



Report of Investigation

**Concerning the Circumstances Surrounding the
Procurement Process(es) for the Award of Contracts for
the Provision of Rosenbauer Fire Trucks (Pumpers)
(through the National Safety Limited) by the Jamaica Fire
Brigade**

**Integrity Commission
March 2021**



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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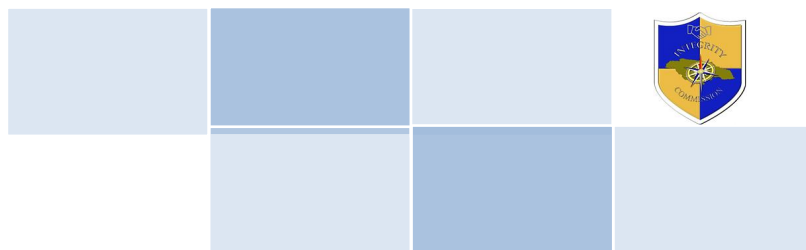
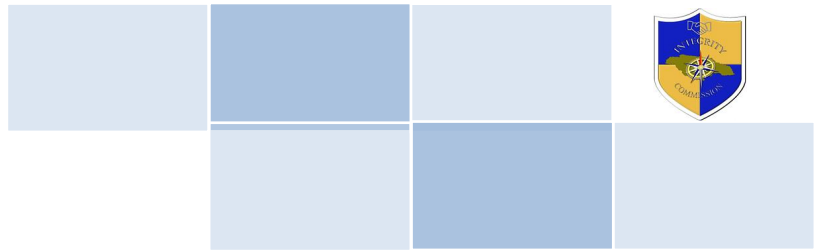


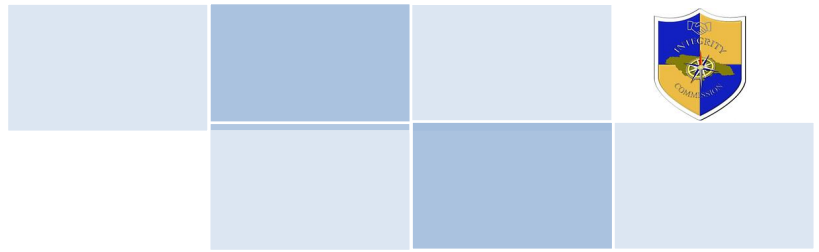
Table of Contents

Summary of Investigation	4
Summary of Key Findings.....	6
Chapter 1 – Background.....	9
Initiation of Investigation.....	9
Jurisdiction	9
The Investigation	10
Individuals Pertinent to the Investigation.....	11
Chapter 2 – Terms of Reference	13
Chapter 3 –Evidence, Findings and Discussion.....	15
<i>The Circumstances which led to the Engagement of Rosenbauer Minnesota LLC and National Safety Limited with respect to the Procurement of Rosenbauer Fire Trucks (Pumpers).....</i>	<i>15</i>
<i>The Revised Procurement Process Employed by the Jamaica Fire Brigade in the Award of Contract to Rosenbauer Minnesota LLC. on March 12, 2013.....</i>	<i>20</i>
<i>The Procurement Process Employed by the Jamaica Fire Brigade in the Award of a Contract to Rosenbauer Minnesota LLC. on January 29, 2015.....</i>	<i>23</i>
<i>Government of Jamaica (GoJ) Handbook of Public Sector Procurement Procedural Guidelines Regarding Direct Contracting and Follow-on Procurement</i>	<i>25</i>
<i>Government of Jamaica (GoJ) Handbook of Public Sector Procurement Procedural Guidelines Regarding Procurement Planning</i>	<i>27</i>
<i>Specifications for the Fire Trucks (Pumpers) Procured from Rosenbauer Minnesota LLC</i>	<i>29</i>
<i>Review of the Quarterly Contract Awards (QCA) Database</i>	<i>39</i>
<i>Principles of the Government of Jamaica Public Procurement Policy</i>	<i>40</i>
Chapter 4 – Conclusion.....	41
Chapter 5 – Recommendations	43



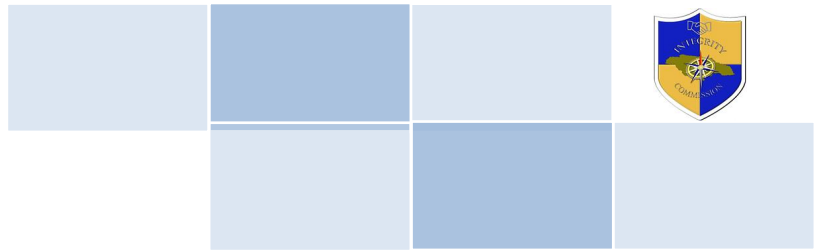
Summary of Investigation

- 1.1 The Office of the Contractor General (OCG), acting pursuant to Sections 15 and 16 of the Contractor-General Act, commenced an Investigation on March 5, 2015, into the procurement process(es) which led to the award of contracts by the Jamaica Fire Brigade (JFB), to Rosenbauer Minnesota LLC, for the provision of Rosenbauer Fire Trucks (Pumpers) (through the National Safety Limited).
- 1.2 The OCG's decision to commence a formal Investigation into the subject matter followed upon that Office's receipt of a complaint dated January 12, 2015, which was received under the cover of a letter dated January 15, 2015. The referenced letter, which was forwarded to the attention of the Contractor General, is being treated as anonymous to protect the identity of the complainant. The letter of complaint bore the subject "**Very disturbing story regarding the Jamaica Fire Brigade and the NCC**" and outlined certain procurement related infractions in relation to, *inter alia*, the following:
 - (a) The allegation that Rosenbauer Minnesota LLC was awarded two (2) contracts by the JFB, by way of the sole source procurement methodology, notwithstanding the existence of other suppliers in the market;
 - (b) The allegation that in 2012, the JFB invited bidders to bid for the supply of Fire Units, and that Rosenbauer Minnesota LLC was the only entity that responded to the bid invitation;



- (c) The complainant also alleged that their entity was never asked to submit an offer, and neither were they informed of the invitation to bid for the referenced procurement opportunities;
- (d) In relation to the suitability of the Fire Trucks, it was alleged that the Renault Fire Trucks were best suited for Jamaica, in that, the Fire Trucks are smaller and more powerful; and
- (e) It was further alleged that the quoted price for the Rosenbauer Minnesota LLC Fire Units were approximately US\$460,000.00 per unit, a figure which was alleged to be extremely uncompetitive, due to the assertion that the Renault Fire Units would cost approximately US\$350,000.00 per unit.

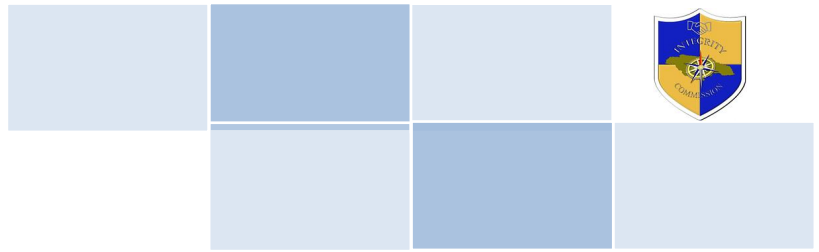
- 1.3 The investigation sought to determine the procurement process(es) and methodology(ies) employed by the JFB with respect to the execution of contract(s) with Rosenbauer Minnesota LLC (through the National Safety Limited).
- 1.4 More specifically, the Investigation primarily sought to determine, *inter alia*, (a) whether there were any breaches of the Government's procurement procedures/guidelines on the part of the JFB, (b) the role of the (NCC) in relation to the contract(s) awarded to Rosenbauer Minnesota LLC (through the National Safety Limited) and (c) whether there were any instances of impropriety or irregularity in the renewal of the tender process after the JFB was instructed by the NCC to abort the 2012 tender process.
- 1.5 The Findings of the Investigation are premised primarily upon an analysis of the statements and documentary evidence which were provided by the



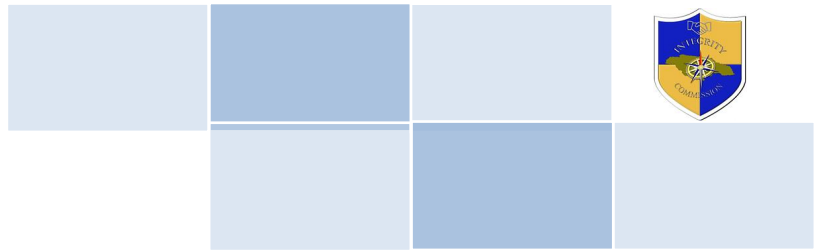
Respondents, who were requisitioned by the OCG, during the course of the Investigation.

1.6 Summary of Key Findings

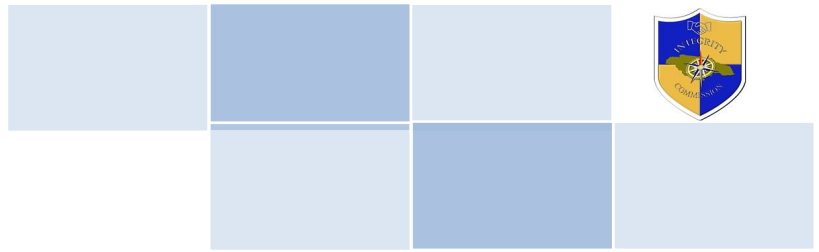
- 1.6.1 A tender process was initiated by the JFB for the procurement of three (3) Fire Trucks (Pumpers) in 2012.
- 1.6.2 The proposal submitted by the National Safety Limited, on behalf of the Rosenbauer Minnesota LLC, was the sole bid submitted in the amount of One Million Three Hundred and Fifty One Thousand, One Hundred and Seventy Three United States Dollars (US\$1,351,173.00) and Six Hundred and Ninety Five Thousand Seven Hundred Dollars (JA\$695,700.00)
- 1.6.3 The National Safety Limited was the authorized dealer for Rosenbauer Minnesota LLC, and as such, acted in the capacity of agent/dealer. Further, the National Safety Limited advised that there were no contracts directly awarded to the entity.
- 1.6.4 The JFB's Procurement Committee recommended the award of the contract for the procurement of three (3) Fire Trucks (Pumpers) to the National Safety Limited in the sum of One Million, Three Hundred and Fifty-One Thousand, One Hundred and Seventy-Three United States Dollars (US\$1,351,173.00).



- 1.6.5 Based on the Minutes of a Meeting held by the NCC on November 28, 2012, the NCC issued a directive to the JFB to abort the initiated tender process and enter into negotiations with the National Safety Limited.
- 1.6.6 The Ministry of Local Government and Community Development assumed responsibility for the execution of the new contract relating to the procurement of the Rosenbauer Fire Trucks (Pumpers).
- 1.6.7 On February 20, 2013, the NCC endorsed the award of contract to Rosenbauer Minnesota LLC.
- 1.6.8 A contract was entered into between the JFB and the Rosenbauer Minnesota LLC on March 13, 2013, for the provision of three (3) Rosenbauer Fire Trucks (Pumpers) at a total price of “\$1,355,283.00 USD.”
- 1.6.9 The JFB utilized the Direct Contracting Procurement Methodology for the 2014 procurement of Rosenbauer Fire Trucks (Pumpers).
- 1.6.10 By way of a letter dated August 18, 2015, the Direct Contracting Procurement Methodology was again utilized by the JFB on the basis that the procurement of the Fire Trucks (Pumpers) was designated as “follow-on procurement”.
- 1.6.11 The JFB, in a letter dated May 5, 2014, selected the National Safety Limited to submit a bid proposal for the purchase of three (3) Fire Trucks (Pumpers).



