



OFFICE OF THE CONTRACTOR-GENERAL

Special Report of Enquiry **Conducted Into Allegations Surrounding Procurement Breaches Associated with the** **Procurement of Bookmarkers by the Ministry of Education (MOE)** **Ministry of Education (MOE)**

Table of Contents

INTRODUCTION	2
JURISDICTION	9
TERMS OF REFERENCE.....	11
METHODOLOGY	13
FINDINGS OF FACT	15
DISCUSSION OF FINDINGS.....	24
<i>Conceptualization of the Bookmarkers</i>	<i>24</i>
<i>Protocol for the use of the National and other Flags</i>	<i>35</i>
<i>Timeline of Events-Design of the Bookmarkers</i>	<i>38</i>
<i>The Process Undertaken by the MoE in the Production of the Bookmarkers</i>	<i>44</i>
<i>Review of the Quarterly Contract Award (QCA) Reports</i>	<i>81</i>
<i>Possibility of Other Printing Options</i>	<i>83</i>
<i>Value For Money</i>	<i>93</i>
<i>Alterations and /or Adjustments to the MoE Procurement Records and</i> <i>Documentations.....</i>	<i>98</i>
CONCLUSION.....	108
RECOMMENDATIONS	115
APPENDICES	118



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INTRODUCTION

The Office of the Contractor General (OCG), acting on the authority of Sections 4, and 15 of the Contractor General Act (CG Act), announced by way of a Media Release, on August 10, 2012, the commencement of an Enquiry into the procurement of Bookmarkers, by the Ministry of Education (MoE). The referenced Media Release further reported that the OCG's Enquiry surrounded allegations that the said Bookmarkers included a photograph of the Minister of Education, the Hon. Rev. Ronald Thwaites, which was superimposed over the image of the Jamaican Flag.

The OCG's decision to undertake an Enquiry into this matter, was prompted by a News Article entitled ***"JLP urge Contractor General to investigate MOE Bookmarkers breach"***, which was published on the RJR News website."¹

The referenced article reported, *inter alia*, as follows:

"There's more controversy over the manufacturing of bookmarkers which were slated to be distributed by the Ministry

¹ The news article was accessed at <http://rjnnewsonline.com/local/jlp-urge-contractor-general-to-investigate-moe-bookmarkers-breach>.



of Education to schools as part of Jamaica 50 celebrations.

Plans for their distribution were stalled after it was discovered that they contained a picture of Education Minister Ronald Thwaites superimposed on the Jamaican flag.

In the latest development, the Parliamentary Opposition is calling for the Contractor-General to immediately conduct an investigation.

It wants answers on whether procurement guidelines were followed in the issuing of the contract to produce the controversial bookmarkers.

In a statement last night, Opposition Spokesman on Education, Marissa Dalrymple-Phillibert, said the probe is also necessary in the wake of the refusal of Acting Permanent Secretary in the Education Ministry, Grace McLean, to identify the manufacturer of the souvenirs.

(OCG Emphasis)

Mrs. Dalrymple-Phillibert said the public has a right to know the circumstances under



which the bookmarkers were manufactured as tax dollars were involved.

The Opposition Spokesperson added that the Ministry of Education has a duty to teach students about the importance of reverence for national symbols especially against the background of the plan to re-introduce civics in schools.

She is also demanding answers from the Education Ministry on the amount of money spent to manufacture the bookmarkers.

Earlier this week, Education Minister Ronald Thwaites dissociated himself from the controversy.

In an interview with our news centre on Wednesday Mr. Thwaites said he was not aware of the bookmarkers being printed in breach of protocol governing the use of national symbols.

Miss McLean has stated that the bookmarkers were printed in error but has not disclosed how this occurred.



Opposition Leader Andrew Holness has written to the Prime Minister seeking her intervention in the matter.”²

In addition to the foregoing News Article, the OCG received three (3) email correspondence, during the period of August 13, 2012 to September 6, 2012. The referenced emails alleged acts of irregularity and impropriety in the procurement process, and stated, *inter alia*, as follows:

1. An email from a concerned citizen to the Nationwide News Network, dated August 13, 2013, which stated, *inter alia*, the following:

“...This is just to advice that whatever documents that the Contractor General receives must be carefully scrutinised to ensure that they have not been doctored. Checks today with the staff in the Procurement Unit of the Ministry of Education revealed that NO PROCUREMENT WAS DONE. The activity did not pass through the Procurement Unit. So, the relevant questions are, where did it take place and by whom?”³ (OCG Emphasis)

2. An email from a concerned citizen to the OCG, dated August 16, 2012, which stated:

² Article entitled “JLP urge Contractor General to Investigate MOE Bookmarkers breach” published on www.rjnnewonline.com, on August 10, 2012.

³ Email dated August 13, 2013.



“Whatever reports and supporting documents that you receive from Grace McLean, Acting Permanent Secretary in the Ministry of Education regarding the inappropriate bookmarks with the Minister’s face in the National Flag, scrutinise them carefully.

Checks with the staff in the Procurement Unit revealed that the activity did not passed [sic] through them. The procurement was undertaken by Mrs McLean herself and an assistant, Nathalee McKnight. The Senior Advisor to the Minister, Dr. Franklin Johnston in also involved. He was the one who signed the letter seeking donations from private sector, which were prepared by Ms McKnight.

Regarding the selection of the printer, Stella Printers, any document you receive bearing the signature of Paul Matalon, director of the National Education Trust, was signed after the fact (on the said Friday your letter was delivered.) He will cover for the Minister because of their ethnic and religious



connection. Question the exact dates when the documents were done.”⁴(OCG Emphasis)

3. An email, from an anonymous person to the OCG, dated September 5, 2012, which stated:

“The Ministry of Education breached the procurement processes for the bookmarks for the Jamaica 50. This was fixed by the committee before the report was sent to the OCG. The printer continues to get contracts without going to the committee! Find out about the latest one. He was asked to reduce the figure on the quote but the job start already! It is a shame! The Procurement committee backdates many things for the PS like the procurement of the grade 1 registration forms two years aback when she was CEO Five [sic] boys are in the PS office lock up cutting the flag with Ronnie off the bookmark. Why? Donot [sic] let them fool you Mr Christie!”⁵

Having regard to the foregoing news article and email correspondence, the OCG commenced the requisition of documents from the MoE to gather information on the matter, pertaining to, *inter alia*; (a) the circumstances surrounding the conceptualization of the idea for the Bookmarkers; (b) the procurement procedures which were employed in the engagement of Stella Limited for the printing services of the Bookmarkers; (c) the cost

⁴ Email from a concerned citizen to the OCG, dated August 16, 2012.

⁵ Email from an anonymous person to the OCG, dated September 5, 2012.



associated with the printing and/or reprinting of same and (d) the observance of protocol in the use of a national symbol on the subject Bookmarkers.

Further to the commencement of the Enquiry, the OCG, on November 7, 2012, received additional information from a concerned citizen, in the form of an email correspondence, which alleged the following:

1. That Dr. Grace McLean, the then Acting Permanent Secretary, had instructed three (3) persons, namely; Mr. Paul Matalon, Chief Executive Officer of the National Education Trust, Miss. Marcia Carvalho, Principal Finance Officer of the MOE and Dr. Carolyn Hayle, Executive Director of the HEART TRUST/ NTA, to adjust and alter certain documents with respect to the OCG's Enquiry into the procurement of Bookmarkers for the Jamaica 50th celebrations.
2. That Dr. Carolyn Hayle was overheard at a function telling persons that she has a copy of an email which was sent to her by the said Former Acting Permanent Secretary requesting that she adjust and alter certain documents, and backdate correspondence, amongst other things, however, she did not comply with the request. She further stated that the other two (2) named persons [Mr. Paul Matalon, Chief Executive Officer of the National Education Trust and Miss. Marcia Carvalho, Principal Finance Officer, MoE] complied with the then Acting Permanent Secretary's request.
3. That Dr. Carolyn Hayle's role in this process, and why she was asked to assist the then Acting Permanent Secretary was as a result of the request which was initially made of the HEART TRUST/NTA to finance the project or a part thereof.

The OCG, having reviewed this information, extended its probe to ascertain the veracity of the allegations which were received.



JURISDICTION

The jurisdiction of the Contractor General to enquire into the circumstances surrounding the procurement of printing services for the manufacturing/printing of 650,000 Bookmarkers by the MoE is grounded in the following sections of the Contractor General Act (CG Act).

Section 15 (1) provides that:

“Subject to subsection (2), a Contractor-General, may, if he considers it necessary or desirable, conduct an investigation into any or all of the following matters-

- (a) the registration of contractors;*
- (b) tender procedures relating to contracts awarded by public bodies;*
- (c) the award of any government contract;*
- (d) the implementation of the terms of any government contract;*
- (e) the circumstances of the grant, issue, use, suspension or revocation of any prescribed license;*
- (f) the practice and procedures relating to the grant, issue, suspension or revocation of prescribed licenses.”*

Section 16 of the Act expressly provides that,

“An investigation pursuant to section 15 may be undertaken by a Contractor-General on



his own initiative or as a result of representations made to him, if in his opinion such investigation is warranted.”

Section 2 of the Act provides the following interpretation:

"government contract" includes any licence, 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;

"prescribed licence" means any licence, certificate, quota, permit or warrant issued or granted pursuant to any enactment by a public body or an officer thereof;

"public body" means –

- (a) Ministry, department or agency of government;*
- (b) a statutory body or authority;*
- (c) any company registered under the Companies Act, being a company in which the Government or an agency of Government, whether by the holding of shares or by other financial input, is in a position to influence the policy of the company.”*



TERMS OF REFERENCE

The OCG, in conducting its Special Enquiry into the purported breaches in the procurement of Bookmarkers by the MoE, sought primarily to determine, *inter alia*, the following:

1. The procurement procedures which were employed in the engagement of Stella Limited for the printing of the Bookmarkers, and to ascertain, *inter alia*, the following:
 - (a) Whether there was compliance with the relevant procedures, as embodied in the Government of Jamaica Procurement Procedures Handbook, 2012 (hereinafter referred to as the GPPH 2012), the Contractor General Act (hereinafter referred to as the CG Act) and the Financial Administration and Audit Act (FAA Act), and;
 - (b) Whether the contract award and/or procurement process(es) undertaken exhibited any signs of irregularities and/or impropriety; and
 - (c) Whether the award of the contract was in breach of any other applicable law(s), rule(s) or protocol(s).

Specific Objectives

2. To determine the circumstance(s) surrounding the conceptualization, planning, designing and procurement of printing services for the Bookmarkers.
3. To determine the person(s) who authorized the various versions of the Bookmarkers.



4. To determine whether there were any other options available to the MoE for the printing of the Bookmarkers, prior to the engagement of Stella Limited.
5. To ascertain the overall cost to the GoJ for the Printing of the Bookmarkers.
6. To determine whether the selection of Stella Limited for the printing of the Bookmarkers was economical and reflected value for money.
7. To determine whether the requisite approvals were obtained for the printing of the Bookmarkers.
8. To determine whether there was any conflict of interest on the part of any Public Official/Officer in the award of the contract to Stella Limited.



METHODOLOGY

The OCG, in the conduct of its Enquiry issued Requisitions/Questionnaires to the following Public Officials/Officers and other persons of interest; who were required to provide written responses:

- a) The Hon. Rev. Ronald Thwaites, Member of Parliament, Central Kingston, and Minister of Education;
- b) Dr. Grace McLean, Chief Education Officer, Ministry of Education;
- c) Miss. Marcia Carvalho, the then Principal Financial Officer, Ministry of Education;
- d) Mrs. Nathalee McKnight, Education Officer, Ministry of Education;
- e) Mr. Clement Radcliffe, former Acting Chief Education Officer, Ministry of Education;
- f) Dr. Carolyn Hayle, former Executive Director, HEART Trust /NTA;
- g) Mr. Raymond McIntyre, Chairman, National Contracts Commission;
- h) Mr. Robert Martin, then Permanent Secretary, Ministry of Youth and Culture;
- i) Mr. Frank Chai-Chong, Managing Director, Touchline Industries Limited;
- j) Miss Stacy Chai-Chong, General Manager, Touchline Industries Limited;
- k) Dr. Wayne Wesley, Executive Director, HEART/Trust NTA;
- l) Miss Onika Miller, Permanent Secretary, Office of the Prime Minister;
- m) Mr. Peter Gregory, Executive Chairman, Stella Limited; and
- n) Mr. Paul Matalon, the then Chief Executive Officer, National Education Officer, Ministry of Education.

Follow-up Requisitions were also sent to certain of the individuals mentioned above.



In addition to the use of Requisitions/Questionnaires, on November 14, 2012, representatives of the OCG visited the Offices of the MoE, located at 2-4 Heroes Circle, to retrieve certain documents and records, electronic and otherwise, and associated correspondence, to inform its review into the matter.

Further, the OCG conducted a detailed review and cross-referencing of the statements and supporting documents which were submitted by the referenced public officials/officers and persons of interest.



FINDINGS OF FACT

1. The MoE, in November 2011, conceptualized the idea to provide children in public schools with Bookmarkers in commemoration of Jamaica's 50th Anniversary celebrations.
2. Dr. Grace Mclean, the then Acting Permanent Secretary, MoE, was the primary decision maker as it relates to the conceptualization, design, procurement, production and distribution of the Bookmarkers.
3. On May 4, 2012, the Procurement Committee of the MoE deferred its endorsement of the procurement of the 650,000 Bookmarkers to Stella Limited on the basis that:
 - (a) The Printer's National Contracts Commission Certificate (NCC) and Tax Compliance Certificate (TCC) were not submitted;
 - (b) There was no indication that the matter had been tendered;
 - (c) There was no justification for direct tendering; and
 - (d) There was no costing submitted by the Media Services Unit of the MoE.

Proof of TCC and NCC certification was subsequently forwarded to the Procurement Committee.

4. Stella Limited approached the MoE by way of a letter dated May 14, 2012, and introduced the company as *"an advertising and promotional company and image consultancy, specializing in the sourcing and distribution of promotional memorabilia."*⁶
5. The Procurement Committee of the MoE deferred the award of the contract for the printing of the Bookmarkers to Stella Limited on May 4, 2012. **However, it is to be**

⁶ Letter dated May 14, 2012, from Stella Limited to the MoE.



noted that the above referenced letter, which introduced Stella Limited to the MoE was dated May 14, 2012, ten (10) days after the matter was considered by the Procurement Committee. (OCG Emphasis)

6. On May 25, 2012, Stella Limited submitted a quotation and various design cards for Dr. Grace McLean to select a design for the Bookmarkers.
7. On June 8, 2012, Mr. Kerrith Watts of the MoE submitted a total of seven (7) design cards to Dr. Grace McLean, upon her request, of which a selection was to be made. Based upon the OCG's review, it is to be noted that none of the referenced designs, had the photograph of the Hon. Rev. Ronald Thwaites, Minister of Education, superimposed on the National Flag.
8. On June 21, 2012, the MoE selected a template for the Bookmarkers from the seven (7) design cards.
9. Touchline Industries and Stella Limited were the two (2) companies which the MoE advised were contacted for the printing of the Bookmarkers.
10. It cannot be confirmed that Touchline Industries was contacted by the MoE for the printing of the Bookmarkers in June 2012.
11. The cost of printing the 650,000 Bookmarkers amounted to Thirteen Million, Eight Hundred and Twelve Thousand, Five Hundred Dollars (\$13,812,500.00), as evidenced by an Invoice, dated July 3, 2012 from Stella Limited.

Another Invoice dated January 4, 2013, from Stella Limited, indicated a 'Rush Charge' of One Hundred and Thirty Four Thousand, One Hundred and Seventy



Two Dollars (\$134,172.00). As it relates to the ‘Rush Charge’, the OCG has found no evidence to indicate that this sum was paid by the MoE.

12. Private Sector contribution was received from Jamaica Money Market Brokers (JMMB), in the amount of \$25,000.00, and Guardian Life Ltd. in the amount of \$50,000.00, to print the 650,000 Bookmarkers.
13. The MoE utilized the Emergency Contracting Methodology to procure the services of Stella Limited for the printing of the Bookmarkers.
14. A contract in the amount of Thirteen Million Eight Hundred and Twelve Thousand, Five Hundred Dollars (\$13,812,500.00) was entered into between the MoE and Stella Jamaica Limited on July 6, 2012, for the printing of 650, 000 Bookmarkers.
15. The MoE, by way of its QCA Report for the third quarter of 2012, which was submitted under cover of letter dated, November 30, 2012, and under the signature of Dr. Grace McLean, reported the details of the contract that was awarded to Stella Limited on July 6, 2012.
16. The OCG can only account for payments in the amount of \$9,860,134.50 that was paid by the MoE to Stella Limited for the printing of the Bookmarkers. There is no evidence to indicate that the balance of \$4,086,537.50⁷ was paid. Notwithstanding same, Miss Marcia Carvalho indicated in her response of July 9, 2013, to the OCG that, *“To my recollection 650,000 Bookmarkers were invoiced printed and paid for.”*
17. An offer was made by the HEART Trust/NTA to print the Bookmarkers at its Media Services Printery. The offer was communicated to Dr. Grace McLean, by Dr.

