



Special Report of Investigation

Concerning Allegations of Irregularity in the Use of the Required Material in the Construction of Dry Wall Partitions and Ceiling Boards for the Renovation and Expansion of the Physiotherapy Department, University Hospital of the West Indies (UHWI)

Integrity Commission



This Publication until tabled in Parliament shall be confidential.

Sections 55 (4) and (5) of the Integrity Commission Act states:

“(4) Anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Commission under this Act, shall be absolutely privileged in the same manner as if the investigation or proceedings were proceedings in a court of law.

(5) For the purposes of the Defamation Act, any report made by the Commission under this Act and any fair and accurate comment thereon shall be deemed to be privileged.”

Section 56 of the Integrity Commission Act states:

“Subject to section 42(3)(b), every person having an official duty under this Act, or being employed or otherwise concerned in the administration of this Act (hereinafter called a concerned person) shall regard and deal with as secret and confidential, all information, statutory declarations, government contracts, prescribed licences and all other matters relating to any matter before the Commission, except that no disclosure made by the Commission or other concerned person in the proceedings for an offence under this Act or under the Perjury Act, by virtue of section 17(2) of that Act, shall be deemed inconsistent with any duty imposed by this subsection.

(2) The obligation as to secrecy and confidentiality imposed by this section, in relation to any documents, or information obtained under this Act continues to apply to a person despite the person having ceased to have an official duty, be employed or otherwise concerned in the administration of this Act.

(3) Every concerned person who is required under subsection (1) to deal with matters specified therein as secret and confidential who at any time communicates or attempts to communicate any such information, declaration, letter and other document or thing referred to in subsection (1) disclosed to him in the execution of any of the provisions of this Act to any person —

- (a) other than a person to whom he is authorized under this Act to communicate it; or
- (b) otherwise than for the purpose of this Act,

commits an offence and shall be liable on summary conviction in a Parish Court to a fine not exceeding one million dollars or to a term of imprisonment not exceeding one year.

Integrity Commission
1st Floor, PIOJ Building
16 Oxford Road
P.O. BOX 540
Kingston 5
Telephone: 876-929-6460/876-929-8560/876-929-6466
Fax: 876-929-7335



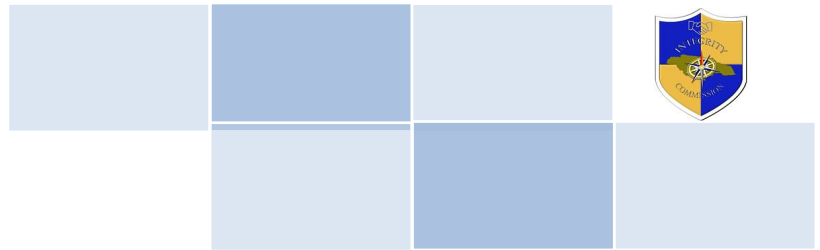
Table of Contents

Summary of Investigation	4
1.6 Summary of Key Findings.....	5
Chapter 1 – Background.....	7
Initiation of Investigation.....	7
Jurisdiction	7
Individuals Pertinent to the Investigation.....	9
The Investigation	10
Chapter 2 – Terms of Reference	11
Chapter 3 –Evidence, Findings and Discussion.....	13
<i>The Engagement of Share Con Construction Limited for the Renovation and Expansion of the Physiotherapy Department and the Revised Contract Sum.....</i>	<i>13</i>
<i>Irregularities Identified in the Material Compositions for the Dry Wall and Ceiling Board Partitions.....</i>	<i>17</i>
Variations made to the Scope of Works within the Bill of Quantities.....	20
<i>Approval of Variations by the University Hospital of the West Indies</i>	<i>25</i>
Chapter 4 – Conclusion.....	31
Chapter 5 – Recommendations	33



Summary of Investigation

- 1.1 The Office of the Contractor General (OCG), acting pursuant to Sections 15 and 16 of the Contractor-General Act, on July 21, 2015, commenced an Investigation into allegations of irregularity in the use of the required material in the construction of Dry Wall and Ceiling Board Partitions for the Renovation and Expansion of the Physiotherapy Department Project, at the University Hospital of the West Indies (UHWI).
- 1.2 The then OCG's decision to undertake an enquiry and subsequent investigation into the instant matter was prompted by a review of the OCG's Inspectorate – Construction Division Project Report. The referenced monitoring report dated May 6, 2015, highlighted, *inter alia*, the following:
 - (a) The allegation that majority of the partitions installed for the Dry Wall Partitions, did not comprise of "cement board", as stipulated in the Bill of Quantities.
- 1.3 Having regard to the referenced allegation, the Investigation primarily sought to determine, *inter alia*, (a) the material which comprised the drywall partitions and ceiling board in the referenced renovation and expansion works at the UHWI, (b) whether there were any variations in the scope of works, (c) whether there were any changes/amendments to the Bill of Quantities to reflect the variations in the scope of works, (d) whether the variations, if any, received the requisite approvals, and (e) the circumstances which led to the variations of the required material compositions for the dry wall and ceiling board partitions.



