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## **Report of Investigation**

**Concerning Allegations of Impropriety and  
Procurement Irregularities at the National Education  
Trust (NET)**

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**INTEGRITY COMMISSION**  
**March 2025**



This Publication until tabled in Parliament shall be confidential.

Sections 55 (4) and (5) of the Integrity Commission Act states:

"(4) Anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Commission under this Act, shall be absolutely privileged in the same manner as if the investigation or proceedings were proceedings in a court of law.

(5) For the purposes of the Defamation Act, any report made by the Commission under this Act and any fair and accurate comment thereon shall be deemed to be privileged."

Section 56 of the Integrity Commission Act states:

"Subject to section 42(3)(b), every person having an official duty under this Act, or being employed or otherwise concerned in the administration of this Act (hereinafter called a concerned person) shall regard and deal with as secret and confidential, all information, statutory declarations, government contracts, prescribed licences and all other matters relating to any matter before the Commission, except that no disclosure made by the Commission or other concerned person in the proceedings for an offence under this Act or under the Perjury Act, by virtue of section 17(2) of that Act, shall be deemed inconsistent with any duty imposed by this subsection.

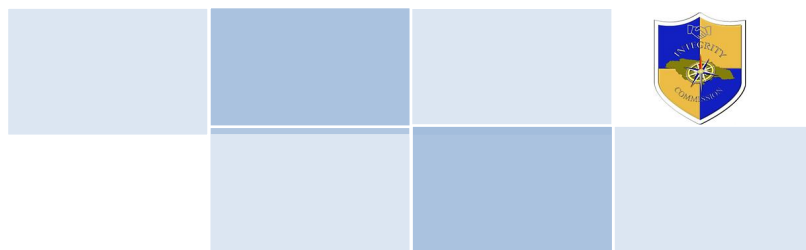
(2) The obligation as to secrecy and confidentiality imposed by this section, in relation to any documents, or information obtained under this Act continues to apply to a person despite the person having ceased to have an official duty, be employed or otherwise concerned in the administration of this Act.

(3) Every concerned person who is required under subsection (1) to deal with matters specified therein as secret and confidential who at any time communicates or attempts to communicate any such information, declaration, letter and other document or thing referred to in subsection (1) disclosed to him in the execution of any of the provisions of this Act to any person —

- (a) other than a person to whom he is authorized under this Act to communicate it; or
- (b) otherwise than for the purpose of this Act,

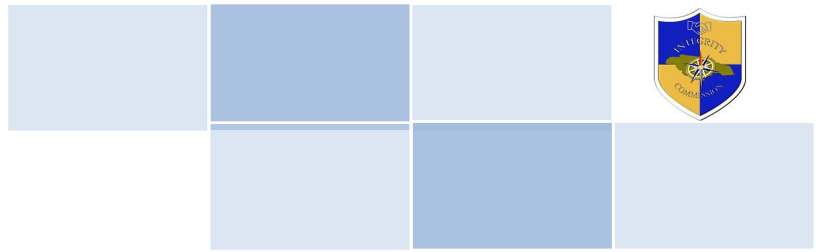
commits an offence and shall be liable on summary conviction in a Parish Court to a fine not exceeding one million dollars or to a term of imprisonment not exceeding one year.

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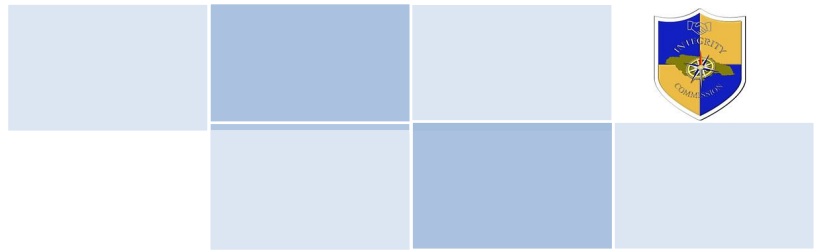


## Chapter 1 – Introduction

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### 1.0 Executive Summary

- 1.1 This Investigation Report concerns allegations of impropriety, forgery and procurement irregularities at the National Education Trust (hereinafter referred to as NET).
- 1.2 The report outlines the findings of the investigation around allegations of procurement impropriety and fraud at NET, particularly, that a Request for Quotation (RFQ) was sent to a supplier by the then Executive Director, NET, bearing the Procurement Manager's signature, without the Procurement Manager's knowledge and/or consent.
- 1.3 During the course of the investigation, breaches of the procurement law, Regulations and established procurement procedures were identified. Recommendations are contained herein towards preventing a reoccurrence.



## Chapter 2 – Background

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2.1 This chapter sets out the background information concerning the investigation, jurisdiction, allegations and the individuals pertinent to the investigation.

### Initiation of Investigation

2.2 On April 14, 2022, the Director of Investigation (DI) commenced an investigation into allegations of impropriety, forgery and procurement irregularities, in the engagement of a supplier by NET.

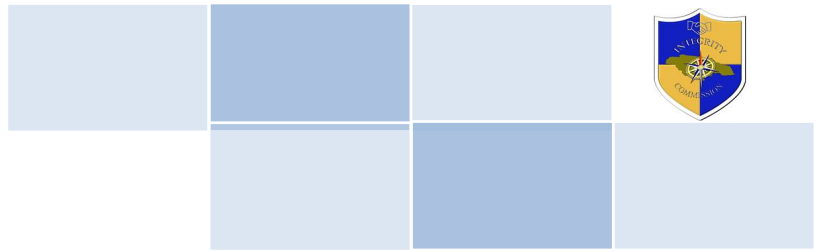
### Jurisdiction

2.3 **Sections 33(1) and 52** of the ***Integrity Commission Act*** empowers the DI to investigate allegations involving acts of corruption or non-compliance with the provisions of the legislation, as well as, the award, implementation or termination of any government contract.

### Allegations

2.4 In a media article entitled “*Executive Director of National Education Trust Sent on Precautionary Leave*” published on November 12, 2021 by Nationwide News Network, it was alleged that:

- a) “... a decision has been made to send Executive Director of the National Education Trust, NET, Marcia Phillips Dawkins, on precautionary leave”; and
- b) “The decision has been made to facilitate a probe into concerns about fiduciary affairs at the entity”.



2.5 Further, a Jamaica Gleaner media article entitled “National Education Trust head maintains innocence amid probe” published on November 16, 2021, it was further alleged that:

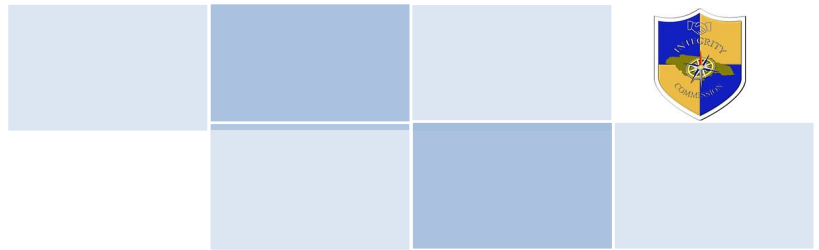
- a) *“Senior attorney-at-law Anthony Williams says Executive Director of the National Education Trust (NET), Marcia Phillips Dawkins, who was sent on precautionary leave this month, is prepared to clear her name;*
- b) *According to Williams, Phillips Dawkins has not been informed of the allegations being made against her; and*
- c) *She is maintaining her innocence and will be defending her innocence and integrity”*

2.6 Additionally, on April 6, 2022, the DI received referral from the Director of Information and Complaints. The referral, among other things, reiterated the contents of the media articles outlined above.

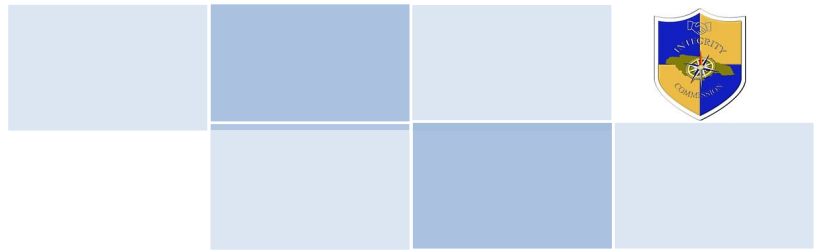
### **Individuals Pertinent to the Investigation**

2.7 The following persons were considered pertinent to the investigation:

- (a) Mrs. Latoya Harris Gharthey – Executive Director, NET;
- (b) Ms. Suewayne Miller – Procurement Manager, NET;
- (c) Ms. Cassandra Anderson – Director of Legal Affairs and Company Secretary, NET;
- (d) Ms. Dacia Wilmott – Procurement Officer, NET;
- (e) Ms. Yvonne Brown – Project Coordinator, NET;
- (f) Ms. Lorie Harris – Procurement Officer, NET;



- (g) Mrs. Marcia Phillips Dawkins – Former Executive Director, NET;
- (h) Mr. Tyrone Anderson – Senior Director, Information Communication and Technology (ICT), Ministry of Education and Youth; and
- (i) Mr. Mark Wedderburn – Chief Executive Officer, Development Consortium International Limited.



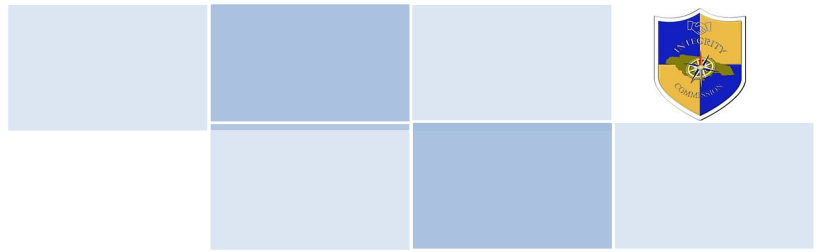
## Chapter 3 – Terms of Reference

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3.0 The DI sought to establish the following:

- 3.1 The circumstances under which Mrs. Marcia Phillips Dawkins, former Executive Director, NET (hereinafter referred to as Mrs. Phillips Dawkins), was sent on Precautionary Leave;
- 3.2 The veracity of the allegation that Mrs. Marcia Phillips Dawkins fraudulently affixed the signature of the then Procurement Manager, Ms. Suewayne Miller, to an RFQ directed to a supplier;
- 3.3 Whether there were any breaches of the **Public Procurement Act, Public Procurement Regulations, Corruption Prevention Act, Forgery Act, Integrity Commission Act**, and/ or any other applicable legislation or policies; and
- 3.4 Whether recommendations ought to be made in respect of the subject matter.



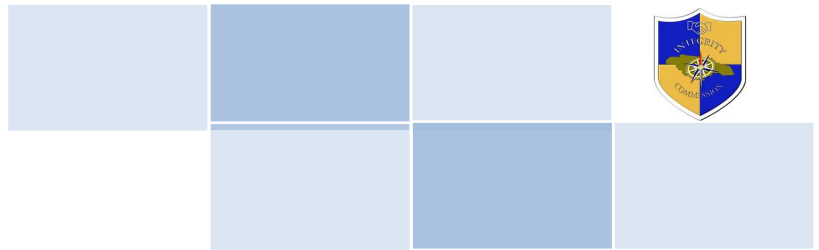


## Chapter 4 – The Investigation

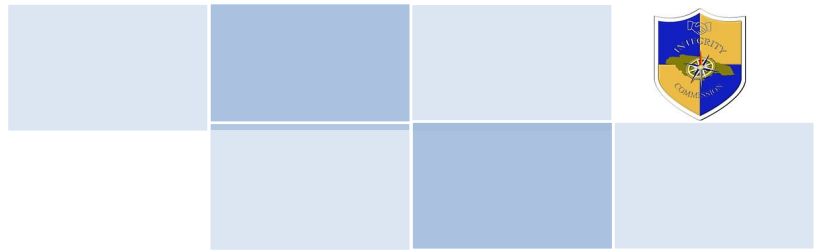
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4.0 The following actions were taken during the course of the investigation:

- a) during the period April 20, 2022 to November 4, 2024, eight (8) Notices were dispatched to persons who were deemed pertinent to the investigation;
- b) during the period July 21, 2022 to November 15, 2024, eight (8) witness statements were recorded and/or received from individuals, who were deemed pertinent to the investigation;
- c) on August 24, 2022, one (1) Judicial Hearing was conducted;
- d) on February 14, 2023, one (1) Interview pursuant to Judges Rule 2, was conducted;
- e) between September 30, 2022 and August 14, 2024, electronic records from the Ministry of Education and Youth and the National Education Trust were retrieved and analysed;
- f) a review and analysis of documentation and responses pertaining to the allegations of fraud and procurement Irregularities was undertaken; and



- g) A review of the ***Integrity Commission Act, Forgery Act, Corruption Prevention Act, Public Procurement Act*** and the ***Public Procurement Regulations (2018)*** and other relevant legislation and policies was undertaken.



## Chapter 5 – Law, Policy, Evidence and Discussion of the Findings

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5.0 This chapter sets out the applicable law/policies, evidence, findings and discussion in respect of the investigation.

### **Circumstances Surrounding the Precautionary Leave Arrangement for Mrs. Marcia Phillips Dawkins**

5.1 Having regard to the allegation that Mrs. Phillips Dawkins was sent on Precautionary Leave by NET's Board, the DI sought to ascertain the circumstances which led to this. In so doing, the DI perused a letter dated November 08, 2021, from Mr. Ryan Reid, Chairman, NET addressed to Mrs. Maureen Dwyer, Permanent Secretary (Acting), Ministry of Education, Youth (hereinafter referred to as MoEY), captioned "*Request for an urgent meeting to discuss matters of grave concern at the National Education Trust Limited*"<sup>1</sup>. The letter stated, *inter alia*, the following:

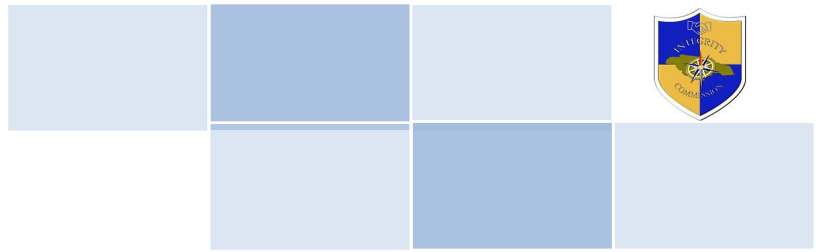
*"The Board of the National Education Trust Limited (NET) wishes to place on record that matters of grave concern relating to NET has been brought to its attention.*

*With this in mind the Board is seeking an urgent meeting with you to discuss and agree to the terms and conditions to have the matter fully investigated in accordance with the established procedure."*<sup>2</sup>

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<sup>1</sup> Statement of Latoya Harris dated April 4, 2023, Appendix LH8

<sup>2</sup> Ibid



5.1.1 Further to the foregoing, the DI reviewed another letter dated November 11, 2021, from Mr. Ryan Reid addressed to Mrs. Maureen Dwyer, captioned *“Board Decision to send the Executive Director of the National Education Trust Limited on Precautionary Leave with immediate effect pending the results of an investigation into allegations of Fraud<sup>3</sup>”*. The letter stated, *inter alia*, the following:

*“The Board of the National Education Trust Limited (NET) wishes to inform that at its meeting held on November 11, 2021, the Board voted unanimously for the Executive Director of NET, Ms. Marcia Phillips Dawkins to be sent on Precautionary Leave (with full pay), with immediate effect, pending the results of an investigation into allegations of fraud committed during the execution of her duties at NET.”<sup>4</sup>*

5.1.2 The DI then perused a letter dated November 17, 2021, addressed to Mrs. Maureen Dwyer from Ms. Latoya Harris, Acting Executive Director, NET captioned *“Board Decision to send the Executive Director of the National Education Trust Limited on Precautionary Leave with immediate effect pending the results of an investigation into allegations of Fraud”<sup>5</sup>*. The referenced letter detailed *“the alleged infraction that was reported to the Board of Directors”<sup>6</sup>* and contained segments of email correspondence between Mrs. Phillips Dawkins and Ms. Suewayne Miller to support the allegations of fraud.

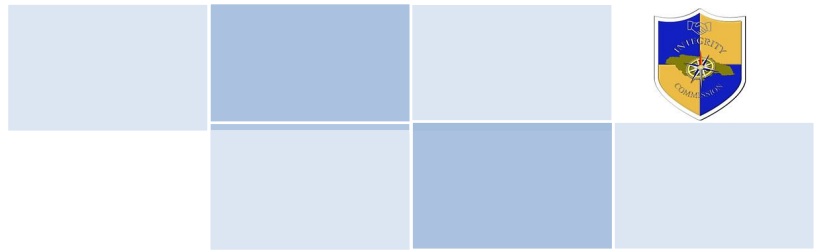
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<sup>3</sup> Statement of Latoya Harris dated August 12, 2022, LH6

<sup>4</sup> Ibid

<sup>5</sup> Statement of Latoya Harris dated April 05, 2023, LH9

<sup>6</sup> Ibid



5.1.3 The DI notes that the terms of Mrs. Phillips Dawkins' engagement with NET was by way of a secondment contract. This contract expired on December 31, 2021. Consequent on the foregoing, the DI enquired whether said contract was renewed. In the foregoing regard, the DI perused a letter dated February 21, 2022, from Mr. Ryan Reid addressed to Mrs. Phillips Dawkins captioned *"Notification of non-renewal of Employment Contract"*.<sup>7</sup> The letter stated, *inter alia*, the following:

*"The Board of the National Education Trust Limited (NET) wishes to inform you that your employment as Executive Director of NET came to an end on December 31, 2021. This letter provides written notice to you that your contract of employment will not be renewed."*<sup>8</sup>

5.1.4 The DI then sought to ascertain whether an investigation was conducted by the MOEY and/or the NET in relation to the alleged fraudulent use of the Procurement Manager's signature. By way of statement dated April 04, 2023, Ms. Latoya Harris, indicated that *"No internal probe and/or investigation were initiated at NET"*<sup>9</sup>. Notwithstanding the foregoing, Ms. Harris indicated *"...that the procurement of a consultant to provide forensic audit services regarding the matter is in progress."*<sup>10</sup>

5.1.5 Proceeding onwards with his enquiries, the DI examined a letter dated April 04, 2022, addressed to Mr. Ryan Reid from The Honourable Fayval Williams,

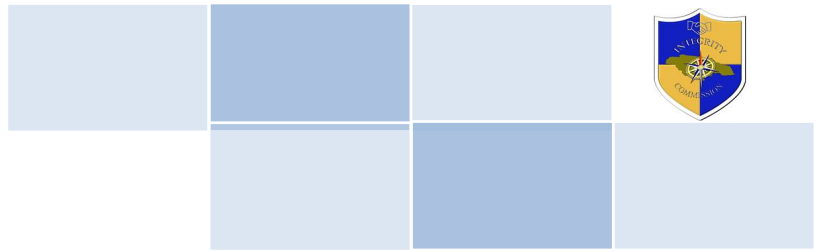
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<sup>7</sup> Statement of Latoya Harris dated April 05, 2023, LH7

<sup>8</sup> Ibid

<sup>9</sup> Statement of Latoya Harris dated April 05, 2023

<sup>10</sup> Statement of Latoya Harris dated April 05, 2023



MP, Minister of Education and Youth. The letter stated, *inter alia*, the following:

*"I understand that the Ministry of Education and Youth (MoEY) has not initiated an investigation into the allegations regarding the fraudulent use of the signature of the prior Procurement Manager of the National Education Trust (NET) to effect a tender.*

*In the interest of fairness, natural justice and good governance, I ask that the Board initiates an investigation so that the facts of the matter can be properly and impartially documented, thus allowing any required action to be taken in whichever direction the investigation points."*<sup>11</sup>

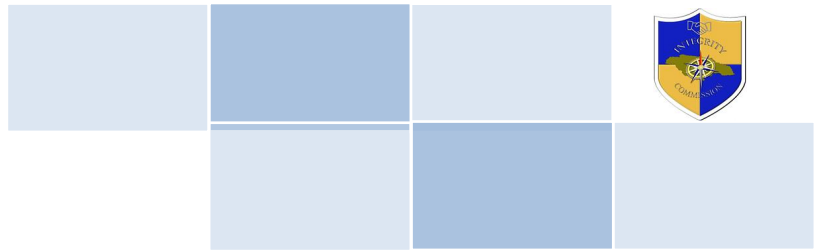
5.1.6 The DI also perused a letter dated April 22, 2022, which was addressed to Mrs. Dwyer, from Mr. Ryan Reid captioned "Request for confirmation from the Ministry of Education and Youth to cover the cost for the Board of the National Education Trust to initiate the investigation".<sup>12</sup> The referenced letter stated, *inter alia*, the following:

*"The Board of the National Education Trust Limited (NET) had previously informed you that the Minister of Education and Youth has instructed that the Board initiate the investigation into the alleged use of the former Procurement Manager's signature by the former Executive Director.*

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<sup>11</sup> Statement of Latoya Harris dated April 05, 2023, Attachment LH10

<sup>12</sup> Statement of Latoya Harris dated April 05, 2023, Attachment LH10A



*As a consequence of this directive, the board wishes to confirm that the costs to conduct the investigation will be borne by the Ministry of Education and Youth.”<sup>13</sup>*

5.1.7 Mr. Ryan Reid, advised the DI, by way of a statement dated May 1, 2024, *inter alia*, that:

*“The firm Ernst & Young Services Limited has been engaged by the NET Board for the provision of consulting services for forensic investigation to determine if apparent irregularities concerning certain aspects of the National Education Trust Limited (NET's) procurement activities during the period February 1, 2021 to December 31, 2021, rise to the level of misconduct or fraud.*

*...*

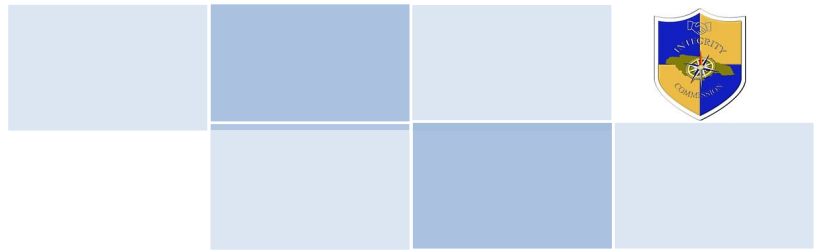
*The draft report on the findings of the investigation are to be presented to the Board for review at its Board meeting on May 02, 2024.”<sup>14</sup>*

5.1.8 Accordingly, the DI enquired after the findings of the referenced audit, which were presented in draft. The DI having reviewed said findings can confirm that an Audit was executed in respect of the circumstances (allegations of procurement irregularities and fraudulent activities) which lead to Mrs. Phillips-Dawkins being sent on precautionary leave. For obvious reasons, the DI makes no comment on those draft findings except to say that there is nothing contained therein that would alter the course of this enquiry in any substantial way.

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<sup>13</sup> Ibid

<sup>14</sup> Statement dated May 1, 2024, of Ryan Reid, Chairman of National Education Trust (NET) Board



## **The Circumstances Surrounding the Dissemination of an RFQ allegedly signed by the Procurement Manager**

5.2 Respecting the allegation that Mrs. Phillips Dawkins, fraudulently affixed the signature of the Procurement Manager, to an RFQ for engagement of a supplier, without her knowledge or approval, the DI sought to ascertain the process that was utilized by NET, which led to the engagement of a supplier, under the Restricted Bidding/Limited Tender - RFQ regime.

5.2.1 **Section 2(c)** of the **Public Procurement (Amendment) Act, 2018**, defines restricted bidding as a *"bidding process in which a limited number of suppliers are invited to bid"*.

5.2.2 **Section 25E** of the aforementioned **Public Procurement (Amendment) Act, 2018**, states, *inter alia*, as follows:

“

...A procuring entity may engage in procurement by means of a request for quotations for readily available goods, works or services-

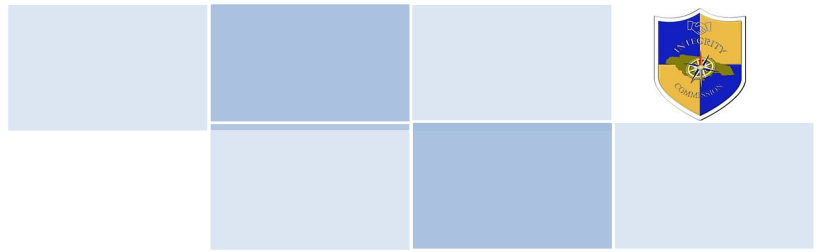
(a) that are specifically produced or provided to the particular description of the procuring entity; and

(b) For which there is an established market.

(2) Procurement by means of a request for quotations shall be-

(a) limited to procurement by way of restricted bidding; and





*(b) utilized in the case of a selection criteria based primarily on price.”*

5.2.3 As it relates to the rules surrounding the number of bidders that must be invited to participate in procurement undertakings under the RFQ tender procurement methodology, the DI highlights the following provisions as outlined in **Part III** of the **First Schedule** of the **Public Procurement Regulations, 2018**:

*“Exceeding \$1,500,000.00 but not exceeding \$3,000,000.00 – restricted bidding with not less than 3 suppliers invited*

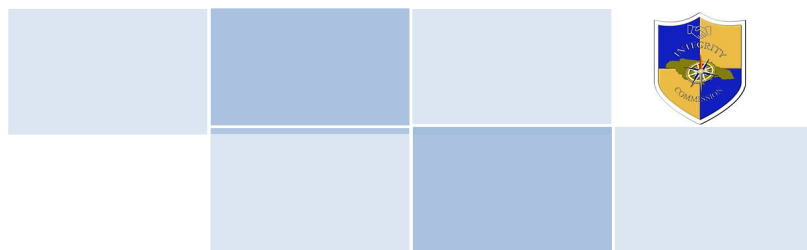
*Not exceeding \$1,500,000 – single source procurement”*

5.2.4 Having regard to the foregoing, Ms. Suewayne Miller, Procurement Manager, NET (hereinafter referred to as Ms. Miller), by way of a witness statement dated November 03, 2022, indicated, *inter alia*, the following:

*“Sometime in 2021 my Director Mrs. Marcia Phillips Dawkins requested from me a sample of a previous tender document that was used for consultancy service. She indicated to me that she was interested in doing a tender for Consulting Service...I asked Lori Harris to send her a similar tender document to what she had requested. From my understanding, Lori sent to her a sample of a previous Tender document that was utilized to conduct a similar service.”<sup>15</sup>*

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<sup>15</sup> Statement of Suewayne Miller, Procurement Manager, NET dated November 3, 2022



5.2.5 Ms. Lorie Harris, Procurement Officer, NET, by way of witness statement dated July 18, 2023, indicated, *inter alia*, the following:

*"Sometime during 2021, Mrs Marcia Phillips Dawkins the Executive Director of NET...said to me that I should send her a RFQ document that was under **two million dollars**. I called Suewayne who wasn't in office at the time...and she said I should send it to her...I then sent to her by email...the document I sent to her was in Microsoft Word format and it was a document from a previous procurement that we had already done...I later found out that Marcia had sent out a procurement document with Suewayne's signature on it."*<sup>16</sup>

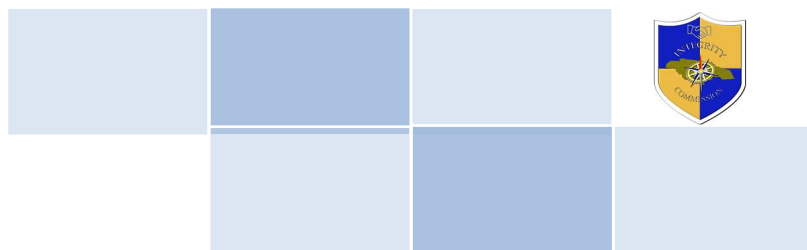
5.2.6 Subsequent to the receipt of the RFQ document for a previous procurement engagement from Ms. Harris, Mrs. Phillips Dawkins issued an RFQ on behalf of NET on May 11, 2021. The RFQ was conveyed by way of an electronic mail (email), to Mr. Mark Wedderburn, Chief Executive Officer (CEO), Development Consortium International Limited (DCI), inviting him to submit a quotation for the *"conduct of a Technical Analysis of an ICT Proposal for a project which is designed to provide an Integrated Electronic Management Information System and to make Recommendations for Technical Inclusions for the Integrated EMIS for the Education Sector"*<sup>17</sup>.

5.2.7 On perusal of the referenced RFQ it was observed that it had the name and signature of Ms. Miller affixed at the appropriate sections of the document.

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<sup>16</sup> Statement of Lorie Harris, Procurement Officer, NET dated July 18, 2023

<sup>17</sup> Email printout dated May 11, 2021 retrieved from the National Education Trust on November 03, 2022



5.2.8 The cover letter conveying the RFQ indicated, *inter alia*, the following:

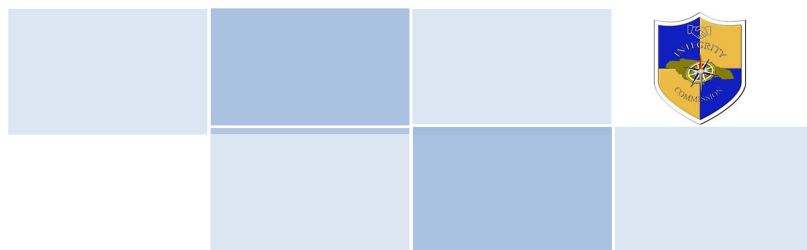
*"The analysis is to be completed in no more than seven (7) calendar days commencing Friday, May 14, 2021; and should include the use of the Technical Assessment Report conducted by the IDB and Assessment conducted by the MoEYI. To conduct the assignment you must have demonstrated training in ICT and experience in conducting needs analysis for a large organisation comprising multi-agencies, multiple business units with multiple sites and making recommendations for ICT systems integration...The deadline for the receipt of clarifications is Wednesday, May 12, 2021, at noon. The proposal must be submitted on or before 5:00 pm on Wednesday, May 12, 2021."*<sup>18</sup>

5.2.9 Subsequent to the referenced May 11, 2021, email, the DI also observed another email correspondence dated May 12, 2021, which was sent internally to Ms. Yvonne Brown and Ms. Andrene Constantine and was blind carbon copied (BCC) (externally) to two (2) email addresses, belonging to Messrs. Dale Nicholson and Mark Wedderburn. The referenced email bore the caption *"Request for Quotation for conduct of Gap Analysis for Integrated EMIS for the Education Sector"*.

5.2.10 Amongst the documents gathered during the investigation, the DI observed a letter of quotation dated May 19, 2021, signed by Mr. Mark Wedderburn, DCI, which was directed to NET and which was quoted at JMD\$502,208.00.

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<sup>18</sup> Email printout dated May 11, 2021 retrieved from the National Education Trust on November 03, 2022



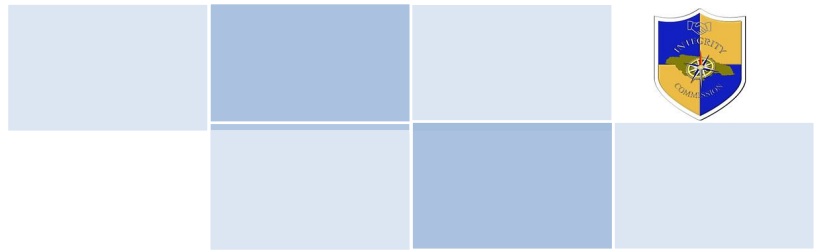
5.2.11 As indicated above, **Part III** of the **First Schedule** of the **Public Procurement Regulations** requires that not less than three (3) potential consultants be invited to submit quotations under the RFQ procurement methodology. Being mindful of this requirement, the DI enquired of Mrs. Phillips Dawkins the number of potential consultants invited to submit quotations. Mrs. Phillips Dawkins in an interview which was convened pursuant to **Rule 2** of the **Judges' Rule Administration Directives**, indicated, *inter alia*, that she prepared the request for quotation and sent it to two (2) individuals who both indicated that they were unavailable.<sup>19</sup>

5.2.12 In the above regard, the DI notes that separate from the RFQ that was directed to Messrs. Wedderburn and Nicholson (he was Bcc) there is no evidence of any other potential supplier being invited to participate in the process.

5.2.13 Notwithstanding the aforementioned provision of the Regulations, the DI notes that the sum quoted by Mr. Wedderburn is below the threshold for which the RFQ methodology is applicable. It is unnecessary, however, to dilate on this issue given the nature of the allegations and the scope of this investigation.

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<sup>19</sup> Marcia Phillips Dawkins Interview dated February 14, 2023



## **The Circumstances Surrounding the Alleged Unauthorised use of the Procurement Manager's Signature by Mrs. Marcia Phillips Dawkins**

5.3 We now direct our attention to the allegation that Ms. Miller's signature was used by Mrs. Phillips Dawkins without her knowledge or consent. Before doing so, however, it is necessary first to establish the applicable rules and the manner in which procurement undertakings were being conducted by NET at the material. It is important to note that at the time of the incident under investigation, the COVID 19 pandemic was still in effect. NET, therefore, had work from home measures in place to facilitate business continuity.

5.3.1 **Section 20(b)** of the **Public Procurement Act** stipulates, *inter alia*, the following responsibilities of the head of a procuring entity, in relation to procurement activities:

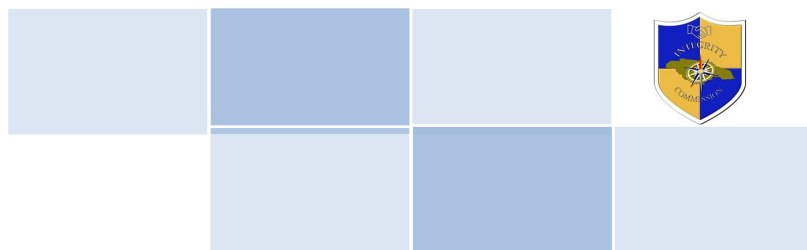
*"The head of every procuring entity shall have overall responsibility for the conduct of all processes connected with procurement for that entity and, in particular, shall –*

*(a) ...*

*(b) establish a specialist procurement unit staffed by persons competent and adequately trained to manage and execute the procurement proceedings engaged in by the procuring entity"*<sup>20</sup>

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<sup>20</sup> Section 20(b) of the Public Procurement Act, 2015



5.3.2 The DI highlights **Part II Section 3 (d) and (e)** of the **Public Procurement Regulations, 2018** which states, *inter alia*, that:

*"The specialist procurement unit established by the head of the procuring entity under section 20(b) of the Act shall be responsible for managing and executing procurement proceedings on behalf of a procuring entity and, without prejudice to the generality of the foregoing, shall –*

*(d) prepare pre-qualification documents, bidding documents, standard forms of contracts and any other public procurement documents in accordance with the standard forms developed by the Office under section 7 of the Act;*

*(e) be responsible for the preparation and giving of notices, the conduct of bidding and the preparation of submissions in accordance with the approval process for the award of a procurement contract"*<sup>21</sup>

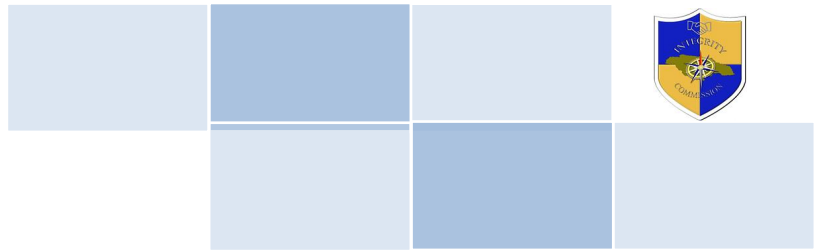
5.3.3 Additionally, **Volume 1, Section 2.2.5 (i)** of the **GOJ Handbook of Public Sector Procurement Procedures** states, *inter alia*, that the Head of Entity must give final approval of all procurement, according to the established thresholds.

5.3.4 The DI highlights that at the material time, NET had an established specialist Procurement Unit comprising of a Manager, Ms. Suewayne Miller and two (2) Procurement Officers, namely Ms. Lorie Harris and Ms. Dacia Wilmott<sup>22</sup>.

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<sup>21</sup> Part II Section 3 (d) and (e) of the Public Procurement Regulations, 2018

<sup>22</sup> Statement of Suewayne Miller dated November 03, 2022



5.3.5 As it relates to the manner in which procurement activities were undertaken by NET at the relevant time, Ms. Miller indicated by way of a witness statement dated November 3, 2022, *inter alia*, the following:

*"In April 2020 I ...transitioned into the role of Acting Procurement Manager. During this role I normally sign off on Procurement Reports, letters relating to procurement activities, letters going to bidders, request for quotations and other bidding documents. Normally, if I place my signature on a tender document it would mean that it was prepared and/or reviewed by me. Sometimes my Procurement Officers would prepare tender documents and I would review them and affix my signature. Some tender documents I will prepare myself based on the threshold."*<sup>23</sup>

5.3.6 By way of a 'further statement' dated October 17, 2023, Ms. Miller also indicated, *inter alia*, as follows:

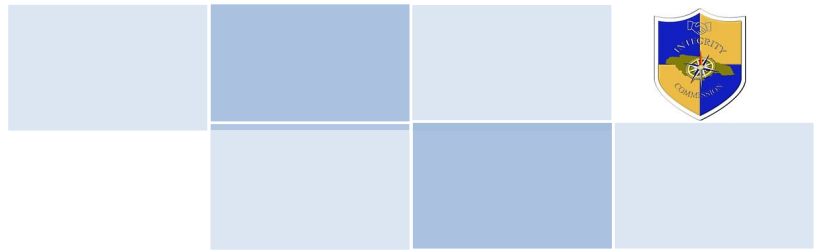
*"I would normally prepare a template document for dispatch to the potential bidders. This template document would then be shared with the officers, so they can utilize same for other procurement opportunities. After same is prepared, it would be reviewed by me, discussions would be held, whether virtually by way of Zoom or in person, and then my approval would then be extended."*

...

*We did not have any written or verbal agreement, and/or policy which allowed for use of signature without authorization in relation to procurement activities...There is no written policy document that*

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<sup>23</sup> Statement of Suewayne Miller dated November 3, 2022



*mandated how to execute procurement activities, during the Covid-19 pandemic, and even now, one still does not exist. We would have relied on job descriptions for persons in the role, that is procurement officers, and the Government of Jamaica public procurement guidelines for roles conducted."*<sup>24</sup>

5.3.7 Further to the foregoing, the DI sought to ascertain the circumstances under which electronic signatures were being utilised in relation to procurement related activities at NET.