⁷ The stated figure includes the ‘Rush Charge’ noted herein.



Carolyn Hayle, through email correspondence dated July 17, 2012. This offer was not accepted by Dr. Grace McLean on the premise that there was a contract in place with Stella Limited, 'a licensed Jamaica 50 Contractor'.

A contract was in fact in place with Stella Limited as at July 6, 2012.

18. The cost of printing 650,000 duplex full colour Bookmarkers at the HEART TRUST/NTA Media Services Printery in July of 2012, was in the amount of \$1,543,533.84 (plus GCT), while the cost of printing the same quantity, single sided at the same facility would have amounted to \$1,055,424.72 (plus GCT).

Based upon the OCG's calculations, had the MoE accepted the offer to print the Bookmarkers at the HEART TRUST/NTA Media Services Printery, the MoE would have accrued savings of \$12,403,138.16. Additionally, had the MoE taken the decision to print half the complement of the Bookmarkers at the HEART TRUST/NTA, the MoE would have accrued savings of \$6,134,483.08.

19. Clause 12.2 of the contract for Printing Services of the Bookmarkers made provisions for the MoE to terminate the said contract without cause or consequence, by giving Stella Limited fourteen (14) days written Notice.

The referenced Clause states as follows:

"The Client may terminate this contract without cause by giving fourteen (14) days written notice to the Contractor of his intention to terminate the Contract and upon expiration of the said period, the Contract



shall come to an end without the need for any further notice by the Client.”

20. Dr. Grace McLean and Mr. Clement Radcliffe are the persons authorized to execute any action on behalf of the MoE, pursuant to Clause 14 of the aforementioned contract for printing services between the MoE and Stella Limited.

Further, Clause 15 of the said contract makes provision for the modification of terms and conditions of the said contract by way of a written agreement between both parties. The instant clause states as follows:

“Modification of the terms and conditions of this Contract, including any modification of the scope of the Services or of the Contract Price, may only be made by the written agreement between the Parties.”

21. Dr. Grace McLean authorized the final design of the Bookmarkers on July 23, 2012.

22. Mr. Raymond McIntyre, Chairman of the NCC, advised the MoE to contact Mr. Robert Martin, as it regards the procurement of the 650,000 Bookmarkers, on the basis that “...the youth ministry has received exemption from cultural activities related to Jamaica 50 ...”⁸

23. Mr. Robert Martin, the then Permanent Secretary, MOYC, recommended that the Emergency Contracting Methodology be employed for the procurement of the Bookmarkers, in a letter dated, August 10, 2012, to Dr. Grace McLean. Mr. Robert

⁸ Letter dated November 7, 2012, that was sent by the OCG to Mr. Raymond McIntyre.



Martin stated that, *“due to the time constraints and the fact that there are only two authorized dealers with the capacity to complete the job within three (3) weeks; use of the emergency procedures is recommended.”*⁹

24. Mr. Robert Martin advised Dr. Grace McLean, upon recommending the use of the Emergency Contracting Methodology for the procurement of the Bookmarkers that, *“A report on this procurement should be sent to the NCC for their records.”*¹⁰

25. Dr. Grace McLean requested, by way of email correspondence dated August 11, 2012, that Dr. Carolyn Hayle, amend her letter of July 17, 2012, to exclude the reference to IDB, *“...for an audit on Monday.”*¹¹

The referenced letter was under the signature of Dr. Carolyn Hayle and addressed to Dr. Grace McLean. The said letter advised of the HEART Trust NTA’s inability to provide sponsorship for the Bookmarkers, and further advised of savings under CAP/IDB component which could be utilized.

26. Miss Marcia Carvalho, requested in an email correspondence dated August 10, 2012, 10:46 am, to Mr. Kevin Mullings that *“...the letter dd17/7/12 from Dr. Hayle to PS McLean be amended...we want the letter to exclude the IDB reference”*¹²

27. There is no evidence to indicate that Dr. Grace McLean requested that Mr. Paul Matalon and Miss Marcia Carvalho require Dr. Carolyn Hayle to make amendments to her letter of July 17, 2012, to facilitate the OCG’s Enquiry into the procurement of the 650,000 Bookmarkers.

⁹ Letter dated August 10, 2012, from Mr. Robert Martin to Dr. Grace McLean.

¹⁰ Letter dated August 10, 2012, from Mr. Robert Martin to the OCG.

¹¹ Email correspondence dated August 11, 2012, 8:44 am, from Dr. Grace McLean to Dr. Carolyn Hayle.

¹² Email correspondence dated August 10, 2012, 10:46 am, from Miss Marcia Carvalho to Mr. Kevin Mullings.



28. A Merchandising License, dated August 24, 2012, was entered into between the GoJ, acting through the MOYC and Stella Limited. The said License indicated that Stella Limited was licensed to produce wall plaque, memorabilia and commemorative plates. Importantly, there was no designation listed for printing pursuant to the MOYC Licensing Agreement.

The Merchandising License went further to establish the items that fall within this bracket; of note, Bookmarkers were not featured in this list.

Stella Limited was licensed as a Jamaica 50 Contractor for the period of April 1, 2012 to March 1, 2013.

29. Pursuant to Clause 4(xiii) of the Merchandising License, Stella Limited is required to receive the written permission of the Jamaica 50 Secretariat prior to entertaining any arrangements or agreements for the sale of items in connection with the Jamaica 50 designation. The foregoing Clause is the **only** instance in which the MoE was required to solicit any form of approval from the MOYC.

“...the licensee shall not enter into any arrangements for sale of premiums in connection with the licensed product without the prior written consent of the licensee...”

30. Based upon the representations made by Mr. Robert Martin, the MOYC/ Jamaica 50 Secretariat had **no** requirement that items bearing the Jamaica 50 logo **must** be produced/manufactured by a Jamaica 50 licensed Contractor.

31. Mrs. Nathalee McKnight instructed Stella Limited by way of email correspondence of June 25, 2012, *inter alia*, that:



“...Only the photo of the Minister of Education should be on the bookmark...The photo should be on the front below the National Anthem...”¹³

32. The Bookmarkers that were printed with the photograph of the Hon. Rev. Ronald Thwaites superimposed on the National Flag were printed in breach of Chapter 18 of the Use of the National and Other Flags, which states as follows:

“The National flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture or drawing of any nature.”

33. The MoE accepted responsibility for the Bookmarkers which were printed with the photograph of the Hon. Rev. Ronald Thwaites superimposed on the National Flag.

“...The Ministry takes responsibility for the error which was identified internally. Once identified, immediate instructions were issued for the suspension of all printing material to facilitate correction of the error...”¹⁴

34. The MoE suspended the printing of the Bookmarkers in order to adjust the design; after it was discovered that the photograph of Minister Ronald Thwaites was

¹³ Email correspondence dated June 25, 2012 at 5:34 pm, from Mrs. Nathalie McKnight to Mrs. Del Crooks of Stella Limited and copied to Dr. Grace McLean.

¹⁴ Response of Dr. Grace McLean to the OCG, dated August 24, 2012. Response #6.



superimposed on the National Flag which constituted a breach of National Protocols.

35. There was no additional cost for the repair of the Bookmarkers, as staff members at the MoE was deployed to make the necessary adjustments.

The staff at the MOE used guillotines and scissors to effect repairs to the Bookmarkers. The repairs were made by removing the bottom section of the Bookmarkers that bore the image of the photograph of the Minister's face which was superimposed on the National Flag.

36. There is no evidence to suggest that there was any cost associated with the reprinting of the Bookmarkers, or, that additional Bookmarkers were printed. Consequently, there is no evidence of a cost overrun on the project.
37. The extent of the Hon. Rev. Ronald Thawaites' involvement in the procurement of the Bookmarkers was limited to his agreement for the project to be undertaken and the instructions for his photograph to be removed from the Bookmarkers.
38. The altered Bookmarkers and the re-designed Bookmarkers were subsequently distributed to students in schools.
39. The OCG has found no evidence that the actions of any member of the MoE constituted a conflict of interest in the procurement of the 650,000 Bookmarkers.



DISCUSSION OF FINDINGS

Conceptualization of the Bookmarkers

A thorough assessment of the documents submitted to the OCG, provided invaluable insight into the conceptualization of the Bookmarkers, as well as the idea for the design, procurement, production and distribution to all public school children in commemoration of Jamaica's 50th year of Independence.

The OCG, by way of its Requisition of November 7, 2012, required that Dr. Grace McLean provide responses to the following:

“In your letter dated August 24, 2012, it is stated, inter alia, that “Initially, the Media Services Unit within the Ministry of Education was asked to design and print a bookmark and to say whether or not the Ministry had the capacity to produce such. Investigations indicated that...the costs would have been prohibitive if this project were undertaken in-house.” Having regard to the following, please state the following

- (a) the date on which the idea for the printing of the Bookmarkers was conceptualized;*
- (b) The name(s), title(s) and position(s) of the person(s), Public Official(s) who initiated/conceptualized the idea for the printing of the Bookmarkers;*



- (c) *The date/ period on/during which the Media Services of the Ministry of Education was asked to “design and print a bookmarker and to say whether or not the Ministry had the capacity to produce such”;*
- (d) *Please state the name(s) of the person(s), Public Office (s) and/ or Public Official(s), who made such request of the Media Services Unit at the Ministry of Education;*
- (e) *Please state the name(s) of the person(s) at the Media Service Unit at the Ministry of Education of whom the request/direction was made/given;*
- (f) *Please state the date on which the response from the Media Service Unit was received, by the Ministry of Education, as to the viability of the undertaking for the printing of the Bookmarkers internally.*

In respect of responses to questions itemized a-f above, please provide documentary evidence to substantiate your responses in all instances where applicable.”¹⁵

Dr. Grace McLean, by way of her response, which was dated November 27, 2012, informed the OCG as follows:

“The idea of the book markers or some other printed material, for each student, was

¹⁵ OCG Requisition of November 7, 2012 to Dr. Grace McLean.



initially conceptualized from November, 2011. The concept was a part of the general discussions regarding the Jamaica 50 Celebrations.”¹⁶

Mr. Clement Radcliffe provided a similar account to that of Dr. Grace McLean, as it regards the date on which the Bookmarkers were conceptualized. Mr. Radcliffe’s account, which was dated July 22, 2013, stated, *inter alia*, the following:

“There was much initial discussion guided by Mrs. Grace McLean, the then CEO, with respect to how the Ministry of Education could provide a souvenir to the 650,000 students at a cost which is affordable. By November 2011, it was decided to provide bookmarkers which if professionally done would be suitable and procured at a minimal unit cost. The various activities identified were executed during the period November 2011 to July 2012”¹⁷

The OCG, based upon the documentation reviewed, also found that Mr. Kerrith Watts, Education Officer, MoE, in a Memorandum dated November 13, 2012, which was addressed to Dr. Grace McLean, MoE, stated as follows:

“While I have no recorded date my recollection of the timeline for bookmarker

¹⁶ Response from Dr. Grace McLean dated November 27, 2012, to the OCG Response #2.

¹⁷ Response from Mr. Clement Radcliffe dated July 22, 2013 to the OCG.



started towards the end of 2011 or early 2012 in a brief meeting with you. In that meeting you expressed the wish to have a souvenir designed for the schools and reflecting countries [sic] fiftieth anniversary.”¹⁸

Mrs. Nathalee McKnight, in her response of June 14, 2013, to the OCG’s Requisition, gave insight into the possible genesis of the design of the Bookmarkers. Mrs. McKnight stated that she “... became aware of the design of the Jamaica 50 bookmarkers in December 2011.”¹⁹

Dr. Grace McLean, by way of her response of November 27, 2012, revealed that there were various ideas, as to what would be an appropriate souvenir. Further, the OCG was advised that there were discussions with Mr. Kerrith Watts which encompassed the following:

- *“The intent to provide each student with a souvenir, from the Ministry of Education, in recognition of the Jamaica 50 Celebration*
- *Suggestions, for the souvenir, included a card or a star, with symbolic information printed thereon.*
- *The idea of a bookmarker was proposed and the officer was asked to design same”.*²⁰

¹⁸ Memorandum dated November 13, 2012 which was sent to Dr. Grace McLean.

¹⁹ Response from Mrs. Nathalee McKnight dated June 14, 2013, Response 1a.

²⁰ Response from Dr. Grace McLean dated November 27, 2012. Question 4.



The OCG notes, the following representations made by Mr. Kerrith Watts in a Memorandum dated November 13, 2012, which was sent to Dr. Grace McLean:

“During the last week in May 2012 I was called to a meeting at your [Permanent Secretary] office where the decision was made [sic] to design a souvenir bookmark which would be issued to students in public schools.”²¹

Dr. Grace McLean, in her response of November 27, 2012, however, indicated that, *“The Media Services Unit was asked between December 2011 and June 2012 to design and print memorabilia samples.”²²*

Public Officers involved in the Conceptualization of the Bookmarkers

The OCG, by way of its Statutory Requisition, which was dated May 31, 2013, required Mr. Clement Radcliffe to provide details, *inter alia*, of the following:

“Initial action(s) which was/were taken in respect of the design, production and distribution, indicating, dates, actions and the name(s), and title(s) of the person(s) who had taken such actions”²³

Mr. Clement Radcliffe, in his response of July 22, 2013, informed, *inter alia*, that:

²¹ Memorandum, Media Services Unit, dated November 13, 2012 from Mr. Kerrith Watts to Dr. Grace McLean.

²² Response from Dr. Grace McLean to the OCG, dated November 27, 2012. Response 2c.

²³ OCG Requisition dated May 31, 2013 to Mr. Clement Radcliffe, question 1b.



“The views of various professionals were used to inform the design and the support of external entities including the Jamaica 50 Secretariat and select Private Sector Companies to offset the cost of production. The contacts were done by Mrs. Nathalee McKnight: Education Officer and coordinated by Clement Radcliffe (DCEO and CEO Acting) and Mrs. Grace McLean (CEO and PS Acting”.²⁴

The following persons were also identified by Mr. Clement Radcliffe as the person(s) who was/were involved in and/or associated with the conceptualization of the design, production and distribution of the Bookmarkers:

- “1. Mrs. Grace McLean – Permanent Secretary (Acting): Coordinator and contract approval.*
- 2. Mr. Clement Radcliffe - Chief Education Officer (Acting): Assistant Coordinator.*
- 3. Mrs. Nathalee McKnight - Education Officer (Liaised with colleagues and Stella Ltd. with respect to the design, review, printing, collection and distribution of the bookmarkers.)*
- 4. Dr. Franklin Johnston – Senior Advisor to the Minister of Education (Reviewed designs of bookmarkers)*

²⁴ Response from Mr. Clement Radcliffe to the OCG dated July 22, 2013, Response #1b



5. *Mr. Radley Reid - Senior Advisor to the Minister of Education (Reviewed designs of bookmarks)*
6. *Mr. Craig Perue - Research Assistant – University of the West Indies (Reviewed designs of bookmarks)²⁵”*

Of note, Mr. Clement Radcliffe, in his response of July 22, 2013, identified Dr. Grace McLean, as the primary decision maker in the process as it relates to the design, procurement, production and distribution of the Bookmarkers. Dr. Grace McLean was also identified as the person who had the vested authority of consent on the design, layout and content of the Bookmarkers.²⁶

Further, Mr. Clement Radcliffe identified the following persons as those who gave the final authority of consent on the design, layout and content of the Bookmarkers:

*“Mrs. Grace McLean - Permanent Secretary
(Acting)
Mr. Clement Radcliffe - Chief Education
Officer (Acting)
Mrs. Nathalee McKnight - Education
Officer²⁷”*

Mrs. Nathalee McKnight provided a similar response to that of Mr. Clement Radcliffe; she identified the aforementioned persons as those who had the final authority of consent on the design, layout and content of the Bookmarkers.²⁸

²⁵ Response from Mr. Clement Radcliffe to the OCG, dated July 22, 2013, Response #1d

²⁶ Response from Mr. Clement Radcliffe to the OCG, dated July 22, 2013, Response #1e

²⁷ Response from Mr. Clement Radcliffe to the OCG, dated July 22, 2013. Response #1g.

²⁸ Response from Mrs. Nathalee McKnight to the OCG, dated June 14, 2013. Response #1g.



