



Investigation Report

**Concerning Allegations of Impropriety, Irregularities and
Conflict of Interest, in the Award of Contract for the
Execution of Painting Works at the Office of Disaster
Preparedness and Emergency Management**

**Integrity Commission
September 2021**



This Publication until tabled in Parliament shall be confidential.

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

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

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

Section 56 of the Integrity Commission Act states:

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

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

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

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

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

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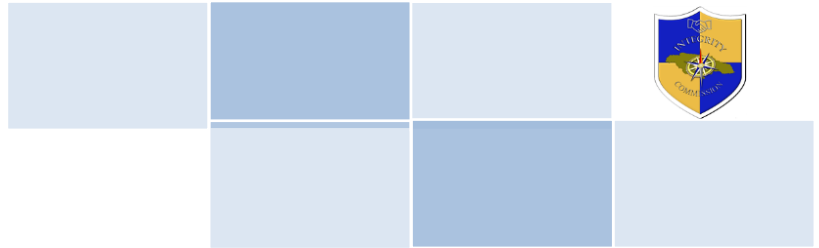
Table of Contents

Summary of Investigation	4
1.4 Summary of Key Findings.....	4
Initiation of Investigation.....	7
Jurisdiction	7
The Investigation	7
Chapter 2 – Terms of Reference	9
Chapter 3 –Law, Evidence, Findings and Discussion	11
Award of Contract to Mr. Woodville Lewis for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management (ODPEM)	11
The Circumstances which led to the Award of Contract to Mr. Woodville Lewis for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management(ODPEM).....	13
The Procurement Process Undertaken by the Office of Disaster Preparedness and Emergency Management (ODPEM) in the Award of Contract to Mr. Woodville Lewis for the Execution of Painting Works	20
The Implementation of the Contract Awarded to Mr. Woodville Lewis.....	23
Payment Made to Mr. Lewis, by the ODPEM, for the Painting of the Guardhouse/Security Post.....	26
The Nature and the Extent of the Relationship Which Exists Between Mr. Woodville Lewis and Ms. Angela Whyte.....	27
Chapter 4 – Conclusion.....	29
Chapter 5 – Recommendations	32
Appendices.....	35



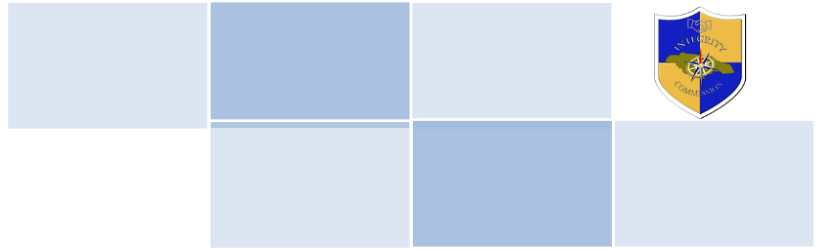
Summary of Investigation

- 1.1 On December 16, 2020, the Director of Investigation (DI) pursuant to the provisions contained in Sections 33(1)(a) and (b) and 52(1)(a) of the Integrity Commission Act (ICA), initiated an Investigation concerning allegations of impropriety, irregularities and conflict of interest, in the award of contract for the execution of painting works at the Office of Disaster Preparedness and Emergency Management (ODPEM).
- 1.2 The Director of Investigation's decision to undertake the Investigation was prompted by a complaint which was addressed to the Integrity Commission and received on November 9, 2020. The complainant alleged, *inter alia*, that "...In November or December 2019 Mrs. Angela Whyte; Senior Director Corporate Services awarded a painting contract to an employee Mr Woodville Lewis."
- 1.3 It was further alleged, *inter alia*, that, Ms. Angela Whyte, "...sought and received several quotations for the job and then gave Mr. Lewis her co-worker inside information so that he could charge less."
- 1.4 Summary of Key Findings
 - 1.4.1 The Office of Disaster Preparedness and Emergency Management (ODPEM) sought quotations from General Paintings Limited, Albert Painting Service and Skyjam Jamaica, for the execution of the painting of



the Guardhouse/Security Post on the entity's premises by way of an email correspondence dated November 23, 2019.

- 1.4.2 A recommendation was then made by Ms. Arlain Taylor, Administrator, to Mr. Dennis Spencer, Senior Procurement Officer, for the award of contract to General Paintings Limited, for the execution of the painting works of the Guardhouse/Security Post, in the amount of J\$100,724.74.
- 1.4.3 Notwithstanding the above-mentioned recommendation for the award of contract to General Painting Limited, a quotation was requested verbally from Mr. Woodville Lewis, who is employed in the capacity of a Groundsman, at the ODPEM. A proforma invoice was submitted by Mr. Woodville Lewis on December 17, 2019, in the amount of \$54,500.00.
- 1.4.4 A Purchase Order, dated December 30, 2021, was prepared by the ODPEM and addressed to Mr. Woodville Lewis in the amount of \$54,500.00, for the execution of the referenced painting works.
- 1.4.5 Mr. Woodville Lewis was selected for the award of contract on the basis that the quotation submitted by him was the '*most economic choice*' for the '*minor job*' and also because Mr. Lewis '*had the technical competence*' to execute the painting works.
- 1.4.6 In keeping with the internal procedures of ODPEM, Ms. Angela Whyte's involvement in the award of contract to Mr. Woodville Lewis was evident in her approval of the Memorandum dated December 12, 2019, which



was addressed to Mr. Gerald Wright, Acting Director of Finance, from Mr. Dennis Spencer, Senior Procurement Officer and the Requisition Order, for the painting of the Guardhouse/Security Post.

