



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

No. :

TELEPHONE No. : 929-8560/6466

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OFFICE OF THE CONTRACTOR-GENERAL
17 KNUTSFORD BOULEVARD
P.O. Box 540
KINGSTON 5
JAMAICA, W.I.

FOR IMMEDIATE RELEASE

STATEMENT ISSUED BY THE CONTRACTOR GENERAL REGARDING PETCOM

Kingston, January 18, 2007 – “The Office of the Contractor General (OCG) has taken note of the public challenges which PETCOM, its General Manager, Mr. Desmond Thomas, and Chairperson, Ms. Barbara Clarke, have made to the Findings and Conclusions which are outlined in the OCG’s Report of Investigation into the procurement practices of PETCOM. The OCG regards these challenges as baseless, obfuscatory and misleading.

The OCG wishes to advise the media and the public that PETCOM and Ms. Clarke’s attorneys have been afforded with ample opportunity to substantiate the challenges which they have made to the OCG’s Report, but have failed to credibly do so.

PETCOM’s and Ms. Clarke’s attempts to publicly discredit the OCG’s conflict of interest and procurement procedure violation Findings and Conclusions are based substantially upon a contract which PETCOM has represented was settled, by tender, between itself and Elegant Traders Ltd. in “1998”. Ms. Clarke’s attorneys have also alluded to a “1998” root contract as the basis of its arguments. Ms. Clarke, who was at all material times, the majority shareholder and principal of Elegant Traders Ltd., was appointed as the PETCOM Chair in March 2005.

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However, despite their strident pronouncements, both PETCOM and Ms. Clarke's attorneys have so far failed to provide the OCG with any evidence whatsoever of the existence of the alleged "1998" contract. When PETCOM was challenged to produce the contract for the OCG's scrutiny, it changed its story to infer that the alleged "1998" contract was entered into, not with Elegant Traders Ltd. as it had previously asserted, but with a company called Barsam Limited.

Having made this new and suspicious assertion, PETCOM then embarked upon an even more audacious excursion to represent in writing to the OCG that "Barsam Limited is now Elegant Traders Ltd". The official records of the Office of the Registrar of Companies (ORC) do not, however, support this claim. The ORC lists both companies as being currently active as separate and distinct corporate entities, with separate shareholders and with separate incorporation dates, some seven (7) years apart.

The 18 contracts which were entered into by PETCOM with Elegant Traders Ltd., between January 2003 and August 2006, include 12 contracts which were consummated after Ms. Clarke assumed the post of Chair of the PETCOM Board. 10 contracts were consummated after she declared her business interests to the PETCOM Board on May 11, 2005. It is an unassailable fact that none of these 18 contracts was put to competitive tender by PETCOM. Neither was Elegant Traders Ltd. ever registered, at any time, with the National Contracts Commission as a qualified Government contractor.

Further, there was no evidence found by the OCG as to the method of procurement for these contracts or of a functioning and compliant PETCOM Procurement Committee. All of this lends ample credence to the OCG's conflict of interest and procurement procedure violation Findings and Conclusions.

It is also instructive to note that despite being mandated on January 15, 2007, to substantiate its continued insistence that it had a compliant and functioning Procurement Committee, PETCOM was only able to produce 9 sheets of letter sized paper as evidence of its total purported procurement records for a three and one half year period.

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The OCG is also obliged to disclose that, contrary to what PETCOM and Ms. Clarke's attorneys have asserted, the referenced 18 contracts with Elegant Traders Ltd. were represented to the OCG, by the Ministry of Industry, Technology, Energy and Commerce (MITEC), as separate "contracts" which were "awarded" by PETCOM to Elegant Traders Ltd. "during the period January 1, 2003 and August 31, 2006". No mention whatsoever was made of any connection or link between these 18 contracts and any alleged "1998" contract.

These representations, it should be noted, were made to the OCG in writing, on October 13, 2006. The document was copied by MITEC to PETCOM and its General Manager. The representations were never refuted, disputed or denied in any way by PETCOM, its General Manager or by Ms. Clarke.