5.3.8 The DI notes that at the time, (during the Covid-19 pandemic period), when the impugned RFQ was disseminated, that an electronic signature mechanism was in place, which was implemented by Ms. Miller. By way of statement dated December 06, 2022, Ms. Dacia Wilmott indicated, *inter alia*, the following:

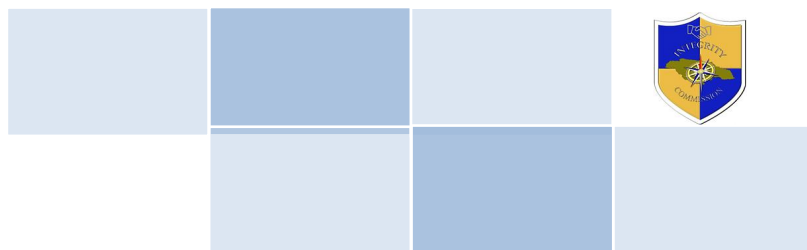
*"During the Covid-19 Pandemic, the then Procurement Manager **Miss Suewayne Miller developed an electronic signature for us to use on her expressed permission, to be placed on tender documents. By us, I mean the Procurement Officers in the unit who are myself and Lorie Harris.** After the signature is placed on the tender document, Miss Miller would review the document before it is sent out to tender."*<sup>25</sup>

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<sup>24</sup> Statement of Suewayne Miller date October 17, 2023.

<sup>25</sup> Statement of Dacia Wilmott dated December 06, 2022





5.3.9 As it relates to the engagement of the DCI and the how this particular procurement was undertaken, Ms. Miller, indicated in her November 03, 2022 statement, *inter alia*, the following:

*"Sometime after a request came to me from the Mrs. Marcia Phillips Dawkins to prepare a purchase order. I requested from her the bid documents and the bidders submission for me to peruse them in order to prepare the purchase order... Upon reviewing the documents... **I realised that my signature was on the bid document but I did not place it there, neither did I give anyone the permission to place my signature on any bid document.**"*<sup>26</sup>

5.3.10 Ms. Miller indicated, by way of a statement dated October 17, 2023, *inter alia*, the following:

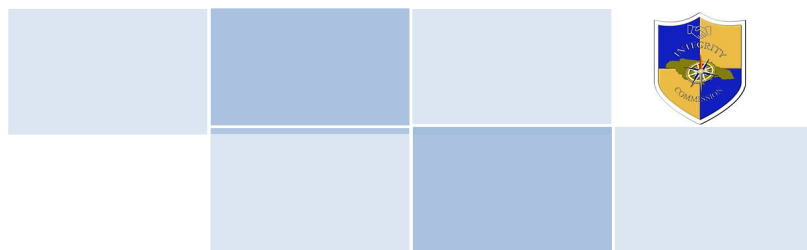
*"...The Request for Quotation (RFQ) was prepared by someone who was not a part of my unit, nor was it prepared by me, but same bore my signature. This was irregular for me, even in the absence of a written policy...I am unable to state if any of my officers had any part in assisting with the preparation of this document."*<sup>27</sup>

5.3.11 Having regard to Ms. Miller's the representation that the RFQ was prepared and disseminated by someone who was not a part of the NET procurement unit, the DI sought to ascertain whether or not, any of the two (2) procurement officers within the Procurement Unit, assisted Dawkins with the preparation and dissemination of the aforementioned RFQ. In this regard,

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<sup>26</sup> Statement of Suewayne Miller date November 3, 2022

<sup>27</sup> Further Statement of Suewayne Miller dated October 17, 2023.



the following representations were made by Ms. Dacia Wilmot and Ms. Lorie Harris, by way of witness statements:

- Ms. Dacia Wilmott:

*"An email with RFQ was sent by our Executive Director to two consultants, one of whom I know to be Mr. Mark Wedderburn...Based on an email from Miss Miller, the tender document had Miss. Miller's Signature which was without her permission... To my knowledge, this is the first time we have gotten such a request for a tender document from Mrs. Phillips Dawkins."*<sup>28</sup>

- Ms. Lorie Harris:

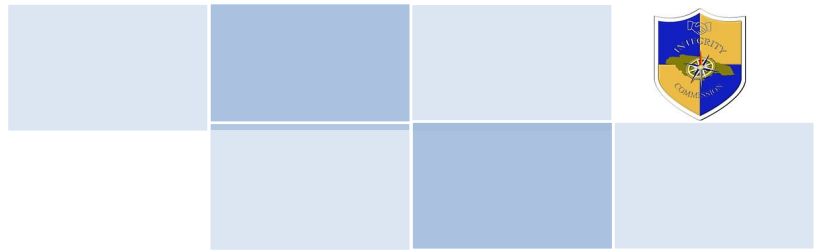
*During the Covid-19 pandemic we were assigned laptops and we started to work from home. Because of this we developed electronic signatures given that we were preparing documents from home...Ms. Miller told us that given that she is the head of the unit, her signature needs to be on the procurement reports and the procurement documents that we issue to suppliers. She said to us that we should prepare the documents and send them to her for her approval before we sent them out. By us, I mean myself and the other Procurement Officer Ms Dacia Wilmott."*<sup>29</sup>

5.3.12 Given the foregoing, the question which arises and which must be determined is, who prepared the RFQ? The DI was therefore, led to enquire of Mrs. Phillips Dawkins, the extent of her involvement in the preparation and dissemination of the referenced RFQ document.

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<sup>28</sup> Statement of Dacia Wilmott, Procurement Officer, NET dated December 6, 2022

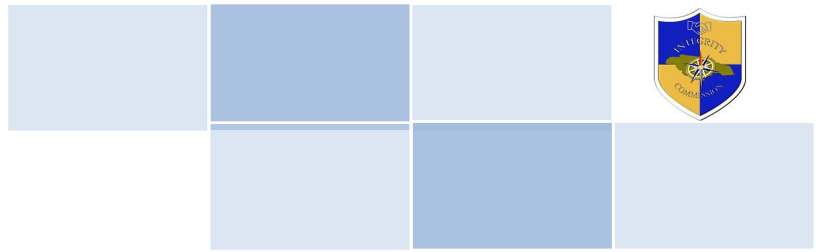
<sup>29</sup> Statement of Lorie Harris, Procurement Officer, NET dated July 18, 2023



5.3.13 On February 14, 2023, in an interview conducted pursuant to **Rule 2** of the **Judges' Rule Administration Directives**, Mrs. Phillips Dawkins, among other things, indicated that she informed Ms. Miller on the phone, that she had an urgent procurement activity to conduct, at the Permanent Secretary's instruction. Mrs. Phillips Dawkins further indicated that, since she had already prepared the Terms of Reference for the procurement, she could do it herself and asked that Ms. Miller send her the documents which were required. Mrs. Phillips Dawkins further advised that Ms. Miller informed her that she would ask her officer, from the Procurement Unit, to send her the forms that would be utilised.

5.3.14 As it relates to Mrs. Phillips Dawkins' representation above concerning the Permanent Secretary's instruction, enquiries were made of Dr. Grace McLean who was MOEY's Permanent Secretary at the material time. In her statement dated September 1, 2023, Dr. McLean, *inter alia*, stated the following:

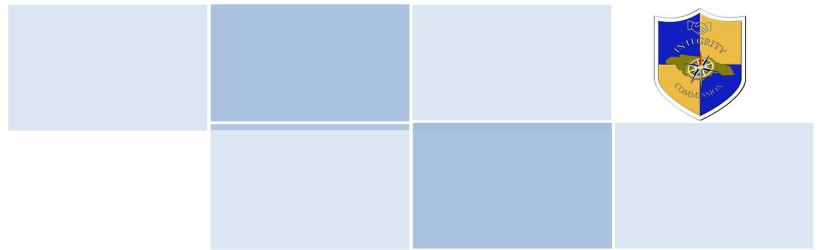
*"I can say that I am aware of an ICT (Information Communication Technology) assessment that was done by IDB (International Development Bank) which highlighted some glaring gaps in the ICT infrastructure of the Ministry. The report requires the Ministry to drill down further into the weak areas and to develop strategies that could be used to narrow the gaps. Based on that the discussion was for a more detailed Gap Analysis to be done to allow for the integration of the different ICT systems that existed in the Ministry with a view to bring these under one umbrella. The ministry has about 25 agencies and about 7 or 8 divisions. What we found was each*



agency had a different system. It was looking at those systems with a view to see what could be done to bring everything together. It was within this context that discussions were had for a procurement to be done to identify someone who could conduct this gap analysis. I recall speaking to Mrs. Marcia Phillipa Dawkins about this procurement because I believed that this was a project that the National Education Trust could undertake. At that time Mrs. Marcia Phillips Dawkins was the Interim Executive Director of the National Education Trust.

Based on the document presented to me by Investigator [redacted], the response would have been given [sic] Mrs. Phillips Dawkins the approval to proceed with the procurement process in accordance with Sole Sourcing procurement guidelines. When I say “approved for processing”, it means that the activities to be undertaken within the procurement process would be carried out and the necessary other approvals in accordance with the rules would have been sought. I do not have access to my email at the Ministry and therefore I am unable to speak to the authenticity of the email evidence that was provided, as I have no access to the Ministry’s email or system. However, the email address represents the one that I used in active duty...”

5.3.15 In determining whether the referenced RFQ and cover letter bearing the signature of Ms. Miller were prepared by her or with her permission, in her capacity as Procurement Manager, the DI perused a series of email



correspondence between Ms. Miller, Mrs. Marcia Phillips Dawkins and other staff members of NET during the period May 15, 2021 and June 17, 2021.

5.3.16 The email correspondence between the aforementioned individuals concern an ongoing discussion wherein Ms. Miller, upon becoming aware of an RFQ that was disseminated externally with her signature, without her authorization or knowledge, made repeated requests of Mrs. Phillips Dawkins, to withdraw the RFQ. The email correspondence exchanges are set out below:

On Saturday May 15, 2021 at 4:23 pm Mrs. Marcia Phillips Dawkins wrote:

*"Colleagues,*

*As per PS approval, please prepare notification and purchase order for us to proceed with this assignment.*

*Regards,*

*Marcia"*

On Monday May 17, 2021 at 10:09 a.m. Ms. Suewayne Miller wrote:

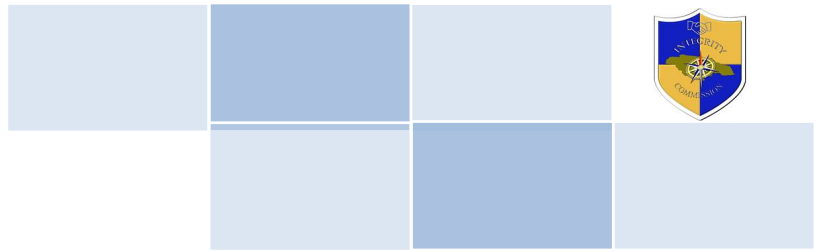
*"Hi Marcia,*

*Can you kindly shed some light on this activity since I am unaware the same.*

*Such as, when was this activity procured and where are the supporting documents to prepare the request?*

*Best Regards"*

On May 17, 2021 at 4:13 pm Ms. Suewayne Miller further wrote:



"Dear Team,

*Effective May 17, 2021 no one is [at] net is allowed to use my Signature"*

On May 17, 2021 at 5:36 pm Mrs. Marcia Phillips Dawkins further wrote:

"Dear Suewayne,

*Please ensure that the members of the team remove your signature from the templates before sending them to anyone for use because it can be misconstrued.*

*Regards"*

On May 19, 2021 at 5:34 pm Ms. Suewayne Miller wrote:

"Dear Marcia,

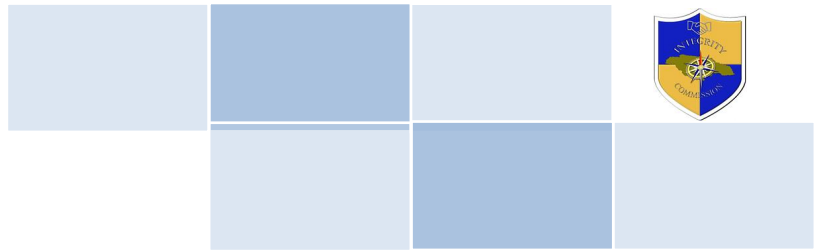
*Respectful [sic] I asked that this document be withdrawn with my signature from the **public domain**, as I did not prepare the same. I would not prepare such a document with the so [sic]many breaches with regards to the Public Procurement Act, 2015 and amendment to the Act, 2018.*

*Many Thanks."*

On May 19, 2021 at 5:48 pm Mrs. Marcia Phillips Dawkins wrote:

"Dear Suewayne,

*This document was sent to PS last week, I will ask Andrene to have it returned as the terms of reference and the proposal are what the letter refers to.*



*However, you presented a clause from the procurement act that allows for execution for expedience. I am not sure why you are referring to it as a breach if the Act allows for it.*

*Regards,"*

On May 19, 2021 at 6:20 pm Ms. Suewayne Miller wrote:

*"Dear Marcia,*

*Please note:*

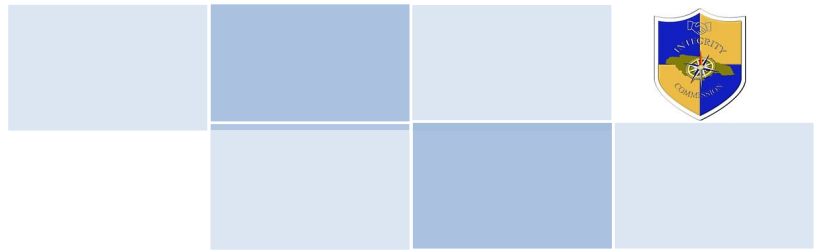
- 1. My signature was used by you without my permission from last week. That is a fraudulent act*
- 2. The clause I presented to you today is after the fact of the breaches committed.*
- 3. Today, with information you presented to the meeting was how I explained that clause from the Act*
- 4. You are yet to provide a draft letter address to the PS seeking approval to utilize the single source procurement methodology as opposed to a competitive process as stipulated by the PS in the ministry's policy document*
- 5. You also noted in this afternoons meeting that you would not write to the PS*

*Respectfully this is my last communication action on this matter"*

On Friday June 4, 2021, at 9:19 a.m. Ms. Suewayne Miller wrote:

*"Hi Andrene,*

*Can you confirm if the document was withdrawn from the public domain (MoEYI and the Consultant) as I would have requested?*



*Best Regards"*

On Friday June 04, 2021 at 10:13 a.m. Ms. Andrene Constantine wrote:

*"Hi Suewayne,*

*As instructed by my supervisor (email dated May 19, 2021) I have requested that the document be returned to NET, however I am yet to receive the document. I will follow up with MoEYI and have it returned.*

*As it relates to the consultant, no communication has been made between myself and the consultant. I am not aware if my supervisor made contact with the consultant to have the document in question declared null and void or returned."*

On Thursday June 10, 2021, at 5:55 pm Ms. Suewayne Miller further wrote to Ms. Andrene Constantine and copied Ms. Cassandra Anderson the following:

*"Can you confirm if the document was retrieved? I expressed my concerns with regards to this issue.*

*No communication was made to me or an update provided.*

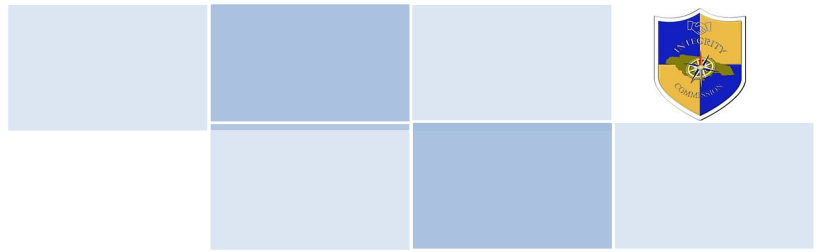
*If you have not retrieved the same as yet, I will make contact with the MoEYI myself.*

*by way of this email, I am copying the legal secretary who gives directives for compliance within the Entity"*

On Friday June 11, 2021 at 9:55 a.m. Ms. Andrene Constantine wrote:

*"Dear Suewayne,*





*I have acted within the boundaries of my position to have the document returned.*

*This matter is out of my hands.*

*I respectfully ask that you communicate directly with the Executive Director on this matter.”*

On Friday June 11, 2021 at 9:57 a.m. Ms. Suewayne Miller wrote to Ms. Andrene Constantine and copied Ms. Cassandra Anderson the following:

*“Noted with thanks.”*

On Wednesday June 16, 2021 at 5:20 pm, Ms. Suewayne Miller wrote:

*“Dear Marcia and Andrene,*

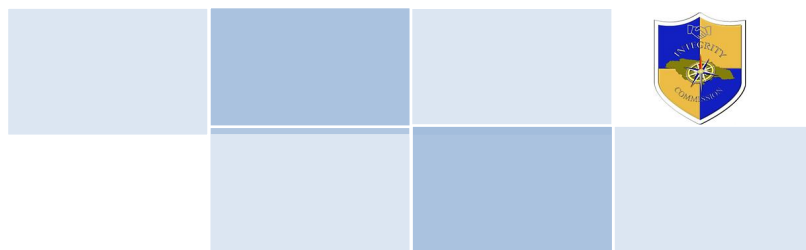
*Please note I would have followed up for the document’s withdrawal with the unauthorised use of my signature from the Consultant and the Permanent Secretary’s office.*

***I am requesting the last time for the same to be withdrawn by Friday, June 18<sup>th</sup> 2021, otherwise, I have no choice but to request the Chairperson of NET to intervene in the situation.***

*In light of this, I am copying the Company Secretary and the Director, Corporate Services...”*

On Wednesday June 16, 2021 at 5:29 pm Mrs. Marcia Phillips Dawkins wrote:

*“Noted, I will follow up again”*



On Thursday June 17, 2021 at 2:12 pm Mrs. Marcia Phillips Dawkins wrote:

*"Dear Suewayne,*

*I am not sure why this matter seems to have become so contentious because I certainly have no intention to impugn your credibility. It was a simple misunderstanding, and I have asked Andrene to retrieve the documents, but with everything going on it just slipped both of us.*

*I am surprised by the level of animosity you seem to have harboured over something that you could have just reminded me about. **But it is what is, I have done the withdrawal myself so you can let me know if you are ok with how it was done.***

*I have received your resignation and I called as well as send you a WhatsApp message and you have not responded. I wish you all the best in your future endeavours.*

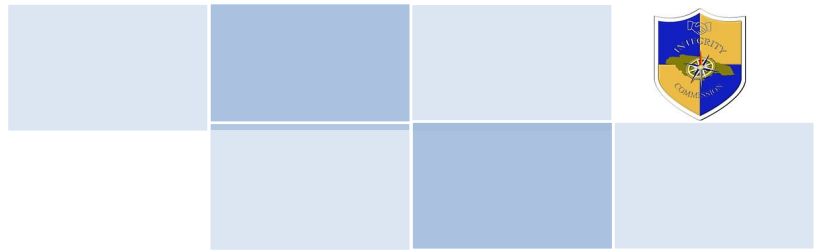
*Kindest regards,*

*Marcia"*<sup>30</sup>

5.3.17 As it relates to the representation made by Mrs. Phillips Dawkins in her June 17, 2021 email to Ms. Miller that the RFQ was withdrawn, the DI observed a Request for Quotation – Annex CS1 document and accompanying cover letter dated May 12, 2021, addressed to Mr. Dale Nicholson, captioned "Conduct Technical Analysis of ICT Proposal for ESTP2 Project and to make Recommendations for Technical Inclusions for an Integrated EMIS for the Education Sector", which bore the signature of Ms. Suewayne Miller, and

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<sup>30</sup> Statement of Latoya Harris – Executive Director, NET, dated August 26, 2022, Attachment LH2



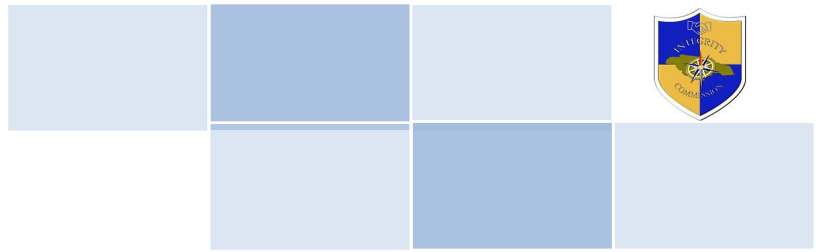
which had the word “WITHDRAWN” stamped in red running diagonally across the document.