- 1.4.7 The Force Account project implementation method outlined in Appendix 5 of the Government of Jamaica Handbook of Public Sector Procurement Procedures (GPPH) indicates that the method is applied in circumstances where *“a Government entity undertakes rehabilitative or developmental works by using its internal resources rather than contracting a private entity.”*



Chapter 1 – Background

2.0 This chapter outlines the background information concerning the investigation.

Initiation of Investigation

2.1.1 On December 16, 2020, the referenced investigation was initiated by the DI.

Jurisdiction

2.1.2 The investigation was conducted pursuant to the abovementioned provisions of the ICA, which empowered the DI to investigate the referenced matter. The referenced sections are outlined in greater detail in Appendix 1, attached hereto.

The Investigation

2.2.1 During the course of the investigation, witness statements were obtained from the following individuals:

1. Mr. Horace Glaze, Acting Deputy Director General, Office of Disaster Preparedness and Emergency Management;
2. Ms. Beverley Thompson, Director of Human Resource Management, Office of Disaster Preparedness and Emergency Management;



3. Mr. Gerald Wright, Acting Director of Finance, Office of Disaster Preparedness and Emergency Management;
4. Mr. Dennis Spencer, Senior Procurement Officer, Office of Disaster Preparedness and Emergency Management;
5. Mr. Shawn Hyde, Registrar, Office of Disaster Preparedness and Emergency Management;
6. Mr. Albert Brown, Managing Director, Albert Painting Services; and
7. Mr. Andrei Bennett, Chief Public Procurement Policy Officer, Office of Public Procurement Policy.

2.2.2 Pursuant to Section 48(2) of the ICA, the following individuals were summoned to appear before the DI and were examined under oath:

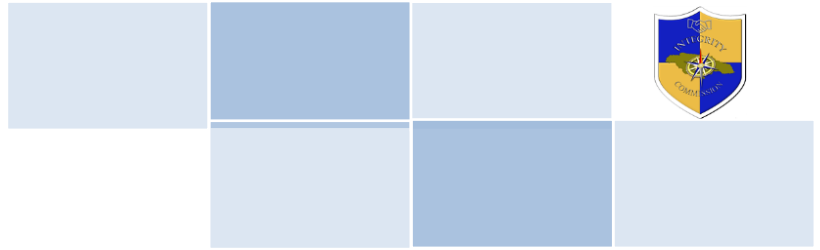
1. Ms. Angela Whyte, Senior Director of Corporate Services, Office of Disaster Preparedness and Emergency Management; and
2. Mr. Woodville Lewis, Groundsman, Office of Disaster Preparedness and Emergency Management.

2.2.3 Upon completion of the referenced investigative actions, a review and cross referencing of the statements, transcripts and other supporting documentation was conducted.



Chapter 2 – Terms of Reference

- 3.0 This chapter sets out the scope of the investigation and the issues that were explored.
- 3.1 In the conduct of this investigation, the DI sought to establish the following:
- 3.1.1 Whether Mr. Woodville Lewis was employed to the Office of Disaster Preparedness and Emergency Management (ODPEM);
 - 3.1.2 The veracity of the allegation that a contract, for the execution of painting works, for the Guardhouse/Security Post at ODPEM was awarded to Mr. Woodville Lewis, an employee of the ODPEM;
 - 3.1.3 The circumstances which led to the award of contract to Mr. Woodville Lewis for the execution of the subject painting works at the ODPEM;
 - 3.1.4 The extent of the involvement, if any, of Ms. Angela Whyte in the award of the referenced contract to Mr. Woodville Lewis;
 - 3.1.5 Whether the award of the referenced contract gave rise to a conflict of interest;



3.1.6 Whether the award and execution of the subject contract resulted in any breach(es) of the Government of Jamaica Handbook of Public Sector Procurement Procedures, Public Procurement Act, Corruption Prevention Act, Integrity Commission Act, and/ or any other applicable legislation or policies; and

3.1.7 Whether the recommendations ought to be made in respect of anti-corruption initiatives.



Chapter 3 –Law, Evidence, Findings and Discussion

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

Award of Contract to Mr. Woodville Lewis for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management (ODPEM)

4.1 Mr. Woodville Lewis was awarded a contract by the ODPEM, in December 2019, to execute painting works to the entity's Guardhouse/ Security Post located on the premises. The DI reviewed a copy of a Requisition Order which was prepared by ODPEM, and which indicated that the amount of \$54,500.00 was paid to Mr. Lewis for the painting of the “...*Guard House at the front gate.*” The Requisition Order was duly certified by Mr. Dennis Spencer, Senior Procurement Officer and approved by Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, on December 19, 2019.

4.1.1 A copy of a Proforma Invoice dated December 17, 2019, addressed to the ODPEM, by Mr. Woodville Lewis, was also perused by the DI. The Proforma Invoice was in the amount of \$54,500.00 for the “*painting of guard house, ceiling and wall skirting board at ODPEM*”.

4.1.2 During the course of a Judicial Hearing which was convened on January 20, 2021, Ms. Angela Whyte advised the DI, *inter alia*, of the award of the



subject contract.¹ In addition, Mr. Woodville Lewis, by way of a Judicial Hearing convened on January 6, 2021, confirmed, *inter alia*, that he executed the painting of the Guardhouse at the ODPEM.²

4.1.3 The DI was advised by Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, that a formal contract was not prepared, and that a Purchase Order dated December 30, 2019, was utilized in the absence of a formal contract, given the value of the contract.³ Notwithstanding the representations made by Mr. Spencer, Mr. Woodville Lewis commenced the referenced painting works on December 21, 2019, approximately nine (9) days prior to the date of the Purchase Order.

4.1.4 The DI sought to ascertain the rationale for the preparation of the Purchase Order, nine (9) days after the commencement of the referenced painting works by Mr. Woodville Lewis. By way of further Statement, Mr. Spencer indicated, *inter alia*, that there was a shortage in human resources in the Accounts Unit to prepare the Purchase Order.⁴

4.1.5 At this juncture, the DI highlights that Mr. Woodville Lewis is employed in the capacity of a Groundsman at the ODPEM.