Not surprisingly, however, once the OCG's Report was tabled in Parliament, some three (3) months after, PETCOM suddenly saw it fit to erroneously claim that the 18 contracts were not contracts which are subject to the Government's Procurement Procedures, but were instead "engagements" (whatever that means) which were governed by a 1998 contract which it has been unable to produce for public scrutiny. The attorneys for Ms. Clarke have also expressed a similar stance but it is instructive to note that they too have curiously failed to produce the alleged "1998" contract.

It is the OCG's view that irrespective of a "1998" contract, the 18 contracts, on the face of the evidence which has been presented by MITEC and PETCOM to the OCG, are separate contracts, both at law and for the purposes of the application of the Government's Procurement Procedures. The contracts are for varied sums and for varied services to be performed at varied locations at varied times. It is highly unlikely, therefore, that a contract which was purportedly settled in 1998, and which is unsupported by any documentary evidence, could have expressly and precisely made provision for such extensive variances six (6) years into the future.

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The OCG must also advise the public that during its investigation, both Ms. Clarke and Mr. Thomas were interviewed by the OCG. Despite these interviews, no disclosure was ever made by PETCOM, MITEC, Mr. Thomas and above all, by Ms. Clarke, of her letter of July 18, 2006 to Minister Phillip Paulwell in which she purportedly withdrew her company from all engagements with PETCOM, partly because of then alleged perceptions of a conflict of interest. The OCG, has obviously found this to be quite surprising, especially in light of Ms. Clarke's public challenges to the OCG's Findings and Conclusions of a conflict of interest.

It is for these reasons, therefore, among others, that the OCG has concluded that PETCOM, its General Manager and its Chairperson have embarked upon a deliberate and disingenuous course of obfuscation to mislead and to confuse an unsuspecting public.

The OCG has, by letter, dated January 17, 2007, and copied to Parliament, advised PETCOM that the OCG's Report of Investigation will stand in its entirety. The Report will not be withdrawn or in any way revised. The OCG has also, in its second and final letter to the attorneys for Ms. Clarke, dated January 9, 2007, advised that the issues which they have raised "merit no further or any response".

The OCG has also warned PETCOM that it reserves the right to determine if a criminal offence (or offences) has been committed under Section 29 of the Contractor General Act by any Public Officer or person who may have made false or misleading representations to the OCG.

The OCG is hereby making its correspondence, to date, to PETCOM and Ms. Clarke's Attorneys, public by setting out full transcripts of same at the end of this Statement. They are as follows:

1. First OCG Letter to Mitchell Hanson, Attorneys at Law for Ms. Barbara Clarke, dated January 9, 2007;

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2. Second OCG Letter to Mitchell Hanson, Attorneys at Law for Ms. Barbara Clarke, dated January 9, 2007;
3. OCG Letter to Mr. Desmond Thomas, General Manager, PETCOM, dated January 15, 2007;
4. OCG Letter to Mr. Desmond Thomas, General Manager, PETCOM, dated January 17, 2007.

Full copies of this Statement and the referenced correspondence will also be available for viewing and download on the OCG's website at www.ocg.gov.jm later today. Once the OCG's Report of Investigation is tabled in the Senate, the full text of the Report will also be published on the OCG's website".

The foregoing is a Statement which was issued today, January 18, 2007, by Contractor General, Greg Christie

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LETTER #1

URGENT

January 9, 2007

Mitchell Hanson Law Offices
Attorneys at Law
Suite #18, 1D-1E Braemar Avenue
Kingston 10

Attention: Mr. Howard S. Mitchell, LL.M., Consultant

Dear Sirs/Mesdames:

Re: Report of Investigation Conducted into the Procurement of Goods, Works and Services by the Petroleum Company of Jamaica (PETCOM)

I write in acknowledgement of and further to your letter of the 8th instant in the captioned regard. Your letter was received in our Offices this morning, via facsimile. We note that you are acting on behalf of Ms. Barbara Clarke, the Chairperson of PETCOM.