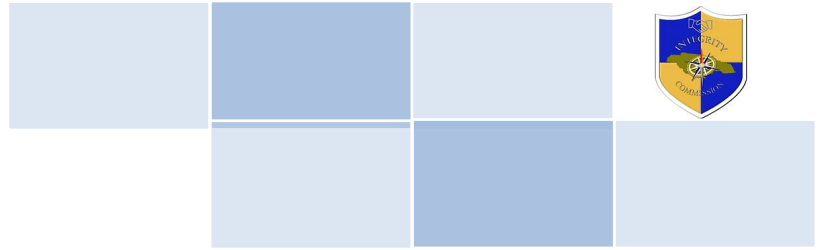
1.4 The Findings of the Investigation are premised primarily upon an analysis of the documentary evidence which were provided by the Respondents, who were requisitioned by the then OCG, during the course of the Investigation.

1.5 Summary of Key Findings

1.5.1 A contract was awarded to Share Con Construction Limited in the amount of Ninety-Three Million, Six Hundred and Ninety-Nine Thousand, One Hundred and Twenty-Two Dollars and Fifty-Six Cents (J\$93,699,122.56) for the Renovation and Expansion of the Physiotherapy Department, UHWI.

1.5.2 The required composition material for the Dry Wall Partitions outlined in the Bill of Quantities, prepared by Davidson and Hanna, Quantity Surveyors for the Extension and Renovation of the Physiotherapy Department, UHWI was *"100 mm Thick Drywall partitions, comprising steel stud framing clad both sides with 12mm thick cement board including tape and plaster to joints finished smooth to undertake of slab."*

1.5.3 The Dry Wall Partitions which were constructed did not comprise of the required use of Cement Boards. The partitions used for the drywall and ceiling board were constructed using Plasterboard Cladded Partitions.



- 1.5.4 The original design, as stated in the Bill of Quantities, comprised of approximately 80% of internal partitioning consisting of Gypsum and 20% Concrete.
- 1.5.5 A second Bill of Quantities was prepared by the Quantity Surveyors containing re-measurement for the material composition of the dry wall partitions. The re-measurement amount included 104 m² cement board cladded partitions and 410m² plasterboard cladded partitions which increased the initial price from J\$821,280.00 to J\$1,266,900.00.
- 1.5.6 Eight (8) Site Instructions were issued by the Project Architect, Lloyd Robinson and Associates for the Physiotherapy Department Project. The Site Instructions which were observed did not make material reference to the scope of this investigation.
- 1.5.7 There was no formal Variation Order issued by the UHWI for the proposed change in the scope of works for the use of Gypsum and Cement Board as the composition/material for the Dry Wall Partitions.
- 1.5.8 There was no evidence of written authorization from UHWI indicating that Lloyd Robinson and Associates was permitted to issue variations for the captioned project.



Chapter 1 – Background

2.1 This chapter outlines the background information concerning the investigation.

Initiation of Investigation

2.1.1 On July 21, 2015, the then Office of the Contractor General (OCG), acting pursuant to the provisions contained in Sections 15 and 16 of the Contractor-General Act, initiated an Investigation into allegations of irregularity in the use of the required material in the construction of Dry Wall and Ceiling Board Partitions for the Renovation and Expansion of the Physiotherapy Department Project, at the University Hospital of the West Indies (UHWI).

Jurisdiction

2.1.2 The investigation commenced under Sections 4 and 15 of the then applicable Contractor-General Act, which enabled the Office of the Contractor General to investigate the referenced matter. Accordingly, Section 4 (1) of the Contractor-General Act required, *inter alia*, that GoJ contracts must be awarded “impartially and on merit” and that the circumstances of award must not involve impropriety or irregularity.

2.1.3 Section 2 of the Contractor-General Act provides the following interpretations:



Government Contract – *“includes any licence, permit or other concession or authority issued by a public body or agreement entered into by a public body for the carrying out of building or other works or for the supply of any goods or services”*;

A Public Body means –

“... ”

(a) *a Ministry, department or agency of government;*

(b) *a statutory body or authority;*

“... ”

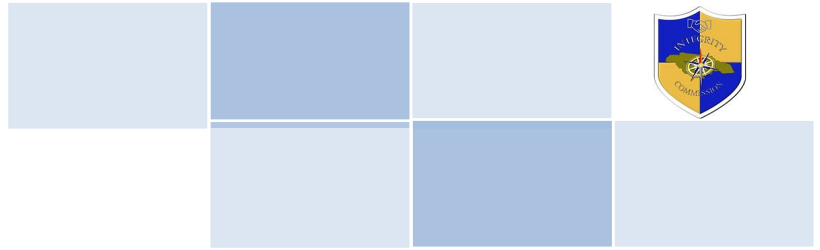
2.1.4 Section 63 of the Integrity Commission Act (2017) provides, *inter alia*, that:

“... ”

1) *Notwithstanding the amendment or repeal of an Act under this Part, as from the appointed day any legal proceedings or claims pending immediately before the appointed day, which before the appointed day, were brought, continued or enforced by or against any of the respective Commissions, shall be brought, continued or enforced by or against the Commission in the same manner as they would have been brought, continued or enforced before the appointed day.*

2) *The Commission established under this Act may-*

(a) *Commence or assume any investigation, swear any information or commence or conduct any prosecution in respect of an*



offence committed, or alleged to be committed before the appointed day under a provision of either of the amended Acts that has been amended or repealed by this Act, or under the repealed Act, and each such amended or repealed provision and the repealed Act shall be deemed to remain in full force and effect, for the purposes of any such investigation, information and prosecution as it had been immediately before the appointed day; or

(b) Continue to do any act, thing or investigation which was pending before the appointed day.