¹ Transcript of Judicial Hearing involving Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, convened on January 20, 2021, page 14.

² Transcript of Judicial Hearing involving Mr. Woodville Lewis, Grounds Man, ODPEM, convened on January 6, 2021, pages 22-23.

³ Further Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM.

⁴ Further Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM.



4.1.6 The DI sought to ascertain the details surrounding Mr. Lewis's employment contract at the ODPEM. In this regard, Ms. Beverley Thompson, Director of Human Resource Management, indicated that, "...there is no employment contract on his file."⁵ However, the DI is in possession of a letter dated December 1, 2008, from Mr. Richard Thompson, Chairman – Disciplinary Committee, which was addressed to Mr. Woodville Lewis. The letter detailed, *inter alia*, that "effective 8th December 2008 your rank will be Groundsman/Office Attendant..."⁶

4.1.7 In addition, by way of a statement provided to the DI, dated December 21, 2020, Mr. Shawn Hyde, Registrar, ODPEM, detailed that Mr. Lewis is a "painter by trade".⁷ Mr. Lewis also confirmed same, during a Judicial Hearing convened on January 6, 2021, and specified that he had done minor painting works for the said entity over his years of employment.⁸

The Circumstances which led to the Award of Contract to Mr. Woodville Lewis for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management(ODPEM)

4.2 As it relates to the circumstances which led to the award of the referenced contract, by way of his Statement dated December 21, 2021,

⁵ Statement of Ms. Beverley Thompson, Director of Human Resource Management, ODPEM, dated August 4, 2021.

⁶Statement of Ms. Beverley Thompson, Director of Human Resource Management, dated August 4, 2021, Exhibit 'BT5', letter dated December 1, 2008, from Mr. Richard Thompson, Chairman – Disciplinary Committee, which was addressed to Mr. Woodville Lewis.

⁷ Statement of Mr. Shawn Hyde, Registrar, ODPEM, dated December 21, 2020.

⁸ Transcript of Judicial Hearing involving Mr. Woodville Lewis, Grounds man, ODPEM, convened on January 6, 2021, page 14.



Mr. Shawn Hyde, Registrar, ODPEM, indicated, *inter alia*, that in November 2019, quotations were requested from General Paintings Limited, Albert Painting Service and Skyjam Jamaica, for the painting of the Guardhouse/Security Post at the ODPEM.⁹

4.2.1 In the aforementioned regard, the DI observed an email dated November 23, 2019, which was addressed to the above referenced Companies, from Mr. Shawn Hyde and which requested a site visit by the Companies, to facilitate the painting of the Guardhouse/Security Post and the provision of a quotation.

4.2.2 Mr. Hyde further indicated that the abovementioned Companies conducted a site visit, and thereafter quotations were submitted by General Paintings Limited and Albert Painting Services. Mr. Hyde advised, *inter alia*, that subsequent to the receipt of the mentioned quotations, “A memo was also sent to the Procurement Unit, Mr. Spencer, for the work to be done by General Painting; however a Purchase Order was returned to the Administration Unit with Mr. Woodville Lewis’ name on it...”¹⁰

4.2.3 Attached, hereto, at Appendix 1, is a copy of a Memorandum dated December 6, 2019, which was addressed to Mr. Dennis Spencer, Senior Procurement Officer, from Ms. Arlain Taylor, Administrator, and which requested the facilitation of payment to General Paintings Limited in the

⁹ Statement of Mr. Shawn Hyde, Registrar, ODPEM, dated December 21, 2020.

¹⁰ *Ibid.*



amount of \$100,724.74, for the painting of “...the interior areas of the security post office and restroom.”¹¹

4.2.4 The Memorandum further indicated that the referenced Company was selected on the basis that the Company had previously executed painting works “...of a high satisfactory standard and quality.”¹²

4.2.5 Having regard to the foregoing, the DI sought to ascertain the veracity of the aforementioned representation made by Mr. Hyde, that the purchase order was returned with “Mr. Lewis’ name on it” and to determine the basis upon which the Purchase Order was prepared bearing the name Woodville Lewis.

4.2.6 In the aforementioned regard, Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, by way of Statement dated December 21, 2021, indicated, *inter alia*, that “...Mr. Lewis was selected to conduct this work based on least cost; due to the area, where the work was being conducted, being so small, the least cost was the main criteria for consideration.”¹³

¹¹ Memorandum dated December 6, 2019 from Ms. Arlain Taylor, Administrator, ODPEM which was addressed to Mr. Dennis Spencer, Senior Procurement Officer, ODPEM.

¹² Memorandum dated December 6, 2019 from Ms. Arlain Taylor, Administrator, ODPEM which was addressed to Mr. Dennis Spencer, Senior Procurement Officer, ODPEM.

¹³ Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, dated December 21, 2020.



4.2.7 Mr. Spencer further indicated in his Statement, *inter alia*, that it was on his verbal request that Mr. Woodville Lewis conducted an inspection and submitted a quotation.¹⁴

4.2.8 As it relates to the justification for the request of a quotation from Mr. Woodville Lewis, Mr. Spencer in his Statement dated December 21, 2020, stated, *inter alia*, that “...In the Procurement Unit, if it is deemed that there is no value for money the Unit will seek additional quotes which was done in the case, resulting in a quotation...”¹⁵

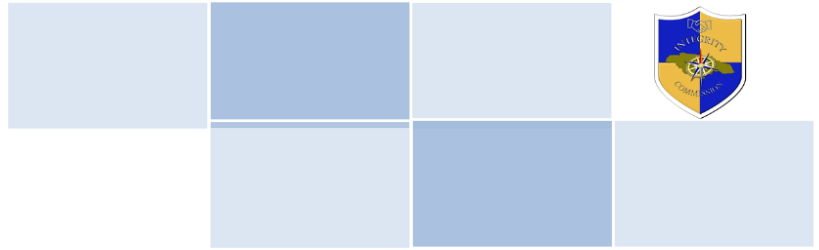
4.2.9 Having regard to the referenced representation made by Mr. Spencer, the DI sought to ascertain the basis upon which value for money was determined by the ODPEM in relation to the painting of the Guardhouse. By way of a further Statement, Mr. Dennis Spencer, indicated that value for money was determined based on the cost comparison of the quotations obtained, the size of the Guardhouse/Security Post and that Mr. Woodville Lewis has previously executed painting works satisfactorily.¹⁶

4.2.10 The DI notes that Mr. Spencer in his Statement dated December 21, 2020, also detailed, *inter alia*, that he made contact with a representative of the Office of Public Procurement Policy, Ministry of Finance and the Public Service, who advised him that it was acceptable for an employee to be

¹⁴ Ibid.

