



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

ALLEGED JUTC BOARD REPORT CONTRADICTS SWORN EVIDENCE – OFFICE OF THE CONTRACTOR GENERAL RE-OPENS INVESTIGATION TO DETERMINE IF REFERRALS FOR PERJURY SHOULD BE MADE

Kingston; December 10, 2008 – The Office of the Contractor General (OCG) has re-opened its Investigation into the award of contracts by the Jamaica Urban Transit Company (JUTC) with the intention of determining whether it should make formal referrals to the Director of Public Prosecutions (DPP) for criminal proceedings to be instituted against one or more of the company’s directors and officers for perjury.

The OCG’s decision follows the reported tabling of a JUTC Board of Directors’ report in the House of Representatives yesterday, December 9, 2008, in which it was alleged that certain representations were made that the JUTC had convened ten (10) procurement committee meetings between November 2007 and July 2008.

These alleged representations have comprehensively contradicted the statutory and written declaration that was made to the OCG by former JUTC Director and Procurement Committee Chairman, Mr. Bindley Sangster, that only one (1) procurement committee meeting was convened by the company between August 2007 and August 2008.

Mr. Sangster’s written testimony to the OCG, was declared, on August 27, 2008, before a Justice of the Peace to be **“true”** and was made under the pain of criminal prosecution under the Voluntary Declarations Act, Section 8 of the Perjury Act and Section 29 of the Contractor General Act.

On July 30, 2008, Mr. Sangster was asked the following question by the OCG: **“Please provide a copy of the Minutes of all (JUTC) Procurement Committee Meetings which were held between 1 August 2007 and present”**.

The verbatim response that was provided by Mr. Sangster was as follows: **“One meeting of the (JUTC) Procurement Committee has been held since 1 August 2008. Copy of the minutes attached”**.



Mr. Sangster's assertion as to "since 1 August 2008" clearly appears to be a typographical error which should have read "1 August 2007". This is incontrovertibly evidenced by the fact that (a) he was expressly asked to provide an answer in relation to a period which commenced on "1 August 2007" and, (b) the "Notes from Procurement Meeting" which was submitted by Mr. Sangster to the OCG, in support of his declaration, clearly indicates that the sole Procurement Committee Meeting to which he had alluded was convened on February 26, 2008.

The OCG is interested in receiving a satisfactory explanation for the discrepancy and to learn from Mr. Robin Levy, the JUTC's Board Chairman, how the JUTC could have convened and conducted nine (9) procurement committee meetings without the knowledge or participation of the committee's chairman, Mr. Sangster. Mr. Sangster, in his sworn testimony to the OCG had asserted that he was "a Member of the Board and Chairman of the Procurement Committee of the Jamaican Urban Transit Company Limited (JUTC) from and since (sic) day of October 2007".

The OCG will also seek to determine how the JUTC Board could have credibly asserted that Mr. Sangster was allegedly unaware of the inaccuracy of the particulars which were declared in the JUTC's 2008 2nd Quarter QCA Report that he had signed.

The Board's alleged assertion is startling since, at all material times, Mr. Sangster was the chairman of the JUTC's procurement committee and therefore had the where-with-all to know if the contract to Simber Productions Limited had in fact been approved by the company's procurement committee as the QCA Report had falsely represented.

As many as twenty (20) officers and employees of the JUTC, inclusive of the company's Board members, the members of its Procurement Committee and its senior management staff, were formally requisitioned by the OCG to provide written testimony in the form of sworn statutory declarations.

Like the testimony of Mr. Bindley Sangster, the testimonies of the 20 respondents were required to be declared before a Justice of the Peace to be "complete, accurate and truthful". It is on the basis of these and other sworn statements that the OCG has arrived at its Findings and has produced its Investigation Report in this matter.

The OCG is also puzzled as to how the JUTC Board and its senior management officers could have uncovered in one (1) night other JUTC contracts which they allege were associated with the late Mr. Douglas Chambers when they were unable to do so during the entire course of the OCG's five (5) month long Investigation.



To ensure beyond a shadow of a doubt that all 20 JUTC Respondents were afforded with the opportunity to provide any and all information which was germane to the OCG's Investigation, above and beyond the answers that they had given in response to the specific questions that were posed to each of them, they were all asked the following verbatim question:

“Are you aware of any additional information which you believe could prove useful to this Investigation or is there any further statement in regard to the Investigation which you are desirous of placing on record? If yes, please provide full particulars of same.”

However, despite being asked this question, no specific or conclusive information was forthcoming to the OCG from any of the JUTC Respondents about the additional contracts which the JUTC Board has now claimed that it has uncovered.

Additionally, the Acting Permanent Secretary of the Ministry of Transport and Works was specifically asked by the OCG, on July 8, 2008, to provide **“particulars of any (JUTC) contracts which may have been awarded to Mr. Douglas Chambers or to any entity in which Mr. Chambers is a director, a partner, a shareholder and/or an associate”**. The Acting Permanent Secretary's verbatim answer to this question was **“There is no contract in place. However, the late Chairman, Mr. Douglas Chambers was associated with Simber Productions Limited.”**

It should also be recalled that Minister Mike Henry, the Minister of Transport and Works and portfolio Minister for the JUTC, was quoted in a July 13, 2008 Gleaner Newspaper article as stating as follows: **“internal investigations at the company have so far found nothing untoward in respect of the procurement practices there.”**

The OCG fully stands by the Findings that are outlined in its Report of Investigation into the award of contracts at the JUTC. The OCG wishes to publicly warn all relevant parties that where it appears that a false statement has been willfully made to the Contractor General in the course of the conduct of the referenced Investigation, that person will be formally referred to the DPP for prosecution for the criminal offence of perjury or for making a false statement to mislead a Contractor General.

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Contact: Dale Austin, Communications Officer, Communications Department, Office of the Contractor-General, E-mail: communications@ocg.gov.jm; Telephone: (876) 929-6460; Facsimile: (876) 929-2476