In addition to the foregoing representations, the OCG is in possession of email correspondence dated June 25, 2012, from Mrs. Nathalee McKnight to Mrs. Del Crooks, the then Marketing Manager, Stella Limited and copied to Dr. Grace McLean, which indicates that the MoE consented to the design of the Bookmarkers. The instant email states as follows:

*“Dear Mrs. Crooks,
Mrs. McLean has reviewed the bookmark,
kindly make the following amendments and
return electronically:*

- 1. The Ministry of Education should be
affixed at the top of the bookmark;*
- 2. **Only the photo of the Minister of
Education should be on the bookmark;
The photo should be on the front below
the National Anthem***

*The flag should be removed from below the
National Pledge and the space left open to
include the names of the Sponsors. The
names of the sponsors will be provided
later.”²⁹ (OCG Emphasis)*

The OCG, sought a response from Stella Limited, as it regards the name(s) of the person(s) at the MoE who authorized the final design of the Bookmarkers, by way of a Requisition to Mr. Peter Gregory, the then Executive Chairman, Stella Limited, dated July 8, 2014.

²⁹ Email correspondence dated June 25, 2012, at 5:34pm, from Mrs. Nathalee McKnight to Mrs. Del Crooks of Stella Limited and copied to Dr. Grace McLean.



It is instructive to note that Mr. Peter Gregory, in his response of July 25, 2014, to the OCG, stated as follows:

**“Mrs Grace McLean and her team
authorized the final design of the
bookmarkers on the 23rd July 2012 and it
was directed to our then Sales Manager, Mrs.
Del Crooks via our Typesetter, Ms Karleen
Porter.”³⁰ (OCG Emphasis)**

As it regards the Bookmarkers which were printed with the photograph of the Hon. Rev. Ronald Thwaites superimposed on the National Flag, the OCG, sought to ascertain the role and involvement of the Minister in the conceptualization, manufacturing and distribution process. In an effort to ascertain same, the OCG, by way of its Statutory Requisition of May 31, 2013, posed, *inter alia*, the following question to Minister Thwaites:

“Did you have any discussion (s) with any member(s) of the staff of the Ministry of Education and or any other person, Public Officer or Public Official who was/were involved in and or associated with the process, whether directly or indirectly, for (a) the design, (b) the procurement, (c) the production and (d) the distribution of Bookmarkers? If your answer to Question No.1 is ‘Yes’, please provide a detail statement outlining the substance of the

³⁰ Response from Mr. Peter Gregory, Chairman of Stella Limited to the OCG, dated July 25, 2014. Response #2.



discussion(s) which was/were held, and the actions and decisions taken in this regard.

Further, please indicate:

- a) When was/were such discussion(s) had with the Members of Staff/Public Officer/Public Official/Political Directorate?*
- b) What is/are the name(s) of the person(s) with whom such discussions was/were had?*
- c) Where was/were such discussion(s) held?*
- d) At what stage in the overall process, was/were such discussions had? Please state specifically the name of the person(s) with whom conversations was had at each state [sic] of the process and that which was discussed and the responses given in each instance by yourself and/ or any other person concerned.”³¹*

In respect of the foregoing, the Hon. Minister informed the OCG, by way of his response of July 4, 2013, of the following:

“Yes. Discussion was held with the Acting Permanent Secretary regarding the idea of printing the bookmarkers as a Jamaica 50 souvenir for students in schools.”³²

Further, Minister Ronald Thwaites informed the OCG that the aforementioned discussions which were held with Dr. Grace Mclean took place in June 2012. Minister Thwaites also

³¹ OCG Requisition to the Hon. Rev. Ronald Thwaites, dated May 31, 2013. Question # 1.

³² Response from Minister Ronald Thwaites to the OCG, dated June 4, 2013. Response # 1.



stated that the discussions were held in his office at the Ministry of Education, and that the discussions entailed the idea of the Bookmarkers, sponsorship and the removal of his face from the National Flag.

The OCG also required Minister Ronald Thwaites to respond to, *inter alia*, the following:

“What was the extent of your role, if any, in the process which governed the conception, procurement, approval, production and distribution of the Bookmarkers?” ³³

The Hon. Minister informed the OCG, by way of his response of July 4, 2013, of the following:

“My role was only in the initial stage in agreeing for the project to be undertaken”. ³⁴

³³ OCG Requisition dated May 21, 2013, to Minister Ronald Thwaites. Question #2.

³⁴ Response from Minister Ronald Thwaites to the OCG, dated June 4, 2013. Response #3.



Protocol for the use of the National and other Flags

The OCG, in an effort to ascertain the policy, procedures and/ or protocols governing the use of the National Flag and other symbols, wrote to Miss Onika Miller, Permanent Secretary in the Office of the Prime Minister (OPM), by way of its statutory Requisition, dated November 7, 2013.

In the foregoing regard, Miss Onika Miller, by way of her response, which was dated December 20, 2013, provided the OCG with, *inter alia*, a copy of the pamphlet outlining the 1966 Code for National Symbols. It is instructive to note that although the referenced Code was issued, to date, it is not supported by Legislation, and as such, has no binding effect.

Miss. Onika Miller also advised the OCG, in her aforementioned response, that the OPM drafted a Handbook of National Symbols and Emblems, summarizing the history of governmental deliberations on these issues and incorporated relevant aspects of National Symbols. The Handbook is intended to be used as a guide for ascertaining acceptable use of National Symbols and Emblems.

In the absence of Legislation governing the use of National Symbols, Miss Onika Miller informed the OCG of the following guidelines which are provided to any organization and/or individual proposing to use the image of the National Flag for promotional, commercial or advertising purposes:

- “i. *The National Flag should always be used, represented or shown in a dignified manner,*



- ii. *It should not be defaced by way of printing or illustration or be marked by other objects but should be displayed in a manner which is described as ‘aloft and free’ whereby all symbolic parts of the Flag can be seen,*
- iii. *It should never have placed on it, any mark, insignia, letter, word, number, figure or drawing of any kind;*
- iv. *It should be represented in the approved colours- black, gold and green. The Flag has a diagonal cross of saltire with four triangles in juxtaposition. The diagonal cross should be in gold, the top and bottom triangles in green and the hoist and fly triangles in black*
- v. *Subject to the foregoing the National Flag may be used freely.”³⁵(OCG Emphasis)*

The OCG notes a Jamaica Information Services (JIS) News Article which was entitled, “*The National Flag of Jamaica must always be treated with dignity*”, and which was dated April 15, 2012. The referenced JIS article informed of the recommended use of the National Flag, as guided by the Protocol Department and Chancery, within the OPM, and stated, *inter alia*, the following:

***“Chapter 18- Use of the National and Other
Flags ...***

³⁵ Response dated December 20, 2013, from Miss Onika Miller, Permanent Secretary in the Office of the Prime Minister (OPM), to the OCG.



The National flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter , word, figure, design, picture or drawing of any nature.”³⁶

Having regard to the abovementioned Protocol, the OCG has found that the Bookmarkers which were printed with the photograph of the Hon. Rev. Ronald Thwaites superimposed on the National Flag were printed in breach of the above stated Protocol.

³⁶ Jamaica Information Services (JIS) news article which was entitled, ‘The National Flag of Jamaica must always be treated with dignity’ and dated April 15, 2012.



Timeline of Events-Design of the Bookmarkers

The following timeline of events was extracted from records submitted by the MoE to the OCG, and portrays the sequence of events in relation to the design process of the Bookmarkers:

Date	Time	Routing of Email	Substance of Email	OCG's Observations
May 25, 2012	4:26 PM	Email Correspondence from delcrooks.stellaltd@cwjamacia.com to grace.mclean@moe.gov.jm	Stella Limited submitted their quotation along with their first suggestion for the design of the Bookmarker.	This appears to be the first such submission.
May 27, 2012	5:45 AM	Email Correspondence from grace.mclean@moe.gov.jm to delcrooks.stellaltd@cwjamaica.com	<i>"I had a look. I wanted something more classy than the book marker but now that I have a cost, I will go</i>	



Date	Time	Routing of Email	Substance of Email	OCG's Observations
			<i>sourcing for the funds. I have asked a staff member to prepare a design with the correct words so we will be in touch with you."</i>	
June 8, 2012	4:22 P.M.	Email Correspondence from kerrith.watts@moey.gov.jm to grace.mclean@moey.gov.jm	<i>"Please see sample of cards for yours [sic] selection. Please note we can make changes to any of them and we can make combinations if you like aspects [sic] I and aspects of</i>	A total of seven (7) uniquely designed templates were attached in the email and sent to Dr. McLean for her selection. The OCG notes that none of the seven (7) Bookmarkers



Date	Time	Routing of Email	Substance of Email	OCG's Observations
			<i>another... We will be working on other designs."</i>	exhibited the photograph of the Hon. Rev. Ronald Thwaites.
June 9, 2012	8:23 a.m.	Email Correspondence from grace.mclean@moey.gov.jm to Lovendora.Shaw@moey.gov.jm , Craig.Perue@moey.gov.jm , radley.reid@moe.gov.jm , jean.hastings@moey.gov.jm , barbara.allen@moey.gov.jm and copied to Kerrith.watts@moey.gov.jm	<i>"Please review the following. If we were to turn one these in a book marker with a view to produce 800,000 for all our children in the Education System, which one would you choose?"</i>	
June 9, 2012	8:58 a.m.	Email correspondence from jean.hastings@moey.gov.jm to grace.mclean@moey.gov.jm , and copied to Lovendora.Shaw@moey.gov.jm ,	<i>"Option 3 with the flag as a watermark, but the colour</i>	



Date	Time	Routing of Email	Substance of Email	OCG's Observations
		Craig.Perue@moe.gov.jm , radley.reid@moe.gov.jm , barbara.allen@moe.gov.jm , Kerrith.watts@moe.gov.jm	<i>fusion option 1"</i>	
June 21, 2012`	11:21 a.m.	Email from grace.mclean@moe.gov.jm to kerrith.watts@moe.gov.jm	<i>"I am awaiting the sample of the book marker."</i>	
June 21, 2012	12:00 P.M.	kerrith.watts@moe.gov.jm to grace.mclean@moe.gov.jm	<i>"We are test printing at the moment as soon as we get it the right size you will get a sample."</i>	
June 21, 2012	4:05 P.M.	kerrith.watts@moe.gov.jm to grace.mclean@moe.gov.jm	<i>"Please see draft copies of book markers."</i>	
June 21, 2012	4:07 P.M.	grace.mclean@moe.gov.jm to kerrith.watts@moe.gov.jm	<i>"Why would you want to distort the pledge. Please adjust. Please also do one</i>	



Date	Time	Routing of Email	Substance of Email	OCG's Observations
			<i>vertically and send back post haste."</i>	
June 21, 2012	5:09	kerrith.watts@moey.gov.jm to grace.mclean@moey.gov.jm	Corrected version sent to Dr. Grace McLean.	
June 21, 2012	5:13pm	grace.mclean@moey.gov.jm to delcrooks.stellaltd@cwjamaica.com	Dr. Grace McLean sends design of Bookmarker noting: <i>"Have a look at this it. It needs further modification but we can discuss further"</i> .	

Based upon the foregoing table, the OCG considers it prudent to highlight following observations:

1. The Media Service's Unit of the MoE embarked on the process of selecting a design for the Bookmarkers on June 8, 2012. It is to be noted that the foregoing process commenced only subsequent to May 25, 2012, which is the date on which



Stella Limited submitted a quotation along with their first suggestion for the design of the Bookmarker.

2. The Media Service Unit of the MoE submitted the first draft of the Bookmarkers to Dr. McLean on June 21, 2012, which was then forwarded to Stella Limited on even date.

Dr. McLean, by way of a letter which was dated August 24, 2012, advised the OCG as follows:

“Initially, the Media Services Unit within the Ministry of Education was asked to design and print a bookmark and to say whether or not the Ministry had the capacity to produce such. Investigation indicated that the machines of the Ministry were inefficient so the cost would have been prohibitive if this project were undertaken in-house.”³⁷

³⁷ Response dated August 24, 2012 from Dr. Grace McLean to the OCG, Response 7.



The Process Undertaken by the MoE in the Production of the Bookmarkers

The Planning Process

The planning process for the procurement of printing service for the 650,000 Bookmarkers commenced in November 2011; however, no steps were taken towards the selection of a design for the Bookmarkers until June 2012.

The OCG perused email correspondence between Mr. Kerrith Watts and Dr. Grace McLean, dated June 8, 2012, which indicated the time period in which steps towards the manufacturing/production of the Bookmarkers were undertaken. The instant email stated as follows:

“Mrs McLean

Please see sample of cards for yours[sic] selection. Please note we can make changes to any of them and we can make combinations if you like aspects one and aspects of another, just let us know. We will be working on other designs.”³⁸

“Morning Colleagues

Please review the following. If we were to turn one of these in a book marker with a view to produce 800,000 for all our children in the Education System, which one would you choose?”³⁹ (OCG Emphasis)

³⁸ Email from Mr. Kerrith Watts to Dr. Grace McLean dated June 8, 2012 at 4:22 pm.

³⁹ Email from Dr. Grace McLean to Franklin Johnson, Miss Loveandra Shaw *et al.* dated June 9, 2012 at 8:23 am.



The Selection of Stella Limited for printing of the Bookmarkers

Dr. Grace McLean, in her response of August 24, 2012, indicated that both Stella Limited and Touchline Industries were contacted for the printing/manufacturing of the Bookmarkers. Dr. Grace McLean stated as follows:

- “...Two companies namely Stella Ltd and Touchline were identified as being authorized to print material for the Jamaica 50 celebrations”
- “Only Stella Limited had the capacity to produce within the specified time.”⁴⁰

Further, Dr. McLean advised the OCG, as follows:

“Contact was made with Touchline Industries Limited in early June 2012.”

“Touchline Industries Limited was contacted by telephone call and the name of the contact person was not ascertained.”

“The contact indicated that Touchline would have been unable to attend to the matter right now.”⁴¹(OCG Emphasis)

⁴⁰ Responses dated August 24, 2012 from Dr. Grace McLean, Response # 1.

⁴¹ Responses dated November 27, 2012 from Dr. Grace McLean, Response # 9,10, and 11.



The OCG deems it prudent to highlight that Stella Limited initiated contact with the MoE, as evidenced by a letter dated May 14, 2012, from Stella Limited, and addressed to Dr. McLean, which introduced the entity as:

“...an advertising and promotional company and image consultancy, specializing in the sourcing and distribution of promotional memorabilia.”⁴² (OCG Emphasis)

The referenced letter further stated the following:

“The company has received a license from the Ministry of Youth and Culture to utilize the ‘Proudly Celebrating’ logo, which is the official logo for the Jamaica 50 Celebrations.”

In addition, it was stated that:

“It is with this in mind that STELLA Ltd proposes to partner with the Ministry of Education to procure promotional items, such as mugs, pens and drawstring bags (knapsacks) that will be branded with the ‘Proudly Celebrating logo.’”⁴³

The OCG notes that the referenced letter of May 14, 2012, from Stella Limited, bore the inscription, “Mrs. McKnight Please discuss this one with me on Monday. Urgent

⁴² Letter dated May 14, 2012, from Stella Limited to Dr. Grace McLean.

⁴³ Letter dated May 14, 2012, from Stella Limited to Dr. Grace McLean.



26/05/2012⁴⁴.” The OCG also notes that the aforementioned inscription bore a signature resembling that of Dr. Grace McLean. It must also be noted that Dr. McLean, in her response to the OCG, dated November 27, 2012, confirmed that; *“A letter introducing Stella Limited, as a registered company, for printed material for Jamaica 50 was received by the Ministry.”*⁴⁵

Contact with Touchline Industries

Dr. Grace McLean, in her response dated November 27, 2012, to the OCG, indicated that the MoE had contacted Touchline Industries for the printing of the Bookmarkers, and that the *“... contact indicated that they would have been unable to attend to the matter right now.”*⁴⁶

The OCG sought to verify the foregoing statement by way of a Requisition, which was dated November 6, 2012, to Mr. Frank Chai-Chong, the then Managing Director of Touchline Industries. Mr. Chai-Chong, however, failed to provide a response to the OCG’s Requisition and three (3) follow-up letters that were sent⁴⁷. The OCG was advised during a 4 minute telephone conversation, held on January 17, 2013, between an OCG representative and Mr. Chai-Chong, that Mr. Chai-Chong was aware of the OCG’s Requisition but was unable to comply due to illness. The OCG was later advised on March 18, 2014, by Miss Stacy Chai-Chong, that Mr. Chai-Chong had passed away.

The referenced letter of March 18, 2014, also advised that Miss Stacy Chai-Chong had assumed responsibilities for Touchline Industries, and as such, a Requisition dated April 17, 2014, was redirected to her, posing, *inter alia*, the following question:

*“Did any representative(s) of the MoE or
anyone acting on its behalf, contact you*

⁴⁴ Letter from Stella Limited dated May 24, 2012 to the MoE.

⁴⁵ Response dated November 27, 2012 from Dr. Grace McLean, Response # 13.