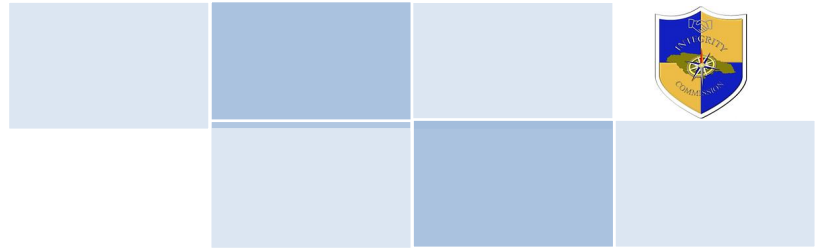
...”

2.1.5 Pursuant to the aforementioned sections of the referenced Act, the Integrity Commission continued the investigation into the said matter.

Individuals Pertinent to the Investigation

2.1.6 The following individuals were required to provide sworn written responses to formal Requisitions directed to them by the then OCG:

- i) Mr. Kelvin Kerr, Quantity Surveyor, Davidson & Hanna Chartered Quantity Surveyors;
- ii) Mr. Conrad Jackson, Project Architect, Lloyd Robinson and Associates;
- iii) Dr. Trevor McCartney, University Hospital of the West Indies; and



- iv) Dr. Cecil White, JP, then Chief Executive Officer, University Hospital of the West Indies.

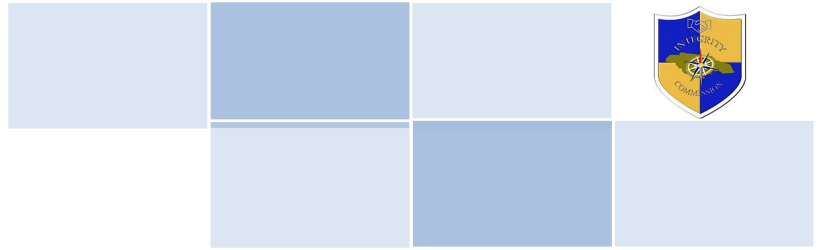
The Investigation

- 2.1.7 During the course of the investigation, a detailed review of the sworn written responses and supporting documentation was conducted.
- 2.1.8 A comprehensive review of the then applicable Government of Jamaica Handbook of Public Sector Procurement Procedures (2014), Ministry of Finance Circulars and other attendant Regulations and Policies was also undertaken.



Chapter 2 – Terms of Reference

- 3.0 This chapter sets out the scope of the investigation and the issues that were explored.
- 3.1 The primary objective of the then OCG's Investigation into the subject matter was to determine, inter alia, whether there were any changes or amendments to the Bill of Quantities for the dry wall and ceiling board partitions and whether such changes were reflected in the scope of works.
- 3.2 The Investigation also had the following specific objectives:
- 3.2.1 To determine the circumstances surrounding the material compositions for the construction of the dry wall and ceiling board partitions at the Physiotherapy Department, UHWI;
 - 3.2.2 To determine whether there were any variations in the scope of works for the dry wall partitions and ceiling boards and the circumstances which led to same;
 - 3.2.3 To determine whether there were variations to the contract and whether the requisite approvals were received;
 - 3.2.4 To determine whether there were any acts of impropriety and/or irregularity involved in the use of the material compositions for the dry



wall partitions and ceiling boards at the Physiotherapy Department, UHWI; and

- 3.2.5 To determine whether there were any breaches of the applicable Government of Jamaica Handbook of Public Sector Procurement Procedures (2014), the Contractor-General Act or any other applicable policy guidelines and/or regulations.



Chapter 3 –Evidence, Findings and Discussion

4.0 This chapter sets out the discussion of the findings and the relevant legislation in respect of the investigation.

The Engagement of Share Con Construction Limited for the Renovation and Expansion of the Physiotherapy Department and the Revised Contract Sum

4.1 In 2012, the University Hospital of the West Indies (UHWI) undertook a procurement exercise utilizing the Local Competitive Bidding Procurement Methodology to recommend an award of contract to Share Con Construction Limited¹.

4.1.1 The contract sum was in amount of Ninety-Three Million, Six Hundred and Ninety-Nine Thousand, One Hundred and Twenty-Two Dollars and Fifty-Six Cents (J\$93,699,122.56) for the extension and renovation of the Physiotherapy Department, inclusive of the construction of a new two-storey split level building, containing a gymnasium, conference room, sanitary facilities, staff and student lounges, of approximately 540m, as well as the renovation of the existing building which contained treatment and interview rooms of approximately 254m².

4.1.2 Of note, the National Contracts Commission (NCC) endorsed the award of the referenced contract on October 3, 2012. The DI observed a copy of

¹ OCG Project Requisition Report dated May 6, 2015.