¹⁵ Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, dated December 21, 2020.

¹⁶ Further Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, undated.



contracted to execute painting works, under the condition that the works would be executed outside of working hours.¹⁷

4.2.11 At this juncture, it is to be noted that the DI sought to corroborate the representation made by Mr. Spencer in relation to the advice received from the Office of Public Procurement Policy. In this regard, Mr. Andrei Bennett, Chief Public Procurement Policy Officer, Ministry of Finance and the Public Service, by way of Statement dated March 23, 2021, indicated, *inter alia*, that “...one employee recalled discussing a matter of this nature...but the employee could neither recall from which entity the originating enquiry emanated, nor the contents of the advice that was given.”¹⁸

4.2.12 Similarly, during a Judicial Hearing convened on January 20, 2021, Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, indicated, *inter alia*, that Mr. Lewis was selected based on the least cost criteria.¹⁹

4.2.13 In addition to the representations made by Mr. Spencer and Ms. Whyte, by way of a Judicial Hearing convened on January 6, 2021, Mr. Lewis also confirmed that, subsequent to the submission of the Pro Forma Invoice to

¹⁷ Further Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, undated.

¹⁸ Statement of Mr. Andrei Bennett, Chief Public Procurement Policy Officer, Ministry of Finance and Public Service, dated March 23, 2021.

¹⁹ Transcript of Judicial Hearing involving Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, convened on January 20, 2021, page 14.



the ODPEM, for the painting of the Guardhouse/Security Post in 2019, he was selected to execute the referenced painting works.²⁰

4.2.14 Of further note, the DI reviewed a Memorandum dated December 12, 2019, attached at Appendix 2, which was addressed to Mr. Gerald Wright, Acting Director of Finance, from Mr. Dennis Spencer, Senior Procurement Officer, through Ms. Angela Whyte, Senior Director of Corporate Services, advised, *inter alia*, that Mr. Lewis was selected on the basis that it was the 'most economic choice' for the 'minor job' and that Mr. Lewis 'had the technical competence' to execute the painting works.²¹

4.2.15 Having regard to the foregoing, Mr. Spencer also furnished the DI with a copy of the quotations which were sought by the ODPEM from General Paintings Limited, Albert Painting Service and Mr. Woodville Lewis, in respect of the captioned matter.

4.2.16 Table 1 below, illustrates the details of the quotations received by ODPEM regarding the impugned contract:

Table 1: Details of Quotations received by the ODPEM

Companies/Individuals	Scope of Works	Total Cost
General Paintings Limited	Areas to be painted: <ul style="list-style-type: none">Interior areas of security post office inclusive of ceiling,	\$100,724.74

²⁰ Transcript of Judicial Hearing involving Mr. Woodville Lewis, Grounds Man, ODPEM, convened on January 6, 2021, pages 22-23.

²¹ Memorandum dated December 12, 2019, from Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, which was addressed to Mr. Gerald Wright, Acting Director of Finance, ODPEM.
INTEGRITY COMMISSION Concerning Allegations of Impropriety, Irregularities and Conflict of Interest, in the Award of Contract for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management



	<p>walls and windows.</p> <ul style="list-style-type: none">• Interior areas of security post bathroom inclusive of ceiling and walls. <p>Surface Preparation:</p> <ul style="list-style-type: none">• Fill minor cracks and holes in walls and ceilings with caulking compound.• Light sand window frame areas.	
Albert Painting Service	<ul style="list-style-type: none">• Painting of guard house and lunch room, ceiling, wall skirting board.	\$77,840.00
Woodville Lewis	<ul style="list-style-type: none">• Painting of guard house, ceiling and wall skirting board.	\$54,500.00

4.2.17 Based upon the details provided in Table 1 above, it is instructive to note that both the scope of works and the cost proposed by the three (3) Contractors, varied.

4.2.18 Note, by way of a further Statement, Mr. Spencer indicated, *inter alia*, that, "There was no estimate prepared by the ODPEM for the painting of the interior of the Guardhouse/Security Post."²²

²² Further Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM.
INTEGRITY COMMISSION Concerning Allegations of Impropriety, Irregularities and Conflict of Interest, in the Award of Contract for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management



The Procurement Process Undertaken by the Office of Disaster Preparedness and Emergency Management (ODPEM) in the Award of Contract to Mr. Woodville Lewis for the Execution of Painting Works

4.3 In relation to the procurement process undertaken by the ODPEM for the award of contract for the referenced painting works, the entity's internal procedure for procuring goods or services below \$100,000.00²³ is outlined hereunder:

- (i) Following the receipt of quotation, the department which is requiring the goods/service, prepares a Memorandum detailing the source of funds needed to undertake the procurement;
- (ii) The department then prepares a Requisition Order, which is to be certified by the Director of Procurement/Senior Procurement Officer and approved by the Senior Director of Corporate Services;
- (iii) Subsequently, the Accounts Department prepares a Purchase Order, which is then submitted to the Procurement Officer;
- (iv) The Procurement Officer then submits the Purchase Order and supporting documentation to the Requesting Department; and
- (v) Upon receipt of the goods/services, the Director of Procurement/Senior Procurement Officer verifies the goods/services, stamps the final invoice and payment is made.