Having carefully read your comments, I must respectfully advise that the Office of the Contractor General (OCG) reiterates and stands firmly behind each and every one of its Findings and Conclusions as are set out in the referenced Report.

We have noted, in particular, your statement, at the top of page two of your letter, to the effect that "these several instances of various training sessions are what you now erroneously describe as 'contracts' ...".

You went on to state that "... we are aware that your conclusions were no doubt arrived at on the basis of investigation but submit that the research was neither diligent nor thorough".

We would respectfully advise that you should confer, in the above regard, with the Ministry of Industry, Technology, Energy & Commerce (MITEC), particularly as it relates to the written representations which have been made by the Ministry to the OCG in its letter, dated October 13, 2006, at the hand of the Permanent Secretary of the Ministry, Dr. Jean A. Dixon.

We are attaching herewith, for your ease of reference, a copy of the said letter. You should note that the letter, which clearly challenges your positions and unequivocally supports and substantiates the findings of the OCG, was copied almost three (3) months ago to the Hon. Phillip Paulwell, Minister of Industry, Technology, Energy and Commerce, Dr. Ruth Potopsingh, Group Managing Director, Petroleum Corporation of Jamaica (PCJ), and Mr. Desmond Thomas, General Manager, PETCOM.

To date, despite the fact that the Ministry's representations to the OCG were made known to the referenced PCJ and PETCOM executives, they have not in any way been challenged, denied, refuted or contested by the PCJ or by PETCOM.



(2)

We have also taken note of your very surprising, but instructive, admission which speaks for itself and which substantiates the referenced findings of the OCG as they relate to your Client. You have stated that following an award of a contract, in 1998, by PETCOM, by way of tender, presumably to Ms. Clarke, “there was no other tender subsequently offered and Ms. Clarke in her capacity as Principal Officer of her Company was recalled on several other occasions to conduct training at various locations”.

Finally, you have stated that your “... client’s reputation and standing will suffer irreparable harm if the erroneous and misleading statements made in your Report are not amended. The more so since our Client has in writing since June 2006 withdrawn from **any** supply opportunity at PETCOM ...” (My emphasis).

We would wish to respectfully advise you that we have in our files, a copy of a letter, dated June 28, 2006, from Elegant Traders Ltd. to PETCOM, signed on behalf of your Client in her capacity as Managing Director of Elegant Traders Ltd. Contrary to what you have stated, this letter refers to the withdrawal, by Elegant Traders Ltd., of a single “Proposal for Customer Care Training for Service Station/Filling Plant Attendants which was submitted in February 2006 ...”.

If this is the letter to which you are referring, then we do not see how it can, by any stretch of the imagination, be elevated to a written “(withdrawal) from **any** supply opportunity at PETCOM”.

Very respectfully yours,

Greg Christie (Signed)

Greg Christie
Contractor General

Copy: The Hon. Phillip Paulwell, Minister of Industry, Technology, Energy and Commerce
Dr. Jean A. Dixon, PHD., MBA, Permanent Secretary, Ministry of Industry, Technology, Energy and Commerce
Mr. Desmond Thomas, General Manager, PETCOM
Dr. Ruth Potopsingh, Group Managing Director, PCJ

Enclosure

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LETTER #2

URGENT

January 9, 2007

Mitchell Hanson Law Offices
Attorneys at Law
Suite #18
1D-1E Braemar Avenue
Kingston 10

Attention: Mr. Howard S. Mitchell, LL.M., Consultant

Dear Sirs/Mesdames:

Re: Report of Investigation Conducted into the Procurement of Goods, Works and Services by the Petroleum Company of Jamaica (PETCOM)

We are in receipt of your faxed letter of even date. The same was written in response to ours of even date.

We regret to advise that we do not share your views and that it is the policy of the OCG not to be intimidated by, nor to respond to, threats. The OCG is prepared to, and will vigorously defend its Report.

It is the OCG's considered view that the issues which you have raised merit no further or any response as it believes that the Conclusions which have been reached in its Report are supported by its Findings and that its Findings can be adequately and credibly substantiated by the evidence which it holds. You should also recall that the entity subject of the OCG's investigation, as it relates to your Client, is Elegant Traders Ltd.