² Ibid.



the NCC's approval letter dated October 5, 2012, which was addressed to Dr. Jean Dixon C.D., J.P., then Permanent Secretary, Ministry of Health, advising, *inter alia*, as follows:

“... ”

*The National Contracts Commission (NCC) had considered the matter at its meeting held on **2012 October 3** and had endorsed the recommendation to award the contract to Share Con Limited in the sum of Ninety-three Million, Six Hundred and Seventeen Thousand, Nine Hundred and Eighty-two Dollars and Fifty-Six Cents (J\$93,617,982.56), subject to the NCC being advised that the contractor's workload is within the required limit.”³*

4.1.3 A Memorandum dated February 25, 2013, addressed to Dr. Trevor McCartney, then Chief Executive Officer, UHWI (Actg.) and Dr. Sonia Copeland, then Director – Policy Planning and Development (Actg.) from Dr. Jean Dixon C.D., J.P., then Permanent Secretary, Ministry of Health informed of the Cabinet Office's approval for the renovation and expansion of the Physiotherapy Department, UHWI. The Memorandum stated, *inter alia*, as follows:

“... ”

Please be advised that Cabinet at its meeting held on February 18, 2013 vide Decision Number 07/13 regarding the above subject

³ Letter dated October 5, 2012 from Mr. Raymond McIntyre, Chairman, NCC to Dr. Jean Dixon C.D., J.P., then Permanent Secretary, Ministry of Health and copied to Mr. Kevin Allen, then Senior Director - Finance, University Hospital of the West Indies and Mr. Leonard Bailey, then Chairman, Ministry of Health Sector Committee.



matter, gave approval for the award of a contract in the sum of \$93,617,982.56 to Share Con [sic] Limited, for the extension and renovation of the Physiotherapy Department at the University Hospital of the West Indies.”⁴

4.1.4 The DI is in possession of a document entitled “Davidson and Hanna's Recommendation for Payment – Invoice No.13” which indicated that a contract was entered into between the UHWI and Share Con Construction Limited in the sum of J\$93,699,122.56.⁵ However, the sum endorsed by the then NCC and approved by the Cabinet Office, was in the amount of J\$93,617,982.56. The DI highlights at this juncture that Davidson and Hanna were the Quantity Surveyors for the Renovation and Expansion Project.

4.1.5 The DI is in possession of a copy of the contract which was entered into between the University Hospital of the West Indies and Share Con Limited, date June 14, 2013. Further a copy of a letter dated June 14, 2013, from Dr. Trevor McCartney, the then Chief Executive Officer, UHWI (Actg.), addressed to Mr. Clive Sterling, Managing Director, Share Con Construction Limited, advising, *inter alia*, the following:

“...

On June 6, 2013 we were advised by the quantity surveyor,

⁴ Memorandum dated February 25, 2013 addressed to Dr. Trevor McCartney, then Chief Executive Officer, UHWI (Actg) and Dr. Sonia Copeland, then Director – Policy Planning and Development (Actg) from Dr. Jean Dixon C.D., J.P., then Permanent Secretary, Ministry of Health.

⁵ Copy of Davidson and Hanna Recommendation for Payment Invoice No. 13.



Davidson and Hanna, that for the Building Section of the BQ under Joinery Fixtures & Fittings, **an oversight was made and the unit rate was not calculated and brought forward as totalled. Hence, the corrected total is now \$47,471,081.90 instead of \$47,310,081.90. As a result, the corrected total is now \$94,199,122.56 instead of \$94,037,982.56 and when the Contractor's discount of \$500,000.00 is applied, it is \$93,699,122.56, which will now be the corrected Contract Price.**"⁶ (DI Emphasis)

⁶ Copy of letter dated June 14, 2013 from Dr. Trevor McCartney, then Chief Executive Officer, UHWI (Actg) to Mr. Clive Sterling, Managing Director, Share Con Construction Limited



Irregularities Identified in the Material Compositions for the Dry Wall and Ceiling Board Partitions

4.2 During the monitoring of the referenced project, the then OCG perused an extract of the Bill of Quantities (BQ/8) which formed a part of the contract. The referenced document indicated, *inter alia*, the following scope of works in relation to the material compositions of the dry wall and ceiling board partitions:

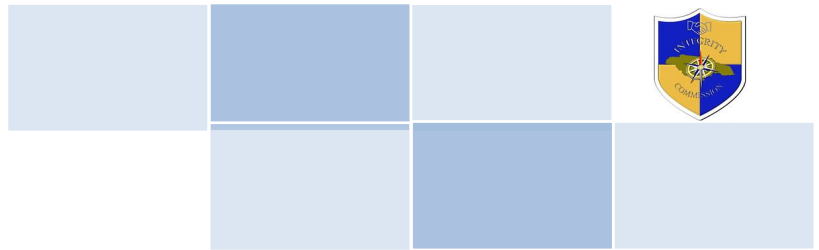
“171.1 m² of 100 mm Thick Drywall partitions, comprising steel stud framing clad both sides with 12mm thick cement board, including tape and plaster to joints finished smooth to undertake of slab, at a rate of \$4,800.00 totaling \$821,280.00.”⁷

4.2.1 Based on the foregoing, the then OCG observed certain irregularities in relation to the use of the required composition materials for the dry wall and ceiling board partitions as stipulated in the Bill of Quantities.