- 1.6.12 On August 13, 2014, the NCC endorsed the recommendation for the award of contract to Rosenbauer Minnesota LLC in the amount of One Million, Four Hundred and Twelve Thousand, Three Hundred and Twenty-Five United States Dollars and Ninety-Nine Cents (US\$1,412,325.99).
- 1.6.13 A contract was entered into between the JFB and Rosenbauer Minnesota LLC on January 29, 2015, for the procurement of three (3) Fire Trucks (Pumpers) at a total price of "\$1,359,591.00 USD."
- 1.6.14 There are internal policies or guidelines, outlining the requirements for the procurement of emergency response vehicles at the JFB.
- 1.6.15 The JFB, through the National Safety Limited, awarded two (2) contracts to Rosenbauer Minnesota LLC for the provision of six (6) Fire Trucks (Pumpers) on March 13, 2013 and January 29, 2015, respectively, in the amounts of US\$1,355,283.00 and US\$1,359,591.00.
- 1.6.16 On April 27, 2015, an initial payment of Seventy-Four Million, Nine Hundred and Ninety-Nine Thousand, Eight Hundred and Fifty-One Jamaican Dollars and Twenty-One Cents (JA\$74,999,851.21) was made payable to Rosenbauer America LLC for the purchase of Fire Engine for the purchase of "Fire Engine" (????).



Chapter 1 – Background

2.1 This chapter outlines the background information concerning the investigation.

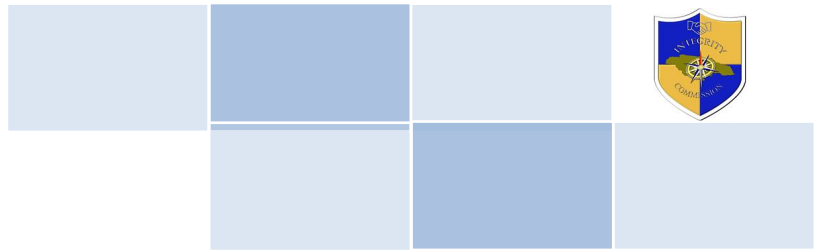
Initiation of Investigation

2.1.1 On March 5, 2015, the OCG, acting on behalf of the then, Contractor General, commenced an Investigation into the circumstances surrounding the procurement process(es) concerning the award of contracts for the provision of Rosenbauer Fire Trucks (Pumpers) (through the National Safety Limited) by the JFB.

Jurisdiction

2.1.2 The investigation commenced under Sections 4, 15 and 16 of the then applicable Contractor-General Act, which enabled the Office of the Contractor General to investigate the referenced matter. The award of a Government of Jamaica (GoJ) contract fell within the jurisdiction of the OCG's jurisdiction and accordingly, Section 4 (1) of the Contractor-General Act required, *inter alia*, that Goji contracts must be awarded "impartially and on merit" and that the circumstances of award must not involve impropriety or irregularity.

2.1.3 Section 2 of the Contractor-General Act provides the following interpretations:



Government Contract – “includes any license, permit or other concession or authority issued by a public body or agreement entered into by a public body for the carrying out of building or other works or for the supply of any goods or services”;

2.1.4 A Public Body refers to –

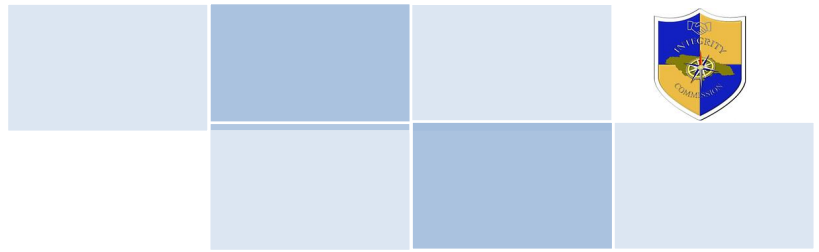
“ ...

- (a) a Ministry, department or agency of government;
- (b) a statutory body or authority;
- (c) ...”

2.1.5 For the purposes of Section 2 (a) of the then, applicable Contractor-General Act, the JFB is a public body within the meaning of the law and therefore the circumstances surrounding the award of contracts by the entity fell within the remit of the then, applicable Contractor - General Act.

2.1.6 Further, and pursuant to Section 63 of the Integrity Commission Act, the Director of Investigation (DI) continued the investigation into the said matter.

The Investigation



2.1.7 The Requisitions/ Questionnaires, which formed a part of the OCG's methodology, were directed by the OCG to the following persons and/or entities:

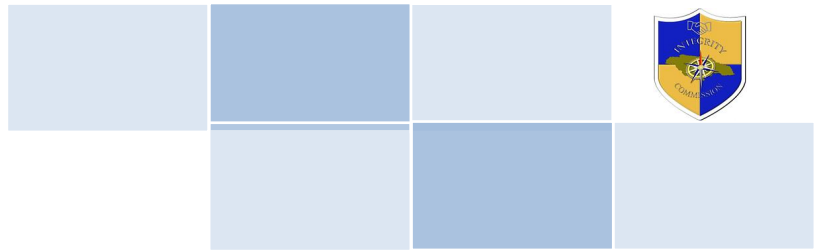
- i) Mr. Errol A. Mowatt, former Commissioner, Jamaica Fire Brigade;
- ii) Mr. Raymond Spencer, former Commissioner, Jamaica Fire Brigade;
- iii) Mr. Garden Downer, Director, Regional Implementation and Special Projects, National Works Agency;
- iv) Mrs. Marsha Henry Martin, Acting Permanent Secretary, Ministry of Local Government and Community Development; and
- v) Managing Director, National Safety Limited.

2.1.8 During the course of the investigation, a review and cross referencing of the statements and supporting documentation that were submitted by the aforementioned persons was conducted.

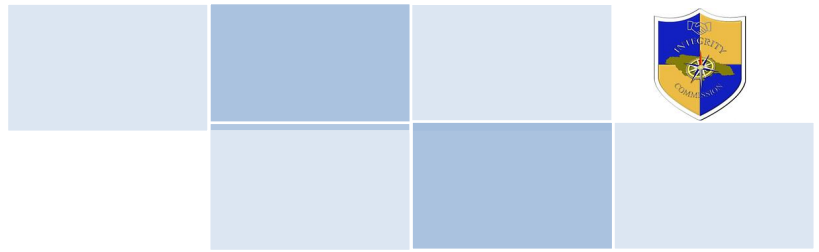
2.1.9 A review of the then applicable Government of Jamaica Handbooks of Public Sector Procurement Procedures (2012 and 2014), Ministry of Finance Circulars and other attendant Regulations and Policies was also undertaken.

Individuals Pertinent to the Investigation

2.1.10 Mr. Errol A. Mowatt, former Commissioner, Jamaica Fire Brigade and Mr. Raymond Spencer, Commissioner, Jamaica Fire Brigade are public servants within the meaning of Section 2(1) of the Corruption Prevention Act, and

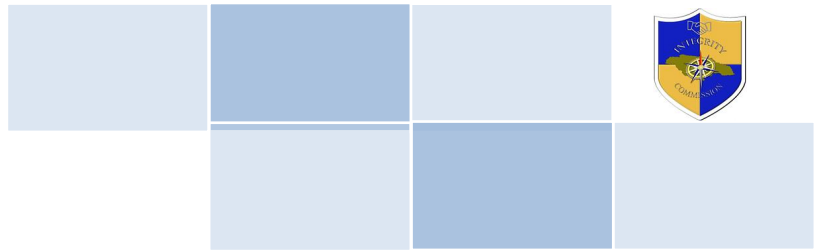


are the accountable/accounting officers in relation to Section 2 of the Financial Administration and Audit Act.

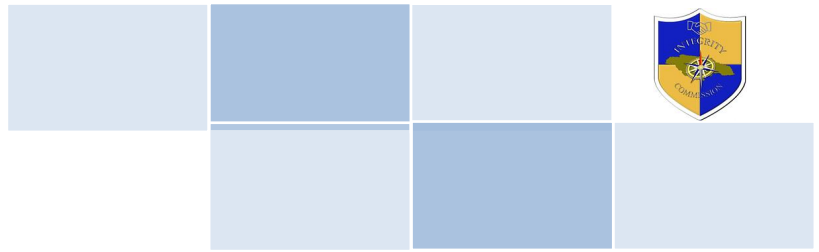


Chapter 2 – Terms of Reference

- 3.0 This chapter sets out the scope of the investigation and the issues that were explored.
- 3.1 The primary objective of the OCG's Investigation into the subject matter was to determine, *inter alia*, whether there was compliance with the provisions of the Government of Jamaica (GOJ) Handbook of Public Sector Procurement Procedures (GPPH, 2012 and 2014) and the Contractor-General Act (CGA).
- 3.2 The Investigation also had the following specific objectives:
- 3.2.1 To determine the procurement process(es) and methodology(ies) employed by the JFB with respect to the execution of contract(s) with Rosenbauer Minnesota LLC (through the National Safety Limited);
 - 3.2.2 To determine whether there were any breaches of the Government of Jamaica Public Sector Procurement Procedures on the part of the JFB and/or anyone on its behalf, in the award, implementation and/or execution of the contract(s) to supply Fire Trucks (Pumpers);
 - 3.2.3 To ascertain whether the procurement process(es) for the award of contract to Rosenbauer Minnesota LLC was fair, impartial and transparent;



- 3.2.4 To determine the role of the NCC in relation to the contract(s) awarded to Rosenbauer Minnesota LLC (through the National Safety Limited);
- 3.2.5 To determine whether value for money was obtained by the JFB with respect to the award of contract for the procurement of the Rosenbauer Fire Trucks (Pumpers);
- 3.2.6 To determine whether there were any instances of impropriety or irregularity in the renewal of the tender process after the JFB was instructed by the NCC to abort the 2012 tender process;
- 3.2.7 To determine whether the JFB breached the Jamaica Fire Brigade Act or any other law, regulation, policy or other requirement, regarding the specification of the fire trucks to be utilized; and
- 3.2.8 To determine whether any anti-corruption initiatives arise for consideration.



Chapter 3 –Evidence, Findings and Discussion

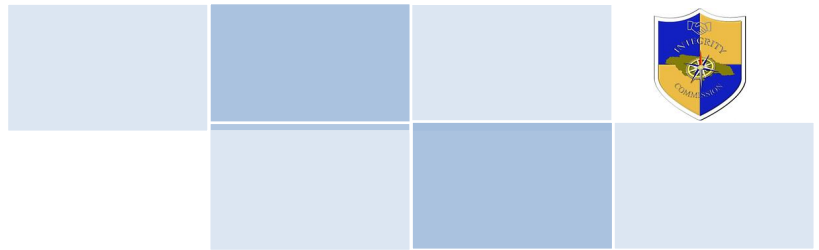
- 4.0 This chapter sets out the discussion of the findings and the relevant legislation in respect of the investigation.

