



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

OCG CAUTIONS PUBLIC ABOUT STATEMENT OF THE MINISTRY OF AGRICULTURE AND FISHERIES – EXPRESSES ALARM AT MINISTRY’S WILLINGNESS TO IGNORE THE LAW

Kingston; September 15, 2010 – The Office of the Contractor General (OCG) wishes to caution members of the public concerning the contents of a Statement which was issued to the Media yesterday by the Ministry of Agriculture and Fisheries (MAF) in its response to the OCG’s Special Report of Investigation into the consultancy contracts which were awarded by the MAF to Mr. Aubyn Hill.

The OCG’s Report was tabled in the House of Representatives yesterday, Tuesday, and was posted on the Jamaica House of Representatives website at www.japarliament.gov.jm. Once the Report has been formally tabled in the Senate, it will also be posted on the OCG’s website at www.ocg.gov.jm.

While it is not the intention of the OCG to engage in an open debate with the MAF regarding the Findings, Conclusions, Referrals and Recommendations which are embodied in the OCG’s Report and by which the OCG continues to firmly stand, the OCG is nevertheless obliged to publicly state that there are several mis-statements of fact which have been published in the MAF’s Statement.

The referenced MAF representations are, for the most part, misleading, and are incapable of being credibly substantiated, having particular regard to the sworn testimonies and documentation which have been provided, to the OCG, by the Minister of Agriculture and Fisheries, the Hon. Christopher Tufton, the Permanent Secretary in the Ministry, Mr. Donovan Stanberry and the Consultant, Mr. Aubyn Hill.



The OCG wishes, therefore, to strongly encourage members of the public, Media practitioners and commentators to carefully read the OCG's 148 page Report of Investigation in its entirety so that an informed and educated position can be arrived at on the issues, many of which are technical in nature.

The OCG also feels compelled to immediately express its alarm at one of the statements which was made by the MAF to the effect that **"... it would therefore be illogical, having obtained a Cabinet approval to contract Mr. Hill, to seek further approval from the lower levels of approval in the procurement system"**. As is now publicly known, both the MAF's Contracts Committee and the National Contracts Commission, which is an Independent Statutory Commission, were unlawfully bypassed by the MAF in its award of the subject consultancy contracts to Mr. Hill.

Effective December 2008, and by way of the order of the Cabinet of the Government of Jamaica itself, it is now a criminal offence, under the Public Sector Procurement Regulations, for Government contracts to be awarded in violation of the specified procurement procedures and protocols, irrespective of whether the Cabinet has approved a Government contract award or not.

In the circumstances, the Statement of the MAF, can only be construed as an open admission and declaration by the MAF's Minister and its Permanent Secretary that they have, in point of fact, broken the law in the instant matter and will do so again if they should deem that compliance with the duly promulgated Laws of Jamaica, or submission to the jurisdiction of the NCC, is **"illogical"**.

The fact that a Cabinet Minister, and a Permanent Secretary, could issue such a Statement has now called into question grave and fundamental issues of governance, the rule of law and accountability in the administration of the Jamaican Public Sector, the very issues which, ironically, are at the center of the OCG's Findings, Referrals and Recommendations in the matter which was the subject of its Special Investigation.

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