As regards the copy of your Client's letter, dated July 18, 2006, to the Honourable Minister, the OCG has noted for the record that you had not previously alluded to this letter in your own letter to us of the 8th instant. You will recall that you had, instead, referred the OCG to your Client's letter of "June 2006", a copy of which you have not seen it fit to produce.

Be that as it may, your Client's letter of July 18, 2006, which we have noted was not, on the face of it, formally brought by your Client to the attention of PETCOM, does not adversely impact the OCG's Findings or Conclusions. In point of fact, your Client's July 18, 2006 letter supports the OCG's "conflict of interest" perception Conclusions.

Indeed, while a copy of your Client's letter of June 28, 2006 was conveyed to the OCG by PETCOM, no mention was ever made of her letter of July 18, 2006 in any of the communications which the OCG to date has had with PETCOM, the Ministry and, most curiously, with your Client herself. Further, there was no mention of Ms. Clarke's July 18, 2006 withdrawal in the Observer report of September 8, 2006, despite the fact that her letter was purportedly written and submitted to the Honourable Minister some 7 weeks before.

In the premises, and in light of the Recommendation in our Report which is numbered one (1), we would respectfully encourage your Client, in the interim, to formally communicate her decision to the Board and Executive Management of PETCOM in the event that she or the Honourable Minister has not yet done so.



(2)

We would also respectfully encourage you, if you have not yet done so, to comprehensively apprise yourself of the contents of the Government Procurement Procedures Handbook, dated May 2001, and the subsequent revisions which have been made thereto.

We so respectfully advise.

Very respectfully yours,

Greg Christie (Signed)

Greg Christie
Contractor General

Copy: The Hon. Phillip Paulwell, Minister of Industry, Technology, Energy and Commerce, MITEC
Dr. Jean A. Dixon, PHD., MBA, Permanent Secretary, MITEC
Mr. Desmond Thomas, General Manager, PETCOM
Dr. Ruth Potopsingh, Group Managing Director, PCJ

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LETTER #3

VERY URGENT AND IMMEDIATE

January 15, 2007

Mr. Desmond Thomas
General Manager
Petroleum Company of Jamaica Limited (PETCOM)
695 Spanish Town Road
P.O. Box 331, Hagley Park P.O.
Kingston 11

Dear Mr. Thomas:

Re: Report of Investigation Conducted into the Procurement of Goods, Works and Services by the Petroleum Company of Jamaica (PETCOM)

We are in receipt of your faxed letter of January 12, 2007. The same was received in our Offices this morning.

We note the various positions which you have adopted in relation to the captioned Report. You have seen our two (2) letters of January 9, 2007 to Mitchell Hanson, the Attorneys at Law who are acting on behalf of Ms. Barbara Clarke, the Chairperson of PETCOM. Copies of these letters were sent to you and to other Public Officers, inclusive of the Hon. Phillip Paulwell, the Minister of Industry, Technology, Energy and Commerce (MITEC) and Dr. Jean A. Dixon, the Permanent Secretary of MITEC. The OCG reiterates its positions which are outlined therein.

The OCG unreservedly maintains that the Conclusions in its captioned Report of Investigation are supported by its Findings and that its Findings can be adequately and credibly substantiated by the evidence which it has garnered from its investigation and particularly from the unequivocal written representations which were made to it by MITEC, yourself and the other PETCOM representatives which are referenced in the Report.

We are obliged to note that there are several statements which you have made in your letter which are factually inconsistent with the OCG's Report and which cannot be credibly substantiated. It is our considered and respectful view that some of these statements are indicative of significant confusion on your part. They also demonstrate a lack of a proper understanding by you of the Government's Procurement Procedures Handbook (GPPH).

We would particularly like to bring to your attention the following numbered statements which appear in your letter:

Statement #1:

"The services of Elegant Traders Limited were retained (in) 1998 after a tender process".