⁴⁶ Response dated November 27, 2012 from Dr. Grace McLean, response #11.

⁴⁷ OCG follow –up letters were dated December 7, 2012, December 19, 2012 and January 4, 2013.



and/or any agent, director or person authorized to carry out the business of Touchline Industries Limited, at any point in time, with regards to the printing of Bookmarkers for distribution to schools, as part of the Jamaica 50 Celebrations”⁴⁸

Miss Chai-Chong, by way of her response, which was dated April 28, 2014, stated as follows:

“No one employed to or conducting the affairs of Touchline Industries Limited (‘the company’) has any knowledge of anyone from the Ministry of Education (MoE) contacting any employee or any director conducting the affairs of the company with regards to the printing of Bookmarkers for distribution to schools as part of the Jamaica 50 Celebrations.”⁴⁹

In addition to the foregoing, the letter of March 18, 2014, from Touchline Industries under the signature of Miss Chai-Chong, stated, *inter alia*, the following;

“I have asked our entire staff and they cannot recall any business with the Ministry of Education. In fact we have not had an order for bookmarkers for many years. If it is the laminated type, we refer customers to Hot

⁴⁸ OCG Requisition of April 17, 2014, to Miss Stacy Chai-Chong of Touchline Industries. Question #1.

⁴⁹ Response of Miss Chai-Chong to the OCG dated April 28, 2014.



off the Press in New Kingston due to the fact that we do not offer digital printing.”⁵⁰

Procurement Methodology

The OCG, by way of a statutory Requisition, dated August 10, 2012, sought to ascertain the procurement procedures which were employed by the MoE in respect of the subject procurement.

Dr. Grace McLean, in her response of August 24, 2012, advised the OCG as follows:

*“The procurement methodology that was used for the purchasing of the Bookmarks was **the Emergency Contracting method as specified under Volume 2 of 4, Section 1.1.5(d), of the Procurement Guidelines.**”⁵¹*

Section 1.1.5 of the GPPH (2012) sets out the requirements for the use of Emergency Contracting Methodology; which states as follows:

“Emergency contracting is permitted in any of the following circumstances:

(a) for the repairs or remedial action necessary to preserve public safety or property; or to avoid great social harm or significant inconvenience;

⁵⁰ Letter dated March 18, 2014, from Miss Chai-Chong of Touchline Industries to the OCG.

⁵¹ Letter dated August 24, 2012, from Dr. Grace McLean to the OCG. Response 1.



- (b) for the procurement of goods, services or works in any extenuating circumstances in which the procuring entity is likely to incur or suffer financial loss if the procurement is not executed immediately;*
- (c) for the procurement of goods, services or works in any circumstances in which the national interest and/or national security considerations demand that the procurement be undertaken immediately;*
or
- (d) for business-sensitive procurement of goods, services or works in any extenuating circumstances in which the operating functions or business objectives of a Procuring Entity are likely to be significantly impeded, or placed in jeopardy if the procurement is not executed in a limited timeframe.*

The need for such procurement must be sudden, unexpected and a pressing necessity or exigency.

Where an emergency situation exists as define above, the Procuring Entity may engage a contractor by means of Direct Contracting. The Head of the Procuring Entity shall give approval for the issuing of



emergency contracts. This approval shall be in writing and shall form part of the procurement record to be kept by the entity.

Contracts awarded under emergency circumstances above J\$5M shall be reported to the National Contracts Commission within the month in which the award was made, along with full justification for the procurement.

The Report shall be done within the month the contract is awarded and shall include:

- (a) a justification;**
- (b) a statement as to why the contractor was selected; and**
- (c) The value of contract awarded.**⁵²(OCG Emphasis)

Section 1.1.4 of the GPPH (2012) states as follows:

“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...”

⁵² Section 1.1.5, Volume 2 of 4 of the GoJ Handbook of Public Sector Procurement, dated May 2012.



As noted herein, Section 1.1.5 of the GPPH (2012), states, *inter alia*, that, “*Contracts awarded under emergency circumstances above J\$5M shall be reported to the National Contracts’ Commission within the months in which the award was made, along with full justification for the procurement.*”⁵³

Having regard to abovementioned stipulation, the OCG verified with its Technical Services Department to ascertain the justification given by the MoE for the use of the Emergency Contracting Methodology and the rationale for the selection of Stella Limited. The search of NCC Endorsed Contracts Database, as well as the NCC’s Correspondence Database revealed that there was no justification given to the NCC; and as such, the MoE has breached the GoJ Procurement Guidelines.

Another issue which comes to the fore is whether the subject procurement was in fact an ‘emergency’, in keeping with the requirements for the utilization of the Emergency Contracting Methodology as outlined in Section 1.1.5 of the said Handbook.

Having regard to the foregoing, the OCG notes the justification given by Dr. Grace McLean, as set out in an email correspondence dated July 6, 2012, 12:31 am, from Dr. Grace McLean to Mr. Robert Martin and copied to Miss. Marcia Carvalho. The email states as follows:

“...Stella is one of two authorized dealer for these items and have demonstrated the Capacity to be able to complete this job by the third week of July in order for us to distribute to the schools for the Jamaica 50 celebrations to take place in all schools on the morning of August 6, 2012.

⁵³ Section 1.1.5 of the GPPH (2012)



We will ensure that the necessary documentation is done and submitted to you and the NCC as required for this emergency situation within the short time frame... ”⁵⁴

Requisite Approvals

The GPPH also specifies the procedure to be used for the procurement of goods, works and services which falls within a certain value threshold.

The OCG notes that Appendix 6 of the GPPH (2012), stipulates that for the procurement of goods, works and general services which falls within the contract value threshold of above J\$5 Million to J\$15 Million, the Local Competitive Bidding (LCB) methodology is required. It further specifies the procedure to be adopted, which is as follows:

- “-Invite tenders from registered contractors, through general advertisement at least once in a daily circulated, national newspaper.*
- A valid TCC and NCC registration are required at bid submission.*
- Use Standard Bidding Documents*
- Bid Security is **not** required.*
- The recommendation for the award of the contract is to be endorsed by the Procurement Committee.*

⁵⁴ Email correspondence dated July 6, 2012, 12.31 am, from Dr. Grace McLean to Mr. Robert Martin and copied to Miss. Marcia Carvalho.



-The recommendation for the award of the contract is to be approved by Head of the Procuring Entity.”⁵⁵

The OCG is in possession of a copy of the contract which was entered into between the MoE and Stella Limited on July 6, 2012, for the provision of printing services for the Jamaica 50 Bookmarkers. The referenced contract which is in the amount of Thirteen Million Eight Hundred and Twelve Thousand Five Hundred Dollars (\$13,812,500.00) was also duly executed by the respective parties.

Having regard to the foregoing, and pursuant to Appendix 6 of the GPPH (2012), as set out herein, the OCG notes, at this juncture, that the use of the LCB Methodology would have been appropriate(required).

Procedures Adopted for the Procurement of the Bookmarkers By the MoE

Dr. McLean, in her response which was dated August 24, 2012, detailed the procedures that were adopted by the MoE for the procurement of the Bookmarkers. Dr. McLean stated as follows:

“The Procedures used were as follow:

- *We sought and received advice from the National Contracts Commission. They advised that the Ministry of Youth and Culture was the authorizing body for the Jamaica 50 Celebration...*
- *Two companies namely Stella Ltd and Touchline were identified as being*

⁵⁵ Appendix 6 of the GPPH (2012).



**authorized to print material for the Jamaica
50 celebrations**

- *Only Stella Limited had the capacity to produce within the specified time.*
- **Approval was sought from the Permanent Secretary, Ministry of Youth & Culture, for the use of Stella Limited to print the Jamaica 50 bookmarks...**
- **Approval was sought and received from the Central Procurement Committee for Emergency Contracting with Stella Limited...**⁵⁶ (OCG Emphasis)

Dr. McLean, in her response, dated, November 27, 2012, provided the OCG, with a chronological overview of the procurement of the Bookmarkers, from the point of conceptualization to the award of the contract to Stella Limited. Dr. McLean stated as follows:

- *“The idea of providing a souvenir came out of a MOE discussion held in November 2011.*
- *Initially the idea was to provide each student with an attractive, economical printed item*
- *The idea for a bookmarker materialized in June 2012 and the Media Services Unit was asked to design and cost same.*

⁵⁶ Response of Dr. Grace Mclean to the OCG dated August 24, 2014, Response 1.



- *A letter introducing Stella Limited, as a registered company, for printed material for Jamaica 50 was received by the company.*
- *Stella LTD was asked to design a sample as the Media Services Unit was unable to provide a quality, economical product*
- *The Ministry contacted Stella Limited for a quotation and the quotation was received*
- *Letters were sent out to various private sector companies for sponsorships*
- *Since private sponsorship was being sought for the total project, it was initially thought that the transaction need not follow the GoJ Procurement Guidelines*
- *A document was submitted to the Procurement Committee and the matter was deferred because of the required documentation/information was not submitted.*
- *Contact was made with the Chairman of the NCC, who advised that the guidelines would be applicable and suggested that the Ministry contact the Ministry of Youth which had been given the emergency contracting powers for Jamaica 50 Memorabilia*



- *The Ministry of Youth gave approval for use of the emergency contracting methodology.*
- *The missing documentation and information were provided and the transaction was approved*
Stella was issued with a contract.”⁵⁷
(OCG Emphasis)

Dr. Grace McLean, in her representations to the OCG, indicated that Mr. Raymond McIntyre advised that, notwithstanding private sector sponsorship, the GoJ procurement guidelines were applicable for the procurement of the Bookmarkers. This was supported by the following account that was provided by Miss Marcia Carvalho. Miss Carvalho stated as follows:

“...I called Chairman McIntyre of the National Contracts Commission for his opinion. Mr. McIntyre confirmed that the Guidelines would still apply and suggested that the Ministry of Youth and Culture be contacted as that Ministry had received permission for direct contracting for Jamaica 50 Celebration activities. He said that the Moe could ask Permanent Secretary Martin permission to use the direct contracting method which had been approved for MoYC.

I informed the Acting Permanent Secretary of Mr. McIntyre’s suggestion by email and she

⁵⁷Response dated November 27, 2012, from Dr. Grace McLean to the OCG. (Response # 13).



indicated that she would contact P.S. Martin and I was copied on that mail. P.S. Martin responded in the affirmative.”⁵⁸

By way of Requisition dated November 7, 2012, that was sent to Mr. Raymond McIntyre, Chairman, NCC, the OCG required a response to the following:

“ Further to the requisitions made to the Ministry of Education in this regard, the OCG was advised, by the then Acting Permanent Secreatary, Mrs. Grace McLean, under the cover of letter dated August 24, 2012, that “ We sought and received advise from the National Contracts Commission. They advised that the Ministry of Youth and Culture was the authorizing body for the Jamaica 50 Celebration. (appendix1).”Appendix 1 took the form of what appears to be a Memo and stated, inter alia,:

“JUL 16 Marcia Carvalho; to me [Mrs. Grace McLean], Paul PS- I spoke to the Chair of the NCC, Mr. McIntyre, he has suggested that we speak to PS Robert Martin. Mr. McIntyre says that the youth ministry has received exemption from cultural activities related to Jamaica 50 and

⁵⁸ Response from Miss. Marcia Carvalho, then Principal Financial Officer, to the OCG dated July 9, 2013, Response 3.



we could possibly attach our activity to that exemption. I indicated to him that we had requested funding from private sector companies, he however agrees that the guidelines should still be followed”.

*Having regard to the foregoing, the OCG hereby request an Executive Summary attesting, inter alia, to the veracity of the claims being made by the Ministry of Education as indicated above, in addition to details of the conversation you had with the Ministry of Education in this regard”.*⁵⁹

Mr. Raymond McIntyre, by way of his response which was dated November 13, 2012, confirmed the aforementioned representations when he advised the OCG as follows:

“The discussion between Marcia Carvalho and me did take place and although I am not in the habit of recording informal conversations, the contents as reported by Ms. Carvalho appear to be correct”⁶⁰. (OCG Emphasis)

Response of the Ministry of Youth and Culture

⁵⁹ OCG Requisition dated November 7, 2012 that was sent to Mr. Raymond McIntyre.

⁶⁰ Response from Raymond McIntyre, Chairman of the National Contacts Commission dated November 13, 2012.



In relation to the role of the MOYC in the procurement of the Bookmarkers, the OCG found that the following account was provided by Mr. Robert Martin, in his letter dated October 29, 2012:

“The Ministry of Education wrote to the Ministry of Youth and Culture (MOYC) seeking its authorization to procure Stella Limited to produce bookmarkers for its benefit. The letter of July 3, instant stated “...we are seeking your permission as the Authorized Body for the Jamaica 50 celebrations for us to procure the services of Stella Jamaica Limited to produce bookmarkers for students...Stella is one of two authorized dealers for these items”. The Ministry of Youth and Culture responded granting “approval for Stella Jamaica Limited to produce Bookmarkers..[sic]” In this regard our position is that the MOYC gave the approval for Stella to be used to produce the Bookmarkers and nothing more. At no time in our discussion was there any mention of the use of the Jamaica50 logo or anything relative to same, and therefore, it is incorrect to infer otherwise.

Our record shows that Stella Limited is authorized to produce “wall plaque



memorabilia and commemorative plate”
using the Jamaica50 logo. To this extent
our reading and interpretation of the letter
of July 3 under the signature of Ms. Grace
McLean, did not extend to Stella being an
authorized entity to produce Jamaica50
Bookmarkers. Indeed, it was never our
understanding that Stella was authorized to
produce same. Rather it was our
understanding that the Ministry of
education [sic] was seeking our permission
to procure the services of Stella solely
because Stella Limited was a licensee with
Jamaica 50 and as provided in the contract
to wit “the licensee shall not enter into any
arrangements for sale of premiums in
connection with the licensed product
without the prior written consent of the
licensee...” (Clause 4(xiii)... It was
therefore our understanding that the
purpose of the letter of July 3 was to seek
the approval from the licensor (MOYC) as
per the contract and nothing more.”⁶¹(OCG
Emphasis)

The aforementioned letter further stated the following:

⁶¹ Letter dated October 29, 2012 from Robert Martin, Permanent Secretary, Ministry of Youth and Culture.



“...the contract was between the Ministry of Education and Stella Limited...Specifically, the MOYC was not informed of the specifications of the bookmarkers to be produced and was therefore not in a position to give its permission for Stella or any other body to produce same, over and above within the limited scope as permitted by the contract as noted... above.”⁶²

The OCG is in possession of a copy of the above referenced letter dated July 3, 2012, which is under the signature of Dr. Grace McLean and addressed to Mr. Robert Martin. The referenced letter stated as follows:

“Further to discussion and advise from Mr. McIntyre from the NCC, we are seeking your permission as the Authorized Body for the Jamaica 50 celebrations for us to procure the services of Stella Jamaica Limited to produce bookmarkers for students of all levels of the Education System. Stella is one of two authorized dealer for these items and have demonstrated the capacity to be able to complete this job by the third week of July in order for us to distribute to schools for the Jamaica 50 celebrations to take place in all schools on the morning of August 6, 2012.

⁶² Ibid.



We will ensure that all the necessary documentation is done and submitted to you and the NCC as is required for this emergency situation within the short time frame.

*I would greatly appreciate your urgent response so we can move ahead with the process”.*⁶³

Having regard to the foregoing, the OCG has noted the pronouncements of Mr. Robert Martin, MOYC, that the MOYC granted permission to the MoE to procure the services of Stella Limited and not for the use of the Emergency Contracting Methodology. In light of same, the OCG finds it prudent to highlight that, by way of a letter dated August 10, 2012, and under the signature of Mr. Robert Martin, and addressed to Dr. Grace McLean, MoE, the following, *inter alia*, was stated:

“Approval is granted for the use of Stella Jamaica Limited to produce Bookmarkers for the Ministry of Education.

*Due to the time constraints and the fact that there are only two authorized dealers with the capacity to complete the job within three (3) weeks; use of the emergency procedures is recommended.”*⁶⁴

The referenced letter further stated as follows:

⁶³ Letter dated July 3, 2012, from Dr. Grace McLean to Mr. Robert Martin.

⁶⁴ Letter dated August 10, 2012, from Mr. Robert Martin, the then Permanent Secretary, MOYC to Dr. Grace McLean, the then Acting Permanent Secretary, MoE.



“Please ensure that Stella Jamaica Limited is registered with the National Contracts Commission (NCC), possesses a valid Tax Compliance Certificate, and that there is value for the money in this procurement.

A report on this procurement should be sent to the NCC for their records.”⁶⁵(OCG Emphasis)

In regard to the foregoing, a request for the approval of Stella Limited to manufacture the Bookmarkers was sought by Dr. Grace McLean from Mr. Robert Martin, MOYC in a letter dated July 3, 2012. Mr. Martin responded to Dr. McLean’s request, by way of letter dated August 10, 2012, granting approval.