The Circumstances which led to the Engagement of Rosenbauer Minnesota LLC and National Safety Limited with respect to the Procurement of Rosenbauer Fire Trucks (Pumpers)

- 4.1 On June 3, 2012, the JFB initiated a procurement process with the advertisement of a Request for Proposal (RFP) for the procurement of Fire Trucks (Pumpers)¹. An Evaluation Report, which was prepared by the National Works Agency (NWA), indicated that two (2) entities, namely, “Notmar Trading and National Safety Company”, purchased bid documents for the referenced tender.²
- 4.1.2 The referenced Evaluation Report, prepared by the National Works Agency, further indicated that a bid from the “National Safety Company” was the sole bid received at the Tender Opening Ceremony held on July 20, 2012. It was noted that the total bid price was in the amount of One Million Three Hundred and Fifty One Thousand, One Hundred and Seventy Three United States Dollars (US\$1,351,173.00) and Six Hundred and Ninety Five Thousand Seven Hundred Jamaican Dollars (JA\$695,700.00).

¹ Advertisement for the Procurement of Fire Trucks (Pumpers) in the Sunday Gleaner

² Bid Evaluation Report prepared by the National Works Agency (NWA)



4.1.3 In furtherance of its investigation, the OCG sought to ascertain the awareness of the National Safety Limited concerning the subject procurement. The following question was directed to Mr. Michael Bridge, Managing Director, National Safety Limited:

"1. Are you aware of contract(s) that was/were entered into between National Safety Limited and the Jamaica Fire Brigade for the procurement of Rosenbauer Fire Trucks during the period 2011-2015?

In the event that your response is yes, kindly state or where applicable provide the following:

- (a) the date of the contract(s);*
- (b) the value of the contract(s); and*
- (c) a copy of the contract document."*³

4.1.4 In response to the above question, Ms. Angela Templer, Chief Operations Officer, National Safety Limited advised as follows:

"There were no contracts entered into between National Safety Limited and the Jamaica Fire Brigade for the procurement of Rosenbauer Fire Trucks during the period 2011-2015.

³ OCG Requisition dated May 8, 2018, which was addressed to Mr. Michael Bridge, Managing Director, National Safety Limited, Question No.1



A. National Safety Limited acted as dealer/agent for Rosenbauer Minnesota LLC in the submission of Proposal Specification EX3856 valued at US\$1,355,283 in response to Bid Document JFB/12/Vol 5 by letter dated June 27, 2012.

...

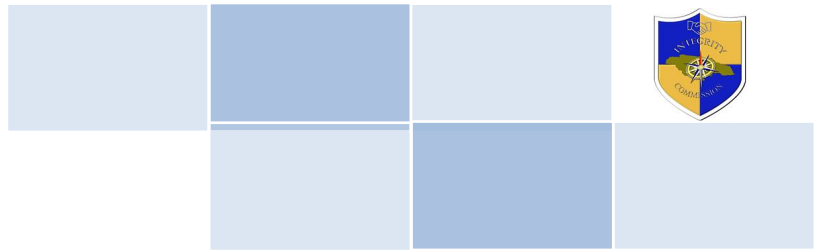
In response to letter of May 5, 2014 from the Jamaica Fire Brigade ..., National Safety Limited again acted as dealer/agent for Rosenbauer Minnesota LLC. Rosenbauer's proposal – Specification EX4438 Rev 3 for a total price of US\$1,359,591 was accepted by the Jamaica Fire Brigade on February 11, 2015...⁴ (DI Emphasis)

4.1.5 A copy of Rosenbauer Minnesota LLC's Manufacturer's Authorization Form dated June 15, 2012, revealed that National Safety Limited was authorized to submit a bid on behalf of the company. A copy of the Manufacturers Authorization Form is attached at Appendix 1.⁵

4.1.6 Of note, the Minutes of a Procurement Committee meeting, dated October 11, 2012, indicated, *inter alia*, that the "Brigade's Procurement Committee, in its analysis of the evaluation of the sole proposal received, recommended the award of contract for the procurement of three (3) Fire

⁴ Response dated June 5, 2018 from Ms. Angela Templer, Chief Operations Officer, National Safety Limited. Response No. 1.

⁵ See Appendix 1 for Rosenbauer Minnesota LLC Manufacturer's Authorization Form dated June 15, 2012.



Trucks (Pumpers) to National Safety Ltd. in the amount of One Million, Three Hundred and Fifty-One Thousand, One Hundred and Seventy-Three United States Dollars (US \$1,351,173.00) to National Safety Ltd, the local agent for principal, Rosenbauer America.”⁶

4.1.7 Prior to the award of contract to National Safety Limited, a directive was issued by the NCC to abort the referenced tender process. By way of his response dated August 18, 2015, Mr. Errol Mowatt, then Commissioner, JFB, stated, *inter alia*, as follows:

“ ...

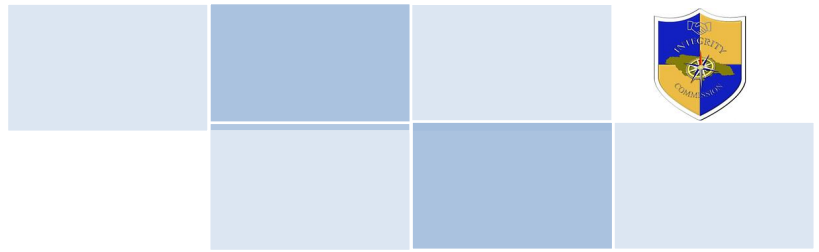
The Tender Report was then submitted to the National Works Agency’s (Sector Committee) for endorsement prior to submission to the National Contracts Commission (NCC).

On the 21st November, 2012, the Jamaica Fire Brigade was invited by the National Contracts Commission (NCC) to attend a Procurement meeting to discuss the procuring of the three (3) Fire Trucks (Pumpers).

...

The purpose of the meeting was to provide clarification of the submission that was made. The decision of the National Contracts Commission (NCC) was

⁶ Minutes of the JFB Procurement Committee Meeting – Fire Trucks (Pumpers) dated October 11, 2012 and attached at Appendix 2.



communicated to the then Permanent Secretary, Ministry of Local Government & Community Development, by letter dated 29th November, 2012, which directed that the Brigade abort the tender process. The process was aborted as directed."⁷ (DI Emphasis)

4.1.8 The OCG also reviewed a copy of the NCC Meeting Minutes dated November 28, 2012, which indicated, *inter alia*, that the NCC "had directed the JFB to abort the current tender process and enter into negotiations with the National Safety Limited." A copy of the referenced NCC Meeting Minutes is attached at Appendix 3.

4.1.9 In addition, the OCG reviewed a copy of a letter dated November 29, 2012, which was addressed to Mr. Robert Rainford, former Permanent Secretary, Ministry of Local Government and Community Development by the NCC, which indicated, *inter alia*, the advice to negotiate with the National Safety Limited, as well as to ensure the appropriate registration prior to the award of contract. A copy of the referenced letter is attached at Appendix 4.

⁷ Response dated August 18, 2015 from Mr. Errol Mowatt, then Commissioner, Jamaica Fire Brigade Response # 2.
INTEGRITY COMMISSION Special Report of Investigation into the Circumstances Surrounding the Procurement Process(es) for the Award of Contracts for the Provision of Rosenbauer Fire Trucks Pumpers (through the National Safety Limited) by the Jamaica Fire Brigade



The Revised Procurement Process Employed by the Jamaica Fire Brigade in the Award of Contract to Rosenbauer Minnesota LLC. on March 12, 2013

- 4.2 Based on the advice received from the NCC, the JFB utilized the Direct Contracting procurement methodology in the procurement of the referenced three (3) Fire Trucks (Pumpers). Mr. Errol Mowatt, in his response dated August 18, 2015, stated, *inter alia*, as follows:

"The following procurement methods were utilized to procure these fire units:

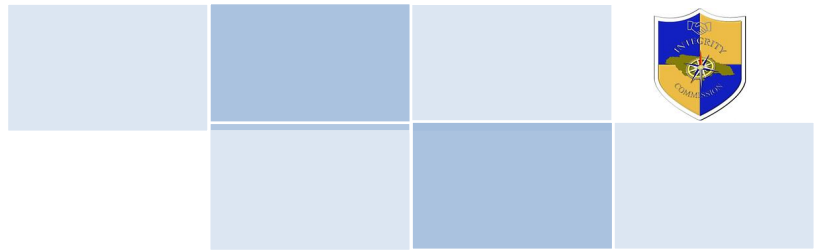
*2012/2013 – **Following the termination of the Local Competitive Bidding process, The Direct Contracting methodology was then employed as directed by the NCC.***

Rationale – This was occasioned because of the risk faced by the Jamaica Fire Brigade in losing the funding provided in the budget for the purchase of the trucks, as the financial year was coming to an end. There was the urgent need to have these trucks in place...⁸ (DI Emphasis)

- 4.2.1 Mr. Mowatt further advised, *inter alia*, of the following:

As earlier stated, upon the decision to abort the process based on advisement from the National Contracts Commission (NCC), the Ministry of Local Government

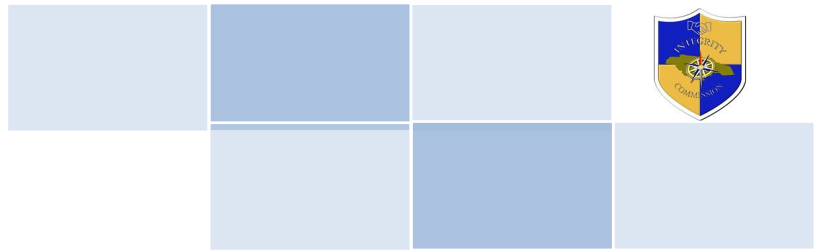
⁸ Response dated August 18, 2015 from Mr. Errol Mowatt, then Commissioner, Jamaica Fire Brigade, Response # 3.
INTEGRITY COMMISSION Special Report of Investigation into the Circumstances Surrounding the Procurement Process(es) for the Award of Contracts for the Provision of Rosenbauer Fire Trucks Pumpers (through the National Safety Limited) by the Jamaica Fire Brigade



and Community Development assumed responsibility for the execution of the contract. Consequently, any decision on matters related to this procurement thereafter, was done between the Ministry of Local Government and Community Development and Rosenbauer and/or NSL." ⁹ (DI Emphasis)

- 4.2.2 By way of a meeting held by NCC on February 20, 2013 and, as indicated in a letter dated February 22, 2013, under the signature of Mr. Raymond McIntyre, Chairman, NCC, which was addressed to Mr. Robert Rainford, then Permanent Secretary, Ministry of Local Government and Community Development, it was observed that the NCC endorsed the referenced contract. A copy of the referenced NCC Meeting Minutes was also reviewed by the OCG. A copy of the letter is attached at Appendix 5.
- 4.2.3 A copy of the contract, dated March 12, 2013, between the JFB and Rosenbauer Minnesota LLC., was reviewed by the OCG. The referenced contract recorded the National Safety Limited as the "Dealer" for the provision of the three (3) units in the amount of One Million, Three Hundred and Fifty Five Thousand, Two Hundred and Eighty Three United States Dollars (US \$1,355,283.00).
- 4.2.4 The OCG noted the following provision which was specified in the referenced contract:

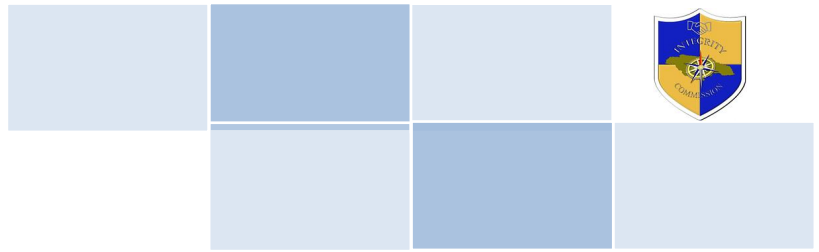
⁹ Response dated August 18, 2015 from Mr. Errol Mowatt, then Commissioner, Jamaica Fire Brigade, Response # 5.
INTEGRITY COMMISSION Special Report of Investigation into the Circumstances Surrounding the Procurement Process(es) for the Award of Contracts for the Provision of Rosenbauer Fire Trucks Pumpers (through the National Safety Limited) by the Jamaica Fire Brigade



“After company receipt of this document signed by the Buyer, the document will be reviewed and upon approval, countersigned by the Company thereby putting the document in force.”¹⁰

4.2.5 Notwithstanding the aforementioned, it was noted that the Buyer's signature was affixed on March 13, 2013 whereas the signature on behalf of Rosenbauer Minnesota LLC was affixed on March 12, 2013.