The MITEC has represented to the OCG, in writing and by way of letter dated October 13, 2006, that Elegant Traders Limited was awarded several and separate contracts by PETCOM during the period which was investigated by the OCG, viz. January 2003 to August 2006. Absolutely no evidence was presented by you, PETCOM or MITEC, during the OCG's investigations, which purported in any way to link these contracts to any contract which was subsisting in 1998 or to prove that any of the contracts were put to competitive tendering. Please therefore fully substantiate your statement, as above, by providing the OCG with all requisite evidentiary documentation to prove that which you now assert.



(2)

Statement #2

“For the OCG to sum the various payments made to a contractor throughout the year and regard the aggregate amount as a contractual sum originally contemplated and made in breach of the Guidelines cannot be a just and reasonable application of the Guidelines ...Despite the Contractor General’s unjustifiably damning Report, PETCOM reiterates that it has not entered into a single contract over Four Million Dollars (\$4,000,000)”.

The OCG has aggregated no contract values. The Findings of the OCG, particularly as they relate to the award of contracts and contract values, can be fully substantiated by the written representations which have been made to the OCG by PETCOM and the MITEC. The assertions in your letter are, therefore, at odds with the written representations which were previously made by PETCOM and the MITEC. You cannot have it both ways!

As regards Statements #1 and #2, please be clear therefore that if you are now asserting that PETCOM and/or MITEC have made misrepresentations of fact to the OCG, then the OCG must now consider whether an investigation should be undertaken to determine whether PETCOM and/or MITEC, or persons acting on behalf of these Public Bodies, have committed a criminal offence under the provisions of Section 29 (a) of the Contractor General Act.

You may wish to note that Section 29 (a) provides that *“Every person who wilfully makes any false statement to mislead or misleads or attempts to mislead a Contractor General, ... in the execution of his functions under this Act, shall be guilty of an offence”.*

Statement #3:

“Contrary to the Report, PETCOM has a functioning and assertive Procurement Committee which meets regularly to review matters sent out for tender”.

As you are very much aware, PETCOM was unable to substantiate this assertion during the OCG’s investigation. In point of fact, on page 6 of the OCG’s Investigation Report, it is clearly stated that the veracity of your assertion *“could not be verified as there was no record of the Committee’s deliberations, or any evidence of Procurement Committee meetings being held”.*

In the premises, we would now require you to fully substantiate your statement by providing the OCG with all relevant documentation, inclusive of **all** PETCOM Procurement Committee Meeting minutes as they pertain to **every procurement** which was undertaken by PETCOM during the referenced period of January 1, 2003 and August 31, 2006. The documentation which must be provided by you must be in full compliance with the specific and expressed requirements of Section 1.5.2.3. of the GPPH.

Finally, we have also noted that throughout your letter, there are several unequivocal assertions which have been made by you as regards your interpretation of the GPPH. In these assertions, you have aggressively challenged the OCG’s interpretation of the GPPH. You have also stated that PETCOM’s *“Procurement Committee continues to observe the guidelines as prescribed in respect of the Procurement Process”.*

We are somewhat confused by all of this, particularly in light of the fact that by letter, dated the 12th instant, you have written to the OCG as follows:

“During a recent investigation of our procurement policies and procedures by the Contractor General’s Office, we were made aware that some of our procurement procedures were not in keeping with the Government’s policy on public sector procurement”.

“In an effort to ensure full compliance with the Government’s policy on public sector procurement, PETCOM would like to be better informed about all aspects of the Policy. Also, we wish to take advantage of any training or workshop being conducted by the OCG in respect of the Guidelines”.



(3)

“Our officers are available for exposure to the relevant training. It s our wish to conduct our business safely, efficiently and effectively, within the guidelines of the applicable Government policy and, as such, would like to be exposed to the training sessions without delay”.

“We are anxiously awaiting your prompt and positive feedback”.

In light of the obviously conflicting positions which you have expressed, we would be grateful if you would let us now know if PETCOM is still interested in securing, “without delay”, “exposure to the relevant training”, which the OCG can provide.