Approval of the Procurement Committee

The OCG was advised that the Procurement Committee of the MoE deferred the endorsement of the procurement of the Bookmarkers to Stella Limited on the basis that the MoE neglected to adhere to the GoJ Procurement Procedures. The matter was first referred to Miss Marcia Carvalho, in her capacity as the then Acting Procurement Chair, for approval “...on 4th May 2012, by DCEO Clement Radcliffe.”⁶⁶

In her response to the OCG dated July 9, 2013, Miss Carvalho pointed out the following:

“...I returned his memorandum and advised that he speaks to the acting Permanent Secretary as her approval was required for

⁶⁵ Letter dated August 10, 2012, from Mr. Robert Martin to Dr. Grace McLean.

⁶⁶ Response dated July 9, 2013, from Miss Marcia Carvalho. Response #3a.



direct contracting and the document should be addressed to the Chairman of the Procurement Committee.”⁶⁷

Further, Miss. Carvalho recounted that:

“An emergency Meeting was being held on 5th May 2012 and a re-submission was received on that day. This was deferred by the Central Procurement Committee.”⁶⁸

The OCG was also advised that the reasons for the deferment were as follows:

“...The Central Procurement Committee deferred the submission because:

- 1. The Printer’s NCC and TCC were not submitted**
- 2. There was no indication that the matter had been tendered**
- 3. There was no justification for direct tendering**
- 4. There was no costing submitted by the Media Services Unit of the MoE.”⁶⁹** (OCG Emphasis)

Further, Miss Carvalho stated the following:

⁶⁷ Response dated July 9, 2013 from Miss Marcia Carvalho. Response #3a.

⁶⁸ Ibid.

⁶⁹ Response dated July 9, 2013 from Miss Marcia Carvalho, Response#3b.



“The usual memorandum was sent to the DCEO Radcliffe and I called the acting Permanent Secretary in my capacity as Deputy Chair of the Central Procurement Committee, and advised her that the matter had been deferred. I was then informed that contributions from private sector companies were being sought. I indicated to her that the matter should still follow the GoJ Procurement Guidelines and I called Chairman McIntyre of the National Contracts Commission for his opinion. Mr. McIntyre confirmed that the Guidelines would still apply and suggested that the Ministry of Youth and Culture be contacted as that Ministry had received permission for direct contracting for Jamaica 50 Celebration activities. He said that The MoE could ask Permanent Secretary Martin permission to use the direct contracting method which had been approved for MoYC...I advised the Chairman of the Central Procurement Committee, Mr. Paul Matalon, who was on vacation, of the situation. Subsequent to this conversation I received the NCC and TCC for Stella Jamaica Limited and a copy of P.S Martin’s mail giving permission for direct contracting. I also received a document



which stated that Stella Jamaica Limited was an authorized Jamaica 50 Celebration supplier. **Mr. Matalon was advised of the documents submitted and after discussions with the acting Permanent Secretary he approved her request for direct tendering.**⁷⁰ (OCG Emphasis)

The OCG is in possession of a document entitled “Ministry of Education Minutes of the Emergency Central Procurement Committee Meeting”, dated Friday, July 6, 2012, at 10:00 am, which supports the foregoing. The referenced Minutes states, *inter alia*, as follows:

“NEW BUSINESS

1. **Procurement of Bookmarkers for Jamaican [sic] 50 School’s Celebration**

*The Central Procurement Committee met and evaluated your submission. The committee deferred the recommendation for the award of the contract to **Stella Jamaica Limited, as the procurement guidelines were not adhered to. The committee recommended that the request be submitted to Permanent Secretary for review and approval.***⁷¹ (OCG Emphasis)

⁷⁰ Ibid

⁷¹ Ministry of Education Minutes of the Emergency Central Procurement Committee Meeting, dated, July 6, 2012.



Based on the foregoing, the OCG highlights the observation that the Procurement Committee of the MoE deferred the award of the contract for the printing of the Bookmarkers to Stella Limited on May 4, 2012; while the, “...*letter introducing Stella Limited, as a registered company, for printed material for Jamaica 50 was received by the Ministry...*”⁷² on May 14, 2012.

Review of the Merchandising Licence between MOYC and Stella Limited

Having regard to the representations made by Dr. Grace Mclean that Stella Limited was awarded the contract for the printing/manufacturing of the Bookmarkers based on the company’s status as a licensed Jamaica 50 Licensee. The OCG found it prudent to assess the terms and conditions of the said Merchandising License.

The aforementioned Merchandising License which was entered into on August 24, 2012⁷³, between Stella Limited and the MOYC was designed to govern the use and the designation of the Jamaica 50 Celebration trademark.

As it pertains to this Investigation, the following Clauses of the above mentioned License are considered to be of importance, as they are intended to provide insight into the scope in which Stella Limited was licensed to operate.

1. Clause (2) C states that “*The Licensee is in the business of manufacturing and distributing the Licensed Products and is desirous of obtaining a license to use the Trade Mark.*”
2. **Definitions and interpretations**
‘Licensed Product’: “*any product*”

⁷² Response dated November 27, 2012, from Dr. Grace McLean to the OCG. Response #13.

⁷³ The said License was valid from April 1, 2012.



identified in Schedule 1 hereto and which is manufactured, produced, packaged, sold or marketed by the Licensee its permitted assignees and sub-licensee derived from or incorporating any part of the Trade Mark.”

3. **Schedule 1: Items: Collectibles:**
Commemorative Plates/Wall Plaque Memorabilia.
4. Clause vi states “ *The Licensee shall not sell or consign for sale any Licensed Product on a sale or return or stock balancing basis or permit any Licensed Product to be sold or exported outside of the Territory without the prior written consent of the Licensor;*”
5. Clause xiii states “*The Licensee shall not enter into any arrangements for the sale of Premiums in connection with the Licensed Product without the prior written consent of the Licensor;*”
6. Clause xix states “ *The Licensee shall not assign, charge, licence, sub-license or otherwise part with possession of the benefit or burden of this Agreement without the prior written consent of the Licensor;*”⁷⁴

⁷⁴ Licence dated August 24, 2012, between Stella Limited and MOYC.



Importantly, the Clauses of the abovementioned License expressly states that Stella Limited required the prior written consent of the MOYC before entering into any agreement that would necessitate the use of the Jamaica 50 Trademark. Based upon the noted Clauses, the OCG considers it essential to emphasize the following:

- a) Stella Limited was only authorized to produce and sell “*Commemorative Plates/Wall Plaque Memorabilia*”, using the Jamaica 50 Trademark as set out in Schedule 1; and
- b) Based upon the representations of Mr. Robert Martin “...**There is no list of specially designated persons/companies who are licensed under the category of printing. Furthermore there is no category specifically for Printing**”⁷⁵.(OCG Emphasis)

In relation to the MoE’s letter of July 3, 2012, it is instructive to note that Mr. Robert Martin, by way of his response of October 29, 2012, to an OCG Requisition, informed as follows:

“...it was our understanding that the Ministry of education [sic] was seeking our permission to procure the services of Stella solely because Stella Limited was a licensee with Jamaica50 and as provided in the contract to wit “the licensee shall not enter into any arrangements for the sale of premiums in connection with the licensed product without the prior written consent of the licensee...” It was therefore our understanding that the purpose of the letter

⁷⁵ Letter dated December 11, 2012, that was received from Mr. Robert Martin



of July 3 was to seek the approval from the licensor (MOYC) as per the contract and nothing more.”⁷⁶

The Cost Associated with the Printing of the Bookmarkers

The OCG notes that Mr. Peter Gregory, Director, Stella Limited, confirmed in his response of July 25, 2014, to the OCG, that the “... overall cost to print the 650,000 bookmarkers was \$13,946,672.00.”⁷⁷

The OCG is also in possession of a Pro-forma Invoice from Stella Limited which was dated July 3, 2012, in the amount of \$13,812,500.00, which confirmed the aforementioned statement.⁷⁸ Further, the OCG has also evidenced copies of cheques from JMMB and Guardian Life, in the amounts of \$25,000.00 and \$50,000.00, respectively, which were made payable to the MoE.

In relation to the representations that were made by Dr. Grace McLean, as it regards the capacity of the Media Services Unit to produce the Bookmarkers, as well as the assertion that “...the machines at the Ministry were inefficient so the cost would have been prohibitive if this job were[sic] undertaken in-house.”⁷⁹ The OCG, sought to no avail, to ascertain evidence of the costing provided by the MoE’s Media Service Unit for the printing of the Bookmarkers.

The OCG, by its Requisition of November 7, 2012, required Dr. Grace McLean to respond, *inter alia*, to the following:

⁷⁶ Letter dated October 29, 2012 by Mr. Robert Martin, the then Permanent Secretary of the MOYC to the OCG.

⁷⁷ Response of Mr. Peter Gregory, Director of Stella Limited dated, July 25, 2014, to the OCG. Response # 3.

⁷⁸ Proforma Invoice from Stella Limited to the MoE, dated July 3, 2012.

⁷⁹ Response dated August 24, 2012 from Dr. Grace McLean. Question #7.



“...Please state the date on which the response from the Media Services Unit was received, by the Ministry of Education, as to the viability of the undertaking for the printing of the Bookmarkers internally.

In respect of responses to questions itemized a-f above, please provide documentary evidence to substantiate your responses in all instances, where applicable.”⁸⁰ (OCG Emphasis)

The response provided by Dr. McLean informed that, *“The response from the Media Services Unit was received on June 8, 2012.”⁸¹* The OCG notes that the referenced response was not supported by any documentation to substantiate the statement.

The Repair of the Bookmarkers

In relation to the actions taken by the MoE, in respect of the Bookmarkers that were printed with the photograph of the Hon. Rev. Ronald Thwaites superimposed on the National Flag, the OCG was advised by Dr. Grace McLean that the said Bookmarkers were repaired in-house, and that there was no reprinting exercise undertaken in that regard.

Having regard to the foregoing, the OCG found that the account of Dr. Grace McLean, which was dated August 24, 2012, informed as follows:

⁸⁰ OCG Requisition to Dr. Grace McLean of November 7, 2012.

⁸¹ Response of Dr. Grace McLean to the OCG of November 27, 2012.



“...The Ministry takes responsibility for the error which was identified internally. Once identified, immediate instructions were issued for the suspension of all printing material to facilitate correction of the error.

The relevant corrections were made and instructions then given for the corrected version to be printed. The Ministry of Education will correct/modify the first set of Bookmarks printed and redistribute such bookmarks using its internal resources”⁸²
(OCG Emphasis)

The OCG was further advised by Dr. Grace McLean, in her response of November 27, 2012, that, *“There is no additional cost for the repair as staff was redeployed to make the necessary adjustment to the bookmarkers which was inaccurately printed. The error was discovered before the printing was completed and approximately 110,000 were printed correctly.”⁸³*

Dr. Grace McLean, in her response of June 19, 2013, identified the process and/or procedure(s) which were undertaken to make the necessary repairs to the Bookmarkers as follows:

“Four staff members were asked to effect the repairs of the bookmarkers. They were called in a meeting and the process of repair explained in details. The process included

⁸² Response of Dr. Grace McLean to the OCG, dated August 24, 2012. Response #6.

⁸³ Response dated November 27, 2012, of Dr. Grace McLean. Response #3A.



removing the bottom section of the bookmarker which had the flag.

This was done between the period September to October 2012

The bookmarkers were repaired in the Permanent Secretary's Office.”⁸⁴

The OCG found that the aforementioned staff members identified in Dr. McLean's referenced response are as follows:

*“Dennis Lee- Book Distribution Officer
Jaswani Brown- Book Distribution Officer
Shaun Knox- Book Distribution Officer
Lorenzo Simms- Book Distribution Officer”⁸⁵*

Further, Dr. Grace McLean explained the following, as the process which was undertaken in an effort to repair the first printed set of the Bookmarkers:

1. *“Guillotines and scissors were used to effect the repair on the bookmarkers.”⁸⁶*
2. *“The directives for the repairs were issue [sic] by Grace McLean in her capacity then as Acting Permanent Secretary⁸⁷*
3. ***“The final approval for the repairs was issue [sic] by Grace McLean in her capacity then as Acting Permanent***

⁸⁴ Response dated June 19, 2013, from Dr. Grace McLean. Response #1B.

⁸⁵ Response dated June 19, 2013, from Dr. Grace McLean, Response #1D.

⁸⁶ Response dated June 19, 2013, from Dr. Grace McLean, Response #1C.

⁸⁷ Response dated June 19, 2013, from Dr. Grace McLean, Response #1E.



Secretary. This was however discussed with the Minister of Education to make him aware of the decision”⁸⁸

4. “Some of the bookmarkers were damaged during the repair. This was evident in the quality control check where one line of the words at the bottom of the bookmarkers was removed”⁸⁹
5. “The bottom section of the bookmarkers which included the flag and the Minister’s face was removed in its entirety.”⁹⁰ (OCG Emphasis)

Mrs. Nathalee McKnight, in her response which was dated June 14, 2013, confirmed the aforementioned statements and further stated, *inter alia*, the following:

“All bookmarkers initially printed, (270,000) were distributed on a phased basis to all 6 regions July to August of 2012. However, due to the breach, these bookmarkers were recalled and repaired. The bottom section containing the Ministers photo was cut off with the use of guillotines by members of staff from the Media Services Unit, MOE... The repairs were done in the Office of the Permanent Secretary. Some bookmarkers were damaged in the repair process and were

⁸⁸ Response dated June 19, 2013, from Dr. Grace McLean, Response #1F.

⁸⁹ Response dated June 19, 2013, from Mrs. Grace McLean, Response #1G.

⁹⁰ Response dated June 19, 2013, from Mrs. Grace McLean, Response #1H.



not re-distributed. The spoilt remains are in the Office of the CEO.”⁹¹

Mrs. McKnight also advised the OCG of the following:

“I am not aware that any bookmarkers were reprinted. As soon as the breach was identified, printing of the bookmarkers ceased and the new design was effected. The remaining 380,000 (of 650,000) bookmarkers were printed with the new design... The bookmarkers with the new design were distributed in January of 2013.”⁹² (OCG Emphasis)

Mrs. McKnight also stated that, *“There was no reprinting exercise as far as I am aware.”⁹³*

Similar statements were provided by Miss Marcia Carvalho, in her response to the OCG, dated July 9, 2013. Miss Carvalho stated the following:

“There was no reprinting of the Bookmarkers.”⁹⁴

⁹¹ Response from Ms. Nathalee McKnight, dated June 14, 2013, Response #5b.

⁹² Response from Mrs. Nathalee McKnight, dated June 14, 2013. Response #5f.

⁹³ Response from Mrs. Nathalee McKnight, dated June 14, 2013. Response #5g.

⁹⁴ Response from Miss Marcia Carvalho dated July 9, 2013. Response 4F.



“The portion of the Bookmarker with HME Thwaites’ image was removed, by Ministry personnel. This was done using scissors.”⁹⁵”

“The intent was that the repaired items would have been distributed. I do not know if this has been done.”⁹⁶

Mr. Peter Gregory, Director, Stella Limited, in his response of July 25, 2014, when questioned about Stella Limited’s role and involvement in the repairs of the Bookmarkers, explained as follows:

“To the best of my recollection, I was informed of the dilemma that had occurred by Mrs McLean on the night of August 3, 2012.

The MOE had the bookmarkers repaired internally.

I informed my production team on what had happened. The team was comprised of the following persons :-Karl Brown (Supervisor), Kevin Thomas (Team Leader) and Akron Solomon (Accountant), Del Crooks (Sales Manager) and Karleen Porter (Typesetter).

Our company did not play any part in the repairing of the Bookmarkers.”⁹⁷ (OCG Emphasis)

⁹⁵ Response from Miss Marcia Carvalho dated July 9, 2013. Response 4D.

⁹⁶ Response from Miss Marcia Carvalho, dated July 9, 2013. Response 4E.

⁹⁷ Response of Mr. Peter Gregory, dated July 25, 2014. Response # 4



Based upon the foregoing, the OCG found that the Bookmarkers were repaired by the MoE, and that the process for the repair of same was executed by four (4) Book Distribution Officers at no additional cost to the GoJ.

The OCG reiterates that the Bookmarkers which were printed with the photograph of Minister Thwaites superimposed on the National Flag was authorized by the MoE.

The Minister's Involvement in the Process

The OCG was advised, by way of the Hon. Rev. Ronald Thwaites' response of July 4, 2013, that the date on which he first became aware that his photograph was superimposed on the Jamaican Flag was August 3, 2012.⁹⁸ The OCG also enquired of the action and/or directives which were given upon becoming aware of the foregoing. The Hon. Minister responded as follow:

*"The immediate instructions I gave was that all bookmarks should be withdrawn immediately and repaired and or reprinted to remove my photograph before distribution."*⁹⁹

The OCG was informed by Minister Thwaites that the above stated instructions were given to the then Acting Permanent Secretary, Dr. Grace McLean.