5.3.18 In relation to the assertions made by Ms. Miller in her May 19, 2021, email correspondence, regarding a letter seeking approval from the Permanent Secretary, for use of single source procurement methodology, as stipulated in the ‘*ministry’s policy document*’, the DI sought to determine the specific document that was referenced. In this regard, Mr. Garth Gooden, Procurement Director, within the Ministry of Education and Youth (MOEY) confirmed on March 22, 2024, *inter alia*, that “*the MOEY does not have any internal policies which govern...Head of Entities approval regarding the use of Single Source*” and further that “*the MOEY undertakes procurement in accordance with the GOJ Procurement Guidelines (2015 Act and 2018 Regulations)*”.

5.3.19 Based on the foregoing, it has been established that the document which was shared with Mrs. Phillips Dawkins at the material time, was an RFQ document which was prepared for a previous procurement activity. This document bore the signature of Ms. Miller.<sup>31</sup> The referenced document was subsequently modified by Mrs. Phillips Dawkins and issued to two prospective consultants in respect of a separate procurement undertaking.

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<sup>31</sup> Statement of Lorie Harris, Procurement Officer, NET dated July 18, 2023



### *Permissible level of Involvement of a Head of Entity in the Procurement Process*

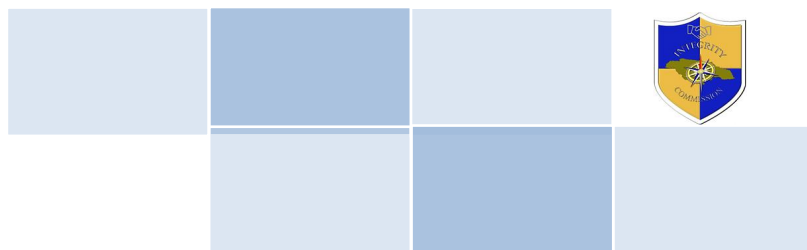
5.3.20 Given Mrs. Phillips Dawkins' level of involvement in the procurement undertaking in question (the drafting and issuing of an RFQ), the DI was led to make certain enquiries at the Ministry of Finance and the Public Service. In this regard, Mr. Andrei Bennett, Chief Public Procurement Policy Officer was asked to confirm the policy around the scope and limit of a Head of Entity in relation to procurement undertakings. Mr. Bennett, by way of a witness statement dated November 15, 2024, indicated, *inter alia*, the following:

*"It might be uncommon for a head of procuring entity, given his general scope of responsibility for the operations of a procuring entity, to participate in the drafting of solicitation documents. It is however not prohibited, and does not violate any known standard. Under the existing current governance arrangements, the head of procuring entity is free to delegate to the specialist procurement unit any process or sets of processes connected to public procurement as he deems fit."*<sup>32</sup>

5.3.21 The position by Mr. Bennett is noted and duly considered. This position, however, does not and could not permit any head of entity to prepare solicitation documents in the name of and/or over the signature of an officer without their knowledge and consent. At any rate, the DI does not understand Mr. Bennett to be saying this.

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<sup>32</sup> Statement of Andrei Bennett dated November 15, 2024



## Chapter 6 – Conclusions

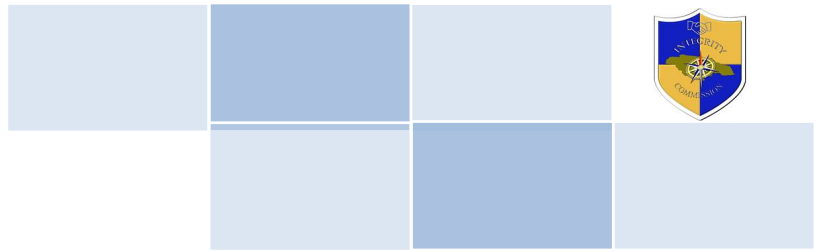
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6.0 The DI concludes that on May 11, 2021, Mrs. Phillips Dawkins utilizing the Restricted Bidding procurement methodology, invited DCI to submit a quotation to conduct a 'Technical Analysis' of an ICT project proposal concerning an 'Integrated Electronic Management Information System'. The said RFQ, was also blind carbon copied (BCC) to Mr. Dale Nicholson, on May 12, 2021. The referenced RFQ prepared and submitted by Mrs. Phillips Dawkins, bore the signature of NET's Procurement Manager, Ms. Miller.

The evidence suggest that Ms. Miller had no knowledge of Mrs. Phillips Dawkins' actions and that no authorization was given to affix her signature to the referenced document.

6.1 The DI concludes that the manner in which the impugned RFQ was handled by Mrs. Phillips Dawkins is inconsistent with the scheme of the **Public Procurement Act** ( inclusive of **Part III** of the **First Schedule** of the **Public Procurement Regulations, 2018**), in general, and the entity's own procurement procedures, in particular. The DI's conclusion is based on the following:

- (a) it is unusual, if not irregular, in this jurisdiction for a head of entity to personally prepare and issue procurement solicitation documents. **Section 20** of the **Public Procurement Act** states, *inter alia*, that "The head of every procuring entity shall have overall responsibility for the conduct of all processes connected with procurement for that entity and, in particular, shall ... (b) establish



**a specialist procurement unit staffed by persons competent and adequately trained to manage and execute the procurement proceedings engaged in by the procuring entity.**"

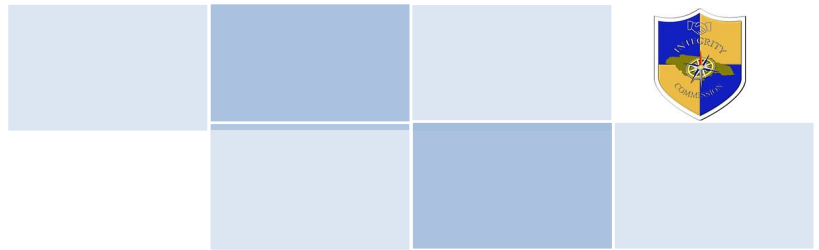
Additionally, the inherent risk in the head of entity initiating and personally conducting a procurement exercise, and ultimately giving final approval cannot be disregarded;

(b) there is in place a specialist procurement unit at NET and the entity's procurement exercises are ordinarily conducted by its officers. This unit was operational at the material time and there is no evidence to suggest that the unit (procurement officers) was derelict in the performance of its duties; and

(c) it seems sufficiently clear from the scheme of the **Public Procurement Act** that it was not Parliament's intention that heads of entities would be so integrally involved in the procurement process as occurred in the present matter.

Due consideration was given to Mr. Andrei Bennett's position as to whether a head of entity is allowed to prepare and issue solicitation documents. Mrs. Phillips Dawkins' explanation as to the urgency placed on the undertaking in question was also considered.

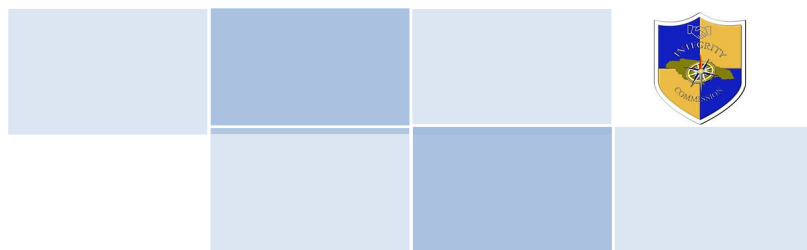
6.2 The DI concludes that the use of Ms. Miller's signature by Mrs. Phillips Dawkins on the impugned RFQ was inappropriate, unethical and misleading. The DI's conclusion is premised on the fact that the sharing of a Microsoft word RFQ template (with Ms. Suewayne Miller's electronic



*signature embedded*), for a previous procurement opportunity, did not and could not reasonably constitute consent by Ms. Miller for her signature to be used in the manner it was by Mrs. Phillips Dawkins.

- 6.3 The DI finds that in November of 2021, NET's Board of Directors voted in favour of its Executive Director, Mrs. Phillips Dawkins to be sent on Precautionary Leave, with immediate effect, pending the results of an investigation into allegations of fraud committed during the execution of her duties at NET.

The DI further concludes that the MOEY has engaged a Firm to conduct a forensic investigation in an effort to determine if the alleged procurement irregularities (as outlined herein) can be attributed to misconduct or fraud, on the part of Mrs. Phillips Dawkins.



## Chapter 7 – Recommendations

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7.0 The DI offers the recommendations below having regard to the findings outlined herein.

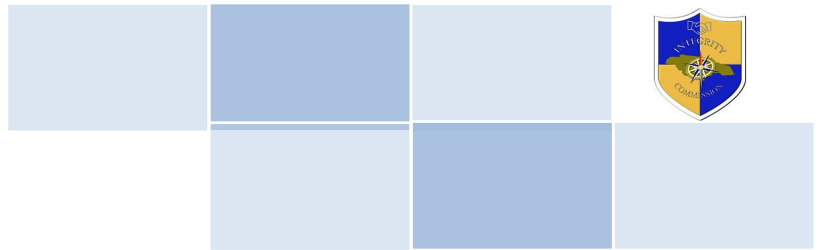
### **Recommendations to National Education Trust (NET)**

7.1 The DI recommends that NET should strictly adhere to the procurement laws and guidelines pertaining to the initiation and conduct of procurement undertakings, criteria for the respective procurement methodologies, and the critical responsibilities bestowed upon procurement specialists and/or practitioners to action procurement requests on behalf of the procuring entity.

The DI further recommends that the relevant officers of NET be trained and sensitized in areas identified above in an effort to ensure that the officers tasked with executing such functions understand the policy imperative and fundamental principles which underpin public procurement such as transparency, fairness, competition and value for money.

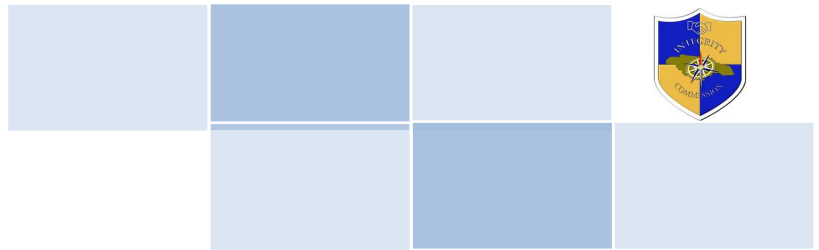
7.2 The DI recommends that the officers of NET bear in mind and be guided by the scheme of Jamaica's procurement law to ensure that procurement undertakings are devoid of irregularities such as conflict of interest occasioned by the unification of functions within the procurement process (initiator/requestor, procurement officer and approver). More particularly, NET should ensure that there is effective segregation of duties, so that the





roles of initiator/requestor, procurement officer and approver in any procurement undertaking do not reside in the same individual. This is an important countermeasure in mitigating against acts of corruption and the misuse of power/control for unethical, fraudulent or criminal purposes.

- 7.3 The DI is advised and do verily believe that Mrs. Phillips Dawkins is no longer employed to NET, she, however, remains in the employ of MOEY. Consequently and having regard to her conduct in this matter, the DI recommends that disciplinary proceedings be instituted against her.



## Post Investigation Actions

As part of the Commission's policy to share the findings and recommendations of the DI with persons in respect of whom adverse findings are made during the course of an investigation, save for matters referred to the Director of Corruption Prosecution, the DI invited the following persons to a meeting with whom the findings and recommendations made herein were shared:

- (a) Mrs. Latoya Harris Gharthey – Executive Director, NET; and
- (b) Mrs. Marcia Phillips Dawkins – former Executive Director, NET.

The aforementioned individuals were given an opportunity to respond to the DI's findings orally and/or in writing. The responses received and meeting transcripts can be seen at appendix 1. The responses provided did not alter the DI's findings and recommendations.

A handwritten signature in blue ink, appearing to read 'K. Stephenson', written over a horizontal line.

Kevon A. Stephenson, J.P  
Director of Investigation

March 7, 2025  
Date

**INTEGRITY COMMISSION,  
PIOJ BUILDING  
OXFORD ROAD, KINGSTON 5  
HEARING**

**CONCERNING ALLEGATIONS OF IMPROPRIETY AND  
PROCUREMENT IRREGULARITIES AT THE  
NATIONAL EDUCATION TRUST**

Held on May 28, 2025

**PRESENT WERE:**

Mr Kevon Stephenson	–	Chairman
Ms. Denise Lewis	-	Investigating Officer
Ms. Shania Parkes	-	Senior Investigating Officer
Mr. Sanjay Harrisingh	-	Senior Investigating Officer

**WITNESSES**

Mrs. Latoya Harris- Gharthey  
Ms. Cassandra Anderson

**ALSO IN ATTENDANCE**

Mrs. Jeffena Fullcott-Dorman  
Stenotype Writer

Upon Commencement at 2:15 P.M.

CHAIRMAN: It is now 2:15. Today is the 28th of May 2025. My name is Kevon Stephenson, Director of Investigation. With me this afternoon to my immediate right, Miss Shania Parkes, Senior Investigating Officer, Contract Procurement and Corruption Investigation. To my left, Mr. Sanjay Harrisingh, Senior Investigating Officer, Contract Procurement and Corruption Investigation, and to my far-right, Miss Denise Lewis. She is Investigating Officer, Contract Procurement and Corruption Investigation. And then we have with us.

MRS. DORMAN: Jeffena Fullcott-Dorman.

CHAIRMAN: Yes. From the Office of the Services Commissions. Please say your name for the record.

MRS. GHARTEY: I am Latoya Harris Gharthey, Executive Director, National Education Trust.

MS. ANDERSON: Cassandra Anderson, Legal Affairs and Company Secretary for the National Education Trust.

CHAIRMAN: Just by way of introduction. As part of our process upon completion of an investigation report and prior to tabling

the report in Parliament in instances where there is finding or there are findings of breaches of Code or Policy, so long as there is no criminal breach then we invite those concerned and share the findings with them and ask them for a response.

In this particular case though, Mrs. Gharthey is not involved in that way, but purely because of your role as the present head of the entity having made certain findings in relation to NET we ask you to come so that we can share those with you so when the investigation report is published you are not seeing or hearing about the findings for the first time. And if there is anything that you may know that could change the course of those findings that we don't have access to at the minute, we would ask you to share that with us. Do you have any questions.

MRS. GHARTEY: No.

MS. ANDERSON: No.

CHAIRMAN: Let me go through just the pertinent bits of the report. I will not be going through the entire report.

## **Executive Summary**

This investigation report concerns allegations of impropriety, fraud, and procurement irregularities at the National Education Trust, hereinafter referred to as NET. The report outlines the findings of the investigation around allegations of procurement impropriety and fraud at NET, particularly a request for a quotation RFQ, that was sent to a supplier by the then executive director of NET, bearing the Procurement Manager's signature without the Procurement Manager's knowledge and/or consent. During the course of the investigation, breaches of the procurement law, regulations, and established procurement procedures were identified. Recommendations are contained in this report towards preventing reoccurrence.

## **The Background**

On April 14, 2022, the Director of Investigation commenced an investigation into allegations of impropriety, forgery, and procurement irregularities in the engagement of a supplier by NET. Having received the

complaint prior to commencing the investigation we had to establish that we had jurisdiction in the matter. Under Section 33 and 52 of the Integrity Commission Act, the Director of Investigation is empowered to investigate allegations involving acts of corruption, noncompliance with the provisions of the legislation as well as the award, implementation, and termination of any government contract.

Allegations in a media article entitled, '**Executive Director of NET Sent On Precautionary Leave**', published on November 12, 2021, by Nationwide News Network. It was alleged that:

A. A decision has been made to send Executive Director of Net, Marcia Phillips-Dawkins on precautionary leave and the decision has been made to facilitate a probe into concerns about fiduciary affairs at the entity. There was a subsequent Gleaner article published on the 16th of November 2021, which reiterated those allegations, and on the 6th of April 2022, a complaint was referred to the Director of investigations which, among other

things, reiterated the concerns raised in both articles by Nationwide and the Gleaner.

We considered that there were about eight or nine persons pertinent to the inquiries, of whom you were one of those persons, Mrs. Gharthey.

### **The Terms of Reference**

The DI sought to establish the following circumstances under which Mrs. Marcia Phillips-Dawkins, former Executive Director, NET, hereafter referred to as Mrs. Dawkins was sent on precautionary leave. The veracity of the allegations that Mrs. Philips-Dawkins fraudulently affixed the signature of the then Procurement Manager, Miss Suewayne Miller to an RFQ directed to a supplier, whether there were any breaches of the Public Procurement Act, Public Procurement Regulations, the Corruption Prevention Act, Integrity Commission Act, and/or any other applicable law or policy. And, of course, whether recommendations ought to be made in respect of the matter.



## **The Investigation**

During the period April 20th, 2022, to November 4th, 2024, eight notices were dispatched to persons who were deemed to be pertinent to the investigation. During the period July 2022 and November 2024, eight witness statements were recorded and/or received from the individuals mentioned above who were deemed to be pertinent to the investigation. On August 24, 2022, one judicial hearing was conducted. On February 14, 2023, one interview pursuant to Rule 2 of the Judges' Rules Administrative Directive was conducted. Between September 30, 2022, and August 14, 2024, electronic records from the Ministry of Education and Youth and the National Education Trust were retrieved and analysed. A review and analysis of documentation and responses pertaining to the allegations of fraud and procurement irregularities was undertaken, and a review of the Integrity Commission Act, the Forgery Act, Corruption Prevention Act, Public Procurement Act, and the Public Procurement Regulations of 2018, another relevant legislation and policies was undertaken.

I will skip the evidence and the discussion and go to the conclusion, and in this regard, I believe I will have to go through all the conclusions with you, because though they may not relate directly to you, the conduct took place within the context of NET. And, of course, it is useful for you to know exactly what we found based on the conduct.