¹⁰ Copy of Rosenbauer Minnesota LLC contract agreement dated March 12, 2013 between Dealer, National Safety Limited and Buyer, Jamaica Fire Brigade, which was addressed to Mr. Robert Rainford, then Permanent Secretary, Ministry of Local Government and Community Development.



The Procurement Process Employed by the Jamaica Fire Brigade in the Award of a Contract to Rosenbauer Minnesota LLC. on January 29, 2015

4.3 Having reviewed the responses provided by the JFB and the National Safety Limited, which were submitted to the OCG, it was observed that a second contract was awarded by the JFB on January 29, 2015 to Rosenbauer Minnesota LLC for the provision of three (3) Fire Trucks (Pumpers).

4.3.1 The OCG was advised by Mr. Errol Mowatt, former Commissioner, JFB, that, in relation to the procurement of the Fire Trucks (Pumpers), the “Direct Contracting/Follow-on Procurement Methodology was employed”.

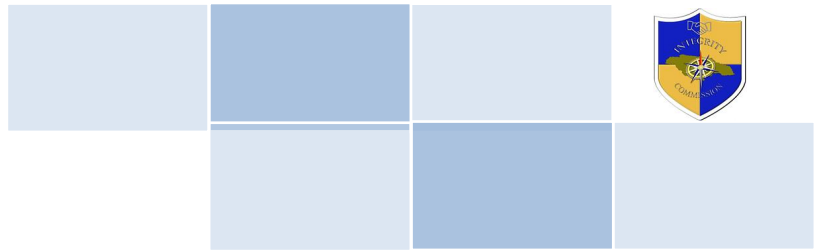
4.3.2 By way of his response, dated August 18, 2015, Mr. Errol Mowatt advised the OCG of the rationale for the use of the mentioned procurement methodology. He stated, *inter alia*, as follows:

“...

The supplier had supplied similar Fire Trucks (Pumpers) the previous year. It is in the Brigade's view that the trucks are performing satisfactorily. Also this supplier has supplied similar Fire Trucks (Pumpers) to the Brigade over an extended period. They have performed satisfactorily over the years...”¹¹ (DI Emphasis)

4.3.3 The OCG was also advised by the National Safety Limited that:

¹¹ Response dated August 18, 2015 from Mr. Errol Mowatt, former Commissioner, Jamaica Fire Brigade, Response # 3.
INTEGRITY COMMISSION Special Report of Investigation into the Circumstances Surrounding the Procurement Process(es) for the Award of Contracts for the Provision of Rosenbauer Fire Trucks Pumpers (through the National Safety Limited) by the Jamaica Fire Brigade



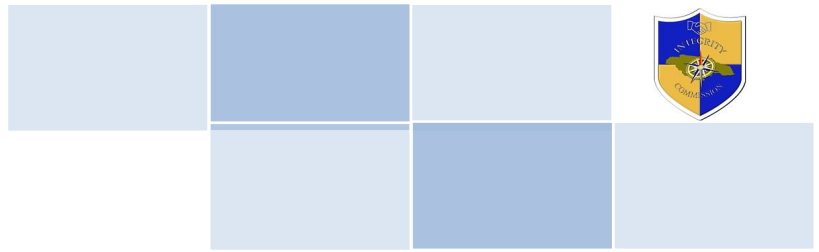
“National Safety Limited again acted as dealer/agent for Rosenbauer Minnesota LLC. Rosenbauer’s proposal – Specification EX4438 Rev 3 for a total price of US\$1,359,591 was accepted by the Jamaica Fire Brigade on February 11, 2015. The Contract between Rosenbauer Minnesota LLC. and the Jamaica Fire Brigade came into effect on February 16, 2015.”¹²

4.3.4 The DI further highlights the contents of a letter dated May 5, 2014 addressed to Mr. Julian Templer, Managing Director, National Safety Limited by Mr. Garfield Blair, Office/Procurement Manager, JFB, under the caption **“RE: DIRECT CONTRACTING – SOURCING OF FIRE TRUCKS (PUMPERS),** which stated, *inter alia*, the following:

“The Jamaica Fire Brigade is seeking to utilize the ‘Direct Contracting’ process to procure fire units (pumpers). National Safety Limited is selected to provide a proposal for the purchasing of three (3) Fire Trucks (Pumpers). For National Safety Limited to be qualified, you must meet the following criteria:

- 1. Be registered with the NCC in the Motor Vehicles and Spares category*
- 2. Be in possession of a valid Tax Compliance Certificate (TCC) at the date of submission.*

¹² Response dated June 5, 2018 from Ms. Angela Templer, Chief Operations Officer, National Safety Limited, Response #1



...”¹³

4.3.5 The referenced letter also indicated that a copy of the specifications for the Fire Trucks (Pumpers) was provided to the National Safety Limited.

Government of Jamaica (GoJ) Handbook of Public Sector Procurement Procedural Guidelines Regarding Direct Contracting and Follow-on Procurement

4.3.6 The DI considers it prudent to note here, the provisions of the Government of Jamaica Handbook of Public Sector Procurement Procedures (2012 and 2014), concerning the circumstances under which the Direct Contracting Methodology, particularly, Follow-on Procurement, may be utilized:

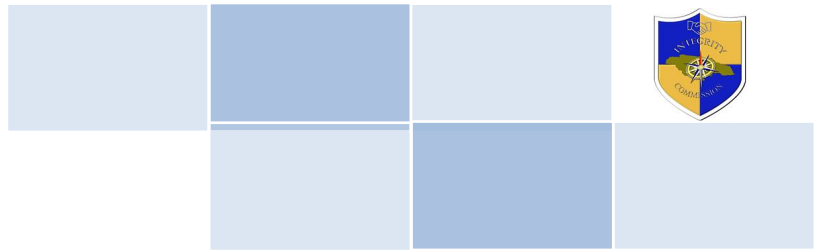
*“Procurement by Direct Contracting means only one contractor is invited to participate. For contracts valued up to **\$500,000.00** this method may be used. However, this method is also permitted for procurement valued above **\$500,000.00** under the following circumstances:*

a) where the procurement is of a confidential nature;

b) if a particular contractor has exclusive/proprietary rights in respect of goods, services or works;

c) where standardizing equipment is available only from a specific source, and the Procuring Entity has purchased

¹³ Copy of Jamaica Fire Brigade letter dated May 5, 2014 from Garfield Blair, Office/Procurement Manager to Mr Julian Templer, Managing Director, National Safety Limited.



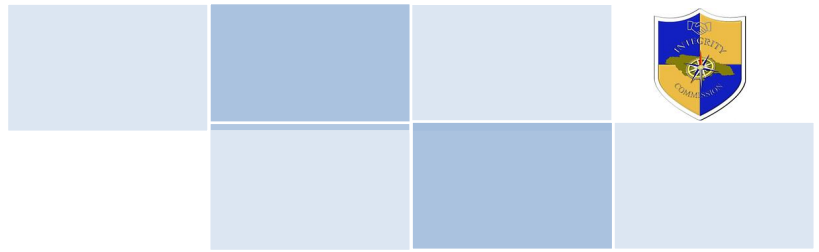
- goods, equipment or technology from a contractor, and additional supply is required for reasons of uniformity;
- d) for the purposes of research, experiment, study or development;
- e) follow-on procurement, where a contractor has already provided goods, services or work and additional goods, services or works of a similar nature are required to complete the procurement requirements; or
- f) for reasons of extreme urgency brought about by events unforeseen by the Procuring Entity, the products or services could not be obtained in time by means of International Competitive Bidding, Local Competitive Bidding or Limited Tender procedures." ¹⁴ (DI Emphasis)

4.3.7 By way of letter dated July 12, 2014, the JFB wrote to Mrs. Orlene Rowe, then Chairperson, National Works Agency Sector Committee recommending "... the procurement of three (3) fire units (pumpers) for Rosenbauer (American) through National Safety Limited at a cost of US\$1,883,100.00 plus J\$1,045,448.00 for local charges.¹⁵

4.3.8 By way of letter dated August 15, 2014, the NCC advised Mrs. Dionne Jennings, then Actg. Permanent Secretary Ministry of Local Government and Community Development that "*The National Contracts Commission (NCC), having considered the matter at its meeting held on **2014 August***

¹⁴ Government of Jamaica Handbook of Public Sector Procurement Procedures (May 2012), Volume 2 - Section 1.1.4

¹⁵ A copy of the letter dated July 12, 2014, from Mr. Garfield Blair, then Office/Procurement Manager to Mrs. Orlene Rowe, then Chairman, National Works Agency Sector Committee is attached at Appendix 6.



13, endorsed the recommendation to award a contract to Rosenbauer (Through National Safety Limited) in the sum of ...(US\$1,412,325.99) for the procurement of the fire trucks plus additional local charges as follows:

- J\$26,293,194.30 (GCT)
- J\$784,086.00 (Brokerage Fee)"¹⁶

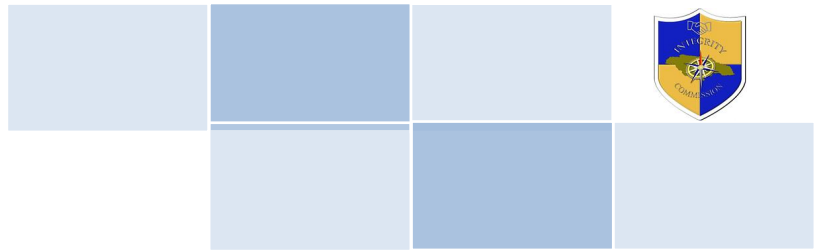
The NCC also indicated in its letter that the contract should be submitted for the approval of Cabinet.