4.3.1 Having regard to the foregoing, the DI reviewed a Memorandum dated December 6, 2019, which was addressed to Mr. Dennis Spencer, Senior

²³ Appendix 2. ODPEM's Flowchart – Steps in Procuring Goods and Services below \$100,000.00.
INTEGRITY COMMISSION Concerning Allegations of Impropriety, Irregularities and Conflict of Interest, in the Award of Contract for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management



Procurement Officer and prepared by Ms. Arlain Taylor, Administrator. The Memorandum requested the facilitation of payment to General Paintings Limited in the amount of \$100,724.74, for the painting of “...the interior areas of the security post office and restroom”.²⁴

4.3.2 The DI reiterates that Mr. Spencer indicated in his Statement dated December 21, 2020, *inter alia*, that Mr. Woodville Lewis conducted an inspection and submitted a quotation for the referenced works.²⁵ Further, Mr. Spencer made the verbal request of Mr. Lewis, following the advice sought from the Office of Public Procurement Policy.

4.3.3 In addition, Mr. Dennis Spencer, Senior Procurement Officer, in his Statement dated December 21, 2020, advised the DI, *inter alia*, that “...In relation to the procurement process of goods and services valued below \$100,000.00, a request is received from the Administrator, Ms. Arlain Taylor, this request is received in the form of a memo. Ms. Taylor may also prepare the requisition...”²⁶

4.3.4 Subsequent to the referenced Memorandum dated December 6, 2019, the DI observed a Memorandum dated December 12, 2019, which was addressed to Mr. Gerald Wright, Acting Director of Finance, from Mr. Dennis Spencer, Senior Procurement Officer, and through Ms. Angela Whyte, Senior Director of Corporate Services, indicating, *inter alia*, that

²⁴ Memorandum dated December 6, 2019 from Ms. Arlain Taylor, Administrator, ODPEM, which was addressed to Mr. Dennis Spencer, Senior Procurement Officer, ODPEM.

²⁵ Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, dated December 21, 2020.

²⁶ *Ibid.*



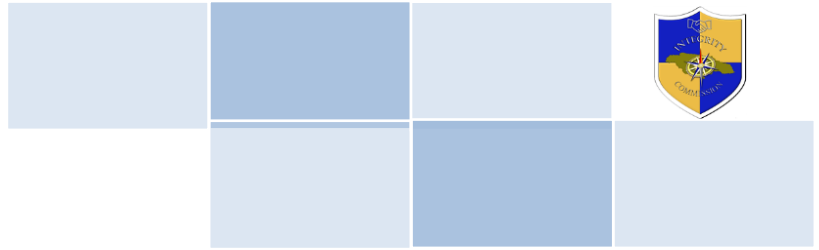
payment in the sum of \$54,500.00, is to be made to Mr. Woodville Lewis, for the painting of the Guardhouse/Security Post. In addition, the DI observed a Requisition Order, for the painting of the guardhouse which was approved on December 19, 2019. By way of a Judicial Hearing convened on January 20, 2021, Ms. Whyte, confirmed that she approved the Requisition Order.

4.3.5 Further, the DI reviewed a Purchase Order dated December 30, 2019, for the painting of the Guardhouse/Security Post, wherein Mr. Woodville Lewis was the Supplier. To reiterate, Mr. Shawn Hyde, Registrar, ODPEM, indicated by way of Statement dated December 21, 2020, that *"...a Purchase Order was returned to the Administration Unit with Mr. Woodville Lewis' name on it."*

4.3.6 Having regard to the process outlined by the ODPEM and the award of contract to Mr. Woodville Lewis, an employee of the ODPEM, the DI notes that Appendix 5 of the Government of Jamaica Handbook of Public Sector Procurement Procedures, 2014, outlines the "Force Account" project implementation method as follows:

"...a project implementation method whereby a Government entity undertakes rehabilitative or developmental works by using its internal resources rather than contracting a private entity..."²⁷

²⁷ Appendix 5, Volume 2, Government of Jamaica Handbook of Public Sector Procurement Procedures, 2014.



4.3.7 In addition to the foregoing, Ministry of Finance, Circular #21 dated October 16, 2007, specifies, *inter alia*, that the decision to utilize Force Account must be the “*best option available to the entity to ensure efficiency, effectiveness, economy, fairness and transparency.*”²⁸

The Implementation of the Contract Awarded to Mr. Woodville Lewis

4.4 The DI sought to ascertain specific details relevant to the painting works executed by Mr. Woodville Lewis, particularly, the commencement and completion dates as well as whether the works were deemed as satisfactorily completed.

4.4.1 In this regard, Mr. Dennis Spencer, Senior Procurement Officer, by way of his further Statement to the DI indicated, *inter alia*, that Mr. Woodville Lewis commenced the referenced painting works on December 21, 2019 and completed the works on January 1, 2020.

4.4.2 Upon the DI's perusal of email correspondence dated December 20, 2019, and December 30, 2019, it was observed that access to the entity's premises was requested for December 21-22, 2019, and for January 1 [2020], to facilitate the painting of the interior of the Guardhouse/Security Post by Mr. Woodville Lewis.²⁹

²⁸ Ministry of Finance, Circular #21 dated October 16, 2007 – Contracting between Government entities and the use of Force Account.

²⁹ Email correspondence dated December 20, 2019, from Mr. Dennis Spencer, Senior Procurement Officer, to Ms. Arlain Taylor.