The DI concludes that on May 11, 2021, Mrs. Marcia Phillips-Dawkins utilized the RFQ procurement methodology, invited DCI to submit a quotation to conduct a technical analysis of an ICT project proposal concerning an integrated electronic management information system. The said RFQ was also blind carbon copied Bcc, to Mr. Dale Nicholson on May 12, 2021. The referenced RFQ prepared and submitted by Mrs. Phillips-Dawkins bore the signature of NET's Procurement Manager, Miss Miller. The evidence suggests that Miss Miller had no knowledge of Mrs. Phillips-Dawkins actions and that no authorization was given to affix her signature to the referenced document. The DI concludes that the manner in which the impugned

RFQ was handled by Mrs. Phillips-Dawkins is inconsistent with the scheme of the Public Procurement Act inclusive of Part 3 of the First Schedule of the Public Procurement Regulations of 2018, in general, and the entity's own procurement procedures in particular.

The DI's conclusion is based on the following: -

- A. It is unusual, if not irregular, in this jurisdiction for the head of the entity to personally prepare and issue procurement solicitation documents. Section 20 of the Public Procurement Act states inter alia, that, "The head of every procuring entity shall have overall responsibility for the conduct of all processes connected with procurement for that entity, and in particular shall establish a specialist procurement unit staffed by persons competent and adequately trained to manage and execute the procurement proceedings engaged in by the procuring entity. Additionally, the inherent risks in the head of entity initiating and personally conducting a procurement exercise and ultimately

giving final approval cannot be disregarded."

B. There is in place a specialist procurement unit at NET, and the entity's procurement exercises are ordinarily conducted by its officers. This unit was operational at the material time and there is no evidence to suggest that the unit was derelict in the performance of its duties and: -

C. It seems sufficiently clear from the scheme of the Public Procurement Act that it was not Parliament's intention that heads of entities would be so integrally involved in the procurement process as occurred in the present matter. Due consideration was given to Mr. Bennett's position as to whether a head of entity is allowed to prepare and issue solicitation documents. Mrs. Phillips-Dawkins' explanation as to the urgency placed on the undertaking in question was also considered.

I mentioned Mr. Bennett, but he would have been dealt with earlier in the report. Mr. Bennett, of course, is the Chief Public Procurement and Policy Officer.

## **Second Conclusion**

The DI concludes that the use of Miss Miller's signature by Mrs. Phillips-Dawkins on the impugned RFQ was inappropriate, unethical, and misleading. The DI's conclusion is premised on the fact that the sharing of a Microsoft Word RFQ template with Miss Miller's electronic signature embedded for a previous procurement opportunity did not and could not reasonably constitute consent by Miss Miller for her signature to be used in the manner it was by Mrs. Phillips-Dawkins.

I think that should be the gist of the conclusions that you would need to have the context of. There are two other conclusions that are specific to Mrs. Phillips-Dawkins and would not relate at all to anything that you would need to take action on. So, I will skip to the recommendations, and I will go through them.

The DI recommends that NET should strictly adhere to the procurement laws and guidelines pertaining to the initiation and conduct of procurement undertakings.

Criteria for the respective procurement methodologies and the critical responsibilities bestowed upon procurement specialists and/or practitioners to action procurement requests on behalf of the procuring entity. The DI further recommends that the relevant officers of NET be trained and sensitized in areas identified above in an effort to ensure that the officers tasked with executing such functions understand the policy imperative and the fundamental principles which underpin public procurement such as transparency, fairness, competition, and value for money. The DI recommends that the officers of NET bear in mind and be guided by the scheme of Jamaica's Procurement Law to ensure that procurement undertakings be devoid of irregularities such as conflict of interest occasioned by the unification of functions within the procurement process. More particularly, NET should ensure that there is effective segregation of duties so that the roles of initiator/requester, procurement officer, and approver in any procurement undertaking do not reside in the same individual. This is an important countermeasure in mitigating against acts of corruption

and the misuse of power or control for unethical, fraudulent, or criminal purposes.

The other recommendation is in relation to Mrs. Phillips-Dawkins. But that is the extent of our findings that we want to share with you. If you have any questions, I am happy to answer them if I can.

MRS. GHARTEY: What is the timeline of submission...

CHAIRMAN: Of this report?

MRS. GHARTEY: Yes.

CHAIRMAN: Well, I have given Mrs. Phillips-Dawkins ten days and will do the same if you need to say anything, and after that we will move to have the report submitted for tabling.

MRS. GHARTEY: I know we have submitted the forensic audit report.

CHAIRMAN: Yes.

MRS. GHARTEY: And it wasn't finalized, but it has been finalized.

CHAIRMAN: Oh, have the findings changed?

MRS. GHARTEY: No, the findings haven't changed. We have just actioned certain things with respect to improving...

MS. ANDERSON: ...the process.

MRS. GHARTEY: And the updates would have been to the timelines to

complete certain things based on...

MS. ANDERSON: ...the recommendations from the forensic.

MRS. GHARTEY: We are implementing the recommendations.

CHAIRMAN: So could that then form your response to the findings by providing a copy to us and which we could append to the investigation report going to Parliament, yes. That's just good, in good time. Well, outside of that...

MRS. GHARTEY: So, we are actually making further changes to procurement. Procurement is now, will be reporting to Finance since we are restructuring. The Ministry of Finance is waiting for us to send back the report. So a lot of overhaul with respect to procurement.

CHAIRMAN: Are you now doing the full process on your own, or do you have some of it residing in the Ministry of Education?

MRS. GHARTEY: No, all of procurement goes through the full process.

CHAIRMAN: With the entity?

MRS. GHARTEY: It is the payment that goes through the Ministry.

CHAIRMAN: Okay.

MS. ANDERSON: Two things go through the Ministry: The payments and the approval. The central procurement committee at the Ministry does the approval of the procurements that we



solicit, right.

MRS. GHARTEY: At that threshold. The others would go directly to PPC and then onto Cabinet if needs be.

CHAIRMAN: Okay. So, what of those procurement exercises that only require the approval of the head of the entity, do you still send those to the Ministry of Education?

MRS. GHARTEY: No, no.

CHAIRMAN: Oh, you approve those internally. How long has this been in place?

MRS. GHARTEY: Since we have, we are going through a very, we are restructuring a lot. We have gained significant independence in our operations.

MS. ANDERSON: Right, because you were appointed the accountable officer. That was one of the important things with NET, the head of entity was not, and that was done, I think, last year, March thereabouts. So, it empowered her to be able to do certain things, and we do have a process for that in terms of the review and everything and then a final document comes where she now reads based on the whole process and the evaluation and then she signs off as the approver.

CHAIRMAN: Okay.

MS. ANDERSON: So, we are improving the processes, and we have gotten an Internal Audit Department, or it's just another addition, right, so we are looking to firm up and to make sure that we are compliant.

CHAIRMAN: I see, I see; that sounds good. What is the establishment in terms of your complement?

MS. ANDERSON: We are at 52 now, and some more persons are to be hired.

CHAIRMAN: Okay, okay.

MRS. GHARTEY: Once the Ministry of Finance approves. We are expanding HR, and we are taking up full responsibility for HR. So, we are not sharing services with the Ministry -- so we are doing some restructuring to improve efficiency operations.

CHAIRMAN: Good, good. I am happy to hear of the development and the fact that you have actioned some of the recommendations from the audit. I look forward to reading the audit report in its final iteration. Thank you ever so much, and can I look forward to hearing from you within ten days?

MRS. GHARTEY: Yes.

CHAIRMAN: All right, thank you.

MRS. GHARTEY: And whatever we have outlined here, we will just indicate.

CHAIRMAN: Okay. Thank you very much. It is now 2:37, it should be. This is the end of our meeting.

ADJOURNMENT



June 2, 2025

Mr. Kevon A. Stephenson J.P.  
Director of Investigation  
Integrity Commission  
PIOJ Building, 16 Oxford Road  
P.O. Box 540, Kingston 5

Dear Mr. Stephenson,

**Re: Allegations of Impropriety and Procurement Irregularities at the National Education Trust (NET)**

I write further to meeting, which was held on May 28, 2025, with respect to the matter at caption.

Firstly, I wish to thank you for engaging the National Education Trust (NET) in a review of the specific findings arising from the investigation. Please find enclosed a copy of the final Forensic Audit Report, prepared by Ernst & Young Services Limited (EY), for your records.

As indicated during the meeting, NET has implemented significant operational changes aimed at improving governance, record-keeping, and overall accountability. These measures include, inter alia the following:

- Establishing and enforcing sanctions for non-compliance with procurement policies and procedures.
- Strengthening procurement protocols to ensure all activities are initiated and managed exclusively through the Procurement Unit.
- Requiring formal conflict of interest declarations from all individuals involved in procurement decision making.
- Expanding annual training to reinforce ethical standards and best practices in procurement across all levels.
- Key processes and controls surrounding contract drafting, review and approval are now fully documented, with evidence of authorization by the appropriate authority and maintained in an easily accessible format.

- A complaint management policy, including whistleblowing provisions, has been developed in alignment with the Handbook of Public Sector Procurement Procedures and the Protected Disclosures Act. This policy is reviewed and approved and has been made available to all staff.
- Review and approval of Requests for Proposals and Bid Data Sheets are now documented with names, dates and roles. This information is stored in a centralized database with signoff reports from the Evaluation Committee.
- The Standard Bidding Documents of the Government of Jamaica are used as templates and all required sections are included in final contracts where applicable.
- A procurement checklist is attached to each file, detailing activity timelines, responsible personnel and signoffs. Periodic audits of these checklists are conducted to verify completeness and accuracy.
- All procurement documents and project related materials are signed and clearly dated. Evidence of project approvals is maintained in accessible formats.
- Payment vouchers undergo rigorous review to ensure accuracy and completeness prior to approval.
- Proposed restructuring of the Procurement Unit is in process to ensure a clear separation of duties and alignment with public procurement standards. This includes establishing Procurement as a standalone unit and removing its oversight from the Finance Department to strengthen independence and reduce the perception of bias or impropriety.
- As a strategic step toward strengthening internal controls, NET has appointed an Internal Auditor. This role supports the expansion of internal audit mechanisms to enable continuous monitoring, enhance compliance with established policies and procedures and reinforce overall operational integrity.

These measures represent significant progress and we continue to review our operations to ensure compliance with the legal and regulatory framework. The organisation remains committed to continuously exploring new and innovative approaches to further strengthen governance and accountability for a more resilient and responsible future.

Mr. Kevon A. Stephenson J.P.  
Director of Investigation  
Integrity Commission

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If you have any questions, please do not hesitate to contact the undersigned at (876) 967-7962.

Sincerely,



Latoya Harris Gharney (Mrs.)  
Executive Director

**INTEGRITY COMMISSION**  
**PIOJ BUILDING**  
**OXFORD ROAD, KINGSTON 5**

HEARING  
CONCERNING ALLEGATIONS OF IMPROPRIETY AND  
PROCUREMENT IRREGULARITIES AT THE NATIONAL EDUCATION TRUST

HELD ON May 28, 2025

**PRESENT WERE:**

Mr. Kevon Stephenson	-	Chairman
Miss Shania Parkes	-	Snr Investigator
Mr. Sanjay Harrisingh	-	Snr. Investigator
Miss Jodi-Ann Hamilton	-	Investigator

**ALSO IN ATTENDANCE**

Mrs. Marcia Phillip Dawkins	-	NET
Mr. Anthony Williams	-	Attorney Reptg Mrs. Dawkins
Mrs. Ursula Shand Ricketts	-	Senior Stenotype Writer

CHAIRMAN: Good morning.

MRS. DAWKINS: The time is 10:28. My name is Kevon Stephenson, Director of Investigation. Let me welcome Mrs. Phillips Dawkins and Mr. Williams to the Integrity Commission. And of course, our Stenotype Writer from the Office of the Services Commissions. With me this morning to my immediate right, Miss Shania Parkes, Senior Investigating Officer in our Contract Procurement and Corruption Investigation Unit. To my left Mr. Sanjay Harrisngh, he is also a Senior Investigating Officer in the same unit and to my extreme right Miss Jodi-Ann Hamilton who is one of our Investigating Officers in the Contract Procurement and Corruption Investigation Unit. Today is the 28<sup>th</sup> of May, 2025. We are in the Conference Room of the Integrity Commission, large conference room on the first floor of the building. The formalities out of the way. Mrs. Phillips Dawkins, as you may know we had received allegations in relation to conduct at the National Education Trust some time ago, I wouldn't tell you the actual date.



MRS. DAWKINS: Many years.

CHAIRMAN: Perhaps. And as a result of those allegations the Integrity Commission investigated the matter. I believe you were engaged at some point in time during the course of that investigation, I am sure you were. We have come to the end of our investigation and as part our new policy -- well, not so new, maybe two years old now. We have invited you in to indicate to you what our findings are in relation to you. And this is just for clarity. This process is only followed when the findings are not criminal in nature, but certain breaches are found, and that is the reason we have invited you in this morning to share with you our findings and to give you an opportunity to respond if you so desire within ten days of today. And thereafter, if your response is such that it could cause us to change our findings then we will do so, if not we will -- in any event we will include your response in our report as an appendix that we will send to Parliament. So, feel free. This is not a hearing, it is

just an opportunity for you to hear our findings before the report is made public and to give you an opportunity to respond if you so desire. All right. If you have questions, I am happy to take them now before going through the findings. I note that you are represented by Mr. Williams. Anthony Williams?

MR. WILLIAMS: Correct.

CHAIRMAN: Yes, of counsel.

MR. WILLIAMS: I can't have any questions without knowing what the findings are.

MRS. DAWKINS: Exactly.

CHAIRMAN: No, I mean about the process.

MR. WILLIAMS: The findings would be released?

CHAIRMAN: They will.

MR. WILLIAMS: How soon after today?

CHAIRMAN: I couldn't say. Because after I am finished with my work the matter is in the hands of the Commission. But not less than ten days after today.

MR. WILLIAMS: All right. So, she would be required to respond within the ten days?

CHAIRMAN: Yes.

MR. WILLIAMS: Of today's date?

CHAIRMAN: Yes. Not including today and not including the date on which she actually responds.

MR. WILLIAMS: All right.

CHAIRMAN: So twelve days.

MR. WILLIAMS: All right. The challenge...

MRS. DAWKINS: Is this calendar days or working days?

CHAIRMAN: Calendar days.

MR. WILLIAMS: The challenge I have with that is that you will be telling us what the findings are, but we would prefer - you would certainly appreciate a written analysis or something in writing as to the findings.

CHAIRMAN: No, we couldn't do that. As much as we would love to do that, the provisions of the law are so clear that we could not release the findings in that way prior to the report being tabled in Parliament. And so, we would be in breach of the Integrity Commission law and could be charged criminally for it. But you would have received our note, our letter, to indicate

that the proceedings are confidential, outside of our Stenotype Writer who is taking a record, there should be no other record taking of the proceedings. And just to say that we are happy to -- if it is that -- well, we don't expect for Mrs. Phillips Dawkins to respond fulsomely in these proceedings, you can always write to us. We would prefer that. And if it is that your notes are not as good as you would want them to be after today, feel free to contact us and we will read the findings again so that you can -- or to remind you of what the findings are.

MR. WILLIAMS: So, you are going to read the findings to us?

CHAIRMAN: Yes.

MR. WILLIAMS: Could I have a contact number for you? A number that you are reachable. I was about to use the word circuitous, not circuitous. So that when I call the operator, she tell me to speak to the Janitor and then the Janitor tell me to -- so by the time I get to you I have to pass through Donald Trump and then Hiliary Clinton and then to you.

CHAIRMAN: Not so important. But we don't employ that kind of bureaucracy here at the Integrity Commission, we try to be as accessible to the public as we possibly can.

MR. WILLIAMS: All right.

CHAIRMAN: I will give you a number, but I won't give it to you on record because I don't want it in the notes. And you are able to contact me by email anyways. We are responsive, right?

MR. WILLIAMS: Yes. You didn't respond to my email though.

CHAIRMAN: At the time when you sent your email I was not in office as I was not Director of Investigation then, but since that time I am Director of Investigation again. All right. But as soon as I came to office Miss Parkes brought it to my attention and I spoke to her and you got a response, right?

MR. WILLIAMS: Yes.

CHAIRMAN: Right. So are we ready to proceed?

MR. WILLIAMS: Yes.

MRS. DAWKINS: I am ready.

MR. WILLIAMS: Sorry. The Shanel is one 'n' or two 'n'?

MISS PARKES: Shania. S-H-A-N-I-A.

MR. WILLIAMS: Oh n-i-a, Shania.

CHAIRMAN: I shall now proceed to go through the pertinent portions of the report. Executive Summary. This investigation report concerns allegations of impropriety, fraud and procurement irregularities at the National Education Trust, hereinafter referred to as NET. The report outlines the findings of the investigation around the allegations of procurement irregularity and fraud at NET. Particularly, that the request for quotation RFQ that was sent to a supplier by the then Executive Director of NET bearing the procurement manager's signature without the procurement manager's knowledge and/or consent. During the course of the investigation breaches of the Procurement Law Regulations and established procurement procedures were identified. Recommendations are contained herein towards preventing a reoccurrence.

**Background:** On April 14, 2022, the Director of Investigation, DI, commenced an investigation into allegations of

impropriety, forgery and procurement irregularities in the engagement of a supplier by NET. Our jurisdiction to investigate may be found in Section 33 (1) and 52 of the Integrity Commission Act which empowers the Director of Investigation to investigate allegations involving acts of corruption, non-compliance with the provisions of the legislation as well as the award implementation and/or termination of government contracts.

**Allegations:** In a media article entitled Executive Director of NET, National Education Trust sent on precautionary leave published on November 12, 2021, by Nationwide News Network. It was alleged that;

A) A decision has been made to send Executive Director National Education Trust, NET, Marcia Phillips Dawkins on precautionary leave and the decision has been made to facilitate a probe in the concerns about fiduciary affairs at the entity. There was a gleaner article published on the 16<sup>th</sup> of November, 2021

which really repeated in substance the allegations. And then on the 6th of April, 2022 I received a referral from the Director of Information and Complainants. The referral among other things reiterated the media reports. There were about nine persons we considered to be pertinent to the investigations and in that regard statements, hearings, interviews were conducted with those persons. The accounts provided by them were incorporated in our analysis and our findings.

**Terms of Reference:** The DI sought to establish the following: circumstances under which Mrs. Marcia Phillips Dawkins former Executive Director of NET herein after referred to as Mrs. Phillips Dawkins was sent on precautionary leave. The veracity of the allegation that Mrs. Phillips Dawkins fraudulently affixed the signature of the then Procurement Manager Miss Suewayne Miller to an RFQ directed to a supplier.



MR. WILLIAMS: I am sorry, fraudulently affixed to what?

CHAIRMAN: Affixed the signature of the then Procurement Manager Miss Suewayne Miller to an RFQ directed to a supplier. Whether there were any breaches of the Public Procurement Act, Public Procurement Regulations, the Corruption Prevention Act, Integrity Commission Act and/or any other applicable legislation or policy and whether recommendations ought to be made in respect of the subject matter. The investigation. Following actions were taken during the course of the investigation. This is a summary of the actions taken. During the period April 20, 2022, to November, 4<sup>th</sup>, 2024 eight notices were dispatched to persons who were deemed pertinent to the investigation. During the period July 21, 2022 to November 15, 2024, eight witness statements were recorded and/or received from individuals who were deemed pertinent to the investigation. On August 24, 2022, one judicial hearing was conducted. On February 14, 2023, one judge's rule interview was conducted pursuant to Rule 2 of the Judge's

Rule Administrative Directives. Between September 30, 2022, and August 14, 2024, electronic records from the Ministry of Education and Youth and at the National Education Trust were retrieved and analysed. A review and analysis of the documentation and responses pertaining to the allegations of fraud and procurement irregularities was undertaken and a review of the Integrity Commission Act, Forgery Act, Corruption Prevention Act, Public Procurement Act and the Attendant Regulations and other relevant legislation and policies was undertaken.