Additionally, the above referenced response also indicated the following:

⁹⁸ Response of Rev. Hon Ronald Thwaites to the OCG, dated July 4, 2013. Response #4.

⁹⁹ Response dated July 4, 2013, from Rev. Hon Ronald Thwaites to the OCG. Response#5.



“...I have no recollection of viewing any design. I had discussion with Mrs Grace McLean after the breach was identified. The discussion included the plan for correction and withdrawing of those that were packaged for distribution.”¹⁰⁰

The OCG has also observed an email dated August 3, 2012, which was sent by Dr. Grace McLean to Minister Thwaites and which supported the foregoing pronouncements. The referenced emails disclosed the following:

*“Hello Minister,
See attached the book marker. Following the brief discussion this evening I realize that this is really wrong. I will ask the printers to make the adjustments and I will withdraw and replace those that were sent out.*

The only feedback I got today is that some persons felt that your photograph should not have been on it. i [sic] do not see an issue with that but I stand guided so the change can be made sir.

kindest Regards” ¹⁰¹ (OCG Emphasis)

In response to the foregoing email, Minister Ronald Thwaites responded to Dr. Grace McLean, in an email dated August 4, 2012, and which states as follows:

¹⁰⁰ Response dated July 4, 2013, from Rev. Hon Ronald Thwaites to the OCG. Response#10.

¹⁰¹ Email dated August 3, 2012, from Dr. Grace McLean to the Rev. Hon Ronald Thwaites.



“Mrs. McLean, It is very urgent that all the bookmarks wit[sic] mi picture be collected and destroyed before Monday. The press have been given copies already. Please assure[sic] me that this will happen.”¹⁰²

¹⁰² Email dated August 4, 2012, the Hon Rev. Ronald Thwaites to Dr. Grace Mclean.



Review of the Quarterly Contract Award (QCA) Reports

The OCG, pursuant to Section 4 (2) (a) and 4 (3) of the Contractor General Act (1983), requires that all Public Bodies, submit in the form of Quarterly Contracts Award (QCA) Reports, the particulars of all contracts which were awarded, between the value of J\$500,000.00 and upwards, as at June 25, 2012.

Section 4(2) (a) of the Act provides as follows:

“For the purpose of the discharge of his functions under this Act a Contractor-General shall be entitled-

(a) to be advised of the award ... of any government contract by the public body responsible for such contract”.

Section 4(3) of the Act provides as follows:

“For the purposes of subsection (2), the Contractor-General shall have power to require any public body to furnish in such manner and at such times as may be specified by the Contractor-General, information with regard to the award of any contract and such other information in relation thereto as the Contractor-General considers desirable.”



In recognition of the foregoing, the OCG undertook a review of the QCA Reports, which were submitted by the MoE, in respect of the contract which was awarded to Stella Limited.

The MoE submitted to the OCG, by way of its QCA Report for the third quarter of 2012, under cover of letter dated, November 30, 2012, and under the signature of Dr. Grace McLean, the details of the contract that was awarded to Stella Limited on July 6, 2012.

The contract description noted in the referenced Report was “*Design & Print Commemorative Jamaica 50 Bookmarks*”, and the contract value stated was in the amount of \$13,812,500.00. It was further reported that the Procurement Committee approval was received on July 6, 2012, and that the contract was issued by way of Direct Contracting. Importantly, the justification stated in the referenced Report for the use of the Direct Contracting procurement methodology was as follows:

“1. Licensed Jamaica 50 Contractor; 2) Could meet deadline; and 3) competitive cost” (OCG Emphasis).



Possibility of Other Printing Options

The OCG sought to determine (a) whether any other printing options were identified and explored by the MoE in relation to the manufacturing and printing of the Bookmarkers, (b) whether the representatives of the MoE were aware of the printing facilities at the HEART Trust/NTA and, (c) whether there was any consideration given to printing the Bookmarkers at the aforementioned GoJ entity.

Dr. Grace McLean confirmed her awareness of the printing facility at the HEART Trust/NTA, in her response dated June 19, 2013, when she stated as follows:

*“Yes, I am aware of the printing facility at the HEART Trust/NTA ”.*¹⁰³

*I worked previously with the HEART Trust/NTA hence being aware of their printing facility. This awareness had nothing to do with the bookmarkers ”.*¹⁰⁴

*“The Executive Director suggested by telephone that they could be printed at the organization’s Printery. She was however told that we had already entered into an agreement with Stella and they were approved for printing Jamaica 50 memorabilia. No further discussion was held”.*¹⁰⁵ (OCG Emphasis)

¹⁰³ Response dated June 19, 2013 from Dr. Grace McLean, Response #10.

¹⁰⁴ Response dated June 19, 2013 from Dr. Grace Mclean, Response #10A.

¹⁰⁵ Response dated June 19, 2013 from Dr. Grace McLean, Response #10b.



The OCG was also advised as follows:

“Following the lack of sponsorship for the bookmarker initiative, assistance was sought from the HEARET Trust/NTA [sic] to offset the cost. This was after the contract was already signed with Stella”¹⁰⁶.

“The Ministry did not initially make contact re the printing of the bookmarkers but to seek additional sponsorship. The Printery was suggested by the Executive Director”¹⁰⁷.

“The contact was made with HEART Trust/NTA in July”¹⁰⁸.

“No contact was made with regard to the printing of bookmarkers”¹⁰⁹.

“ The Ministry did not consider the HEART Trust/NTA facility in the first instance. This is as a result of the fact that the Ministry went with a registered Jamaica 50 supplier for the printing.”¹¹⁰ (OCG Emphasis)

¹⁰⁶ Response dated June 19, 2013, from Dr. Grace McLean, Response#10c.

¹⁰⁷ Response dated June 19, 2013, from Dr. Grace McLean, Response#10d1.

¹⁰⁸ Response dated June 19, 2013, from Dr. Grace McLean, Response#10d2.

¹⁰⁹ Response dated June 19, 2013, from Dr. Grace McLean, Response#10d3.

¹¹⁰ Response dated June 19, 2013 from Dr. Grace McLean, Response#10d 4.



Two (2) other MoE Officers, namely, Mrs. Nathalee McKnight and Miss Marcia Carvalho, who were respectively requisitioned by the OCG, stated that they were not aware of the printing facility at the HEART Trust/NTA, and as such, they could not speak to whether consideration was given to utilizing the same.

Having regard to the foregoing representations, it is clear that Dr. Grace McLean was aware of the printing facility at the HEART Trust/NTA. Notwithstanding same, the MoE did not consider utilizing the foregoing printing facility on the basis that, “...*the Ministry went with a registered Jamaica 50 supplier for the printing.*”¹¹¹

In relation to Dr. Grace McLean’s aforementioned pronouncements, the OCG has found no evidence to suggest that there was any stipulation that items bearing the Jamaica 50 logo must be produced/printed by a Jamaica 50 licensed contractor. This was confirmed by Mr. Robert Martin, the then Permanent Secretary, MOYC, in his letter of December 11, 2012, to the OCG, where he stated, *inter alia*, the following:

*“As per your letter dated December 6, 2012, we have attached copies of the standard letters sent from the Secretariat to all persons who require the use of the designation **“Proudly Celebrating Jamaica 50”** on their promotional material. We encourage these persons to use the Jamaica 50 Licensees to print their co-branded products; however they were not limited to using these entities. There is no list of specially designated persons/companies who are licensed under the category of printing. Furthermore there*

¹¹¹ Response dated June 19, 2013 from Dr. Grace McLean, Response #10b



is no category specifically for Printing.¹¹²

(OCG Emphasis)

The OCG, in an attempt to ascertain the HEART Trust/NTA's input on the matter, posed, *inter alia*, the following questions to Dr. Wayne Wesley, Executive Director, HEART Trust/NTA, by way of a statutory Requisition dated May 1, 2014:

“Further to letter of July 17, 2014, the Heart Trust NTA stated its inability to provide sponsorship for the provision of the Bookmarkers on the basis that the Auditor General was not in favour of the organization providing contributions to the MoE outside of Subvention. Notwithstanding same, the OCG seeks information as it regards the proposition to facilitate the printing of such Bookmarkers. In this regard, kindly provide responses to the following questions:

- a) Please indicate, to the best of your knowledge, whether the Heart Trust NTA had the facilities to print a total of 650,000 Bookmarkers for the MoE, at the time requested and within the timeline required;*
- b) Please provide an estimate of what it would cost to print 650,000*

¹¹² Letter from Mr. Robert Martin to the OCG, dated December 11, 2012.



Bookmarker[sic] at the time the proposition was made; and

c) Please indicate whether the subject printing would have incurred a concessionary price as a result of the Government to Government transaction.”¹¹³

Dr. Wayne Wesley, in his response of May 22, 2014, to the OCG, stated as follows:

“The HEART Trust/NTA has a Printing facility which is capable of printing 650,000 Bookmarkers. We are unable to definitively state that a request for printing that number of Bookmarkers would be completed in the requested timeframe as several variables would have to be considered at the time of the request. Such variables would include the existing jobs the facility was committed to at the time; the delivery timelines; the availability of material. It is important to note that if the job was full colour it would take in excess of six (6) weeks to produce this high volume output, given that the facility only operates a single colour press.”¹¹⁴

¹¹³ OCG Requisition of May 1, 2014 to Dr. Wayne Wesley. Question #2

¹¹⁴ Response of Dr. Wayne Wesley dated May 22, 2014 to the OCG. Response # 2A



“The estimated cost based on current rates would be J\$1,729,852.00 for full colour duplex and J\$1,119,716.42) for full colour single sided. Kindly note that the estimated cost outlined is based on current rates. We are unable at this time to provide an estimate of the cost in July 2012, and would require additional time to complete that analysis.”¹¹⁵(OCG Emphasis)

“If requested, a concessionary rate could have been considered.”¹¹⁶

The OCG also noted that, albeit the HEART Trust/NTA was unable to provide monetary sponsorship, the MoE was offered the opportunity to use the printing facilities at the HEART Trust/NTA’s Media Services Unit on July 17, 2012. This was established from a string of email correspondence between Dr. Carolyn Hayle and Dr. Grace McLean on July 17, 2012, which states as follows:

[Hayle/McLean] “P.S Remember we cannot give you money for schools. Outside of the subvention we cannot give MOE money. You will have to take from CAP.”¹¹⁷

¹¹⁵ Response of Dr. Wayne Wesley dated May 22, 2014 to the OCG. Response # 2B.

¹¹⁶ Response of Dr. Wayne Wesley dated May 22, 2014 to the OCG. Response # 2C.

¹¹⁷ Email from Dr. Carolyn Hayle to Dr. Grace McLean dated July 17, 2012 at 9:56 am.



[Mclean/Hayle] *“The challenge a Jamaica 50 approve contractor is already engaged. We had to based on copy rights”.¹¹⁸*

[Hayle/Mclean] **“Mrs. McLean. I am discussing it with Mrs. Johnson. The best way maybe for us to print it here. Will let you know. Carolyn H”¹¹⁹** (OCG Emphasis)

The OCG notes that Dr. Carolyn Hayle, the then Managing Director, HEART Trust/NTA informed, by way of her response of November 9, 2012, the following:

“I discussed the matter with the Marketing and Communications Director here at HEART and suggested to the MoE that the best we could do was to print it at the Organization’s printery ... The Permanent Secretary (Acting) stated that she would indeed investigate the CAP budget to see if funds could be used from that item. The Acting Permanent Secretary responded that a Contractor had already been engaged based on copyright...

I told her that I would respond formally outlining this course of action. The narrative above is supported by emails...”¹²⁰

¹¹⁸ Email from Dr. Grace McLean to Dr. Carolyn Hayle dated July 17, 2012 at 2:51 pm.

¹¹⁹ Email from Dr. Grace McLean to Dr. Carolyn Hayle dated July 17, 2012 at 9:47 am.

¹²⁰ Response of Dr. Carolyn Hayle to the OCG dated, November 9, 2012. Response #1



The OCG's observation from the foregoing discourse is that, (1) the offer to print was made on July 17, 2012 and (2) the MoE was not mandated to print or produce the Bookmarkers at a Jamaica 50 Licensee, in fact, there was no company licensed under the designation of printing.

The OCG, in making the abovementioned pronouncements, gave consideration to the existence of the contract for the printing/manufacturing of the Bookmarkers, between Stella Limited and the MoE, and which was signed on July 6, 2012. The signing of a contract is binding and, as such, the MoE was obligated to perform the terms and conditions therein, subject importantly, to any clause facilitating termination, modification or repudiation.

A point of fact, which the OCG deems necessary to note, is that, embedded in the contract are provisions for Termination and Modification, as set out in Clauses 12 and 15 respectively. Clause 12 makes provision for the Termination of the Contract, specifically Clause 12.2, which affords the Client the opportunity to terminate the Contract without cause or consequence.

Clause 12.2 states as follows:

“The Client may terminate this Contract without cause by giving fourteen (14) days written notice to the Contractor of his intention to terminate the Contract and upon expiration of the said period, the Contract shall come to an end without the need for any further notice by the Client.” ¹²¹

¹²¹ Contract for Printing Services between the MoE and Stella Limited dated July 6, 2012. Clause 12.2



Clause 15 provided an avenue for the modification of the terms and conditions of the said contract, which provides as follows:

“Modification of the terms and conditions of this Contract, including any modification of the scope of the Services or of the Contract Price, may only be made by written agreement between the Parties...”¹²²

Additionally, Clause 14 of the aforementioned contract lists Dr. Grace McLean and Mr. Clement Radcliffe as the persons authorized to execute any action on behalf of the MoE.

Having regard to the foregoing, the OCG found that the option to print at the HEART Trust/NTA facility should have been explored, utilizing the provisions stipulated for ‘Procurement between Government entities, as per Section 1.2.3 Volume 1 of the GPPH (2012). Section 1.2.3 states as follows:

*“Government entities are permitted to enter into contractual agreements with each other for the provision of goods and services by means of Direct Contracting. For such procurement, the procuring entity must ensure that the rates being charged are competitive and offer value for money. **Where it is clear that value for money will not be obtained, the Procuring Entity should revert to a competitive tender process as***

¹²² Contract for Printing Services between the MoE and Stella Limited dated July 6, 2012. Clause 15.



stipulated in the procedures. ¹²³(OCG
Emphasis)

¹²³ Section 1.2.3 Volume 1 (May 14, 2012) of the GoJ Handbook of Public Sector Procurement Procedures, May 2012.



Value For Money

In the conduct of GoJ public sector procurement, securing value for money is of paramount importance. The Procurement Policy Statement of the Ministry of Finance indicates, *inter alia*, as follows:

“The GOJ procurement policy is governed by the following key principles:

- 1) Value for Money;*
- 2) Economy; Efficiency;*
- 3) Equity; Fairness;*
- 4) Transparency/Accountability;*
- 5) Reliability*

Value for Money: *Value for Money (VFM) is a measure of economy and efficiency with which the financial resources of the Government are converted. Value for Money is represented by a number of factors and not only the price paid for the goods. Typically these factors are:*

The suitability of the goods/equipment/services purchased;
The useful life of the goods/equipment/services;
Operating, maintenance and servicing costs;



The administrative cost of the selected purchasing method;
The delivery/construction period;
Onwards transportation costs;
Storage costs;
The time taken to complete the procurement;
Any other factor that is related to the procurement."¹²⁴

The OCG sought to ascertain whether the subject procurement reflected value for money. In achieving same, the office took steps to ascertain whether the decision to use Stella Limited was the most economical option available, and ultimately, whether the GoJ realized value for money. This assessment was undertaken by investigating the opportunity to print the Bookmarkers, or part thereof, at the HEART Trust/NTA's facility as opposed Stella Limited.

The OCG found, based on a 'PRO-FORMA INVOICE', which was prepared by Stella Limited and forwarded to the MoE, dated July 3, 2012, that the printing of the 650,000 Bookmarkers amounted to a total of Thirteen Million Eight Hundred and Twelve Thousand Five Hundred Dollars (J\$13,812,500.00).¹²⁵ The OCG is also in possession of an Invoice which was prepared by Stella Limited dated January 4, 2013, and which bore the Invoice Number '1930'. The referenced Invoice reflected a 'rush charge' of One Hundred and Thirty Four Thousand, One Hundred and Seventy Two Dollars (\$134,172.00), which accounted for the final figure of Thirteen Million Nine Hundred and Forty Six Thousand, Six Hundred and Seventy Two Dollars (J\$13,946,672.00).¹²⁶

¹²⁴ Procurement Policy Statement, Ministry of Finance, accessed at <http://mof.jm/procurement-policy/procurement-policy-statement>, accessed on November 14, 2014.