The OCG, notwithstanding, and consistent with the Recommendations which it has made in its Report of Investigation, forcefully maintains that PETCOM does in fact require this training and the OCG will, in the public’s interest, insist that its Recommendations are fulfilled.

With reference to the last two (2) paragraphs of your letter, we would also like to advise you that the National Contracts Commission (NCC) must not be confused with the Commission of the Contractor General. The NCC and the OCG are two (2) separate and distinct Commissions having separate and distinct statutory roles and functions.

The GPPH rules, which you have evidently found fault with, are promulgated not by the OCG, but by the NCC and the very Cabinet to which the Ministry of Industry, Technology, Energy and Commerce and the Public Bodies which fall under its portfolio, are subject.

The documentary evidence to substantiate that which you have asserted, must be provided to the OCG no later than noon on Wednesday, January 17, 2007.

Please be advised that the OCG stands fully by its Report and the Findings and Conclusions which are outlined therein, By copy of this letter to the President of the Senate and the Speaker of the House, we so respectfully advise.

Very respectfully,

Greg Christie (Signed)

Greg Christie
Contractor General

Copy: Senator The Honourable Syringa Marshall-Burnett, CD, President of the Senate
The Honourable Michael Peart, M.P., Speaker of the House of Representatives
The Hon. Phillip Paulwell, Minister of Industry, Technology, Energy and Commerce, MITEC
Dr. Jean A. Dixon, PHD., MBA, Permanent Secretary, MITEC
Dr. John Cooke, Chairman, PCJ Group
Dr. Ruth Potopsingh, Group Managing Director, PCJ

...MORE



LETTER #4

URGENT

January 17, 2007

Mr. Desmond Thomas
General Manager
Petroleum Company of Jamaica Limited (PETCOM)
695 Spanish Town Road
P.O. Box 331
Hagley Park P.O.
Kingston 11

Dear Mr. Thomas:

Re: Report of Investigation Conducted into the Procurement of Goods, Works and Services by the Petroleum Company of Jamaica (PETCOM)

We are in receipt of your faxed four (4) page letter of even date. The same is purportedly written in response to ours of the 15th instant. We are also in receipt of an attachment to your letter which is comprised of a total of ten (10) assorted pages.

Your letter of the 12th instant had raised a number of challenges to the captioned OCG Report. In our letter to you of the 15th instant, we conveyed to you that you had however failed to present any credible bases or justifications for your challenges. We went further and mandated you to provide to the OCG, before 12.00 Noon today, credible and sustainable evidence to substantiate that which you had asserted.

Having reviewed your 14 page response, it is our considered view that PETCOM has clearly embarked upon a deliberate and obfuscatory campaign to mislead the OCG, the media and the public. By your very own admission, PETCOM is now asking the OCG to accept that the written and unequivocally clear representations which it had previously made to the OCG, and upon which the OCG has founded its Findings, were, *inter alia*, "inaccurate" or were "inelegantly and erroneously presented".

More surprising, is that the counter stories which PETCOM is now seeking to have the OCG and the public accept, in place of the prior written representations which it had made to the OCG, are stories which are constructed upon thin air and which are wholly unsupported by even a shred of any discernable evidence.

We have noted, in particular, the following:

1. You have provided no evidence whatsoever of the contract which you have asserted was entered into between PETCOM and Elegant Traders Ltd. in 1998. We have now received two (2) letters from you in this matter and two (2) from Ms. Clarke's attorneys, all of which have relied substantially upon this alleged contract which no one has been able to produce for the OCG's examination and scrutiny.
2. Contrary to what was previously expressed, in writing, by you, you have now asserted that PETCOM, in 1998, entered into a contract with Barsam Ltd. and not with Elegant Traders Ltd.



