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MEDIA RELEASE

CONTRACTOR GENERAL FORMALLY REFERS 45 DELINQUENT PUBLIC BODIES TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Kingston, March 21, 2007 – Contractor General, Greg Christie, has now formally referred the names of 45 delinquent Public Bodies to the Director of Public Prosecutions (DPP) for their failure to comply with a July 11, 2006 Requisition from his Office.

The Requisition, which was directed to the Principal and/or Accounting Officers of approximately 190 Public Bodies, had required them to submit to the Office of the Contractor General (OCG), among other things, a 2006 4th Quarter Contract Award (QCA) Report by January 31, 2007.

A failure by any person, without lawful justification or excuse, to comply with a lawful requirement of a Contractor General, constitutes a criminal offence under Section 29 of the 1983 Contractor General Act.

In the referral which is dated March 21, 2007, the Contractor General has advised the DPP that as at March 16, 2007, 13 of the 45 delinquent Public Bodies had still not submitted their 2006 4th Quarter QCA Reports to the OCG. March 16, 2007 was the last business day preceding the date that the OCG commenced the finalization of its referral to the DPP.

The other 32 delinquent Public Bodies, Mr. Christie said, had submitted their 2006 4th Quarter QCA Reports to the OCG but had done so after the specified January 31, 2007 deadline date and before the ending of March 16, 2007.

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The Contractor General, in making his referral to Mr. Kent Pantry, the Director of Public Prosecutions, has emphasized that the OCG recognizes, respects and fully accepts his constitutional authority to proceed in the matter as he alone, in his discretion, may deem fit.

The referral, which includes formal statements to substantiate the case against each of the 45 Public Bodies, comes after a number of consultations and meetings which were held between the DPP's Office and the OCG over the past 7 weeks. It is the first such referral by the OCG in its 20 year history.

Mr. Christie, in outlining the case against delinquent Public Bodies and their Officers generally, has argued that the public interest and the rule of law demand that they should be held accountable.

He said that if Public Bodies continued to unlawfully refuse to provide the OCG with critical information regarding their award of Government contracts, then the whole purpose of having a Commission of the Contractor General, as a part of the country's anti-corruption institutional framework, would be defeated.

"If the OCG is to (a) prevent corruption in Government procurement, (b) ensure compliance with the Government's own procurement procedures and (c) bring increased probity and transparency to the contract award process, then it is imperative that all Public Bodies and their Officers must be made to comply with its lawful requisitions", Mr. Christie said.

In an effort to combat what he has characterized as a systemic and culturally embedded problem which is currently facing the OCG's contract monitoring and investigation operations, the Contractor General had previously announced his implementation of a Zero Tolerance policy with respect to Public Bodies and Officers who continued to ignore the requisitions of his Office.

On October 30 of last year, he had issued a formal warning of prosecution directly to the Principal and/or Accounting Officers of approximately 190 Public Bodies. Among the Public Bodies which were then warned, are the 45 which are now being referred to the DPP for delinquency.

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Prior to the warning, several efforts by the OCG to secure Government contract award information from Public Bodies had gone unheeded. The issue is one which has been highlighted in the official reports of the OCG and it has also been the subject of complaints by successive Contractors General.

The principal functions of the Contractor General are to monitor the award and implementation of Government contracts with a view to ensuring (a) that such contracts are awarded impartially and on merit, (b) that the circumstances in which such contracts are awarded or terminated do not involve impropriety or irregularity and (c) that the implementation of such contracts conforms to the terms thereof.

The Contractor General is also mandated to monitor the grant, issue, suspension or revocation of any prescribed Government licence. Additionally, he is empowered to conduct investigations into certain matters, such as the registration of contractors, tender procedures, contract awards and the grant of licences.

The names of the 45 delinquent Public Bodies which the OCG has formally referred to the DPP are listed below in alphabetical order. Names with an asterisk are intended to identify the 13 Public Bodies which, as of March 16, 2007, had still not submitted a 2006 4th Quarter Contract Award Report to the OCG.

1. Accountant General's Department
2. Agricultural Credit Board
3. Attorney General's Department
4. Banana Board
5. Bank of Jamaica
6. Bellevue Hospital*
7. Clarendon Parish Council*
8. Coffee Industry Board
9. Department of Correctional Services
10. Development Bank of Jamaica*
11. Edna Manley School of the Visual and Performing Arts*
12. Fiscal Services Limited

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13. G.C. Foster College of Physical Education
14. Jamaica Business Development Centre
15. Jamaica Information Service
16. Jamaica Promotions Corporation (JAMPRO)
17. Jamaica Racing Commission
18. Jamaica Railway Corporation
19. Maritime Authority of Jamaica*
20. Meteorological Department
21. Ministry of Agriculture and Lands
22. Ministry of Foreign Affairs and Foreign Trade
23. Ministry of Industry, Technology, Energy and Commerce
24. Ministry of Labour and Social Security*
25. Ministry of Local Government and Environment
26. Ministry of Tourism, Entertainment and Culture
27. National Council on Drug Abuse
28. National Council on Education
29. National Irrigation Commission Ltd.
30. National Works Agency*
31. Office of Disaster Preparedness and Emergency Management*
32. Office of the Parliamentary Counsel*
33. Petrojam Limited
34. Planning Institute of Jamaica
35. Portland Parish Council*
36. Rural Electrification Programme
37. Social Development Commission
38. St. Catherine Parish Council*
39. St. James Parish Council*
40. St. Mary Parish Council
41. Sugar Industry Authority*
42. Tax Administration Services Department
43. Tourism Product Development Company
44. Transport Authority
45. Water Resource Authority

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