¹²⁵ Invoice from Stella Limited dated July 3, 2012. Invoice Number 11100.

¹²⁶ Invoice from Stella Limited dated January 4, 2013. Invoice Number 1930.



The OCG notes that the total value of private sector sponsorship to the overall cost to print the 650,000 Bookmarkers is in the amount of Seventy Five Thousand Dollars (J\$75,000.00), which was received from JMMB and Guardian Life; who contributed J\$25,000.00 and J\$50,000.00, respectively. Based upon the January 4, 2013, Invoice referenced above, the resulting cost to the MoE was in the amount of J\$13,871,672.00.

The OCG is in possession of three (3) Payment Vouchers along with payment letters which are addressed to the National Commercial Bank (NCB) authorizing payments to Stella Limited for the printing of the 650,000 Bookmarkers. The referenced documents stated as follows:

*“July 6, 2012,
Kindly debit Three Million Dollars
(\$3,000,000.00) from our Recurrent Clearing
Account #... and credit Stella Limited
Account #...
Thank you for your urgent attention.”¹²⁷*

*“July 20, 2012,
Kindly debit Four Million, Three [sic] and
Fifty Thousand Dollars (\$4,350,000.00) from
Recurrent Clearing Account #... and credit
Stella Limited Account #...
Thank you.”¹²⁸*

¹²⁷ Letter dated July 6, 2012, from MoE to the NCB, under the signatures of Miss Marcia Carvalho, Principal Finance Officer, MoE and Dr. Grace Mclean, then Acting Permanent Secretary.

¹²⁸ Letter dated July 20, 2012, from MoE to the NCB, under the signatures of Miss Marcia Carvalho, Principal Finance Officer, MoE and Miss Julia Robinson, Director, SESP, MoE.



*“August 9, 2012,
Kindly debit Two Million, Five Hundred and
Ten Thousand, One Hundred Thirty Four
Dollars, Fifty Cents (\$2,510,134.50) from the
Recurrent Expenditure Clearing Account #...
and credit Stella Limited Account #...
Thank you for your urgent attention ”.*¹²⁹

Based on OCG’s calculations, the total payment observed is in the sum of Nine Million Eight Hundred and Sixty Thousand, One Hundred and Thirty Four Dollars and Fifty Cents (\$9,860,134.50).

Miss Marcia Carvalho, in her response of July 9, 2013 to the OCG stated the following:

*“To my recollection 650,000 Bookmarkers
were invoiced printed and paid for.”*¹³⁰

The OCG, by way of a Requisition of July 9, 2014, to Stella Limited required Mr. Peter Gregory to provide a response to the following question, which states as follows:

*“Please state the overall cost to print the
650,000 Bookmarkers along with supporting
documents evidencing all payments received
for same.”*¹³¹

¹²⁹ Letter dated August 9, 2012, from MoE to the NCB, under the signatures of Miss Marcia Carvalho, Principal Finance Officer, MoE and Dr. Grace Mclean, then Acting Permanent Secretary.

¹³⁰ Response dated July 9, 2013, from Miss Marcia Carvalho to the OCG. Response #4a

¹³¹ Requisition dated July 9, 2014, to Mr. Peter Gregory of Stella Limited to the OCG. Question 3.



Mr. Peter Gregory, in his response of July 25, 2014, to the OCG indicated the cost for the printing of the Bookmarkers, and provided a copy of the Invoice to the MoE, dated January 4, 2014, along with a copy of the contract for Printing Services for the Bookmarkers. Mr. Gregory, however, neglected to speak to the payments received or provide evidence of same.

Additionally, by way of a letter which was dated May 15, 2014, Mr. Kevin Mullings, Acting Executive Director of the HEART Trust/NTA provided the OCG with an Invoice which was prepared by the HEART TRUST/NTA TVET Media Services Printery on May 27, 2014, in respect of the cost to print 650,000 Bookmarker as at July 2012. The referenced Invoice indicated that the cost of printing 650,000 Duplex Full Colour Bookmarkers 10-pt was One Million Five Hundred and Forty Three Thousand, Five Hundred and Thirty Three Thousand and Eighty Four Cents plus GCT (\$1,543,533.84). The cost of printing 650,000 single sided full colour 10-pt Bookmarkers was One Million and Fifty Five Thousand, Four Thousand and Twenty Four Dollars and Seventy Two Cents plus tax (\$1,055,424.72).¹³²

Having regard to the foregoing, the OCG sought to comparatively analyze the cost of printing (a) the full complement of the Bookmarkers at Stella Limited as opposed to the HEART Trust/NTA, and (b) the cost of printing half the complement of the Bookmarkers at the HEART Trust NTA as opposed to the full complement at Stella Limited; and (c) the projected savings based on the OCG's calculations.

The Table below represents the comparative analysis of the cost of printing the Bookmarkers at Stella Limited in comparison to the HEART Trust/NTA:

¹³² Please see Appendix 3 for actual Invoice.



Quantity	Cost to Print at Stella Industries (inclusive of GCT)	Cost to Print at the HEART Trust/NTA ¹³³	Price Difference/Savings
650,000 Bookmarkers(Duplex)	\$13,812,500.00 +\$134,172.00(rush charge)=\$13,946,672.00	\$1,543,533.84	\$12,403,138.16
325,000 Bookmarkers (Duplex)	\$7,040,422.00	\$771,766.92*	\$6,134,483.08*

The OCG derives at the above stated figures as follows:

Cost to print each Bookmarker at Stella Limited.

$\$13,812,500.00 \text{ (cost)} \div 650,000 \text{ (volume)} = \mathbf{\$21.25 \text{ (cost per Bookmarker)}}$

Overall cost to print the 650,000 Bookmarkers at Stella Limited.

$\$13,812,500.00 \text{ (cost)} + \$134,172.00 \text{ (Rush Charge)} = \mathbf{\$13,946,672.00 \text{ (Overall Cost)}}$

Cost to Print 325,000 (half) the complement of the Bookmarkers at Stella Limited.

$\$21.25 \times 325,000 = \$6,906,250 + \$134,172.00 \text{ (Rush Charge)} = \mathbf{\$7,040,422.00}$

The approximate savings that could have accrued if the MoE had printed the 650,000 Bookmarkers at the HEART Trust/NTA would have been **\$12,403,138.16**.

¹³³ The figure reflected is not subjected to GCT.

*Calculations made on the assumption that there are no fixed cost component(s) to the cost of printing.



Alterations and /or Adjustments to the MoE Procurement Records and Documentations.

The OCG, sought to verify the veracity of an allegation made by a concerned citizen in an email, dated November 7, 2012. The referenced email alleged that Dr. Grace McLean had instructed three (3) persons, namely; Mr. Paul Matalon, Miss Marcia Carvalho, and Dr. Carolyn Hayle to adjust and alter certain documents with respect to the OCG's Enquiry into the procurement of Bookmarkers for the Jamaica 50th celebrations.¹³⁴

Dr. Carolyn Hayle, in her response of November 9, 2012, to the OCG, stated, *inter alia*, the following:

“On August 10, 2012, while I was on Vacation Leave I received a copy of an email sent to Mr. Kevin Mullings, Senior Director, HEART Trust Funds from Marcia Carvalho, Principal Finance Officer, Ministry of Education. Ms. Carvalho’s email made reference to a telephone conversation with Mr. Mullings regarding the letter dated July 17, 2012, I had written to the Acting PS McLean. Ms. Carvalho’s email to Mr. Mullings requested that I amend the letter. In particular, the second paragraph which made reference to the CAP/IDB component. Her rationale was that, as far as MOE was aware, HEART’s provision of \$680 million to the MOE for the Career Advancement Programme was not related to external

¹³⁴ Email correspondence received by the OCG, on November 7, 2012 from a concerned citizen.



funding so I was being asked to adjust my letter to reflect their understanding of the issue...”

I indicated that I would not amend the letter.

On the morning of August 11, 2012, I believe that I first got a text from the Acting PS asking me to amend the letter...¹³⁵

(OCG Emphasis)

In addition, to the foregoing, the OCG, is in possession of a thread of email correspondence which supports the assertions of Dr. Carolyn Hayle, as it relates to the request to amend her letter to the MoE.

Email correspondence, from Dr. Grace McLean to Dr. Carolyn Hayle, dated August 11, 2012, at 8:44am, stated as follows:

“Hello Dr Hayle,

I know you have been off but can you ask Mr spence [sic] to correct this letter as stated below. I need it for an audit on Monday.¹³⁶ (OCG Emphasis)

Email correspondence, dated August 11, 2012, at 10:16 am, from Dr. Carolyn Hayle to Dr. Grace McLean which stated as follows:

“PS. My reference was to the Marketing component of the CAP subvention. To say that there is no external funding is incorrect.

¹³⁵ Dr. Carolyn Hayle, in her sworn response of November 9, 2012. Response #1.

¹³⁶ Email correspondence, dated August 11, 2012 at 8:44am from Dr. Grace McLean to Dr. Carolyn Hayle.



*There maybe none NOW but there was for marketing. This is reported in other reports as well. Pl [sic] check files. Carolyn Hayle.*¹³⁷

Email correspondence, dated August 10, 2012, at 11:51 am, from Dr. Carolyn Hayle to Mr. Kevin Mullings which states as follows:

*“Mr. Mullings. I told Ms. McLean that she could look at Subvention CAP as we are aware that there was savings under IDB Marketing. IDB paid marketing so Marketing money we had budget ought not to have been used; hence a savings should be there. I will not amend my letter. It was a suggestion. Carolyn ”*¹³⁸

Having regard to the foregoing allegation that Mr. Paul Matalon complied with the request of Dr. Grace McLean to adjust and alter certain documents with respect to the OCG’s Enquiry into the procurement of the Bookmarkers. Mr. Matalon, responded to the said allegation by way of his response, which was dated September 2, 2014, stating that, *“There is no veracity to the allegation.”*¹³⁹

The OCG considers it prudent to highlight, that it is in possession of email correspondence, dated October 8, 2012, 10:46 am, from Miss Marcia Carvalho to Mr. Kevin Mullings, and which was copied to Dr. Grace McLean requesting the following:

¹³⁷ Email correspondence, dated August 11, 2012 at 10.16 am from Dr. Grace McLean to Dr. Carolyn Hayle.

¹³⁸ Email correspondence, dated August 10, 2012 at 11.51 am from Dr. Carolyn Hayle to Mr. Kevin Mullings.

¹³⁹ Mr. Paul Matalon, Director, National Education Trust Response to the OCG dated September 2, 2014, Response #1.



“Kevin

*Further to our telephone discussion, **I am requesting that that [sic] the letter dd17/7/12 from Dr. Hayle to PS McLean be amended.***

The second paragraph states that savings are available under the CAP/IDB component. The provision of \$680m from HEART Trust/NTA to [sic] the Ministryfor [sic] the Career Advancement Programme is not, as we are aware, related to any external funding so we would want the letter to exclude reference to the IDB.

Thank You”¹⁴⁰

The OCG, by way of its Requisition of September 3, 2014, posed the following questions to Miss Marcia Carvalho in an effort to address the foregoing allegation. Miss Marcia Carvalho was required to respond to the following:

“The OCG, makes reference to an email correspondence dated November 7, 2012, from a concerned citizen, which alleged, inter alia, that, “The Acting Permanent Secretary of the Ministry of Education (MOE), had instructed three (3) persons, namely; Mr. Paul Matalon, Chief Executive Officer of the National Education Trust, Ms. Marcia Carvalho, Principal Finance Officer

¹⁴⁰ Email correspondence, dated October 8, 2012, 10:46 am, from Miss Marcia Carvalho to Mr. Kevin Mullings.



of the MOE and Dr. Carolyn Hayle, Executive Director of the HEART TRUST/NTA, to adjust and alter certain documents with respect to the OCG's Enquiry into the procurement of Bookmarkers for the Jamaica 50th celebrations."

Having regard to the foregoing email, please state:

- (a) Whether there is any veracity to the aforementioned allegations, if yes, please state whether you have complied with said request;*
- (b) Please provide an Executive Summary detailing the nature of the circumstances under which the said instructions were given to you; and*
- (c) Please provide supporting documentation to substantiate your response(s)."¹⁴¹*

Miss Marcia Carvalho, in her response of September 8, 2014, to the OCG, stated as follows:

- (a) "I received no verbal or written instructions from Grace McLean to change any documents in relation to the matter being investigated*
- (b) Since I received no such instructions an Executive Summary is not applicable;*

¹⁴¹ OCG's Requisition dated August 26, 2014, to Miss Marcia Carvalho, the then Principal Finance Officer, MoE.



(c) This is not applicable”¹⁴²

The OCG, by way of a Requisition of August 26, 2014, posed the following questions to Dr. Grace McLean in an effort to determine the veracity of the foregoing allegations. Dr. McLean was required to respond to the following:

“1. The OCG, makes reference to an email correspondence dated November 7, 2012, from a concerned citizen, which alleged, inter alia, that, “The Acting Permanent Secretary of the Ministry of Education (MOE), had instructed three (3) persons, namely; Mr. Paul Matalon, Chief Executive Officer of the National Education Trust, Ms. Marcia Carvalho, Principal Finance Officer of the MOE and Dr. Carolyn Hayle, Executive Director of the HEART TRUST/ NTA, to adjust and alter certain documents with respect to the OCG’s Enquiry into the procurement of Bookmarkers for the Jamaica 50th celebrations.”

Having regard to the foregoing email please state:

(a) Whether there is any veracity to the aforementioned allegation;

¹⁴²Response of Miss Marcia Carvalho dated September 8, 2014, to the OCG.



- (b) Please provide an explanation in the form of an Executive Summary responding to the allegation levelled against you;*
- (c) Please state whether you have made the foregoing request of any other person(s). If yes, please provide details of the person(s) to whom the request was made, and state the circumstances under which same was made; and*
- (d) Please provide, if necessary, supporting documentation to substantiate your response (s).¹⁴³*

Dr. Grace McLean, by way of her response, which was dated September 2, 2014; informed the OCG as follows:

- (a) “There is no veracity to the aforementioned allegation.*
- (b) I am not aware as to why this allegation would have been levelled against me.*
- (c) I have not made this request to anyone.*
- (d) I am not able to provide any supporting documentation to substantiate this allegation.”¹⁴⁴*

¹⁴³ OCG Requisition of August 26, 2014 to Dr. Grace McLean, Question #1.

¹⁴⁴ Response of Dr. Grace McLean to the OCG, dated September 2, 2014, Response #1.



Allegation of the Backdating Documents

The OCG, received the following complaint by way of email correspondence, dated August 16, 2012, from a concerned citizen. The referenced email states as follows:

“...any document you receive bearing the signature of Paul Matalon, director of the National Education Trust, was signed after the fact (on the said Friday your letter was delivered.) He will cover for the Minister because of their ethnic and religious connection. Question the exact dates when the documents were done.”¹⁴⁵

The OCG, by way of a Requisition, dated December 19, 2013, and in an effort to ascertain the veracity of the foregoing allegations, posed the following question to Mr. Paul Matalon, the then Chief Executive Officer, National Education Trust. They are as follows:

“The OCG has received, inter alia, allegations that “...the procurement document bearing [your] signature was signed after (on the said Friday that [the OCG’s] letter was delivered ...”. Please state (a) whether there is any veracity to this allegation, and (b) provide an explanation and supporting documentation to substantiate your response.”¹⁴⁶

¹⁴⁵ Email correspondence, dated August 16, 2012, from a concerned citizen.

¹⁴⁶ OCG Statutory Requisition, dated December 19, 2013, to Mr. Paul Matalon, Director, National Education Trust. Question #1.



Mr. Paul Matalon, by way of his response of December 27, 2013, informed the OCG that,
*"There is **no** veracity to the allegations."*¹⁴⁷

In regard to the foregoing, the OCG has found no evidence to indicate that Mr. Paul Matalon 'backdated' any document on the behest of the Hon. Rev. Ronald Thwaites.

¹⁴⁷ Response of Mr. Paul Matalon, Director, National Education Trust, dated December 27, 2013. Response #1.



CONCLUSION

Based upon the documentary evidence, inclusive of statements which have been submitted to the OCG and documentation retained from the MoE, the OCG has arrived at the following considered conclusions:

1. The idea for the production and distribution of Bookmarkers to school children in recognition of Jamaica's 50th Independence Celebration was conceptualized in November 2011.
2. The Media Services Unit at the MOE was asked to produce a sample of the Bookmarker during the period December 2011 to May 2012. The actual process of designing the Bookmarkers commenced in May 2012.
3. The OCG can neither confirm or deny whether the MoE made contact with Touchline Industries for the printing of the Bookmarkers. Dr. Grace Mclean indicated as follows:

“Touchline Industries Limited was contacted by telephone call and the name of the contact person was not ascertained.”

