



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

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August 31, 2009

Mr. Garfield Grandison
Editor-in-Chief
The Gleaner Company Limited
7 North Street
Kingston

Dear Mr. Grandison:

Re: Gleaner Column entitled – ‘Procurement Paralysis’ by Mr. Martin Henry

Mr. Martin Henry, in his column, which is entitled “*Procurement paralysis*” and which appears in today’s edition of The Gleaner, has authoritatively stated that “... *the contractor general has just moved the number of bids required for government contracts from three to five for as little as \$275,000 ...*”. Mr. Martin is wrong on two points.

The first is that the Government Procurement Rules, which are the subject of Mr. Martin’s article, are determined, set and promulgated by the Cabinet of the Government of Jamaica. The Procurement Rules are neither written nor determined by the Contractor General. Neither does the Contractor General have the legal authority to do any of these things.

The Revised Handbook of Public Sector Procurement Procedures (RHPP), which outlines the Procurement Rules which are currently in force, was issued under the hand of the Financial Secretary by way of Ministry of Finance and the Public Service Circular #46, dated December 10, 2008. The Circular clearly states that the Handbook was approved for use by “*Cabinet Decision No: 43 dated December 10, 2008*”.

For the avoidance of any further doubt, I would also wish to publicly emphasize that the primary statutory mandate of a Contractor General, as is provided for in expressed terms by Section 4 (1) of the Contractor General Act, is to monitor the award of Government contracts to ensure that they “... *are awarded impartially and on merit*” and in “*circumstances ... which ... do not involve impropriety or irregularity*”.

The Contractor General is, therefore, required by law to ensure that the Procurement Rules, whenever they are promulgated or revised, and whatever they are, are duly observed and applied in a manner which is consistent with the standards which are prescribed by Section 4 (1) of the Contractor General Act. This is a mandate that every Contractor General is obliged to faithfully discharge – not only by the provisions of the statute but by virtue of a solemn oath which he is required to take.



The second point on which Mr. Martin has erred is that he has asserted that “... *the number of bids required for government contracts (has now moved from) three to five for as little as \$275,000 ...*”.

This is an inaccurate and misleading statement which should be promptly corrected in the public interest.

Sub-Section No. S-2040 of the RHPP expressly provides that for Services, Goods and Works contracts, “*three registered contractors*” should be invited to quote for “*contracts above J\$275,000 to J\$1 million*”. For contracts in the “*J\$1 million to J\$3 million range*”, the general requirement is that “*a minimum of five registered contractors*” should be invited to quote.

It should also be recognized that despite the foregoing provisions of the RHPP, there are other provisions of the RHPP which provide for exceptions to the Limited Tender ‘three quotes’ or ‘five quotes’ rules, such as the authority which is granted to Public Bodies to utilize the Sole Sourcing or Direct Contracting procurement methodologies whenever same is justified and subject to their satisfying the stipulated requirements.

Mr. Martin has, otherwise, raised, for discussion, a very critical issue which currently faces our country – that of striking the right balance between ensuring efficiency in the Public Sector Procurement Process on the one hand, while, on the other, effectively tackling the perceived scourge of corruption, impropriety, waste, irregularity and the lack of accountability which, arguably, permeates public contracting in Jamaica.

The OCG has consistently highlighted and opined upon this matter and has done so formally, *inter alia*, at pages 22 and 5, respectively, of its 2006 and 2007 Annual Reports to the Parliament of Jamaica. The Annual Reports of the OCG are available for public scrutiny on the official website of the OCG at www.ocg.gov.jm.

I, like other members of the public, am assured and heartened by the commitment, which was made by The Gleaner on August 4, 2009, to redouble its efforts to get it right the first time, but when errors slip, to stick to its mandate to correct them promptly and forthrightly.

Respectfully yours,

Greg Christie (Signed)

Greg Christie
Contractor General

Copy: Mr. Martin Henry (*at medben@gmail.com*)