4.2.2 In particular, the majority of the partitions which were installed did not comprise of the required “**cement board**” as indicated in the Bill of Quantities (BQ/8), but were constructed using both gypsum board and cement board.

4.2.3 The University Hospital of the West Indies (UHWI) engaged the services of Davidson and Hanna and Lloyd J. Robinson & Associates for the provision

⁷ Extract from Bill of Quantities (BQ/8), Page 8 – Dry Wall Partitions, Item A



of structural engineering, mechanical, electrical and quantity surveyor services for the referenced project.

4.2.4 In relation to the irregularities observed, the then OCG sought to ascertain from Mr. Conrad Jackson, Project Architect, Lloyd Robinson and Associates, the justification for the use of Gypsum and Cement Boards in the material composition of the Dry Wall Partitions that were installed, contrary to the specifications in the Bill of Quantities.⁸

4.2.5 In response to the then OCG, Mr. Conrad Jackson indicated, *inter alia*, the following:

“Based on my knowledge in the bills of quantities prepared by Davidson & Hanna (Chartered Quantity Surveyors) they had inadvertently put in cement board for all internal partitions in error

... The original design that was presented to the Quantity Surveyor to prepare the bills of quantities had in internal partitions that consisted of both Gypsum board and cement board”⁹

4.2.6 Mr. Conrad Jackson further stated, *inter alia*, as follows:

“...the original design approximately 80% of the internal partitions consist of Gypsum Board and approximately 20% is comprised of

⁸ OCG requisition dated July 23, 2015 which was addressed to Mr. Conrad Jackson, Project Architect – Lloyd Robinson and Associates.

⁹ Response dated July 30, 2015 from Lloyd Robinson and Associates addressed to the OCG from Mr. Conrad Jackson - Project Architect. Response 3.



concrete board. This has been the case from the inception of the original set of architectural drawings tendered on”

...

“The concrete board was to be used mainly in the wet areas (Bathrooms, pantry’s [pantries], cladding of unsightly sewer and storm water pipes & an external concrete board cantilever within the court yard).”¹⁰

4.2.7 By way of a requisition dated July 23, 2015, the then OCG also posed a similar question to Mr. Kelvin Kerr, Quantity Surveyor, Davidson and Hanna, with a view to ascertain the rationale for a change in the material composition used for the installation of the drywall partitions.¹¹

4.2.8 In a response to then OCG dated July 30, 2015, Mr. Kelvin Kerr submitted Architectural drawings, which upon our perusal, showed areas in which plasterboard and cement board partitions were used and the units that were utilized accordingly. ¹²

¹⁰ Response dated July 30, 2015 from Mr. Conrad Jackson, Project Architect, Lloyd Robinson and Associates addressed to the then OCG. Response No 3.

¹¹ OCG Requisition dated July 23, 2015 addressed to Mr. Kelvin Kerr, Quantity Surveyor, Davidson and Hanna.

¹² Response dated July 30, 2015 from Mr. Kelvin Kerr, Quantity Surveyor, Davidson and Hanna addressed to then OCG. Response No 3.



Variations made to the Scope of Works within the Bill of Quantities

4.3 The then OCG, in the conduct of its Investigation, sought to ascertain whether there were any variations to the contract specifications and scope of works, specifically as it relates to the dry wall and ceiling board partitions concerning the referenced project.

4.3.1 In relation to the measurements noted in the Bill of Quantities, Mr. Conrad Jackson, Project Architect, Lloyd Robinson and Associates advised the then OCG of , *inter alia*, the following:

“When this matter was brought to my attention, I immediately contacted Mr. Kelvin Kerr of Davidson and Hanna. I was further advised by Mr. Kerr that he had picked up on the error and that he was in the process of conducting re-measurements and that the adjustments will be made accordingly in line with the original design and architectural drawings tendered. He also advised that the rates that were being paid to the contractor was for gypsum board partitions [sic] in accordance with the industry standard rates (as contemplated by the original architectural design and drawings) and not at the rate paid for concrete board as appears in the bill of quantities.”¹³

4.3.2 By way of a letter dated March 5, 2015, the then OCG also sought to ascertain from Dr. Cecil White, then Chief Executive Officer of the

¹³ Response dated July 30, 2015 from Lloyd Robinson and Associates addressed to the OCG from Mr. Conrad Jackson - Project Architect. Response 3.



University Hospital of the West Indies, information surrounding the quantity of the cement board utilized and the areas in which it was used; a distinction between the quantity of dry walling that was used. Also, questions were posed as it relates to quantity used in relation to the ceiling boards; and the process utilised to determine the quoted rates for the dry wall partitioning as well as the actual rates used.¹⁴

4.3.3 Dr. Cecil White, by way of response dated March 30, 2015, indicated, *inter alia*, the following:

“There were changes to the quantity of the Cement Board based on the requirements in the Bills of Quantities.

...