The contact indicated that that Touchline would have been unable to attend to the matter right now”¹⁴⁸

The medium of communication which was utilized by the MoE, in contacting Touchline Industries, that is, via telephone call, and the fact that records of same have not been produced, brings into question the level of transparency

¹⁴⁸ Response dated November 27, 2012, from Dr. Grace McLean, Response #10 and 11



that was brought to bear upon the said process. The foregoing also impacts upon the credibility of the process that was utilized by the MoE in this regard.

4. The Procurement Committee of the MoE considered the award of the contract to Stella Limited at least ten (10) days in advance of the MoE receiving the letter dated May 14, 2012, which sought to introduce the services of Stella Limited.

The Procurement Committee of the MoE deferred the award of the contract to Stella Limited on May 4, 2012, while the referenced letter was dated May 14, 2012.

The foregoing raises serious questions as to the propriety and credibility of the procurement process undertaken and amounts to gross irregularity on the part of the MoE.

5. The Bookmarkers that were printed with the photograph of The Hon. Rev. Ronald Thwaites, Minister of Education superimposed on the Jamaica National Flag constitutes a breach of the Protocol that governs the use of the National Flags and other symbols pursuant to Chapter 18 of the **Use of National and Other Flags**.
6. The OCG has found no evidence to conclude that the Hon. Rev. Ronald Thwaites, authorized the MoE to print the Bookmarkers with his photograph superimposed on the National Flag. In a point of fact, upon the Hon. Rev. Ronald Thwaites, learning of the Bookmarkers which were printed with his photograph superimposed on the National Flag, he instructed that the



“...bookmarkers should be withdrawn immediately and repaired and or reprinted to remove my photograph before distribution...”¹⁴⁹.

7. The MoE’s decision to employ the use of the Emergency Contracting Methodology resulted from very poor planning and slow action on the part of the Ministry. This is evident, given the time which elapsed between the idea being conceived and the commencement of activities for the printing/manufacturing of the Bookmarkers. Accordingly, the OCG contends that if there was timely planning and execution, the instant procurement opportunity could have been tendered competitively.
8. In relation to the use of the Emergency Procurement Methodology, the OCG remains unconvinced that a ‘genuine’ emergency existed, in keeping with the requirements for use of the methodology. Based upon facts outlined, the OCG concludes that the use of the stated methodology emanated from the lack of proper planning on the part of the MoE.
9. There is **no** Clause in the Merchandising License, dated August 24, 2012, which was entered into between the GoJ, acting through the MOYC and Stella Limited that would have alluded to or which expressly stated that the MOYC had the remit to authorize the use of the Emergency Contracting Methodology.
10. The **only** basis upon which the MoE required approval from the MoYC was for the employment of Stella Limited for the procurement of the Bookmarkers. Clause 4 (xiii) of the Merchandising License entered into between the Jamaica 50 Secretariat and Stella Limited mandates that, prior to Stella Limited entering into any arrangement for the sale of premiums in connection with the

¹⁴⁹Response dated July 4, 2013, from Rev. Hon Ronald Thwaites to the OCG. Response#5.



Jamaica 50 logo, the MOYC must first provide written consent for Stella Limited to enter into any other contractual arrangement.

11. The option to print the Bookmarkers at the HEART Trust/NTA's Media Service Unit was most feasible in all the circumstances and ought to have been explored by the MoE based on the following reasons:

- (a) There was no restriction placed on the MoE by the MOYC/ Jamaica 50 Secretariat that a Licensed Jamaica 50 entity must be employed to print the Bookmarkers, as there was no designation for same. The guidance was therefore directory and not mandatory;
- (b) The existence of a contract did not bar the MoE from entertaining the offer by the HEART Trust/NTA to print the Bookmarkers; and
- (c) The then applicable procurement Guidelines made provisions for government to government procurement.

12. The decision and failure of the Accounting/Accountable Officer, to explore all the possible options for the printing of the Bookmarkers gravely impacted on the GoJ's prospect of securing value for money in the subject procurement. The GoJ could have accrued savings of Twelve Million, Four Hundred and Three Thousand, Four Hundred and Three Thousand One Hundred and thirty Eight Dollars and Sixteen Cents (\$12,403,138.16) had the MoE undertaken to print the 650,000 Bookmarkers at the HEART Trust/NTA.

Further, had the MoE taken the opportunity to print a half (325,000) of the Bookmarkers at the HEART Trust/NTA, the GoJ could have accrued savings



of Six Million, one Hundred and Thirty Four Thousand, Four Hundred and Eighty Three Dollars and Eight Cents (\$6,134,483.08)*¹⁵⁰.

The foregoing figures are inclusive of a 'rush charge' that was added by Stella Limited, that amounted to One Hundred and Thirty Four Thousand, One Hundred and Seventy Two Dollars (\$134,172.00). The OCG has, however, seen no evidence that this charge was paid.

13. The decision taken by the MoE to reject the HEART Trust/NTA's offer to print the Bookmarkers, on the basis that a, "...Jamaica 50 approved contractor is already engaged..."¹⁵¹ was ill-advised, based on the flexibility afforded by the contract upon which reliance was being placed by the MoE.

Clause 12.2 of the said contract, made provisions for its termination by the Client without cause or consequence, upon the Client giving the Contractor fourteen (14) days written notice. The instant Clause states as follows:

"The Client may terminate this contract without cause by giving fourteen (14) days written notice to the Contractor and upon expiration of the said period, the Contract shall come to an end without the need for any further notice by the Client."

14. There is no evidence to indicate that the MoE made payments amounting to \$13,946,672.00 to Stella Limited for the manufacturing/printing of the 650,000 Bookmarkers. The OCG is only in possession of evidence indicating payments

*Calculations made on the assumption that there are no fixed cost component(s) to the cost of printing.

¹⁵¹ Email from Dr. Grace McLean to Dr. Carolyn Hayes dated July 17, 2012, at 2.51 pm.



in the amount of \$9,860,134.50.00. Notwithstanding same, the MoE indicated that the entire contract sum was paid to Stella Limited.

15. The MoE failed to utilize the more economical option for the printing/manufacturing of the Bookmarkers, and as such, the GoJ did not receive value for money in the award of the contract to Stella Limited.

The HEART Trust/NTA is considered the more economical option, based on its pricing mechanism and its ability to manufacture quality Bookmarkers.

16. There was no cost overrun on the project, as the Bookmarkers which were printed with the photograph of the Minister of Education superimposed on the Jamaican flag were repaired at the MoE by employees at no additional cost.

17. There is no evidence to indicate that Dr. Grace McLean required Miss Marcia Carvalho's assistance in requesting that Dr. Carolyn Hayle amend her letter of July 17, 2012, to exclude the reference to the IDB.

The OCG notes, however, that Dr. McLean made a similar request of Dr. Carolyn Hayle by way of email correspondence dated August 11, 2012, 8:44 am. Additionally, Dr. McLean was copied on the email dated October 8, 2012, 10:46, that was sent by Miss Marcia Carvalho to Mr. Kevin Mullings, requesting that the letter dated July 17, 2012, be amended to exclude the reference to the IDB.

18. There is no evidence in support of the allegation that Mr. Paul Matalon signed procurement related documents upon the request of Dr. Grace McLean, subsequent to the MoE receiving a letter from the OCG.



19. Although Mr. Robert Martin recommended that it was appropriate for the MoE to utilize the Emergency Contracting Methodology for the production/manufacturing of the 650,000 Bookmarkers, the onus was on Dr. Grace McLean, as the Accountable Officer, to ensure that the proper procurement procedures were adhered to.
20. The OCG has found no act or practice on the part of any Officer/Official of the MoE which constitutes a conflict of interest in the procurement of the 650,000 Bookmarkers.



RECOMMENDATIONS

Section 20 (1) of the Contractor-General Act mandates that “*after conducting an Investigation under this Act, a Contractor-General shall, in writing, inform the principal officer of the public body concerned and the Minister having responsibility therefor of the result of that Investigation **and make such Recommendations as he considers necessary in respect of the matter which was investigated.***” (OCG’s Emphasis)

In light of the foregoing, and having regard to the Findings and Conclusions that are detailed herein, the OCG now makes the following Recommendations:

1. That strict adherence is observed as it regards the GoJ Procurement Guidelines and attendant Public Sector Procurement Regulations by all procuring Public Bodies and the respective Public Officers who are charged with the task of administering the award of Government contracts.

The OCG, therefore, encourages Public Bodies to apprise themselves of all the applicable policies, procedures and governing Legislation in the award of government contracts.

2. There must be a strengthening of the relevant due diligence systems which are employed by Public Bodies, upon the receipt of offers from contractors. This course of action will ensure that the requisite verification process(es) are applied, as well as aid in ensuring that the GoJ ascertains value for money in the procurement of goods, works and service.
3. That due care should be taken to ensure that there is proper and timely planning and execution of procurement activities to ensure that all relevant procedural



activities can be undertaken in a timely manner and in accordance with the GOJ Procurement Guidelines.

Proper and timely planning will ensure that the procuring entity has adequate time to award the contract by way of a competitive tendering process and facilitate a transparent and accountable contract award process.

4. The OCG recommends that where advice is being sought by procuring Public Bodies on procurement related issues from the NCC, the concerns, queries, and/or advice should be made formally in writing to the Commission.
5. The OCG notes specifically, the pronouncements of Dr. Grace McLean as it pertains to private sector sponsorship of the Bookmarkers. Dr. Grace McLean stated as follows:

“...other companies expressed interest in contributing but this recent adverse publicity in the media has resulted in some being tentative and others have withdrawn their offer to donate.”¹⁵²

In the foregoing regard, the OCG recommends and highly encourages the MoE, and other Public Sector entities to take due care in the conduct of public procurement. The OCG is of the view that strict adherence to the procurement procedures will promote investor interest and further promote good governance as well as ensure that the said process is capable of withstanding the attendant scrutiny.

¹⁵² Response from Grace McLean dated, August 24, 2012, Response 3.



6. In the interest of transparency, the OCG encourages procuring entities to communicate by way of a written medium, when soliciting bids and requesting quotations. The foregoing will promote proper record keeping, and provide invaluable evidence as it regards to the nature of the discourse.
7. The OCG strongly advises that it is inimical to good governance and unethical for Public Officers/Officials to insist on documents to be amended, altered or changed such an act is deserving of staunch condemnation.
8. The OCG also recommends that Public Bodies should explore all possible measures to promote transparency in public procurement as this is paramount so as to dispel the perception of bias and/or delinquency on the part of Public Officers.

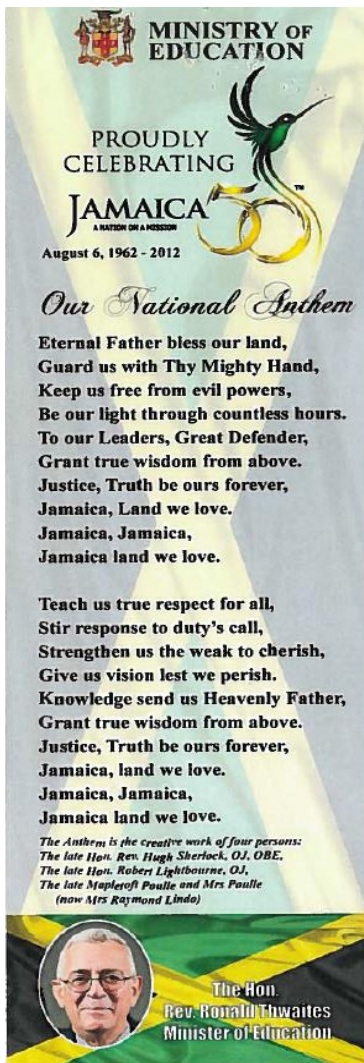


APPENDICES

Appendix 1

The images below represents the front and back view of the Bookmarkers which were printed with the photograph of the Hon. Rev. Ronald Thwaites superimposed on the Jamaican Flag.

Front of the Bookmarker



Back of the Bookmarker

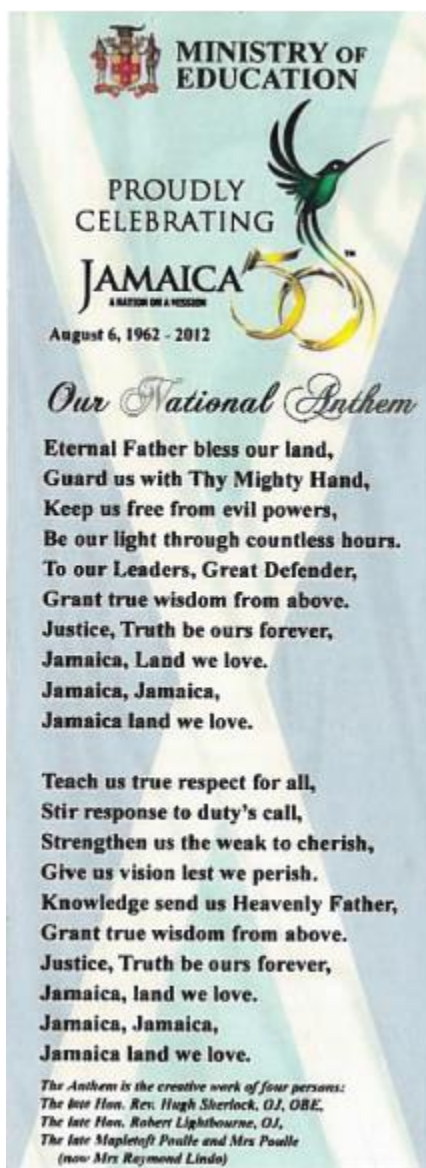




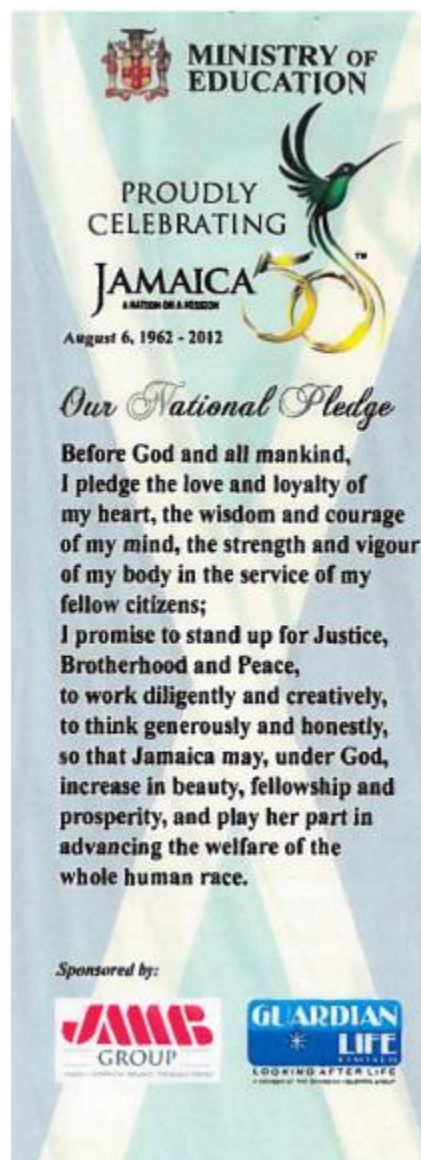
Appendix 2

The images below represents the front and back view of the Bookmarkers that were repaired by the Book Distribution Officers, MoE, upon the instructions of the the Hon. Rev. Ronald Thwaites to have his photograph removed from the Bookmarkers.

Front of Bookmark



Back of Bookmark





Appendix 3

The images below represents the front and back view of the Bookmarkers that were redesigned. The photograph of the the Hon. Rev. Ronald Thwaites which was superimposed on the Jamaican Flag was removed.

Front of the Bookmarker



Back of the Bookmarker





Appendix 3

The Proforma Invoice issued by the HEART Trust/NTA indicating the cost to print the Bookmarkers as at June 2012.

HEART TRUST/NTA
TVET MEDIA SERVICES PRINTERY
 P.O. BOX 179, KINGSTON 6,
 TELEPHONE NO. 977-1700-5

DATE: May 27, 2014
 TO: Dr. Wayne Wesley

ORDER #: _____ ACCOUNT #: _____

PROFORMA INVOICE

QTY	DESCRIPTION	UNIT PRICE	AMOUNT	
650,000	Book Marks – Duplex Full Colour – on 10 pt		1,543,533	84
650,000	Book Marks - Single sided – Full colour on 10 pt		1,055,424	72
	PLEASE ADD GCT TO COST QUOTED			
	Please note that price is estimated as at July 2012			

AGREEMENT
TOTAL: \$
 A deposit of 50% of total cost on job to be done, with the surety to pay the final 50% on completion. Cheques should be made payable to HEART Trust/NTA

DEPOSITS:

AMOUNT:

 Customer's Signature

 Manager's Signature

NET