4.3.9 A copy of the contract, dated January 29, 2015, between the JFB and Rosenbauer Minnesota LLC., was reviewed by the OCG. The referenced contract recorded the National Safety Limited as the "Dealer" in respect of the procurement of three (3) units at a total price of "\$1,359,591.00 USD." The contract also indicated that "All charges related to the clearance of the fire engines from the port of Kingston are for the account of the Jamaica Fire Brigade and not Rosenbauer."

Government of Jamaica (GoJ) Handbook of Public Sector Procurement Procedural Guidelines Regarding Procurement Planning

4.3.10 Based on an examination of the procurement process that was utilized by the JFB, for the purchase of the Rosenbauer Fire Trucks (Pumpers), the DI highlights Appendix 1, Volume 2 of the GoJ Handbook of Public Sector Procurement Procedures (2012 and 2014), which stipulates that procuring

¹⁶ NCC Letter dated August 15, 2014, from Raymond McIntyre, Chairman, NCC which was addressed to Mrs. Dionne Jennings, then Actg. Permanent Secretary Ministry of Local Government and Community Development.



entities must “*develop a plan that clearly sets out the framework in which the procurement will be done*”.

4.3.11 In particular, the referenced Section of the GoJ Procurement Handbook states, *inter alia*, that procurement planning allows entities to make decisions surrounding “*what to buy, when to buy it, how much/many to buy, where to buy and how much money to allocate for the purchase*”.



Specifications for the Fire Trucks (Pumpers) Procured from Rosenbauer Minnesota LLC

4.4 Further to the allegations which were made concerning the suitability of the specifications germane to the Fire Trucks (Pumpers) procured by the JFB, the DI, by way of a requisition dated May 14, 2018, sought clarification and further particulars in relation to the complaint.¹⁷

4.4.1 In response to the DI, the complainant indicated, *inter alia*, the following:

“ ...

We would like to clarify that our statement “as required by the laws of Jamaica” was neither a correct statement nor a correct description of our position, but rather we should have stated, “it is our opinion that it should be required by the laws of Jamaica”, especially for an emergency unit like a fire truck

We have this position for the following reasons:

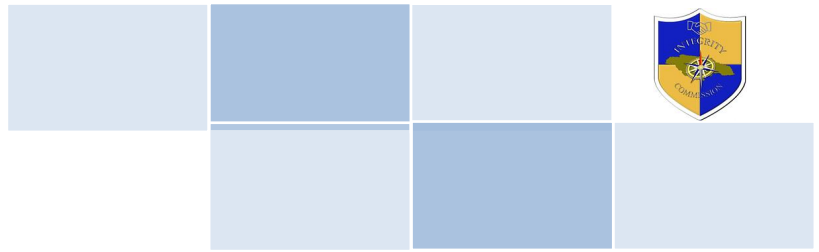
1. **In modern vehicles the manufacturer strategically aims the lighting position of the Head Lamp according to the side of the road that you drive on. For example, in a Right Hand Drive Vehicle (driving on the left in Jamaica) the Head Lamp will shine further out on the Left Side to provide better vision of the sidewalk, pedestrians and**

¹⁷ OCG requisition dated May 14, 2018, which was addressed to the anonymous complainant. Questions 1 and 2.
INTEGRITY COMMISSION Special Report of Investigation into the Circumstances Surrounding the Procurement Process(es) for the Award of Contracts for the Provision of Rosenbauer Fire Trucks Pumpers (through the National Safety Limited) by the Jamaica Fire Brigade



critical road signs. This specific and important safety feature is non existent with a modern Left Hand Drive vehicle in Jamaica.

2. Further, in a Right Hand Drive Vehicle (driving on the left in Jamaica), the Head Lamp will not shine as far on the right and the lighting position is strategically placed in order to not blind oncoming traffic and to prevent glare to oncoming traffic when raining. This specific and important safety feature is non existent with a modern Left Hand Drive vehicle in Jamaica.
3. Three quarters (3/4) of the island is mountainous with very narrow roads. When a Fire Unit is responding to an emergency travelling on these mountainous roads it is extremely dangerous to overtake when the steering wheel is on the Left Hand Side as it impairs the drivers ability to see oncoming traffic, putting the lives of the firemen in danger, as well as other motorists and pedestrians. This danger is signified with the Fire Unit traveling at excessive speed.
4. Further to Point 3) above, this situation significantly reduces the response time of the Fire Unit due to the challenges of visibility on the road and overtaking severely harming the ability of the driver to respond as quickly as possible to the emergency. As any Fire Brigade would explain, the difference between life or death is seconds. So it could be taking longer to respond



to an emergency with a Left Hand Drive Vehicle and unnecessarily putting people's lives at stake.

5. **If both Right Hand Drive and Left Hand Drive Fire Units are available from most manufacturers, why should Jamaica where we drive on the Left Hand Side purchase units for driving on the Right Hand Side.** That to us is the question to answer.

*In consideration of the points above, **please remember again we are talking about a vehicle weighing 30 tons driving at excessive speeds.***

We also state again that all Renault Fire Units supplied by ... to the JFB were Right Hand Drive, and to our knowledge all Rosenbauer Fire Units provided to the JFB were Left Hand Drive.”¹⁸ (DI Emphasis)

- 4.4.2 Having regard to the foregoing, Mr. Rory Chin, Office/Procurement Manager, JFB advised the DI of, *inter alia*, the following:

“The Jamaica Fire Brigade had contacted Mr. Donald Henry, Chief Inspector Island Traffic Authority at the National Works Agency in regards to the stated claim that “All Renault Fire Trucks are right hand drive as required by the laws of Jamaica not left hand drive like Rosenbauer”.

¹⁸ Particulars related to the complainant's response dated May 16, 2018 are being withheld.



Mr. Henry said to his knowledge there is no legislation stating that vehicles imported into Jamaica has to be right hand drive by law".¹⁹ (DI Emphasis)

4.4.3 The OCG noted that Section VI of the Bid Document which was prepared by the JFB detailed the overall dimensions and requirements for the vehicle which was being procured. In particular, the aspect of the specifications relating to the "OVERALL DIMENSIONS" made reference to, *inter alia*, the overall length, height and width for the fire trucks. In relation to the "VEHICLE TYPE" the requirement stated was "a 4x4, four-door chassis with rear mud flaps and exhaust system," and in relation to the Steering Gear, the specifications stated was "Power type". The OCG observed no specific requirement in the referenced document for the vehicle to be standard right or left hand drive.

4.4.4 The OCG also took note of a media article which was dated April 13, 2007, and which bore the headline, "Unsafe fire trucks to be modified". The referenced media article expressed concerns surrounding the safety and specifications of fire trucks. The article indicated, *inter alia*, the following:

"NATIONAL SAFETY Ltd., the distributor of fire trucks in the island, has promised that it will be undertaking the modification of unsafe units within the next week. The assurance was given on behalf of Rosenbauer LLC America, manufacturers of the trucks, following a

¹⁹ Response dated June 29, 2018 from the Jamaica Fire Brigade addressed to the Integrity Commission from Mr. Rory Chin, Office/Procurement Manager.



meeting involving officials of the Local Government and Transport ministries and representatives of National Safety Ltd., on Wednesday.

Last month, several firefighters in St. Elizabeth were injured after a section of the truck in which they were travelling became separated from the chassis.

...

REVIEWING NEW ORDER

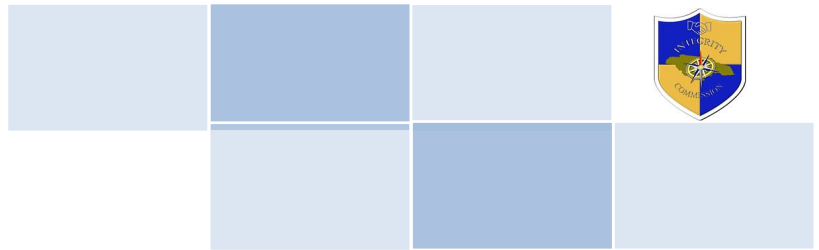
...

A team from the Transport Ministry had recommended that all 25 trucks imported from the company in August last year be withdrawn from service until they were recertified by the ITA. In its March 26 report, the team raised concerns about the safety of the fire trucks, particularly how they were assembled." ²⁰ (DI Emphasis)

4.4.5 The OCG also reviewed a media article dated November 30, 2008, which indicated the following regarding the specifications and licences for fire trucks:

"PRIME Minister Bruce Golding has averted a major fiasco in the Jamaica Fire Brigade, with instructions to the Island Traffic Authority (ITA) to issue special road

²⁰ Extract from Jamaica Gleaner, Media Article dated April 13, 2007 – "Unsafe fire trucks to be modified"
INTEGRITY COMMISSION Special Report of Investigation into the Circumstances Surrounding the Procurement Process(es) for the Award of Contracts for the Provision of Rosenbauer Fire Trucks Pumpers (through the National Safety Limited) by the Jamaica Fire Brigade



licences for at least six custom-made fire trucks, valued at more than J\$300M, which were grounded by the authority.

The ITA grants certificates of fitness after examination.

The trucks, which were designed with special features to rescue victims from high-rise buildings and which are fitted with special distance ladders for river rescue, were grounded by the ITA, despite its representatives being on the committee which designed the specifications before placing the orders.

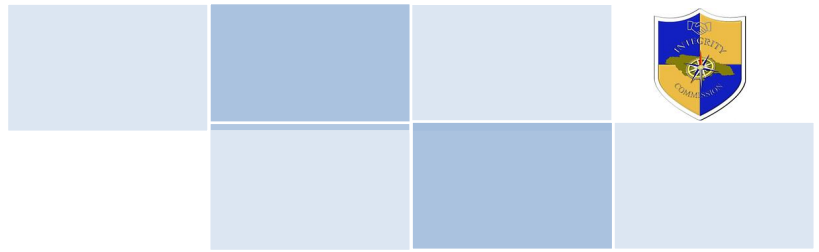
...

The ITA declared the vehicles unfit for Jamaica's roads as their bodies are "too wide" for the minimum 10-foot-width measurement for road lanes on the island.

"They (Island Traffic Authority) say they are too big, too wide for the Jamaican roads and that they will take up more space than is designated for each lane..."²¹ (DI Emphasis)

4.4.6 Notwithstanding the foregoing, the DI highlights that the JFB indicated that they were not aware of any legislative provisions which could aid in the

²¹ Extract from Jamaica Observer, Media Article dated November 30, 2008, - "PM averts fire service fiasco"
INTEGRITY COMMISSION Special Report of Investigation into the Circumstances Surrounding the Procurement Process(es) for the Award of Contracts for the Provision of Rosenbauer Fire Trucks Pumpers (through the National Safety Limited) by the Jamaica Fire Brigade



determination of the type of vehicles which were to be procured. Mr. Errol Mowatt, then Commissioner, JFB advised, *inter alia*, as follows:

“The Brigade has no legislation, policy document and/or guideline that determine the type of vehicle that it acquires. The Brigade has been using primarily Styer/Rosenbauer vehicles that have proven to be satisfactory overtime. Also, the standardization of emergency response vehicles is an unwritten policy adopted by the Brigade and is a proven mean of reducing maintenance cost.