I shall skip through the discussion and go to the conclusion. Feel free to when I am through with the conclusion to ask me any question about how we arrived at the discussion.

MR. WILLIAMS: Yes.

CHAIRMAN: **Conclusions:** Director of Investigation concludes that on May 11, 2021, Mrs. Phillip Dawkins utilizing the RFQ procurement methodology invited DCI to submit a quotation to conduct a technical analysis of an ICT project proposal concerning an

Integrated Electronic Management Information System. The said RFQ was also blind carbon copied, BCC, to Mr. Dale Nicholson on May 12, 2021. The referenced RFQ prepared and submitted by Mrs. Phillips Dawkins bore the signatures of NET's Procurement Manager Miss Miller. The evidence suggests that Miss Miller had no knowledge of Mrs. Phillips Dawkins actions and that no authorization was given to affix her signature to the referenced document. The DI concludes that the manner in which the impugned RFQ was handled by Mrs. Phillips Dawkins is inconsistent with the scheme of the Public Procurement Act inclusive of part III of the First Schedule of the Public Procurement Regulations of 2018 in general and the entities own procurement procedures in particular. The DI's conclusion is based on the following:

A) It is unusual if irregular in this jurisdiction for a head of entity to personally prepare and issue procurement solicitation documents. Section 20 of the Public Procurement Act states: Inter

alia, that the head of every procuring entity shall have overall responsibility for the conduct of all processes connected with procurement for that entity and in particular shall be established a specialist procurement unit staffed by persons competent and adequately trained to manage and execute the procurement proceedings engaged by the procurement entity.

Additionally, the inherent risk in the head of entity initiating and personally conducting a procurement exercise and ultimately giving final approval cannot be disregarded.

B) There is in place a specialist procurement unit at NET and the entities procurement exercises are ordinarily conducted by its officers. This unit was operational at the material time and there is no evidence to suggest that the unit was derelict in the performance of its duties and;

C) It seems sufficiently clear from the scheme of the Public Procurement Act that it was not Parliament's intention that

heads of entities would be so integrally involved in the procurement process as occurred in the present matter. Due consideration was given to Mr. Bennett's position as to whether a head of entity is allowed to prepare and issue solicitation documents. Mrs. Phillip Dawkins explanation as to the urgency placed on the undertaking in question was also considered.

MRS. DAWKINS: Who is Mr. Bennett?

CHAIRMAN: Mr. Andrei Bennett is the Chief Public Procurement Policy Officer within the Ministry of Finance and the Public Service.

MRS. DAWKINS: Oh, okay.

CHAIRMAN: Because I skipped to the conclusions I wouldn't have gone through the discussions and the evidence.

The Director of Investigation concludes that the use of Miss Miller's signature by Mrs. Phillips Dawkins on the impugned RFQ was inappropriate, unethical and misleading. The DI's conclusion is premised on the fact that the sharing of a Microsoft Word RFQ

template with Miss Suewayne Miller's electronic signature embedded for a previous procurement opportunity did not and could not reasonably constitute consent by Miss Miller for her signature to be used in the manner it was by Mrs. Phillips Dawkins. The Director of Investigation finds that in November of 2021 NET's Board of Directors voted in favour of its Executive Director Mrs. Phillip Dawkins to be sent on precautionary leave with immediate effect pending the result of an investigation into allegations of fraud committed during the execution of her duties at NET. The DI further concludes that the Ministry of Education and Youth has engaged a firm to conduct a forensic investigation in an effort to determine if the alleged procurement irregularities as outlined herein can be attributed to misconduct or fraud on the part of Mrs. Phillips Dawkins. Those are the conclusions. I will go now to the recommendations. And to give context to the recommendations I may have to read an additional recommendation which may not be

particularly connected to you, but contextually important. The DI recommends that the officers of NET bear in mind and be guided by the scheme of Jamaica's Procurement Law to ensure that procurement undertakings are devoid of irregularities such as conflict of interest occasioned by the unification of functions with the procurement process (initiator/requestor, Procurement Officer and approver). More particularly, NET should ensure that there is effective segregation of duties so that the roles of initiator or requestor, Procurement Officer and approver in any procurement undertaking do not reside in the same individual. This is an important counter measure in mitigating against acts of corruption and the misuse of power or control for unethical, fraudulent or criminal purposes. This is particularly related to you Mrs. Phillips Dawkins.

MR. WILLIAMS: Could you repeat for me please?

CHAIRMAN: The one I read?

MR. WILLIAMS: Yes.

CHAIRMAN: You want me to read it again?

MR. WILLIAMS: Yes, please.

CHAIRMAN: Okay. The Director of Investigation recommends that the officers of NET bear in mind and be guided by the scheme of Jamaica's Procurement Law to ensure that procurement undertakings are devoid of irregularities such as conflict of interest occasioned by the unification of functions within the procurement process. In bracket we have (the initiator/requestor, procurement officer and approver). More particularly, NET should ensure that there is effective segregation of duties so that the roles of initiator or requestor, procurement officer and approver in any procurement undertaking do not reside in the same individual. This is an important counter measure in mitigating against acts of corruption and the misuse of power or control for unethical fraudulent or criminal purposes.

MRS. DAWKINS: Can I ask a question?

CHAIRMAN: Yes.



MRS. DAWKINS: Were you provided with the procedures for procurement at NET?

CHAIRMAN: Yes, we were.

MRS. DAWKINS: And those procedures indicated that the Executor Director had approval authority because I did not? I did not approve procurement activities even when they were not conducted by me. There is a lot of misleading information that you have read out there, but I will - I want to focus on the procedures that you have been provided. Because we don't even sign contracts, not even for a \$5 in NET. Everything goes to Ministry of Education for approval final sign off. Whether it goes to the committee or it goes to the Permanent Secretary. So, to have those kinds of allegations, they are misleading. The procurement activity that was carried out by me was sanctioned by Suewayne, albeit not in writing because the day that the activity took place she was at the doctor. I called her on the phone to find out if there was any - well, first of all you have to understand the timeframe that we are talking about. This was just

coming out of Covid. People were still getting Covid and being absent from work for how many days. During that particular time even though we had two Procurement Officer plus Suewayne who was the manager, none of them was in office at the time because one was out sick, Suewayne herself was at the doctor because I believe she had done some kind of procedure and had to do follow up visits. So, when we went to PPC and they made the request for the analysis to be done Dr. McLean called me on the phone to say if we know anybody who could carry this out in a short time because they wanted to get this information system into schools because by this time schools were not having face to face classes at the time and this was a critical piece of whatever, that was required. Suewayne was not in office, the only person was there was more clerical, she asked that young lady to give me the document that was signed by her, and she said that this was a standard form that they used for small procurements, because this was a procurement activity that would have been under \$500,000. The Procurement Act at

the time gave permission for up to \$2M I believe for sole source. But because of how NET operates, even if it is a small procurement we still send out to more than one person. I didn't know anybody. Dr. McLean sent a name to me, and I asked the Corporate Services Director at the time if she knew anyone because she is responsible for HR, so applications come in whatever, she would have some kind of database and she gave me another name. And so, all I did was to put in the dates that the information was to come back and sent it to the two persons that was given to me. So, for them to say I used Suewayne signature without permission, that's a lie. And if the people who you speak to at NET in procurement, if you had interviewed them, they would tell you that it is a procedure that she instituted where she created this form, signed it and provided it to the persons in the unit to use for small procurements. So, I did not do anything fraudulent. And the same day when I spoke to her, I also sent her the document by email. She came back to me and said the minimum number of days I

should have given was five days; I believe I gave three days and that was the only issue she said to me at the time she had with the document. And I said to her since you are back in office, we will withdraw the thing, and you carry out the procurement activity and that was what I did. I asked my Admin Assistant at the time Andrene Constantine to send an email to withdraw the document that I had sent out and she did. Because the document was also sent to Dr. McLean, it was sent to Dr. McLean's Secretary, because she was the one who requested it, and it would have gone to her anyway. So, what you have there, I don't know who you interviewed and who gave those kinds of statement. And the fact is people would have been interviewed under duress because of their situation. So, I know that the smear campaign was to get me out of the position so that it could go to other persons, but that was really not even necessary because I had no intention of staying there.

CHAIRMAN:

I look forward to receiving your written response Mrs. Phillips Dawkins.

MRS. DAWKINS: I already gave these statements before you know.

CHAIRMAN: Well, if you have nothing further to...

MRS. DAWKINS: Mr. what's your name again? Sarjue.

MR. WILLIAMS: Harrisingh.

MRS. DAWKINS: Where I get Sarjue from. (Laughter) I already gave these statements before you know. So where are those statements that I gave when I came here the first time?

MR. HARRISINGH: We are in possession.

MRS. DAWKINS: But I am not seeing it reflected in the summary and all of that.

CHAIRMAN: It's in the evidence and all of that. So, we not only spoke to persons and received witness statements from them. We also did our own forensic analysis of the email system, so we have the email trails and the timeline, they are all set out in the report. I didn't go through them.

MRS. DAWKINS: You didn't go through them?

CHAIRMAN: I didn't go through them with you just now.

MRS. DAWKINS: I would love to hear them because the procurement was subsequently carried out by

Suewayne and Yvonne Brown, and there is a procurement committee in NET, there is an evaluation committee that I am not any part of, they are the ones that make recommendation on procurement outcomes to the Permanent Secretary or to the Central Procurement Committee in the Ministry of Education. So, I would love to hear what those summaries say.

MR. WILLIAMS: But of interest you would have heard Mrs. Phillips Dawkins saying that Suewayne Miller is the person who created the system where she would have prepared those pre-signed templates.

MRS. DAWKINS: That the clerks in the unit just fill in the information and send it out to whoever they are requesting quotations from and that is why when she asked the young lady, that is the form that was given to me. So, I did not create the form, all I did was fill in the dates.

MR. WILLIAMS: So, is there anything in your report - I know you had skipped over quite a few for obvious reasons. But is there anything doing your investigation or in the report

which would reflect Miss Miller stating how those forms were created and how those signatures came on it?

CHAIRMAN: Yes, I hear Mrs. Phillips Dawkins but the evidence before me is not consistent with her version of the events.

MR. WILLIAMS: What is the evidence?

CHAIRMAN: The evidence is that an RFQ that was created for another matter was shared with Mrs. Phillips Dawkins upon her request, and she made the necessary changes.

MR. WILLIAMS: She who?

CHAIRMAN: Mrs. Phillips Dawkins made the necessary changes and issued the document bearing Miss Miller's signature. It would be a totally different issue entirely if the signature may have only been on the RFQ form itself, but there is a cover letter with Miss Miller's name and signature as if she had created - she had written this letter conveying the...

MR. WILLIAMS: To support the RFQ?

CHAIRMAN: Yes.

MRS. DAWKINS: But the RFQ is the letter.

CHAIRMAN: Yes, there is a section on it that outlines everything. Isn't that so? The letter conveys a form, right?

MISS PARKES: Yes.

MRS. DAWKINS: The letter is a form. That's what I am saying. The letter - because it a small procurement, the letter is the form. So, there is not too separate document and if there is a separate document, I don't know about the second one.

CHAIRMAN: There is a cover letter with a signature on it.

MRS. DAWKINS: What cover letter? The RFQ is a letter. The RFQ for the small procurement is a letter, is a letter of request.

MR. WILLIAMS: And not a separate letter.

CHAIRMAN: I need to have a look at the document again. This is some time ago you see.

MR. WILLIAMS: So, from your perspective or from the perspective shared with you, it gives the impression Marcia that...

MRS. DAWKINS: That I am falsifying her signature.



MR. WILLIAMS: That the RFQ is one and the letter is another.

CHAIRMAN: I may be entirely wrong, so I need to look at the document again.

MRS. DAWKINS: It's just one document. The RFQ is a one page back and front I believe, because it's a small - that is the form that was created to be used for small procurements. And as I said you have to put the thing in the context of the time that we were in, because I believe she did it because of the frequent - people being -- first of all, we never have a fully staffed unit and that can be borne out by the ad that went out the same week that I went on leave NET hired ten people. An Ad went out for ten persons. So, this is ten persons that the entity was operating without during the time I was there. So, there was a staff shortage especially the procurement area because it's a new area, it was a new area for NET. Usually before that procurement was handled in the Ministry. So, I was building out the procurement unit in NET and because of the Covid situation we couldn't even get people

to hirer with the competences that was needed. So, two of the persons that were in the unit were staff that came in as administrative staff that I sent on training, and they were just beginning their training in procurement. One of them didn't even start yet, but because of the dire need that existed in NET, because as you might know NET was carrying out all the infrastructure works for schools and schools were in a very bad situation because of the whole year they were locked up, a lot of them had termites infested - all kinds of crazy things was happening. In addition, to the fact that a lot of schools could not be face to face, and as I said this electronic system that the Ministry was trying to procure was for, to facilitate students being online. So, it was kind of an emergency situation and Suewayne was well aware, because I spoke to her on the phone the day Dr. McLean called me. She was the first person I called. She was at the doctor and the only other person in her unit was Lorrie Harris I believe was her name and Lorrie didn't even understand anything. She

was the one who gave me the form. I asked her, I said is this the form that you guys use, and she gave it to me, she said, yes. All they do is just fill in the date and that's it. They send it out to request quotations because Suewayne put that system in place because of the shortage of staff and the fact that a lot of persons were getting sick and not in office and all of these things. But I never approved any of those things. I did not handle anything to do with procurement. That was the first time I was doing anything in relation to procurement, and it was only because of the urgency of the situation that I decided to send out the request. And even the -- I believe on the documentation the request was worded in such a way that the response was supposed to go to Suewayne herself.

CHAIRMAN: I'll look at the actual document just to confirm something.

MRS. DAWKINS: The response was supposed to go to Suewayne, it wasn't even supposed to come back to me, because I never handled procurement.

CHAIRMAN: 11:08 Miss Parkes left the room to retrieve a document.

MRS. DAWKINS: And so, these allegations as I said were concocted.

CHAIRMAN: 11:08 Miss Parkes has returned.

MRS. DAWKINS: (Inaudible) to get me out and as I said I was on secondment from the Ministry and if they had spoken to the Corporate Services Director she would have told them that all of what they did was not necessary because she asked me before if I needed anything to send to the Ministry for my extension and I said no, because I am going back to my job.

CHAIRMAN: What I will do is that I will read the last recommendation and then I will ask Miss Parkes to take us through a bit of the evidence in relation to the exchange of correspondence among the parties. Right. The final recommendation...

MR. WILLIAMS: Before you get to that, how many recommendations you have read so far?

CHAIRMAN: I have read one so far. There are only one, two, three.

MRS. DAWKINS: What was the first one?

CHAIRMAN: The first one was in relation to the unification of functions, approval, request of...

MRS. DAWKINS: Oh. And that was when I asked you about the procurement policy or procedures.

CHAIRMAN: Yes.

MRS. DAWKINS: Because there is no unification of function. I am totally not apart - when I was there, I was totally not a part of the procurement. I was not the approver; I did not sit on the Evaluation Committee, I was not a member of the Procurement Committee. I only went to those meetings when I was invited because the Procurement Committee was a subcommittee of the board and the Evaluation Committee was usually selected based on whatever subject matter was going to be evaluated, they would invite experts from whether Ministry directly, external entities, whatever. I was never a part - if you go back through the history from 2016 when I got there in October, you will see that I was never a part of any of those procurement activities.

CHAIRMAN: I am sorry. All right. The usual course is that the head of entity is not a part of the procurement process. You give approval at the end of the process. So, you are advised by a Procurement Committee?

MRS. DAWKINS: No, and I was not the person who the approvals would have been sent; it would have been sent to the Permanent Secretary.

CHAIRMAN: Okay. So, you were not really a procuring entity?

MRS. DAWKINS: No.

CHAIRMAN: Because if the final approval does not reside in the entity, then -- well, particularly for those that fall within the threshold that a head of entity can approve. If that authority...

MRS. DAWKINS: Even those went to the Ministry and handled by the procurement unit. The purchase orders, where purchase orders were going to be used was issued by the procurement unit in the Ministry and if it was a contract those contracts were prepared and signed by the Permanent Secretary. Never me.

CHAIRMAN: So, what happened in this matter, because this is a different process entirely from what you have just outlined where the RFQ was done by NET and issued?

MRS. DAWKINS: RFQs are normally done by NET.

CHAIRMAN: Yes, but that is the procurement process.

MRS. DAWKINS: But I am saying the process itself, the finalization of the process takes place in the Ministry of Education. So, whatever was done at NET was done on behalf of the Ministry. And that is why I explained that even the request for proposal that was sent out was copied to the Permanent Secretary's office, to her directly and to her Admin Assistant as well as to the Project Manager for the project that was to pay the money or whatever, Yvonne Brown and to Suewayne, because that was how she came to me to say the number of days that I gave was not in keeping with...

MR. WILLIAMS: Was short.

MRS. DAWKINS: Exactly. It should have been five and I think I gave them three.

CHAIRMAN: Yes. I was having a difficulty reconciling NET having a procurement unit, that was a part of the procurement process and then the rest of it goes to the Ministry even for procurement exercise that the threshold would require approval within the entity itself. So maybe that's a peculiar...

MRS. DAWKINS: Remember I said to you that NET did not have a procurement unit before.

CHAIRMAN: But during the - at the material time it had.

MRS. DAWKINS: Yes. But because of the Covid situation, because we were still in Covid whatever, people were working from home, those in office sometimes were not there because they were ill, like Suewayne was ill that particular day, I don't know if it was Covid related or some other related, but she was not in the office and it was a skeleton staff in the office that day. Because I don't even remember if my Admin Assistant, because normally I would give her these small issues to do, but because PPC asked for this analysis to be done and they said if you come back to us with it in like two weeks or



something like that you would be able to approve so that you can go ahead and purchase this software, whatever. Dr. McLean was trying to get it done within that short time and so she said try and send it out as quickly as possible. So I just said if there is a form or template or whatever, I would just use it and send out the request and send it to Suewayne, because that was what I did, even the response to the RFQ was not supposed to come to me based on the document that was sent out.

CHAIRMAN: Yes. I do understand that. And still I'm not able to reconcile how is it that having created the RFQ, when I say created, I mean prepare the document for the actual procurement undertaking, how Miss Miller's name and signature remained on it even...?

MRS. DAWKINS: Because it was a form, it was a form that she created. It was a template that she created.

CHAIRMAN: The process outlined to me was that Miss Miller would have to approve the form or the document before it is sent out even if...

MRS. DAWKINS: That is under ideal situation she would tell you that, because that is really what should happen, but that is not what was happening at the time. And I am saying to you that is not what was happening because in a lot of cases one procurement person is in the office or none. Because if you go back and your investigation should take you to go look at the schedules for work-from-home that was in place at the time, because it would show you that 90 percent of the staff at NET were working from home. The only people who were in that office was me, the accounting people and one and two Project Managers that had to come into the office for documents to be signed.

