



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

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**URGENT AND IMMEDIATE**

December 24, 2012

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

Dear Mr. Grandison:

**Re: Gleaner Editorial entitled “A measured dialogue on procurement”**

Note is taken of an Editorial which was published in Monday’s edition of the Gleaner.

Kindly permit me to point out a material error, which was used to draw a conclusion concerning the Office of the Contractor General’s (OCG) position and posture regarding public procurement in Jamaica.

The Gleaner attributed the following statement to Minister Anthony Hylton, that "*The role of the OCG ... in the matter of contracting and procurement is one that is being currently looked at because it is clear that that has been part of the burden on the pace of business.*"

Thereafter, it was suggested, by the Gleaner, that the OCG characterised the foregoing statement as one which was “*careless and reckless*”.

To the contrary, the OCG, in its Media Release dated December 20, 2012, entitled “*OCG Responds to Statements Attributed to the Hon. Anthony Hylton*”, was responding to statements attributed to “*the Hon. Anthony Hylton, Minister of Industry, Investment and Commerce, in which he contended that arising from a Public Procurement Stakeholders Meeting, which was held on December 7, 2012, there is a ‘consensus among stakeholder groups’ that the OCG is a hindrance to economic development in Jamaica and that this conclusion was arrived at subsequent to consultations which included both the National Contracts Commission (NCC) and the OCG.*” (OCG’s Emphasis)

The above referenced is the specific statement which the OCG has characterised as “*careless and reckless*”, as (a) same did not convey the purpose and general posture of the meeting, and (b) the OCG, which was represented at the meeting, did not agree to any such conclusion. These are the facts.



While the Gleaner may disagree with the OCG's characterisation of the Minister's statement, the representation, which was an error in fact, should be corrected in the interest of fairness and balance, and to guard against misleading the public, especially since the OCG's Media Release, and appended letter, in this matter, which clearly explains its consternation, was sent to all media houses. The full content of the OCG's Media Release is published on its website at [www.ocg.gov.jm](http://www.ocg.gov.jm).

Contrary to the perceived conclusion of the Jamaica Gleaner's Editorial, the OCG wishes to place upon record that it welcomes and fully supports the revision of any Laws or the Government of Jamaica procurement guidelines/system, which is intended to balance probity with economic development, while strengthening the Government contracting process and preserving the fundamental tenets of transparency, value for money, accountability and equity of access, to all competent and qualified contractor.

Such a posture is clearly articulated in several OCG media releases and its Annual Reports, to which the Gleaner and the public has full access.

In the circumstances, the OCG welcomes the Gleaner's call for a broad base and holistic **fact finding** consultation at all levels, including the oversight bodies which are established to ensure probity in Government transactions. The OCG posits that any such fact finding exercise should also include and consider the findings of the OCG's past intervention in certain Government transactions and Contractor Registration matters, and the rationale for same.

However, while the settled laws, guidelines and regulations remain unchanged, the OCG, as a creature of statute, must and will enforce same without fear and favour, until they have been reviewed and revised, consistent with the desires of the Government and/or the Parliament of Jamaica.

The OCG has long maintained that it is the Government which promulgates the policies, rules and regulations concerning the award of Government contracts. The question which therefore arises is at what stage does upholding the law become characterised as an impediment to economic development? Is it the Gleaner's view that in enforcing the settled law, and/or the guidelines, which have been promulgated to protect the Interest of the People of Jamaica, by an Institution such as the OCG, that same is tantamount to going too far and being stifling?

With the utmost respect, the OCG asks that the clarification of the misleading representation be published in similar form as your Editorial today, in the interest of balance and fairness.

Very respectfully yours,

Craig Beresford (Signed)

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Mr. Craig Beresford  
**Acting Contractor General**