....”²² (DI Emphasis)

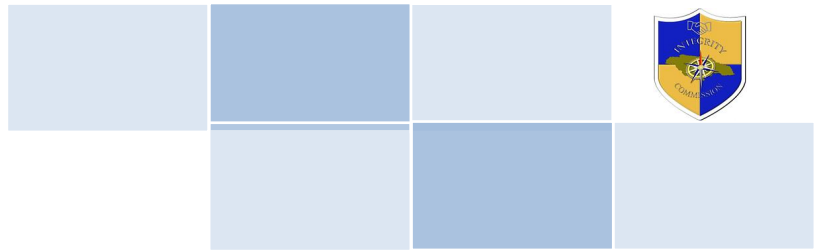
4.4.7 By way of a letter dated September 14, 2012, from Mrs. Audrey V. Sewell, JP, former Permanent Secretary, Ministry of Transport, Works and Housing which was addressed to Mr. Errol Mowatt, Acting Commissioner, JFB, and copied to Dr. Janine Dawkins, Chief Technical Director, Ministry of Transport, Works and Housing, the following, *inter alia*, was stated:

“RE: Request for the Evaluation of Tender – Procurement of Fire Trucks (Pumpers)

...

Based on the evaluation undertaken by a team from the National Works Agency, the fire truck satisfies the

²² Response dated August 18, 2015 from the Jamaica Fire Brigade addressed to the OCG from Mr. Errol Mowatt, Response #11.



requirement that will be useful to the Jamaica Fire Brigade and it is being recommended that the said Fire Trucks (Pumpers) be purchased.

Attached is a copy of the report prepared by the National Works Agency, along with a detailed comparison of the specifications outlined in the bid document with the bidder's proposal.

*..."*²³ (DI Emphasis)

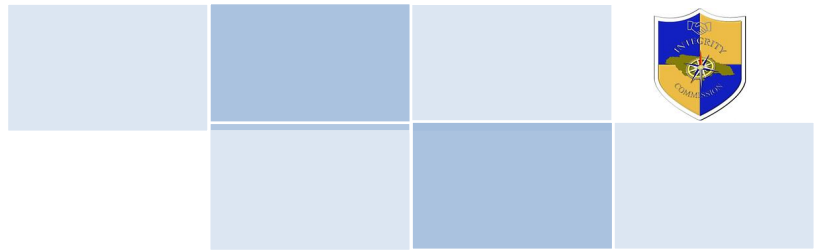
4.4.8 Having regard to the foregoing, the DI highlights that the Evaluation Report which was prepared by the National Works Agency with regard to the vehicle specification for the Fire Trucks (Pumpers), stated, *inter alia*, the following:

"...

8 SPECIFICATION

*A comprehensive examination of the entire technical specifications was conducted by our NWA technical team. No major deviations were identified. **A major deviation is one which will adversely affect the operations of the Fire Brigade Department i.e. the engine output is reduced from 300HP to 200 HP.***

²³ Letter dated September 14, 2012, which was addressed to Mr. Errol Mowatt, former Acting Commissioner, Jamaica Fire Brigade from Mrs. Audrey V. Sewell, JP, former Permanent Secretary, Ministry of Transport, Works and Housing and copied to Dr. Janine Dawkins, Chief Technical Director, Ministry of Transport, Works and Housing.



However, three minor deviations were highlighted. These are as follows:

- Startability is approximately 5° less than the required 30° slope-this is not critical/detrimental
- Seating capacity is six (6) persons, one (1) less than the requirement of seven (7) persons
- The portable Fire Pump is capable of delivering 150 GPM at 120 psi that is delivering 32% less than the requirement but is not regarded as adverse.

The above listed deviations will not negatively impact the operations of the Fire Brigade Department.

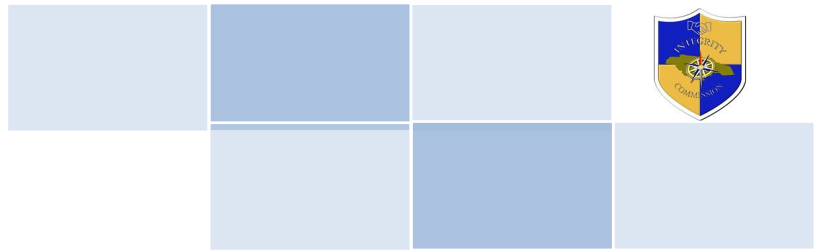
..."²⁴ (DI Emphasis)

4.4.9 The following question was posed to Mr. Errol Mowatt, former Commissioner, Jamaica Fire Brigade by way of the OCG's requisition dated July 21, 2015:

"12. Please indicate the make/model of fire trucks utilized by the JFB during the period 2011-2015.

- (a) In providing your answer, please provide justification for utilizing a/the specific model;*
- (b) Please provide justification for changing from one specific make/model to another; and*

²⁴ Extract from Evaluation Report prepared by the National Works Agency dated September 10, 2012.



(c) Please provide justification for the continued utilization of one make/model as opposed to changing to another make/model"²⁵

4.4.10 In his response, Mr. Errol Mowatt, advised, *inter alia*, as follows:

“ ...

For reporting period, the Brigade's fleet is made up of different types of vehicles, namely:

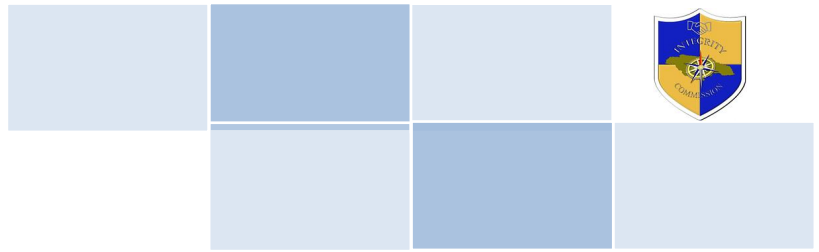
- **Rosenbauer**
- **Renault**
- **Leyland**
- **Isuzu**

During this period, the Brigade made no specific effort to change its type of vehicle. This is evident in that, we went to the market via the Local Competitive Bidding methodology to acquire firefighting vehicles.

As stated above, the Brigade has several make/model vehicles in its fleet despite the fact that the Brigade would benefit from standardization of its fleet".²⁶ (DI Emphasis)

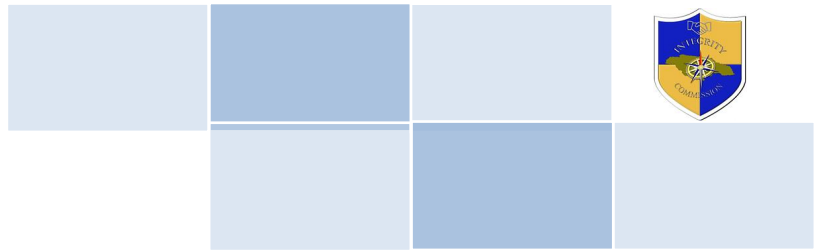
²⁵ OCG Requisition dated July 21, 2015, which was addressed to Mr. Errol Mowatt, former Commissioner, Jamaica Fire Brigade. Question No.12.

²⁶ Response from Mr. Errol Mowatt, former Commissioner, Jamaica Fire Brigade to the OCG Requisition dated August 18, 2015. Response No. 12.



Review of the Quarterly Contract Awards (QCA) Database

- 4.5 The Quarterly Contract Awards (QCA) Consolidated Database is a web-based system, which facilitated the submission of Quarterly Contract Award (QCA) Reports to the OCG, of the particulars of contracts which were awarded by procuring public bodies within specified thresholds.
- 4.5.1 Subsequent to an OCG's Requisition dated July 11, 2006, a perusal of the QCA Consolidated Database, as well as the certified hardcopy submissions which were prepared by the JFB, revealed that the two (2) contracts which were awarded to Rosenbauer LLC for the procurement of Rosenbauer Fire Trucks (Pumpers) were not reported.
- 4.5.2 Of note, the referenced OCG's Requisition dated July 11, 2006, mandated that all public procuring entities should submit their QCA Reports, outlining the particulars of contracts which were awarded within specific value thresholds. This requirement was applicable to all classification of Government contracts awarded as at May 1, 2006.



Principles of the Government of Jamaica Public Procurement Policy

4.6 In relation to the manner in which the procurement process for the procurement of the Rosenbauer Fire Trucks (Pumpers) was initiated and executed by the JFB, the DI considers it prudent to highlight the following relevant principles of the GoJ Public Procurement Policy (November 2010), that are crucial to the administration of public procurement in Jamaica:

“...

ii. **Competition:** *Potential contractors compete in an environment that allows each eligible contractor the opportunity to participate in public procurement contract offerings.*

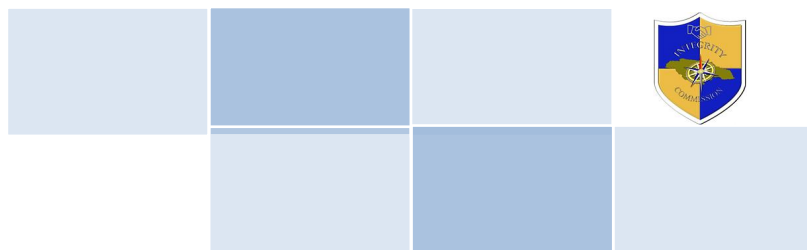
...

iv. **Equity:** *Equal opportunity for all eligible contractors.*

...

x. **Value for Money:** *Value for Money (VFM) is a measure of economy and efficiency with which the financial resources of the Government are converted. Therefore, VFM presents the optimum combination of life-cycle costs and benefits of the item being procured.”²⁷*

²⁷ Government of Jamaica Public Sector Procurement Policy (November 2010), Section 5, General Principles.



Chapter 4 – Conclusion

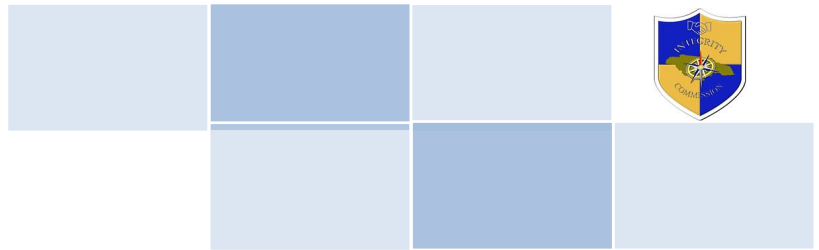
5.0 This chapter outlines the conclusions determined by the DI.

5.1 The DI has arrived at the following conclusions:

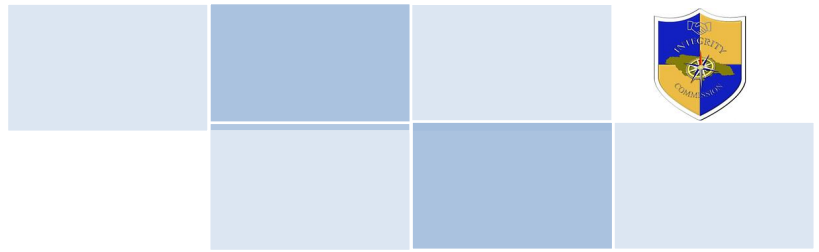
5.1.1 The DI has found evidence to indicate that two (2) contracts were awarded to Rosenbauer LLC (through its agent, the National Safety Limited) in 2013 and 2015, by way of the Direct Contracting Procurement Methodology.

5.1.2 The DI concludes that the National Safety Limited was the recognized dealer/agent for Rosenbauer Minnesota LLC, who submitted bids on its behalf, to the JFB.

