government has seen it fit to publicly impute to myself and to the OCG, professional incompetence because we were unaware of a classified Cabinet document which the Government, to date, has not formally sent or circularized to OCG", the Contractor General said.

The further suggestion which was made by the Minister that Cabinet Decision No. 28/01 had amended the Contractor General Act and, consequently, should have been known to and understood by the Contractor General, is also unfortunate and misleading.

"Cabinet decisions which amend the Procurement Guidelines do not also amend the Contractor General Act. The Minister, it is assumed, must have known this since (a) the Procurement Guidelines are not embodied in the Contractor General Act and (b) Cabinet does not have the constitutional authority or capacity, in any event, to amend an Act of Parliament", Mr. Christie said.

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The OCG also wishes to state that the Contractor-General stands firmly behind the statements which were made in his letter of November 15, 2006 to Mr. Wilmot Perkins. The letter was written in response to comments which were aired on the Perkins On-Line Talk Show. The comments had attributed certain statements to the Honourable Minister of Local Government and the Environment, Mr. Dean Peart, that he and the Contractor General had agreed to ignore or circumvent Cabinet Decision No. 28/01.

In his letter, the Contractor General categorically stated that he has never “had any such discussion or agreement with the Minister”. Mr. Christie had also stated that his concerns about the inaccurate media reports were promptly brought to the Minister’s attention on November 8, 2006, both orally and in writing. In each instance, the Minister was requested to take the requisite steps to correct the reports.

Finally, the OCG wishes to make it abundantly clear that it has no jurisdiction or legal authority to amend the Government’s Procurement Guidelines or to authorize their circumvention. The primary role of the OCG is simply to monitor and to investigate the award of Government contracts.

“If a Public Body encounters practical difficulties in complying with the Procurement Guidelines, it is strongly recommended that it should direct its concerns or proposals to the NCC. It is the NCC which is empowered by law to make ‘recommendations to Cabinet for improving the efficiency of the Procedures’ and it is the NCC which has the power to make regulations in respect of certain matters which are associated with the procurement process. The OCG has consistently given this advice to the Ministry of Local Government and to other Public Bodies”, the Contractor General said.

Indeed, on June 22, 2006, the Ministry of Local Government submitted to the OCG, for its review, a list of proposed procedures for the procurement of Works, Goods and Services, by Local Authorities, for values up to \$100,000. The proposed procedures were wholly unrelated to Cabinet Decision No. 28/01.

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In the OCG's written responses of June 23 and 29, the Ministry was unequivocally advised that any "internal regime [it had] must not violate the NCC's rules" or "requirements", meaning the Procurement Guidelines. Most importantly, the Ministry was advised to submit its proposal to the NCC "for its consideration" and "clarification". It is not known if the Ministry has, to date, acted upon the OCG's advice.

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