



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

No. :

TELEPHONE No.:876-929-8560/6466

FAX No. : 876-929-2476

E-mail: communications@ocg.gov.jm

OFFICE OF THE CONTRACTOR-GENERAL

PIOJ Building

16 Oxford Road

P.O. BOX 540

KINGSTON 5

JAMAICA, W.I

MEDIA RELEASE

OCG Issues Statutory Requisition to Government's 'Independent' Oversight Panel (IOP)

Kingston; May 14, 2012 – The Office of the Contractor General (OCG), acting under the expressed powers that are reserved to it by the Contractor General Act, has today issued a Statutory Requisition to the recently established Government '**Independent' Oversight Panel (IOP)** requiring it, among other things, to routinely submit to the OCG, formal written reports outlining the material particulars of all of its deliberations and communications.

The IOP has also been required to regularly furnish to the OCG, in arrears, copies of all of the reports which it will submit to the Ministry of Transport, Works and Housing and the Cabinet.

The IOP has been further mandated to advise the OCG how it will discharge its assigned functions, and how and in what manner it proposes to liaise with, and secure the required approvals of, the Ministry's Permanent Secretary who, by law and by virtue of the provisions of the Financial Administration and Audit (FAA) Act, is the Accounting Officer for all Government contract awards and expenditures which fall within the purview of the Ministry of Transport, Works and Housing.

The establishment of the IOP was announced in Parliament on April 24, 2012, by Dr. the Hon. Omar Davies, the Minister of Transport, Works and Housing.

The IOP, according to the Minister, was established to oversee the contract negotiation, award and/or implementation processes which are expected to be associated with three (3) major US multi-million dollar investment projects – the North-South Link of Highway 2000, the Gordon Cay Container Trans-shipment Hub, and the Fort Augusta Container Terminal.

The OCG's Requisition, dated today, May 14, 2012, was issued directly to Professor the Hon. Gordon Shirley, the Hon. R. Danny Williams, and Mr. Everton McDonald – the three (3) men who have reportedly agreed to form the IOP.

Section 4 (1) (a) of the Contractor General Act expressly mandates a Contractor General, under oath, and on behalf of the Parliament of Jamaica, 'to ensure that Government contracts are awarded impartially and on merit, and in circumstances that do not involve impropriety or irregularity, and also to ensure that the said contracts are implemented in accordance with their terms'.



“To the extent, therefore, that the Hon. Minister has inserted the IOP into a Government contract negotiation, award and/or implementation process, the OCG, without prejudice to the questions which have been raised regarding the legality of the IOP’s terms of reference, is now duty bound, under the law, to not only monitor, but also to investigate, where it considers appropriate, the IOP’s activities and interventions in so far as the three (3) named investment projects are concerned”, said Contractor General, Greg Christie.

The OCG expects that the IOP will fully cooperate with the terms of the OCG’s Requisition.

Section 29 (a) and (b) of the Contractor General Act makes it a criminal offence for any person to mislead a Contractor General, or, without lawful justification or excuse, to obstruct, hinder or resist a Contractor General in the execution of his functions, or to fail to comply with any lawful requirement of a Contractor General under the Contractor General Act.

The OCG, which is an Independent Anti-Corruption Commission of the Parliament of Jamaica, being the duly constituted Government contract monitoring and investigating authority under the law, and having the powers of a Judge of the Supreme Court of Jamaica, intends to continue in the diligent, dispassionate and lawful discharge of its statutory mandate to ensure probity, propriety, transparency, accountability and value for money in the country’s Government contracting processes.

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Contact: The Communications Department, Office of the Contractor General of Jamaica
C/o Craig Beresford, Senior Director of Monitoring Operations, Corporate Communications and Special Projects
E-mail: communications@ocg.gov.jm. Tel: 876-929-8560; Direct: 876-926-0034; Mobile: 876-564-1806