5.1.3 The concludes that the then Accounting and Accountable officers of the JFB breached Sections 29(a) and (b)(ii) of the Contractor-General Act as a result of their failure to submit the requisite QCA Reports to the OCG, advising of the award of two (2) contracts to Rosenbauer Minnesota LLC, in the amounts of One Million, Three Hundred and Fifty Five Thousand, Two Hundred and Eighty Three United States Dollars (US\$1,355,283.00) and One Million, Three Hundred and Fifty Nine Thousand. Five Hundred and Ninety One United States Dollars (US\$1,359,591.00), respectively, for the referenced periods.



5.1.4 In relation to the two (2) contracts entered into between the JFB and the Rosenbauer Minnesota LLC, for the procurement of Fire Trucks (Pumpers), and the findings detailed herein, the DI concluded that there was a lack of procurement planning on the part of the JFB, given the short time frame, between the two procurement exercises.



Chapter 5 – Recommendations

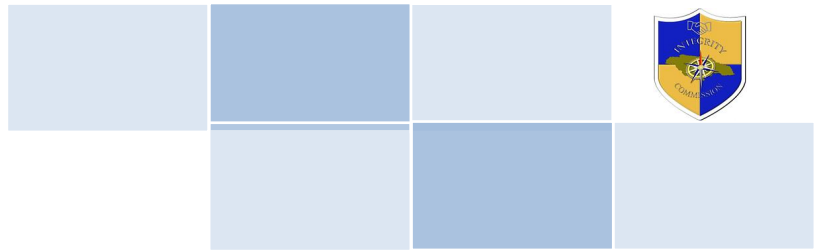
6.0 This chapter outlines the recommendations and corruption prevention initiatives identified by the DI.

Recommendation to the Director of Corruption Prosecution (DCP)

6.1.1. Having regard to the provisions of Section 29 of the then applicable Contractor-General Act and the failure of the JFB to report to the OCG, the two (2) contracts which were awarded to Rosenbauer Minnesota, in the amounts of One Million, Three Hundred and Fifty Five Thousand, Two Hundred and Eighty Three United States Dollars (US\$1,355,283.00) and One Million, Three Hundred and Fifty Nine Thousand, Five Hundred and Ninety One United States Dollars (US\$1,359,591.00), respectively, for the procurement of Rosenbauer Fire Trucks (Pumpers), the DI refers a copy of this Investigation Report to the Director of Corruption Prosecution for such actions as the Director may deem necessary.

Anti-Corruption Recommendations and Initiatives

6.1.2 The DI recommends that the JFB undertakes procurement training with the Office of Public Procurement Policy (OPPP) within the Ministry of Finance and the Public Service, to reinforce the requirements of GoJ Public Sector Procurement Procedures and to further develop the necessary competence of its staff in the area of public procurement.



6.1.3 The DI recommends that the JFB conducts proper research and due diligence in an effort to ensure that value for money, transparency, fairness, competitiveness and accountability in the administration of procurement opportunities on behalf of the Government of Jamaica is achieved.

6.1.4 The DI recommends that the Government of Jamaica and/or the Minister of Local Government and Community Development commence the development of policies and guidelines as it relates to the specifications and standards for the procurement of Fire Trucks and other emergency vehicles with a view to ensuring that safety and value for money are achieved.

A handwritten signature in blue ink, appearing to read 'K. Stephenson', located below the main body of text.

Kevon A. Stephenson, J.P
Director of Investigation

March 18, 2021.



Appendices

Appendix 1



Manufacturer's Authorization Form


Date: June 15th, 2012
Invitation to Bid No: JFB/12/VOL5

To: Jamaica Fire Bridgade

Whereas Rosenbauer Minnesota, LLC, who are official manufacturers of Fire Trucks, having factories at 5181 260th Street, Wyoming, MN 55092, do hereby authorize National Safety Limited to submit a bid in relation to the Invaiton for Bids indicated above, the prooise of which is to provide the following Goods, manufactured by Rosenbauer Minnesota, LLC, Three (3) Rosenbauer Timberwolf 4x4 Pumper Fire Trucks, and to subsequently noegotiate and sign the contract.

We hereby extend our full guarantee and warranty in accordance with Clause 28 of the Genral Conditidions of Cract, with respect to the Goods offered by the above firm in reply to this Invitation for Bids.

Name: Timm Reifschneider **In the capacity of:** International Sales Manager

Signed: 

Duly authorize to sign the bid for and on behalf of: Rosenbauer Minnesota, LLC

Dated on: 15th day of June 2012.



Appendix 2

MEMORANDUM

TO: File

FROM: Recording Secretary

FILE REF #: JFB/439 **DATE:** 11th October, 2012

SUBJECT: **PROCUREMENT COMMITTEE MEETING –**
- Fire Trucks (Pumpers)

On Wednesday, 10th October, 2012, at 10:00 a.m., the captioned meeting was convened with a view to recommend the award of contract for the procurement of three (3) fire trucks (pumpers).

Called to Order

The meeting was called to order at 10:00 a.m. with following persons in attendance:

Mr. Errol Mowatt	-	Deputy Commissioner, Operations
Mr. John Forrester	-	Deputy Commissioner, Administrations
Mr. Berris Burke	-	Senior Deputy Superintendent, Acting OIC General Maintenance
Mr. Alman Kirlaw	-	Senior Deputy Superintendent, OIC Brigade's Workshop
Mr. Garfield Blair	-	Office/Procurement Manager

Respondent

Details of the bid received are as follows:

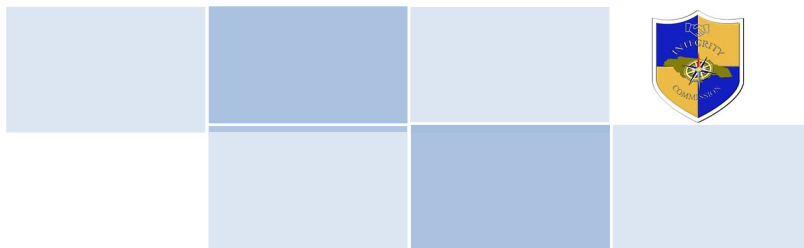
SRL #	COMPANY	Unit Cost (US \$)		Ext. Cost (US \$)		Bid Security (US \$)		NCC/TCC STATUS
		\$)	¢	\$)	¢	\$)	¢	
1.	National Safety (Local agent for principal, Rosenbauer America)	450,391	00	1,351,173	00	1,202,680	50	NCC – expires 28/02/13 TCC – expires 17/09/12

The Committee perused the Tender Report and approved its contents.

Three (3) points which needed clarification were put to the Committee by the Procurement Manager. The points were:

- Deviations from Specifications
 - startability (5% less than the 30% requested)
 - seating capacity (6 rather than 7)
 - 150 gallons per minute (gpm) at 120 psi (32% less than
- In-House Estimate
- NCC category under which the local agent was registered.

1



In regards to the deviations from specifications, the persons at the Meeting, including Deputy Commissioner Operations and Deputy Commissioner Administrations (Actg.) said that these deviations will not affect the operations of the Brigade.

Recommendation

The Brigade's Procurement Committee, in its analysis of the evaluation of the sole proposal received, recommended the award of the contract for the procurement of three (3) fire trucks (pumpers) to National Safety Ltd. in the amount of **United States One Million, Three Hundred and Fifty-One Thousand, One Hundred and Seventy-Three Dollars (US1, 351,173.00)** to National Safety Ltd., the local agent for principal, Rosnebauer, America).

Adjournment

The Meeting was adjourned at 10:30 a.m.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line.

11/11/2020 10:30:00 AM



Appendix 3

NATIONAL CONTRACTS COMMISSION Meeting no. 618 – Wednesday, 2012 November 28

Present were:

Mr. Raymond McIntyre	-	Chairman
Mrs. Jean Fairclough	-	Member
Messrs. Lascelles Dixon	-	Member
Richard Hilton	-	Member
Milton Hodelin	-	Member
Karl Martin	-	Member
Robert Martin	-	Member
Donald Moore	-	Member

In Attendance:	Ms. Fiona McLaren	-	Actg. Director of Technical Services; and Head, NCC Secretariat
	Messrs. Michael Lee	-	NCC Secretariat
	Rudley McFarlane	-	NCC Secretariat
	Nicholas Gibson	-	NCC Secretariat
	Mrs. Ruth Lim	-	Recording Secretary

1.0 Call to Order

The Chairman called the meeting to order at 11:45a.m.

2.0 Invocation

Commissioner Lascelles Dixon offered a prayer.

3.0 Apologies for Absence

All were present.

4.0 Confirmation of Minutes

The minutes of the meeting of 2012 November 21, were confirmed on a motion moved by Commissioner Jean Fairclough and seconded by Commissioner Robert Martin.

5.0 NCC Matters

5.1 European Union (EU) Cooperation Programme

The Commission agreed to submit an e-mail to the team from the EU Mission in relation to the Government Strengthening Project. The following possible areas of support/information were identified: (i) an IT system to facilitate evaluation of contractor performance and other criteria, (ii) information regarding the EU

1



experience with registration of contractors, (iii) commercial scanning machines, (iv) a system for on line contractor registration and (v) software and hardware (projectors, screens and individual monitors).to reduce the extent of paper usage at meetings

5.2 (a) Contractor Registration

The Commission had been in communication with the Contractor-General regarding the contractors' applications that had been referred to the Fraud Squad.

(b) The Procurement Law

The Chairman reported that the drafting of the Procurement law is still in progress with the participation of Commissioner Moore and himself.

6.0 **Outstanding Matters**

The Commission noted that it was still awaiting the following reports:

(i) NWC

- o Emergency Works Declaration – Majesty Gardens
- o Emergency Works Declaration – Minards Well System Pipeline Replacement.
- o Emergency Works Declaration - Riverton City Sewerage Upgrading Works
- o NWC – The K-Factor Funded Programme – Emergency Works – Repairs to Sewage Treatment Facilities

A reminder had already been sent to the NWC.

- (ii) Status report from the NSWMA including project details and costs
- (iii) Reports of the emergency repairs carried out at the Dock at Petrojam – NCC meeting – 7/11/2012

The Commission directed that the relevant entities be reminded to submit the reports.

7.0 **Matters Arising**



7.1 Jamaica Fire Brigade – The Purchasing of Fire Trucks

In meeting no. 617 held on 2012 November 21, the Commission had supported the recommendation of the Sector Committee to defer the tender for the procurement of fire trucks based on the apparent lack of transparency of the process and invited representatives from the Jamaica Fire Brigade (JFB) to attend the next meeting of the Commission to discuss the matter.

Accordingly, Dep. Supt. Berris Burke, Dep. Supt. A. Kirlaw, Messrs. Garfield Blair and John Doman from the Jamaica Fire Brigade attended the meeting.



Mr. Blair indicated that the JFB had an insufficient quantity of firefighting units, mainly pumpers. The insufficiency had been impeding the JFB's capacity to carry out its operational functions effectively. As a result, the JFB utilized the Local Competitive Bidding methodology with a view to having the appropriate after-sale service available locally.

The Commission enquired as to how many local companies represented fire vehicles that suited the JFB specification. In responding, Mr Blair indicated that the JFB sourced vehicles from two (2) companies, namely: National Safety and Ian K. Agencies. However, Notmar Trading had also expressed an interest in this procurement opportunity. The JFB further indicated that only one bidder, National Safety Limited had responded.