- a. *A total amount of 104 square meters Cement Board fully clad partitions were used for the project. The Cement Boards were mainly used in the bathroom areas and the courtyard, the Basement Level (59 Square Meters) and the Ground Floor Level (45 Square Meters).*
- b. *The type of dry walling used for partitioning and ceiling board was Plasterboard cladded partitions. The quantity used was 410 Square Meters.*

¹⁴ OCG Requisition dated March 5, 2015 which was addressed to Mr. Cecil White, then Chief Executive Officer of the University Hospital of the West Indies.



c. *The rates were negotiated with both the Contractor and the Project Manager and as a result the actual rate used for this product was JA\$4,100.00 per Square Meters...*¹⁵

4.3.4 The then OCG also reviewed a copy of letter dated March 26, 2015 from Mr. Kelvin Kerr, Quantity Surveyor, Davidson and Hanna addressed to Mr. Conrad Jackson, Project Architect, Lloyd Robinson and Associates, which advised, *inter alia*, as follows:

“A re-measurement of the drywall partitioning was done and our findings are as follows:

The total amount of cement board cladded partitions is 104m² and plasterboard cladded partitions is 410m². Cement board partitions were used mainly in the bathroom areas and in the courtyard. A total of 59m² of cement board was used on the Basement Level and 45m² used on the ground floor level.

The rates were also negotiated with the Contractor and the new rates are as follows:

*The rates for cement board partitions are as per Bills of Quantities at \$4,800.00 per m² and the rates for the plasterboard partitions is \$4,100.00 per m²...*¹⁶

¹⁵ Response dated March 30, 2015 from Mr. Mr. Cecil White, then Chief Executive Officer of the University Hospital of the West Indies addressed to the OCG. Response 1 (a) – (c)

¹⁶ Copy of letter dated March 26, 2015 addressed to Mr. Conrad Jackson, Lloyd Robinson and Associates from Mr. Kelvin Kerr, Davidson and Hanna



4.3.5 Notwithstanding the re-measured quantities that were provided in the referenced letter written by Mr. Kelvin Kerr, Quantity Surveyor to Mr. Conrad Jackson, Project Architect, the then OCG observed the following discrepancy outlined in the table below in relation to the dry wall partitions:

Table 1

Dry Wall Partitions – Initial Quantities					
Item	Description	Quantity	Unit	Rate	Cost
BQ/8	100 mm thick drywall partition with cement board cladding @171m ² x 4800.00	171.1	m ²	\$4,800.00	\$821,280.00 ¹⁷
Dry Wall Partitions – Re-Measured Quantities					
Item	Description	Quantity	Unit	Rate	Cost
BQ/8	Cement Board	104	m ²	\$4,800.00	\$499,200.00
BQ/8	Plasterboard Partition	309	m ²	\$4,100.00	\$1,266,900.00 ¹⁸

4.3.6 By way of a requisition dated July 23, 2015, the then OCG sought to ascertain whether there were any variations to the contract and the total number of variations issued to date.¹⁹ In a response to the then OCG, Mr. Kelvin Kerr, Quantity Surveyor, Davidson and Hanna stated, *inter alia*, as follows:

“2. Yes, we are aware of Variations

¹⁷ Extract from Bill of Quantities (BQ/8), Page 8 – Dry Wall Partitions, Item A

¹⁸ Response dated July 30, 2015 from Mr. Kelvin Kerr, Davidson & Hanna Chartered Quantity Surveyors.

¹⁹ OCG Requisition dated July 23, 2015 which was addressed to Mr. Kelvin Kerr, Quantity Surveyor, Davidson and Hanna. Question #2.



a. *Eight (8) No. of Variations to date*²⁰

4.3.7 Further, Mr. Conrad Jackson, Project Architect, Lloyd Robinson and Associates also confirmed that eight (8) variations were issued for the Physiotherapy Department Project. By way of a letter dated July 30, 2015, he indicated, *inter alia*, as follows:

*“To date there have been a total of eight (8) variations issued by me on this project....”*²¹

4.3.8 It was observed that the eight (8) variations, as confirmed by Mr. Conrad Jackson, that were issued in respect of the Physiotherapy Department, were executed by way of site instructions which detailed, *inter alia*, as follows²²:

Site Instruction #	Date	Description
No. A0001	August 16, 2013	A reduction in height from 3'-3" to 2'-6" of the window heights along grid line #1.
No. A0002	August 28, 2013	Items to be omitted from the original scope of works: 1) Omit ground beam on grid line 6; 2) Omit the 150 mm hardcore and the back-filling under the floor level.
No. A0003	October 11, 2013	Changes to the foundations of the new section of the building: 1) Addition of a new retaining wall with

²⁰ Mr. Kelvin Kerr response to the OCG's Requisition dated July 30, 2015. Response #2.

²¹ Mr. Conrad Jackson response to the OCG's Requisition dated July 23, 2015. Response #2.

²² Ibid.