MR. WILLIAMS: Quick question.

CHAIRMAN: Yes, Counsel.

MR. WILLIAMS: Was it brought to your attention or the team's attention of the Covid situation at the time?

CHAIRMAN: Yes, and the process that obtained during Covid was outlined to us and it required Miss Miller's approval prior to the issuance

of the document. So even though it may, based on the evidence and what -- well, what was outlined to us, the document may be prepared by another officer, but it required her approval before this.

MR. WILLIAMS: And she didn't tell the team about the templates?

CHAIRMAN: Yes.

MR. WILLIAMS: She told the team about the template that she created?

MRS. DAWKINS: And signed. Because she didn't create a blank template and left it.

MR. WILLIAMS: Correct. So that's the critical one. She created a template and signed.

MRS. DAWKINS: She signed the template. The template that she gave to the staff to use was a template that was signed by her. So when the young lady gave me the template it already had Suewayne's signature on it. And I asked her, I said is this how you usually send it out and she said yes, Suewayne just requires them to put in the dates. So, the date of the request and the date that the request is supposed to come back. Those were the only

two things that I filled into that form and that is how the staff in the unit was using it. So, when she is telling you that it required her to approve before that was not what was being practiced.

MR. WILLIAMS: Did she give an account as to how that signature came there?

CHAIRMAN: Yes.

MR. WILLIAMS: I mean the template. What was her response?

MRS. DAWKINS: That it was being prepared for somebody else, and it was given to me to use. That's what you said.

CHAIRMAN: Well, it was for a different procurement undertaking all together. It was an example, yes, it was an example of a procurement, but we saw the document. So it was not for this particular one, it was for something else. We are seeing - the evidence is showing where the form was modified, or the document was modified to make it relevant to this particular procurement.

MRS. DAWKINS: No, the question that I want to ask...

CHAIRMAN: So that is the difficulty. If it is that Miss Miller had prepared the document for this particular undertaking and sent it on it would a totally different scenario, because in this matter it was just for a document prepared for another procurement exercise.

MR. WILLIAMS: What was the modification?

CHAIRMAN: Well, the document would require the subject matter, the return date, who it is to be returned to, who it is addressed to.

MR. WILLIAMS: So, all those were changed? The subject matter, to whom it was addressed to, the date, the content?

CHAIRMAN: Yes, and what is required.

MR. WILLIAMS: So, all that was really authentic from Miss Miller's perspective was the signature?

CHAIRMAN: Yes. In respect to well...

MR. WILLIAMS: So, everything else is good except the signature?

CHAIRMAN: No.

MR. WILLIAMS: No, I mean everything was bad except the signature?

CHAIRMAN:

Well, the signature is also bad if she didn't intend that it should be used for this particular procurement undertaking. So, for example, this investigation report template with my signature on it; I could send it to a new investigator and say here is the template and my signature is still on it, but I am not giving permission to create an investigation report and use my signature. I am giving you an example of a document. Maybe it is my bad not to have removed my signature, but generally you would follow the practice of - you sign your signature to something that you have done or that you approve, not for another purpose. The number of changes made to the document would in the final analysis be a situation where Miss Miller could easily say it is not hers, right. So that is the position that we arrived at having reviewed the evidence, looked at the original form, the one that was sent out and having looked at the email trails and so on and the procedures which obtain in the office at the particular time.

MRS. DAWKINS: So, were you informed that the procurement was retracted?

CHAIRMAN: It was. Yes, we know it was retracted after Miss Miller raised a number of concerns and the email trail is there to show the number of concerns she raised starting from...

MRS. DAWKINS: When was the retraction done?

CHAIRMAN: From May 15 up to...

MRS. DAWKINS: And when was the actual procurement carried out and by who?

CHAIRMAN: Well - so that is really besides the point. What we are looking at here is the initial...

MRS. DAWKINS: No, it can't be beside the point. The day she came and brought it to my attention that, and the only issue she had with the document at the time was the days, that it was not in keep being the Procurement Act, because the minimum days that should have been given was five days. If you look at the document that she subsequently sent out, what was the difference between that document and the one that I had sent?

CHAIRMAN: She prepared the document for issuance that was ultimately sent out. She did not prepare the one that you sent out, that is the difference. That is the material difference to the investigation.

MRS. DAWKINS: Okay. So, the issue is that she is saying I forged her signature, pretty much?

CHAIRMAN: No, you didn't forge her signature, you used her signature without her permission or knowledge.

MRS. DAWKINS: Her permission was given. The fact that she asked the young lady, Lorrie to give me the form that was permission and she was part of the review committee for the RFQ.

CHAIRMAN: That is not consistent with the evidence, Mrs. Phillips Dawkins.

MRS. DAWKINS: All right. Well, we know that evidence can be altered and all of that and because I am not diabolic, I never thought about these things before. Because it would not even occur to me based on the value of the procurement activity and what was being done that something like this could have spiralled into this kind of situation.



Because as I said if you look at the history I was at NET from October 2, 2016, you would not see my name on any and I handled procurement for millions of dollars. And when I say handled, as Executive Director they would have fallen under my purview. So, if I wanted to do anything untowards, why would I choose the smallest procurement and what benefit that would have been to me to do that?

CHAIRMAN: Is it recall you saying Mrs. Phillips Dawkins that at an earlier stage there was no procurement unit at NET and that procurement undertakings were not carried out by the entity but by the Ministry's procurement unit.

MRS. DAWKINS: Not fully. There was no full procurement unit at NET, but we did do parts of just like what is still happening even today, parts of the procurement activities are carried out at NET. So, the development of the RFQs were done by NET, because that is where the technical people are. Then when the bids are sent out, they come back to NET, the evaluation is done again because

that is where the technical persons are and then it is sent to the Ministry. So the evaluation would be done, it goes to the NET Procurement Committee for sign off and then it goes to the Ministry whether to the central procurement committee, because even for this that were going to go to sector, it had to go to central procurement committee first and the reason for that it is because it did not originate in the Ministry. So, the Permanent Secretary as a safeguard for herself required that procurements that were initiated by NET would go through the central procurement committee before she would send them to the sector committee.

CHAIRMAN: Is that written down anywhere? Is there a policy?

MRS. DAWKINS: I don't know if it is written down but it's a practice that you can trace. When PS Bernard was Permanent Secretary, he did write to NET to say that we should not, not even the notice of award after the Procurement Committee approves it, we were not allowed to send out, it had to be done

by the Permanent Secretary. So these things are documented.

MR. WILLIAMS: All right, so you are going to continue with the other recommendation.

CHAIRMAN: The last one.

MRS. DAWKINS: Well, the two, because so far...

CHAIRMAN: Oh, you want me to read again the one...

MR. WILLIAMS: You said that there are three and you only read one.

MRS. DAWKINS: I don't remember what the second one was.

CHAIRMAN: Well, the first one was really a general recommendation to NET, so it really didn't - unless you want to hear it.

MRS. DAWKINS: Well, I want to hear it because it pertains to everything that has happened.

CHAIRMAN: Yes. The DI recommends that NET should strictly adhere to the procurement laws and guidelines pertaining to the initiation and conduct of procurement undertakings. The criteria for the respective procurement methodologies and the critical responsibility bestowed upon procurement specialist and/or practitioners to action

procurement request on behalf of the procuring entity. The DI further recommends that the relevant officers of NET be trained and sensitized in the areas identified above in an effort to ensure that the officers tasked with executing such functions understand the policy imperative and fundamental principles which underpin public procurement such as transparency, fairness, competition and value for money. It wasn't a general recommendation. The Director of Investigation is advised and do very well believe that Mrs. Phillips Dawkins is no longer employed to NET. She however, remains in the employ of the Ministry of Education and Youth. Consequently, that having regard to her conduct in this matter the DI recommends that disciplinary proceedings be instituted against her. That's the final recommendation.

MRS. DAWKINS: What disciplinary proceedings?

CHAIRMAN: Well, the Ministry would have its own procedures to deal with that. So it is something that they would have to consider.

MRS. DAWKINS: But are you aware that the Ministry carried out an audit of this entire process on its own by their internal audit and post Audit Compliance Unit, the Finance Division and they did not see any evidence of any impropriety.

CHAIRMAN: The Ministry is entitled to disregarding the recommendation made by the Integrity Commission, because it's not binding on them. But based on our review of the matter and having seen the Audit Report, the draft Audit Report, the findings made in this matter, I would suggest are much lighter than what I have seen in the draft Audit Report, Forensic Audit Report. I don't know that if you have seen that report.

MRS. DAWKINS: No, I have not.

MR. WILLIAMS: You have said it earlier about the opportunity for her to respond within ten days excluding today.

CHAIRMAN: Yes.

MR. WILLIAMS: Notwithstanding it being said orally, could I get something in writing as well?

CHAIRMAN: Well certainly we could, but our Stenotype Writer is not employed to the Integrity Commission so her notes would provide proof.

MR. WILLIAMS: I understand that. I am not talking about her. I am referring to today's meeting.

MRS. DAWKINS: To you sending a note.

MR. WILLIAMS: Yes, just sending a note to say...

MRS. DAWKINS: Yes, just sending a note to say we have this amount of time within which to respond.

CHAIRMAN: All right. Miss Parkes, I will ask her to do.

MR. WILLIAMS: That would be like a three line letter.

CHAIRMAN: Yes, that's fine. I will ask her to just go through the email, a bit of the evidence in terms of the email trail.

MRS. DAWKINS: So can a forensic audit be conducted on the subject of the audit is never consulted?

CHAIRMAN: I don't know, I wouldn't know the prospect.

MRS. DAWKINS: Okay.

CHAIRMAN: Well, a forensic exercise usually excludes people, it looks at computer evidence and those...

MRS. DAWKINS: Okay.

MISS PARKES: The email correspondence between the aforementioned individuals concerns an ongoing discussion wherein Miss Miller upon becoming aware of an RFQ that was disseminated externally with her signature without her authorization or knowledge made repeated request of Mrs. Phillips Dawkins to withdraw the RFQ. The email correspondence exchanges are set out below. Saturday May 15, 2021. Mrs. Phillips Dawkins wrote: Colleagues, as per PS approval please prepare notification and purchase order for us to proceed with this assignment. May 17, 2021, Miss Miller wrote: Hi, can you kindly shed some light on this activity since I am unaware of same. Such as, when was this activity procured and where are the supporting documents to prepare the request? May 17, 2021, said date, later in the afternoon. Miss Miller wrote: Dear Team. Effective May 17, 2021, no one at NET is allowed to use my signature. Same May 17, 2021...

MRS. DAWKINS: And who was that email sent to?

MISS PARKES: Miss Suewayne Miller to the team. Dear Team.

MRS. DAWKINS: Who are the people in that team?

CHAIRMAN: We would have to check that, we didn't include it in the report.

MR. WILLIAMS: But was Miss Dawkins copied?

MISS PARKES: I would have to confirm. I knew the response following though, May 17 still Mrs. Dawkins wrote: Dear Suewayne, please ensure that the members of the team remove your signature from the templates before sending them to anyone for use because it can be misconstrued. May 19, 2021, this is after that. Miss Miller wrote: Dear Marcia, respectfully I ask that this document be withdrawn with my signature from the public domain as I did not prepare the same. I would not prepare such a document with so many breaches with regards to the Public Procurement Act of 2015 and amendment to the Act 2018. Many Thanks. Same May 19, 2021, 5:48 p.m. Mrs. Phillip Dawkins wrote: Dear Suewayne, this document was sent to PS last week. I will ask Andrene to have it returned



as the Terms of Reference and the proposal are what the letter refers to. However, you presented a clause from the Procurement Act that allows for execution for expedience. I am not sure why you are referring to it as a breach of the Act if the Act allows for it. Regards. May 19, 2021...

MR. WILLIAMS: Sorry, who wrote that last one?

MISS PARKES: Mrs. Phillips Dawkins wrote. May 19, 2021, later down 6:20 p.m. Miss Miller wrote: Dear Marcia, please note. One, my signature was used by you without my permission from last week. This is a fraudulent act. Two, the clause I presented to you today is after the fact of the breaches committed. Three, Today with information you presented to the meeting was how I explained that clause from the Act. Four, You are yet to provide a draft letter addressed to the PS seeking approval to utilize the single source procurement methodology as opposed to a competitive process as stipulated by the PS in the Ministry's policy document. Five, You also noted in this afternoon's meeting that you would not write to the PS.

Respectfully, this is my last communication action on this matter. Friday June 4, 2021, 9:19 a.m. Miss Miller wrote: Hi Andrene, can you conform if the document was withdrawn from the public domain MOEY under consultant in bracket, as I would have requested. June 4, 2021, 10:30 a.m. Miss Andrene Constantine wrote: Hi Suewayne, as instructed by my supervisor email dated May 19, 2021, I have requested that the document be returned to NET. However, I am yet to receive the document. I will follow up with MOEYI and have it returned. As it relates to the consultant, no communication has been made between myself and the consultant. I am not aware if my supervisor made contact with the consultant to have the document in question declared null and void or returned. Thursday June 10, 2021 at 5:55 p.m. Miss Miller further wrote to Miss Andrene Constantine and copied Miss Cassandra Anderson on the following; Can you confirm if the document was retrieved? I expressed my concerns with regards to this issue. No communication was made to me or an update provided. If you have not retrieved the

same as yet I will make contact with the MOEYI myself. By way of this email, I am copying the Legal Secretary who gives directives for compliance within the entity. Friday June 11, 2021 at 9:55 a.m. Miss Andrene Constantine wrote: Dear Suewayne, I have acted within the boundaries of my position to have the document returned. This matter is out of my hands. I respectfully ask that you communicate directly with the Executive Director on this matter. Same June 11, 2021, 9:57 a.m. Miss Suewayne Miller wrote to Miss Constantine and copied Miss Cassandra Anderson on the following. Noted with thanks. On Wednesday, June 16, 2021, at 5:20 p.m. Miss Suewayne Miller wrote: Dear Marcia, and Andrene, please note I would have followed up with the documents withdrawal with the unauthorized use of my signature from the consultant and the Permanent Secretary's office. I am requesting the last time for the same to be withdrawn by Friday, June 18, 2021, otherwise I have no choice but to request the chairperson of NET to intervene in the situation. In light of this, I am

copying the company's Secretary and the Director Corporate Services. June 16, 2021, same date 5:29 p.m Mrs. Marcia Phillips Dawkins wrote. Noted I will follow up again. June 17, 2021. Mrs. Marcia Phillips Dawkins wrote: Dear Suewayne, I am not sure why this matter seems to have become so contentious because I certainly have no intention to impugn your credibility. It was a simple misunderstanding and I have asked Andrene to retrieve the documents, but with everything going on just slipped both of us. I am surprised by the level of animosity you seem to have over something that you could have just reminded me about. But it is what it is. I have don't withdrawal myself so you can let me know if you are okay with how it was done. I have received your resignation, and I called as well as send you a WhatsApp message and you have not responded. I wish you all the best in your future endeavours. Kindest Regards Marcia.

MR. WILLIAMS: That was Suewayne?

MISS PARKES: That was Mrs. Phillips Dawkins to Suewayne on June 17, 2021.

MR. WILLIAMS: Whose resignation it was?

CHAIRMAN: Suewayne Miller.

MR. WILLIAMS: Sorry, what was her position there?

MRS. DAWKINS: She was Procurement Manager.

CHAIRMAN: That was the trail of emails.

MRS. DAWKINS: There are missing emails from that whole process because I don't see any mention being made of the process being actually carried out by Suewayne herself and Yvonne Brown.

CHAIRMAN: That would have preceded this. So that's really in relation to...

MRS. DAWKINS: When was the original document? What's the date of the original document? I don't even remember.

CHAIRMAN: It is somewhere here, it's in the report.

MISS PARKES: The template?

CHAIRMAN: Hmm, hmm.

MRS. DAWKINS: Because the process was completed long before that argument came up about withdrawing documents.

CHAIRMAN: No, certainly, it would have to.

MRS. DAWKINS: That's why I am asking what were those communication that took place in-between those times? Where are those communication? Because the flurry about withdrawing from public domain only came about when she was ready to leave.

CHAIRMAN: That part of the process is outlined earlier in the report from the time when the RFQ...

MRS. DAWKINS: I am just asking about the dates, because I don't even know what took place regarded the engagement of the consultant until I was told that the consultant was actually engaged. So I am asking about those email tread. You see the presentation of parts story's is what I am having an issue with.

MR. WILLIAMS: So the fulsome picture is not there.

MRS. DAWKINS: Incomplete.

CHAIRMAN: Says who?

MRS. DAWKINS: I am saying that because...

CHAIRMAN: No, because you haven't heard the entire report. The RFQ was issued on May 11, 2021, the request for the example or the template was before May 11, 2021. So outside of what we received in terms of statements from officers we did our own forensic analysis looking at taking the information from the emails in a forensic way and analysing them ourselves to see whether...

MR. WILLIAMS: Mrs. Dawkins is saying that from her perspective there seem to be a lacuna in the fulsomeness of the email trail. That's what she is saying. So, despite you doing your own investigation the question really is whether or not you would have had the fulsome email. But then there is a challenge with that, in that you wouldn't know until when she raised it. In other words, you wouldn't know the fulsome story.

CHAIRMAN: No, what I understood her to be saying you know counsel, was that that email trail that was read out just now, didn't include from where the template was requested and sent to her and I was saying to her that that is covered earlier in the report because that

part of the report is only in relation to upon discovering that the RFQ was sent out with her signature.

MRS. DAWKINS: No, no, that is not what I am saying.

CHAIRMAN: Well, I may have...

MRS. DAWKINS: Yes, you are misconstruing what I am saying.

CHAIRMAN: Not misconstruing. I may have misunderstood what you have said.

MRS. DAWKINS: All right. Well, I am saying the day she came to me, the same day the RFQ was sent out. She pointed out to me on that day that the issue she had with it was the number of days that was given for the RFQ to be returned, because the Act allowed for a minimum of five days. I had given three days. On that very day instruction was given to her to terminate the procurement process that was initiated and to do it herself and that is what was done.

CHAIRMAN: That in my mind cannot constitute the correct chronology of events if you understand what I am saying. How I read it having looked at the entirety of the evidence is one, you have this procurement,



urgent procurement undertaking to do with all that's happening in Covid and so on. You asked for the template to be sent to you. The template, they spoke to Suewayne and she gave permission for it to be sent to you. I am trying to see if the evidence says it was sent to you or it was sent to somebody else. But the long and short of it is that it was actually sent and then somewhere along the line somewhere between that time and May 11, that same template that was sent was modified and made fit for purpose for the actual procurement undertaking for the...

MR. WILLIAMS: For which you are investigating.

CHAIRMAN: Yes. And then having sent that out at some later stage where the email trail that we read commenced was when you sent your email saying that they should make the necessary arrangements and Suewayne is writing back to say what arrangement, I didn't know about any procurement undertaking.

MRS. DAWKINS: So you see why I am saying that the order of activities are not adding up for me. Because when I would have sent her that

email to say make arrangements to initiate the contract it would have gone through the procurement process already and approved by the Permanent Secretary.

CHAIRMAN: Except that Miss Miller is saying that she didn't know anything about that RFQ that was sent out.