The Commission questioned whether Rosenbauer was the only vehicle that the JFB had been interested in.

In responding, Dep. Supt. Burke indicated that the JFB's fleet had Renault and International vehicles and that there was an arrangement for the supply of parts and services.

Mr. Blair further indicated that National Safety Limited was not registered under the stipulated category, *Motor Vehicles and Spares/Motor Vehicle Spares and Accessories*. Instead they were registered under the following categories: *General Supplies, Industrial, Construction Equipment and Machinery, Safety and Security Services (specializing in the installation/servicing of fire safety alarm and suppression systems/equipment and safety products)*. It should be noted that National Safety Limited had contracted Kingston Industrial Agencies (KIA) to provide servicing/maintenance for the vehicles as currently exists. KIA is the local agent for International engines and is registered under the required category.

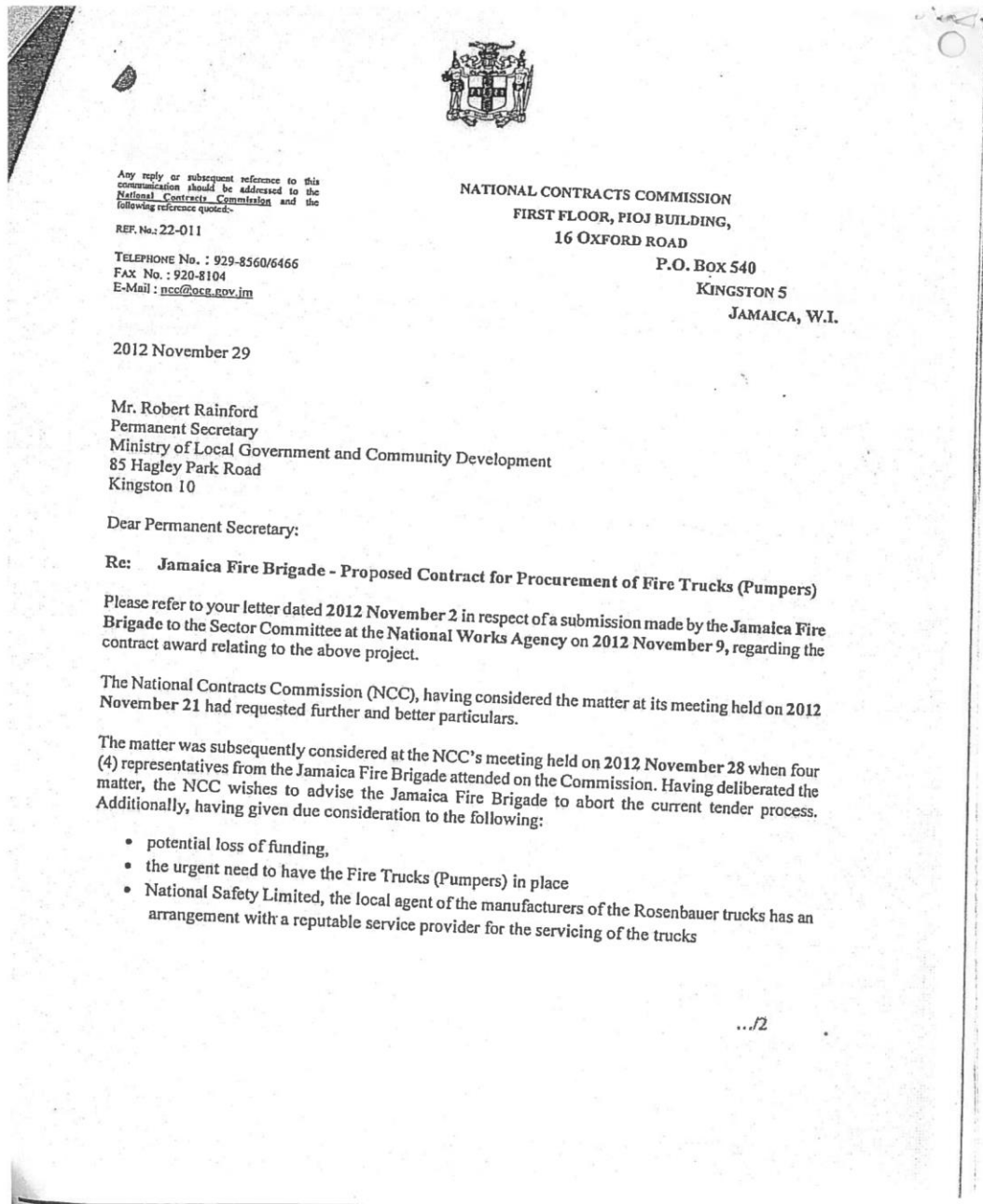
The Commission noted that the NWA's technical team had conducted a comprehensive examination of the entire technical specifications and reported that no deviations had been identified.

The Commission also noted the potential loss of funding by the JFB and the urgent need to have the fire trucks (pumpers) in place.

After deliberation, the Commission directed that the JFB be advised to abort the current tender process and enter into negotiation with National Safety Limited and ensure that the company is registered with the NCC in the appropriate category prior to the award of contract.



Appendix 4






-2-
2012 November 29

Mr. Robert Rainford
Permanent Secretary
Ministry of Local Government and Community Development

the Jamaica Fire Brigade is further advised to negotiate with National Safety Limited and to ensure that the company is registered with the National Contracts Commission in the appropriate category prior to the award of contract.

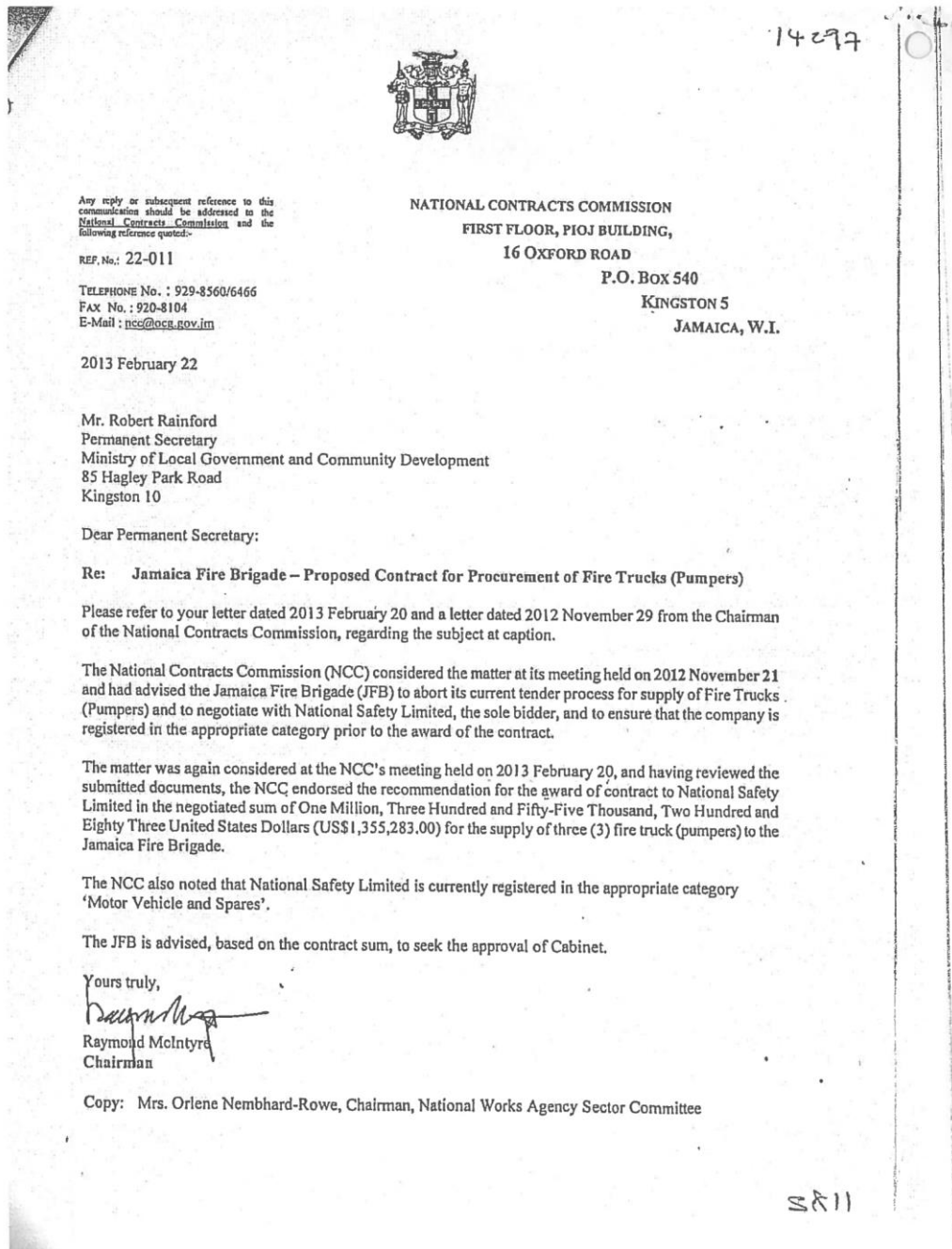
Yours truly,


Raymond McIntyre
Chairman

Copy: Commissioner Laurie Williams, Jamaica Fire Brigade
Mrs. Orlene Nembhard-Rowe, Chairman, National Works Agency Sector Committee



Appendix 5



Appendix 6



Any reply or subsequent reference to this communication should be addressed to the National Contracts Commission and the following reference quoted:-

REF. No.: 22-011

TELEPHONE No. : 929-8560/6466

FAX No. : 920-8104
E-Mail : ncc@ncc.go.jp

2014 August 15

NATIONAL CONTRACTS COMMISSION

FIRST FLOOR, PIOJ BUILDING,

16 OXFORD ROAD

P.O. Box 540

KINGSTON 5

JAMAICA, W.I.

Mrs. Dionne Jennings
Permanent Secretary (Actg.)
Ministry of Local Government and Community Development
85 Hagley Park Road
Kingston 10

Dear Permanent Secretary:

Re: Award of Contract – The Procurement of Fire Trucks (Pampers) for the Jamaica Fire Brigade

Please refer to a submission dated 2014 August 11 made by the Jamaica Fire Brigade to the Sector Committee at the National Works Agency on 2014 August 12 regarding the contract award relating to the above project.

The National Contracts Commission (NCC), having considered the matter at its meeting held on 2014 August 13, endorsed the recommendation to award a contract to Rosenbauer (Through National Safety Limited) in the sum of One Million Four Hundred and Twelve Thousand Three Hundred and Twenty-five United States Dollars and Ninety-nine Cents (US\$1,412,325.99) for the procurement of the fire trucks plus additional local charges as follows:

- J\$26,293,194.30 (GCT)
- J\$784,086.00 (Brokerage Fee)

Please submit the contract for the approval of Cabinet.

Yours truly,

Raymond McIntyre
Chairman

Raymond McIntyre
Chairman

Copy: Commissioner Errol Mowatt, Actg. Commissioner, Jamaica Fire Brigade
Mr. Roger Smith, Actg. Chairman, National Works Agency Sector Committee