- 4.4.3 The DI further noted that the ODPEM's Logbook documented Mr. Woodville Lewis' entry to the premises on Saturday, December 21, 2019. However, as it relates to the execution of the painting works on January 1, 2020 by Mr. Lewis, the DI observed no record of same.
- 4.4.4 By way of Judicial Hearing convened on January 20, 2021, Ms. Angela Whyte, Senior Director of Corporate Services, indicated, *inter alia*, that subsequent to the painting of the Guardhouse/Security Post, she assessed the work done and was concerned that the border of the base of the wall "was not extensive enough", which she verbally communicated to Mr. Woodville Lewis.³⁰
- 4.4.5 In addition, Mr. Shawn Hyde, Registrar, ODPEM, in his Statement dated December 21, 2020, indicated, *inter alia*, that he also assessed the painting works executed by Mr. Woodville Lewis, and deduced that the work "was not neatly finished and required further attention to painting details". Mr. Hyde further indicated that his dissatisfaction with the painting works was verbally communicated to Ms. Whyte.³¹
- 4.4.6 By way of statement dated December 21, 2020, Mr. Dennis Spencer, Senior Procurement Officer, ODPEM, indicated that, "Mr. Lewis rectified

Email correspondence dated December 30, 2019, from Mr. Shawn Hyde, Records Officer, to Ms. Angela Whyte.

³⁰ Transcript of Judicial Hearing involving Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, convened on January 20, 2021, page 40.

³¹ Statement of Mr. Shawn Hyde, Registrar, ODPEM dated December 21, 2020.

INTEGRITY COMMISSION Concerning Allegations of Impropriety, Irregularities and Conflict of Interest, in the Award of Contract for the Execution of Painting Works at the Office of Disaster Preparedness and Emergency Management



the issue by using a different paint which did not come at an additional cost to the ODPEM."³²

4.4.7 The DI perused a final invoice which was dated December 19, 2019, and stamped '*Service Rendered/Received Satisfactorily*',³³ which indicated that the referenced works executed by Mr. Lewis, were completed.

4.4.8 Having regard to Mr. Woodville Lewis' employment with the ODPEM, in the capacity as 'Groundsman', the DI sought to ascertain whether the specific function and task of painting and related works fell within Mr. Woodville Lewis' established job functions as a Groundsman at the ODPEM.

4.4.9 By way of letter dated January 29, 2021, Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, furnished the DI with a copy of the Job Description, for the position of a Groundsman at the ODPEM. The DI noted that the core functions, which were captured in the referenced Job Description, did not include painting or any other duty that could be affiliated with painting works.³⁴

³² Statement of Mr. Dennis Spencer, Senior Procurement Officer, ODPEM dated December 21, 2020.

³³ Invoice dated December 19, 2019, from Mr. Woodville Lewis in the amount of \$54,500.00.

³⁴ Letter dated January 29, 2021 and attachments, from Ms. Angela Whyte, Senior Director of Corporate Services.



Payment Made to Mr. Lewis, by the ODPEM, for the Painting of the Guardhouse/Security Post

4.5 As it relates to the payment by ODPEM for the services rendered by Mr. Woodville Lewis, the DI perused a Memorandum dated December 12, 2019, which was addressed to Mr. Gerald Wright, Acting Director of Finance, from Mr. Dennis Spencer, Senior Procurement Officer, through Ms. Angela Whyte, Senior Director of Corporate Services, indicating, *inter alia*, that payment in the sum of \$54,500.00, is to be made to Mr. Woodville Lewis, for the painting of the Guardhouse/Security Post.

4.5.1 In addition to the foregoing, Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, by way of a Judicial Hearing held on January 20, 2021, further confirmed that she has the authority to approve payments with a threshold value of \$100,000.00.³⁵

4.5.2 The DI further perused a document entitled 'OFFICE OF DISASTER PREPAREDNESS AND EMERGENCY MANAGEMENT Inter Bank Transfer Voucher' dated January 3, 2020, which detailed, *inter alia*, that a payment, in the sum of \$54,500.00, was made to Mr. Woodville Lewis, for the painting of the Guardhouse/Security Post.³⁶ In addition, by way of Statement dated July 27, 2021, Mr. Horace Glaze, Acting Deputy Director

³⁵ Judicial Hearing held with Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM, on January 20, 2021, page 10.

³⁶ 'OFFICE OF DISASTER PREPAREDNESS AND EMERGENCY MANAGEMENT Inter Bank Transfer Voucher' dated January 3, 2020.



General indicated *,inter alia*, that he authorized the payment to be made to Mr. Woodville Lewis for the referenced painting works.³⁷

4.5.3 In support of the foregoing, Mr. Gerald Wright, Acting Director of Finance, ODPEM, in his Statement dated December 16, 2020, confirmed that the payment was made to Mr. Woodville Lewis on January 3, 2020.³⁸

4.5.4 Additionally, by way of a Judicial Hearing convened on January 6, 2021, Mr. Woodville Lewis, also confirmed that he received payment in the sum of \$54,500.00 for the painting of the Guardhouse/Security Post.³⁹

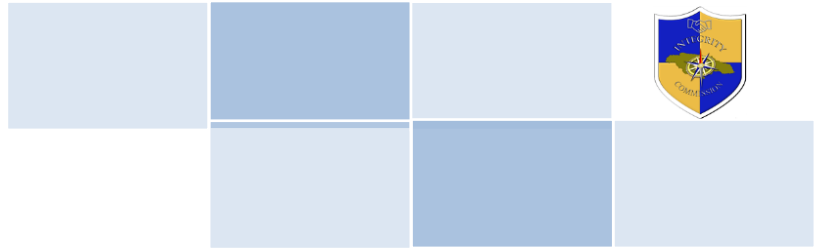
The Nature and the Extent of the Relationship Which Exists Between Mr. Woodville Lewis and Ms. Angela Whyte

4.6 Having regard to the allegation that, Ms Angela Whyte, "*...sought and received several quotations for the job and then gave Mr. Lewis her co-worker inside information so that he could charge less...*", the DI sought to determine the nature and extent of the relationship which existed between Mr. Woodville Lewis, Groundsman, ODPEM and Ms. Angela Whyte, Senior Director of Corporate Services, ODPEM.