(2)

3. More curiously, you have represented that “Barsam Limited is now Elegant Traders Limited”. You might wish to note that a check with the Office of the Companies Registrar lists these two (2) companies as separate and distinct corporate entities having separate and distinct shareholders. (Please see ORC attachments).
4. In the premises, you have therefore provided absolutely no evidence to challenge the OCG’s Findings that the contracts which were entered into between PETCOM and Elegant Traders Ltd., during the period of the OCG’s investigation, are indeed separate and distinct contracts at law. This was a Finding which is supported by written representations which were made on behalf of PETCOM to the OCG. Additionally, you have also failed to substantiate your new and erroneous claim that these contracts are not contracts but are instead “engagements” which are governed by an alleged but yet to be produced “1998” contract between PETCOM and Elegant Traders Ltd.
5. The OCG had directed you to the provisions of Clause 1.5.2.3. of the GPPH regarding the GPPH requirements for the establishment and operation of Procurement Committees by Public Bodies. You were directed to substantiate your counter-claim that “*contrary to the OCG’s Report, PETCOM has a functioning and assertive Procurement Committee which meets regularly to review matters sent out for tender*”.

You were specifically required “*to fully substantiate your statement by providing the OCG with all relevant documentation, inclusive of all PETCOM Procurement Committee Meeting minutes as they pertain to every procurement which was undertaken by PETCOM during the referenced period of January 1, 2003 and August 31, 2006. The documentation which must be provided by you must be in full compliance with the specific and expressed requirements of Section 1.5.2.3. of the GPPH*”.

Despite your pronouncements and the OCG’s demand of you to substantiate same, you have once again failed to do so. We note, in particular, that you have submitted all of nine (9) pieces of letter sized paper as your evidence of PETCOM’s compliance with Section 1.5.2.3 of the GPPH. These 9 sheets of paper are purportedly representative of PETCOM’s Procurement records for a three and one half year period and are represented to include records of all of the deliberations of PETCOM’s Procurement Committee, together with copies of all documentation which you have in your possession which relates to PETCOM’s procurement activities during the referenced period.

On pages 8 and 9 of the OCG’s Investigation Report, reference is made to four (4) contracts which are above \$4,000,000 in value. The Report inadvertently refers to “five (5) contracts”. The stated values of these contracts are the identical values which were provided, in writing, to the OCG by MITEC. On page 9 of the Report it was accurately stated by the OCG that these contracts “*should have been forwarded to the NCC for approval prior to award*”. You have, however, misconstrued the reference to these contracts as one which was directed to the 18 contracts which were awarded to Elegant Traders Ltd. and which are listed on page 5 of the Report as having an aggregated value of \$4,439,935.50.

The OCG must again reiterate, in no uncertain terms, what are its clear and unambiguous positions in this matter. Firstly, the Conclusions in its captioned Report of Investigation are fully supported by its Findings. Secondly, the OCG’s Findings can be adequately and credibly substantiated by the evidence which it has garnered from its investigation and particularly from the unequivocal and written representations which were made to it by MITEC, yourself, Ms. Barbara Clarke and the other PETCOM representatives which are referenced in the Report.

The OCG has provided you with every opportunity to substantiate your most recent claims and challenges to its Report. You have summarily failed to do so. In the premises, the OCG is compelled to unreservedly advise you that its Report stands and that it now regards this matter as closed.



(3)

We wish to be very clear, however, to advise you that the OCG reserves the right to determine if a criminal offence (or offences) has been committed under Section 29 of the Contractor General Act by PETCOM or by any Public Officer or person who has made representations to the OCG herein.

We so respectfully advise.

Very respectfully,

Greg Christie (Signed)

Greg Christie
Contractor General

Copy: Senator The Honourable Syringa Marshall-Burnett, CD, President of the Senate
The Honourable Michael Peart, M.P., Speaker of the House of Representatives
The Hon. Phillip Paulwell, Minister of Industry, Technology, Energy and Commerce, MITEC
Dr. Jean A. Dixon, PHD., MBA, Permanent Secretary, MITEC
Dr. John Cooke, Chairman, PCJ Group
Dr. Ruth Potopsingh, Group Managing Director, PCJ
Ms. Barbara Clarke, Chairperson, PETCOM

Enclosure

--END--

Contact: Claudia Williams
Communications Officer
Office of the Contractor-General
Tel: (876) 929-6460
Pvt: (876) 968-8061
E-mail: cwilliams@ocg.gov.jm