MRS. DAWKINS: So who sent it out? The one that was corrected and sent out, who sent it?

CHAIRMAN: No, but that is a different thing now. After the document was withdrawn...

MRS. DAWKINS: No, I am asking because if she is saying she don't know about it, so how can she not know about it?

CHAIRMAN: No, it is after that when the document was withdrawn, there was a new procurement undertaking which went through. Am I correct?

MRS. DAWKINS: Yes. And that new procurement undertaking is what I would have been referring to in my email to her. Because the original procurement action that I had taken was cancelled the day after it was sent.

CHAIRMAN: The chronology doesn't add up.

MR. WILLIAMS: All right, in the final analysis we could sit here until 12 midnight, the situation is that the IC has made a recommendation, and the final recommendation is that disciplinary action should be taken.

CHAIRMAN: Yes, but we are asking Mrs. Phillips Dawkins now to respond if she wants and we will have to assess that response. It makes no sense to go back and forth with what we do.

MR. WILLIAMS: Yes.

CHAIRMAN: If she makes a response, we will have to assess it to see if what our position is, is set in stone or it should be assessed and modified based on what she has given us. So, if she is providing us now with cogent evidence to suggest a different...

MRS. DAWKINS: And I have no evidence, because I have no paperwork, I have no document. I don't have access. I never had access to those things..

CHAIRMAN: So you are relying on your memory.

MRS. DAWKINS: ...from the day I left there but I recall because I am not alzhemic.

MR. WILLIAMS: She would have to recall in her memory.

CHAIRMAN: Memory is fallible. Well, what I am relying on is the paper trail.

MRS. DAWKINS: And that is why I am asking about the missing parts, because there are missing parts.

CHAIRMAN: I don't see the missing parts and you are saying there is missing parts.

MRS. DAWKINS: So where is the actual procurement that was carried out?

CHAIRMAN: But that's not a part of the Terms of Reference. When the actual procurement was carried out you know, the correct one, that happened after this initial one that was sent out without Miss Miller's permission. We are only concerned with that.

MRS. DAWKINS: But that was cancelled. That's why I asked you the date. What was the date the original...

MR. WILLIAMS: All right. Sir Director, so we await the official letter so to speak, and we will respond.

CHAIRMAN: Okay. And as I said feel free to reach out to get further clarification on what our findings are in order to inform.

MRS. DAWKINS: So, I have a question.

CHAIRMAN: Yes, go ahead Mrs. Phillips Dawkins.

MRS. DAWKINS: So, this matter was published by NET in the media.

CHAIRMAN: I don't know if it was published by NET in the media.

MRS. DAWKINS: Yes, you read it in the summary.

CHAIRMAN: Nationwide News Network, so I don't know that NET...

MRS. DAWKINS: But NET sent them the information.

CHAIRMAN: I don't know. I didn't think investigate how Nationwide got...

MR. WILLIAMS: In fact, if my memory serve me right, the Chairman was interviewed of the Board of NET.

MRS. DAWKINS: The Chairman of the board of NET is the Chairman of Nationwide.

CHAIRMAN: I see. I didn't know that.

MR. WILLIAMS: Yes. So we are talking about conflict.

MRS. DAWKINS: So a letter was given to me on the evening of the 20<sup>th</sup> and to say that it is confidential, it would not even be placed on

my file because there was no evidence yet and the same letter was published in the media.

MR. WILLIAMS: By the same Chairman.

MRS. DAWKINS: The following morning, I woke up...

MR. WILLIAMS: The same Chairman of Nationwide.

CHAIRMAN: So, what you are saying is good information, but I really cannot say whether what you are saying is true or not, you are telling me that.

MRS. DAWKINS: So, the investigation did not include any of that?

CHAIRMAN: That is not a part of our Terms of Reference. So remember now, our remit is very narrow, we are looking at the procurement process.

MRS. DAWKINS: I see.

CHAIRMAN: So we are not looking at breaches of confidentiality by the Chairman and so on, that's not a part of the Terms of Reference.

MR. WILLIAMS: We understand.

CHAIRMAN: That's a different matter all together.

MR. WILLIAMS: Yes. but it is part of scheme to put her under the bus.

CHAIRMAN: I see. I wouldn't able to - so, when I look at it you know - the good thing is that when we are looking at it as a Commission, we don't know any of that.

MR. WILLIAMS: I understand.

MRS. DAWKINS: Yes, but it was the public domain so I don't know how as the Integrity Commission you would not know that.

CHAIRMAN: Know that people are trying to put you under the bus?

MRS. DAWKINS: No. That it was published in the media.

CHAIRMAN: When I read to you it said that Nationwide said certain things.

MR. WILLIAMS: Yes, it is the same Chairman of NET who is the same Chairman of Nationwide.

CHAIRMAN: And Gleaner as well?

MR. WILLIAMS: I don't remember.

CHAIRMAN: There were two major reports that we highlighted.

MRS. DAWKINS: The part in the Gleaner was your thing Anthony. It was a repeat of what Nationwide had carried refuting it.

MR. WILLIAMS: Is that it now?

CHAIRMAN: Yes. Unless there is anything further that would be it for today. I thank you very much indeed for coming and for offering some clarification. We look forward to receiving your written submissions. We will, of course, as you requested drop you a line on the date for submission and so on.

MR. WILLIAMS: Not to tie your hands Miss Parkes, but when can I anticipate - tomorrow?

MISS PARKES: By tomorrow.

MR. WILLIAMS: All right. Thanks.

CHAIRMAN: Thank you very much indeed. The time is now 11:55. This is the end of our meeting.

**Adjournment taken 11:55 a.m.**





USIM, WILLIAMS & COMPANY  
ATTORNEYS-AT-LAW

EME USIM, LL.B (1958-2007)

SHARON A. USIM, LL.B (Hons); ANTHONY A. WILLIAMS JP LL.B (Hons) & Notaries Public

ASSOCIATE: ANIQUE FALCONER, LL.B (Hons)

CONSULTANT: MR GARTH McBEAN KC

June 11, 2025

Integrity Commission  
1<sup>st</sup> Floor PIOJ Building  
16 Oxford Road  
Kingston 5

**Attention: Mr. Sanjay Harrisingh**

Dear Sirs:

**Re: Allegations of Impropriety and Procurement Irregularities  
at the National Education Trust (NET)  
- Mrs. Marcia Phillips-Dawkins**

We refer to the Meeting held on the 28<sup>th</sup> ultimo and your letter dated the 29<sup>th</sup> May 2025 and advise that our client **emphatically and categorically denies and refutes the findings of the Integrity commission and she maintains her stance that she is innocent of the alleged breaches.**

We enclose her response dated the 5<sup>th</sup> June 2025.

Kindly acknowledge receipt of the enclosure by signing and returning the attached copy letter to us.

Yours truly  
**USIM, WILLIAMS & COMPANY**

Per:   
**Anthony A. Williams**

c. Mrs. Marcia Phillips-Dawkins (email)

Enc.



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
JULY 1, 1997  
ALBANY, NEW YORK



Office of the Director of  
Investigation  
  
JUN 12 2025  
Signature: K. Chambers  
Assignee: S. Barker / S. Harnugh

## **Report of June 5, 2025, in response to the Integrity Commission findings in relation to the Procurement of Consultant to conduct Gap Analysis for ICT Component of the STEAM (ESTP2) Project**

I would like to put on record that the actions which were taken by me was based on the critical nature of the activity and the need to facilitate the establishment of an Information system to support continued teaching and learning under COVID 19 conditions. It must also be noted that in accordance with the directives of the government under the Disaster Risk Management Act, staff were mostly working from home with only limited staff in office each day.

On the day in question Ms Miller was supposed to be in the office and other members of her team working from home, however, she was absent and called to say she was at the doctor. Hence the reason why Ms Constantine and I, communicated with her by telephone and prepared and circulated RFP to the two(2) prospective suppliers, *utilising the pre-signed template which were provided to us on Ms Miller's instruction. I would like to further put on record that the pre-signed template instructed the suppliers to send their response to the request for proposal to Ms Miller in her role of the Procurement Manager, which was why I did not see the need to make any change to the signature on the document because I was only initiating the process on her behalf.*

Therefore, there could be no "fraudulent" use of her signature when the RFP was copied to her as procurement manager, the project manager, Yvonne Brown, the acting permanent secretary and her assistant and the proposal would be returned to her as directed by her pre-signed form letter, which she prepared and gave to her staff for use and instructed them to provide to me, the supplier was directed to return the proposal to her as she had set out in the form letter which she created.

On her return to the office the following day she pointed out that there was an error in the document as the minimum time that should have been allowed for the return of the proposal was 5 days and not 3 days as was requested in the document. At that point, I asked with Miller and Ms Constantine to withdraw the request, and Ms Miller would conduct the procurement activity herself, which she did. The same person that I has sent the RFP was the same person that was engaged for the assignment, this means she would have had to withdraw the pervious request and replace it with the new RFP with the correct number of days.

**Additionally, NET is not a procuring entity, NET provides technical support to the MoESYI in the initiation, bidding, evaluation of bids and through its procurement committee, which is a sub-committee of the Board, makes recommendations to the MoESYI in the procurement of goods and services. As such all legally binding documents initiated by NET are finalised by the MoESYI and signed by the Permanent Secretary. Therefore, as Executive Director of NET I had no approval authority for procurement activities. Hence, I did not see it as a conflict to initiate the procurement process as it would not be finalised or approved by me.**

***Integrity Commission findings and responses:***

1. Use of Suewayne Miller signature was fraudulent:

**Response**

There was no fraudulent intent because Ms Miller prepared and signed a template and issued same to the staff of the procurement unit to be used for small procurement activities, that was activity of value of J\$500,000 or less. Upon speaking with her regarding the Permanent Secretary's request, she instructed the her staff member to provide me with the pre-signed form. Hence the reason why Ms Constantine and I communicated with her by telephone and prepared and circulated RFP to the two(2) prospective suppliers. The pre-signed template instructed the suppliers to send their responses to the RFP to her in her role of the Procurement Manager, which was why I did not see the need to make any change to the signature on the document because I was only initiating the process on her behalf.

2. It is unusual for the Executive Director to prepare and issue RFP:

**Response**

At the time the transaction was carried out, NET was classified as an **emerging entity** and did not have any positions for procurement personnel on its organisational structure as set out by MoFPS. This means permission had to be given by the Permanent Secretary to hire procurement staff. At the time there was uncertainty regarding the procurement unit at NET, as MoESYI was in the process of enhancing its procurement unit with the intent to conduct all procurement activities for the MoESYI, hence no permission was given to hire the additional staff that was required to establish a procurement unit as set out in the Act. That coupled with the COVID 19 provisions made it extremely difficult to operate in conformance with all the requirements of the act. *It was against that background that for the first time in my engagement with NET from October 2, 2016; that I decided to assist in the procurement process in a very transparent way by copying all documents to the not just the Procurement Manager and Project Manager in NET but to the office of the Acting Permanent Secretary.*

Secondly, the contract under consideration was expected to be within the sole source threshold of J\$500,000, which was established by the Permanent Secretary (the Procurement Act has a sole source limit of J\$2 million), so there was no need to request permission for sole sourcing from the Permanent Secretary as outlined by Ms Miller in her communication to the "team". Additionally, the Permanent Secretary gave permission to carry out the activity and all communications were copied to her and her assistant as well as to the Procurement Manager and Project Manager of NET.

On May 16, 2021; an email was sent to me from the Procurement Manager; however, I did not see the email until the May 17, 2021. In the email she indicated that we had not withdrawn the documents, and she was again asking that they be withdrawn to protect her reputation as a Procurement Manager because her name was affixed to the document which had the error and if it was not done she would have to report the matter to the Chairman. Just to point out the withdrawal and re-tender was already done by the Procurement Manager herself, so I was very surprised by her email as the retendering process was already concluded. Therefore, the communication to her "team" must have been in

relation to something else because by that time the procurement in question was already finalised by her and her team and the purchase order/contract issued by the MoESYI and the consultancy was already on the way.

It is unfortunate and surprising that only one side of the issue was considered and represented by the Integrity Commission in this investigation that have lasted for over 3 years. *I refute the claim that I conducted a fraudulent transaction, the request for proposal initiated by me was done transparently. The moment the error in the document was pointed out I instructed that the documents be withdrawn and the process taken over by Ms Miller and her team. This was done by the following day independent of me.*

#### **Full Report**

On April 23, 2021; the STEAM Project was presented to the Public Investment Management Committee for approval. The committee approved the other three (3) components, but the ICT Component was not approved as the committee indicated that the needs of the education system needed to be fully delineated and presented.

After the meeting, I had discussion with the Acting Permanent Secretary (APS) and it was agreed that we would need to engage the service of a short-term ICT Consultant to conduct the analysis that was required so that the proposal for the ICT component could be re-presented to the Public Investment Management Secretariat before the project was presented to Cabinet for final approval. I indicated to her that I was not aware of any consultant in that area but I would ask around for recommendations.

I then spoke with the Director Corporate Services and asked her to see if she could identify persons in the ICT area who would be able to conduct the exercise. Later that day, the Acting Permanent Secretary provided me with one recommendation and the Director Corporate Services also provided me with one recommendation. At that point I called the Procurement Manager and explained to her what was required. Due to COVID 19 and the provisions of the Disaster Risk Management Act, staffs have been working from home only one officer was in the unit at the time and she was dealing with other activities. The Procurement Manager indicated that there was a form that was used for small procurements which she would ask the officer to provide me with.

The officer email the document to me and I printed it to familiarise myself with what was required to finalise the document. There was a cover letter that was pre-signed by the Procurement Manager, I asked the officer if this is what is usually used and she said yes, the letter and the form was utilised for small procurements. I proceeded to amend the form with the dates for clarification and the date when the proposal was to be returned, I attached the Terms of Reference for the job and sent the request to the two (2) prospective consultants. The documents were copied to the Project Manager, the Procurement Manager, Acting Permanent Secretary, her Assistant and my Assistant.

The following day the Procurement Manager indicated to me that there was an error in the document because the minimum days that can be given for the proposal to be returned was seven (7) days and I had only given five (5) days. I explained that it was based on the urgency and did not recall that there was a specific number of days for small procurements. I asked her what could be done to correct it and she said we will have to withdraw the request and re-tender the documents. I immediately instructed



my assistant to withdraw the documents on my behalf, and I asked the Procurement Manager to conduct the re-tendering. The re-tender was conducted and the consultant selected and provided with a Purchase Order/contract from the MoEYI. I had no further discussion with anyone on the matter until I received a copy of the purchase order/contract from the Acting Permanent Secretary's office. At which time I requested that an inception meeting be arranged with the consultant to discuss the details of work was to be carried out. The email communication that was sent to the "team", was not sent to me.

I spoke to my Assistant regarding the status of the withdrawal, and she advised that she had requested that the documents which were sent to the Acting Permanent Secretary and her assistant to be returned but she had not withdrawn the documents from the prospective consultants/supplier. I then proceeded to do the withdrawal of the documents again myself, although the documents would have been withdrawn by Ms Miller herself when she conducted the re-tendering. Just to point out that the re-tendering was already done by the Procurement Manager and the process was concluded. However, I retracted the documents which were sent to the two (2) prospective suppliers, to the Acting Permanent Secretary and her Administrative Assistant, the Project Manager, Procurement Manager and my Administrative Assistant, in keeping with the request for the document to be withdrawn from all parties.

On October 19, 2021; I received a letter from the Chairman headed Change to the Management of NET Procurement Unit. The instruction in the letter was that I should appoint the most senior officer in the unit to act as Procurement Manager, on October 20, 2021; I responded to the letter and instructed the Director of Corporate Services to appoint the Officer to act as Procurement Manager. In my response to the Board, I outlined that I was not actively involved in procurement activities and was only giving oversight to the unit. NET was short staffed and there was no one available to fill the roll as the Permanent Secretary did not give permission to hire anyone in the position, as the most knowledgeable officer in the unit was in Law School and was on study leave. The intention was to have her acting in the role of Procurement Manager as soon as she returns.

On November 11, 2021; I received a letter from the Board advising that I was being sent on "Precautionary Leave" pending the investigation into allegation of Fraud committed by me. I was directed to the Director, Corporate Services to provide an explanation of what the alleged charge was in relation to; she indicated that she was not fully aware because of the matter as it was not discussed with her, but she was told that it was in relation to the procurement process which I have outlined above. The provisions of the Staff Orders were not upheld; I was not given the opportunity to present my side of the story. The MoEYI Audit Unit or the disciplinary committee was not engaged.

I found the entire situation malicious with intent to defame, I communicated that to the Legal Officer/Corporate Secretary and the Director, Corporate Services who came to deliver the letter to me. I tried to speak with the Chairman, and he would not take my call, eventually the Legal Officer/Corporate Secretary got him on the phone, and he provided no further explanation. I then indicated to the Legal Officer/Corporate Secretary, that I would go on leave as directed but I would not sign the letter as the tone of the letter and the allegations seemed to have been designed to defame. The company secretary stated that the letter was "confidential" letter that was only shared with the persons outlined.

However, on Friday, November 12, 2021; the content of the “confidential letter” made headline on Nationwide. I was awakened to calls regarding a news article on Nationwide News, which appeared to have been a press release from NET detailing the content of the “Confidential Letter” and advising of the Acting Executive Director, Ms Latoya Harris. I later received a call from Nationwide; I directed them to speak to the Chairman as per the instruction in the letter.

I would like to put on record that the actions which were taken by me was based on the critical need to facilitate the establishment of an Information system to support teaching and learning under COVID 19 conditions. I would like to further put on record the fact that the response to the request for proposal which was initiated by me was directed to the Procurement Manager for finalisation. **Additionally, National Education Trust is not a procuring entity, NET only provides technical procurement support to the MoESYI in the initiation, bidding and evaluation of bids and through its procurement committee makes recommendations to the MoESYI in the procurement of goods and services. As such no legally binding documents are finalised by NET all contract and legally binding documens were finalised by the MoESYI signed by the Permanent Secretary. Therefore, as Executive Director of NET I had no approval authority for procurement activities.**

The MoESYI was at the time in the process of enhancing its procurement unit and did not give approval to hire additional staff to complete the procurement unit in NET. This affected the operation of the unit and its ability to conform to the provisions of the Procurement Act. At the time NET was classified as an **emerging entity** and did not have any positions for procurement personnel on its organisational structure as set out by MoFPS. That coupled with the COVID 19 provisions made it extremely difficult to operate and meet required timelines and targets. *It was against that background that for the first time in my engagement with NET from October 2, 2016 that I decided to assist in the procurement process in a very transparent way by copying all documents to the not just the Procurement Manager and Project Manager in NET but to the office of the Acting Permanent Secretary.*

Secondly, the contract under consideration was expected to be under the sole source threshold of J\$500,000, which was established by the Permanent Secretary (the Procurement Act has a sole source limit of J\$2 million), so there was no need to request permission for sole sourcing from the Permanent Secretary as outlined by Ms Miller in her communication to the “team”. Additionally, the Permanent Secretary gave permission to carry out the activity and all communications were copied to her and her assistant as well as to the Procurement Manager and Project Manager of NET. Therefore, there was no need to request permission to utilize the sole source methodology.

Prepared by:



Date: June 5, 2025