³⁷ Statement of Mr. Horace Glaze, Acting Deputy Director General, dated July 27, 2021.

³⁸ Statement of Mr. Gerald Wright, Acting Director of Finance, ODPEM, dated December 16, 2020.

³⁹ Transcript of Judicial Hearing involving Mr. Woodville Lewis, Groundsman, ODPEM, convened on January 6, 2021, pages 24-25.



4.6.1 By way of a Judicial Hearing convened on January 6, 2021, Mr. Woodville Lewis described his relationship with Ms. Angela Whyte to be that of a professional nature.⁴⁰

4.6.2 Similarly, Ms. Angela Whyte, by way of a Judicial Hearing convened on January 20, 2021, corroborated the representation made by Mr. Woodville Lewis as it relates to the extent of their relationship, wherein she specifically indicated, *inter alia*, that "*our only interaction is at work.... and it is strictly work based*".⁴¹

⁴⁰ Judicial Hearing convened on January 6, 2021 involving Mr. Woodville Lewis, Groundsman, ODPEM.

⁴¹ Judicial Hearing convened on January 20, 2021 involving Ms. Angela Whyte, Senior Procurement Officer, ODPEM.



Chapter 4 – Conclusion

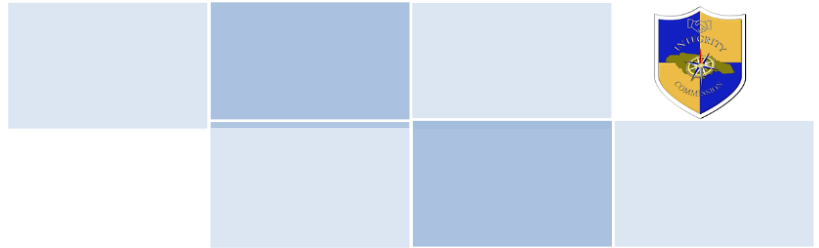
- 5.0 This chapter outlines the conclusions reached by the DI based upon the findings of this investigation.
- 5.1 Based upon a review of the documents and statements that were provided by the Office of Disaster Preparedness and Emergency Management and the Office of Public Procurement Policy, the DI has arrived at the following conclusions:
- 5.1.1 The DI concludes that Mr. Woodville Lewis was an employee of the Office of Disaster Preparedness and Emergency Management (ODPEM) during the period of award of contract, for the painting of the Guardhouse/Security Post.
- 5.1.2 The DI concludes that the Office of Disaster Preparedness and Emergency Management awarded a contract to Mr. Woodville Lewis for the execution of painting works to the Guardhouse/Security Post at the ODPEM in December 2019.

Further to the foregoing, the DI concludes that the ODPEM was permitted to award the referenced contract to Mr. Woodville Lewis, an employee. The DI's conclusion is based upon the provisions of Appendix 5 of the Government of Jamaica Handbook of Public Sector Procurement Procedures (GPPH), that the Force Account project implementation method, (use of internal resources of the ODPEM) could be utilized to



execute rehabilitative works at the entity. There is no indication that 'human resource' is not considered 'internal resources' within the meaning of the referenced Guidelines.

- 5.1.3 The DI concludes that the extent of Ms. Angela Whyte's involvement in the award of contract to Mr. Woodville Lewis was in the granting of the approval and the verification of the completion of the works. In keeping with the internal procedures of ODPEM, Ms. Angela Whyte is duly authorized to approve contracts below \$100,000.00.
- 5.1.4 The DI concludes based upon the evidence presented, that there is no evidence that a conflict of interest existed between Mr. Woodville Lewis and Ms. Angela Whyte, in the award of contract for the referenced painting works. The DI has found no evidence to support a relationship other than one of a professional nature between Ms. Angela Whyte and Mr. Woodville Lewis.
- 5.1.5 The DI concludes that the ODPEM breached Appendix 8, Clause A8.22 GPPH (2014) which indicates, *inter alia*, that regardless of the method of procurement or the source of funding, it is critical that transparent procedures be established, so that the entire procurement process may be traced from beginning to end. The DI also concludes that the ODPEM breached Section 5.1 of the Government of Jamaica Public Sector Procurement Policy, specifically as it relates to the guiding principles of transparency, value for money, integrity and equity. The DI's conclusion is premised upon the failure of ODPEM to prepare and/or preserve



documentation relevant to the award of contract to Mr. Woodville Lewis for the painting of the Guardhouse/Security Post. More particularly, the ODPEM failed to document: (i) the advice sought and received from the Office of Public Procurement Policy, (ii) an estimate and detailed specifications of the works to be done so as to allow prospective contractors to properly submit Pro-forma Invoices; and (iii) the basis upon which a quotation was requested from Mr. Woodville Lewis.

5.1.6 The DI concludes that the preparation of the Purchase Order approximately nine (9) days after the commencement of the referenced painting works, runs counter to the ODPEM's own internal procedures for procuring goods or services below \$100,000.00. In addition, Mr. Spencer indicated that the Purchase Order served as the agreement between the ODPEM and Mr. Woodville Lewis for the referenced painting works. However, the Purchase Order was prepared after the painting works commenced, thus there was no contract in place at the commencement of the referenced works, against which to enforce the agreement between the ODPEM and the contractor, Mr. Lewis.



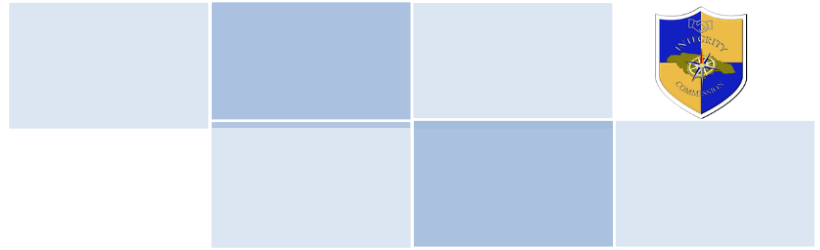
Chapter 5 – Recommendations

6.0 This chapter outlines the recommendations and corruption prevention initiatives identified by the Director of Investigation.