		20mm block wall; 2) Replaced section of retaining wall with 20mm block wall; 3) Added new stiffener to wall; 4) Removed section of retaining wall.
No. A0004	March 7, 2014	Amendments to layout of internal spaces of the existing building (two treatment rooms to the eastern section of the building).
No. A0005	August 7, 2014	Amendments to layout of internal spaces of the existing building (staff lounge in the basement).
No. A0006	September 16, 2014	1) The doors along gridline #5 and B-D on ground floor are to be repositioned; 2) Doors along gridline E and between D-E and along gridline 2 on the ground floor have been changed. 3) ¼" mirror glass is to be installed in the gymnasium area on the wall that backs on to the board room.
No. A0007	January 20, 2015	Retaining wall to be erected.
No. A0008	February 12, 2015	Issuing of an emergency staircase as requested by fire department (Letter of approval for this variation from UHWI CEO, Dr. Cecil White, was observed).

Approval of Variations by the University Hospital of the West Indies

4.3.9 The referenced Site Instructions observed by the then OCG, were signed by Mr. Conrad Jackson and directed to Mr. Clive Sterling, Contractor, Share Con Limited. It was also noted that the variations for the expansion and renovation of the Physiotherapy Department, UHWI were not authorized for payment by the Head of the Procuring Entity, but were approved by Lloyd Robinson and Associates.



4.3.10 In relation to whether any form of variation approvals were evidenced, the DI wishes to highlight, *inter alia*, the following clause that was stated on all the Site Instructions which were signed by the Architect, Conrad Jackson:

“If the Senior Director of Operations Planning and Development, UHWI should have any problems with the nature of the variation issued please contact the undersigned without delay. Should there be any questions by the contractor please do not hesitate to contact the undersigned” (Conrad Jackson, Architect) ²³

4.3.11 The then OCG, by way of requisition dated December 24, 2014, requested that Dr. Cecil White, then Chief Executive Officer, UHWI, provide a copy of the referenced authorization for Lloyd Robinson and Associates to approve the referenced contract variations.

4.3.12 In a response dated January 14, 2015, Dr. Cecil White advised the then OCG of the following:

“Former Head of the Procuring Entity, Dr. Trevor McCartney, has indicated that verbal approval was granted to the Project

²³ Site Instruction issued by Conrad Jackson, Architect, Lloyd Robinson and Associates authorizing payments for Variations Nos. 1-8



Manager, Lloyd Robinson and Associates to sign off on variations. Unfortunately, there was no written authorization”²⁴

4.3.13 At this juncture, the DI highlights Section 1.5 of the Government of Jamaica Handbook of Public Sector Procurement Procedures (2014) as it regards the approval of contract variations:

“The Head of the Procuring Entity shall give prior written approval for all contract variations. No other Public Officer or project consultant shall approve the variation of a contract unless the Head of the Procuring Entity gives him/her written authorization to do so.”²⁵

4.3.14 Further, Clause 1.5.5 of the Government of Jamaica Handbook of Public Sector Procurement Procedures (2014), further states that:

“Clause 1.5.5 - Reporting Requirements for Procuring Entities:

- (a) Increases/decreases in contract sums resulting from variations shall be reported to the Contractor General, pursuant to Section 4(2) of the Contractor General's Act;**
- (b) All cost overruns shall be duly substantiated, documented and reported to the Contractor General and the NCC, using the standard Variation Forms accessible from the Office of the Contractor General's website at www.ocg.gov.jm or the**

²⁴ Response dated January 14, 2015 from Dr. Cecil White, J.P addressed to then Office of the Contractor General.

²⁵ Government of Jamaica Handbook of Public Sector Procurement Procedures (2014), Volume 2 - Section 1, pg. 17



National Contracts' Commission's website at
www.ncc.gov.jm/ncc;

- (c) Cost overruns in excess of 15% on contracts valued at J\$40 Million and above shall be reported to the Cabinet. Cost overruns for new works shall be approved by NCC prior to the commencement of the works;

...

- (f) All reports made to the Cabinet, NCC and the Contractor General in respect of items (a) – (c), shall include as relevant: (i) a description of and justification for the variation, including the cause(s); (ii) details of price adjustments necessitating the increase in the contract sum; and (iii) a description of any other factors responsible for cost overruns..."²⁶

4.3.15 With regard to the foregoing guidelines, the then OCG sought to ascertain whether the University Hospital of the West Indies, was aware of a formal Variation Order authorizing the change in the material composition of the dry wall, as outlined in the Bill of Quantities. In his response dated March 30, 2015, Dr. Cecil White advised, *inter alia*, as follows:

²⁶ Government of Jamaica Handbook of Public Sector Procurement Procedures (2014), Volume 2 - Section 1, pg. 20-22



“No Variation Order has been issued to date as per attached letter from Davidson and Hanna – Chartered Quantity Surveyors...”²⁷

4.3.16 As it relates to the issue of formal approvals of variations, Mr. Conrad Jackson, Project Architect, by way of a letter dated July 30, 2015, further stated, *inter alia*, the following:

“I observed that there were two items that formal variations were not issued for...”²⁸

4.3.17 It is instructive to note that the items noted by Mr. Jackson were not in relation to the variations concerning the material composition of the dry wall partitions.

4.3.18 Based on the foregoing, the DI further highlights the contents of a letter dated February 6, 2015 from Dr. Cecil White addressed to Mr. Conrad Jackson, in which a variation was approved for the construction of an emergency staircase. The letter stated, *inter alia*, the following:

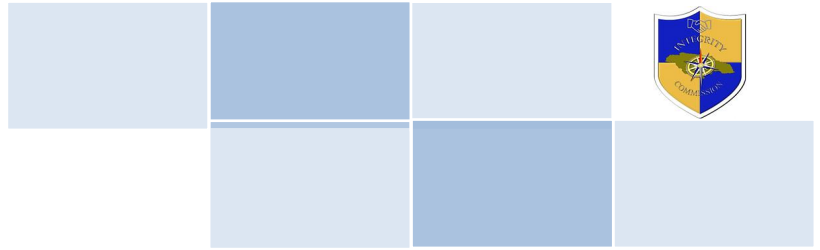
“Re: Variation – Staircases

Dear Mr. Jackson,

The University Hospital of the West Indies will grant you the request for the variation that will be incurred for the construction

²⁷ Letter dated March 30, 2015 from Mr. Mr. Cecil White, then Chief Executive Officer of the University Hospital of the West Indies to Mr. Michael Lee, Director, Construction Contracts, OCG. Response 1 (d)

²⁸ Response dated July 30, 2015 from Lloyd Robinson and Associates addressed to the OCG from Mr. Conrad Jackson - Project Architect. Response 7.



of a staircase...amounting to One Million Two Hundred and Fifty Thousand One Hundred Dollars (JA\$1,250,100.00). This variation is due to the recommendation made by the Jamaica Fire Brigade for a fire escape..."²⁹

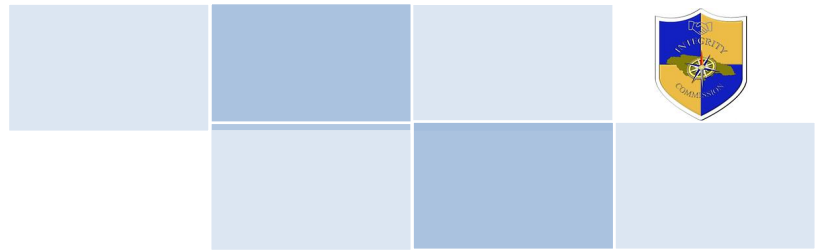
4.3.19 It is prudent to note that the DI did observe that the aforementioned correspondence represents written approval of a variation request made in relation to the construction of an emergency staircase. However, the DI did not observe any similar written approval in relation to any other variations identified.

²⁹ Letter dated February 6, 2015, addressed to Mr. Conrad Jackson, Project Architect, Lloyd Robinson and Associates from Mr. Cecile White, then Chief Executive Officer, UHWI and copied to the Mr. Fitzgerald Mitchell, Senior Director, Operation and Facilities and Mr. Kevin Allen, then Senior Director, Finance.



Chapter 4 – Conclusion

- 5.0 This chapter outlines the conclusions determined by the Director of Investigation (DI) based upon the findings of this investigation.
- 5.1 Based upon a review of the documents and responses that were submitted by the University Hospital of the West Indies, Davidson & Hanna Chartered Quantity Surveyors and Lloyd Robinson and Associates, the Director of Investigation has arrived at the following Conclusions:
- 5.1.1 The DI concludes that there were identifiable errors with the content of the Bill of Quantities prepared by Davidson and Hanna, Quantity Surveyors for the Renovation and Expansion Project at the Physiotherapy Department, the University Hospital of the West Indies, regarding the quantity and use of the required material composition, 'Cement Boards' for the construction of the dry wall partitions and ceiling boards. This resulted in a revised Bill of Quantities being prepared and utilized with re-measured quantities.
- 5.1.2 Having regard to the DI's finding that the variations for the expansion and renovation of the Physiotherapy Department, UHWI, were not authorized by the Head of the Procuring Entity, and were approved by Lloyd Robinson and Associates; the DI concludes that the UHWI acted contrary to Section 1.5 of the then applicable Government of Jamaica Handbook of Public Sector Procurement Procedures (2012).



3.2.6 The DI has seen no evidence to indicate any acts of impropriety, at this time, as it relates to the use of the material compositions for the dry wall partitions and ceiling boards at the Physiotherapy Department, UHWI.



Chapter 5 – Recommendations

6.0 This chapter outlines the recommendations and corruption prevention initiatives identified by the Director of Investigation (DI) based upon the findings and conclusions of this investigation.

6.1 **Anti-Corruption Recommendations and Initiatives**

6.1.2 The DI recommends that the UHWI ensures scrupulous compliance with the provisions of Section 1.5 of the GOJ Handbook of Public Sector Procurement Procedure (March 2014), which outlines the approval requirements for contract variations.

It is instructive to note that the referenced provisions require the mandatory written prior approval of the Head of Entity (Chief Executive Officer) for all contract variations. Importantly, the Head of Entity remains solely accountable for contract variations irrespective of any delegation of authority.

The referenced Guidelines also restrict any other public officer and/or project consultant from approving variations unless the Head of Entity provides written authorization.

Kevon A. Stephenson, J.P.
Director of Investigation
April 30, 2021