Recommendations to the Director General, Office of Disaster Preparedness and Emergency Management (ODPEM)

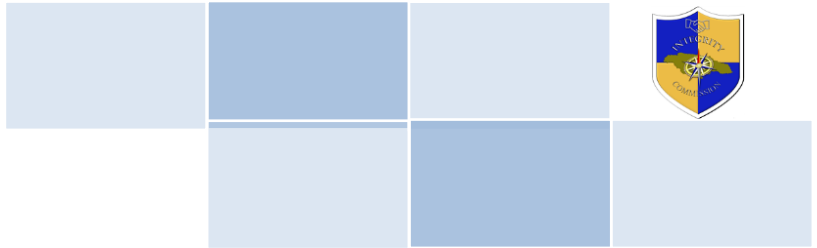
6.1 The DI recommends that the Director General, ODPEM, revises and enforces strict adherence to the internal procurement procedures to ensure that its internal procurement procedures accord with the Public Procurement Act, the Government of Jamaica Public Procurement Guidelines (Appendix 8, Clause A8.22), of the referenced guidelines and the fundamental principles outlined in Section 5.1 of the Government of Jamaica Public Sector Procurement Policy, specifically as it relates to the canonical principles of transparency, accountability, equity and integrity.

The DI's recommendation is premised upon the fact that, in the instant matter: (i) there was no documentation of the advice provided by the Office of Public Procurement Policy to the ODPEM; (ii) there was no estimate prepared by the ODPEM for the painting of the subject Guardhouse; (iii) the Purchase Order was prepared by the ODPEM, nine (9) days after the commencement of the referenced painting works; and (iv) there was no formal contract between the ODPEM and Mr. Woodville Lewis for the referenced painting works.



Further to the foregoing, the DI recommends that the Director General, ODPEM ensures, that in each procurement exercise, a written contract be duly executed prior to the commencement of works by the designated contractor. More particularly and in respect of the instant matter, the DI recommends that where a Purchase Order is utilized, that same be prepared and authorized prior to the commencement of works.

- 6.2 The DI reiterates its recommendation that the ODPEM documents all decisions taken by its Officers during the course of its procurement exercises, together with any advice received in respect of same, whether such advice is provided by Officers of the Office of Public Procurement Policy or another entity. The DI's recommendation is in keeping with Appendix 8, Clause A8.22 of the GPPH (2014) which provides that regardless of the method of procurement or the source of funding, it is critical that transparent procedures be established, so that the entire procurement process may be traced from beginning to end.



Recommendation to the Office of Public Procurement Policy

6.3 The DI recommends that the Chief Public Procurement Officer, pursuant to Section 7 of the Public Procurement Act, issues a policy in relation to the execution of projects, utilizing the Force Account project implementation method. In particular, consideration should be given to the inclusion of further specification in relation to what constitutes “internal resources” and whether same includes human resource.

A handwritten signature in blue ink, appearing to read 'K. Stephenson', with a long horizontal line extending to the right.

Kevon A. Stephenson, J.P
Director of Investigation

September 17, 2021.



Appendices

Appendix 1

Section 6(1)(a) of the ICA states, *inter alia*, that:

“...the functions of the Commission shall be to —

(a) investigate alleged or suspected acts of corruption and instances of non-compliance with the provisions of this Act;”

Section 33(1)(a) and (b) of the ICA states, *inter alia*, that:

“The Director of Investigation shall—

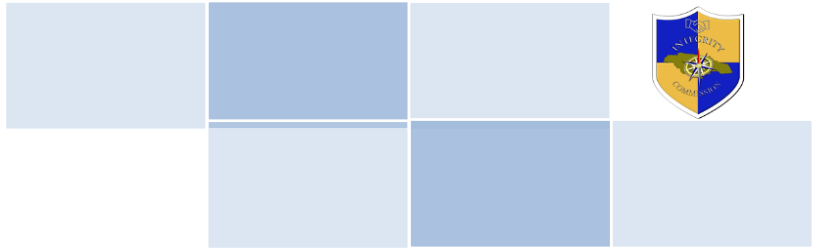
(a) without prejudice to the provisions of any other enactment, and subject to any general or specific direction of the Commission, investigate, in the manner specified by or under this Act, any allegation that involves or may involve an act of corruption or any allegation relating to non-compliance with the provisions of this Act, on the basis of any complaint, information or notification referred to him by the decision of the Commission or by the Director of Information and complaints;



- (b) *subject to section 52(2), monitor and where necessary, investigate, in the manner specified by or under this Act, the award, implementation or termination of any government contract, and the grant, issue, variation, suspension or revocation of any prescribed licence, with a view to ensuring that—*
- (i) *in the case of a government contract, it is awarded impartially, on merit and in a financially prudent manner and in circumstances which do not involve impropriety, breach of any applicable law relating to procurement or other irregularity, and that the implementation or termination of the contract conforms to the terms thereof, without prejudice to the functions of any public body in relation to the contract; and*
- ...”

Section 52 (1) (a) of the Act expressly provides that:

“Subject to subsection (2) and the specific or general direction of the Commission, the Director of Investigation may, in relation to government contracts and prescribed licences, conduct an Investigation into any or all of the following matters—



(a) in relation to government contracts—

- (i) the registration of contractors;*
- (ii) tender procedures relating to government contracts awarded by public bodies;*
- (iii) the award or termination of any government contract;*
- (iv) the implementation of the terms of any government contract;"*



Appendix 2

Administrator

Memo

To: Dennis Spencer (Mr.)
Senior Procurement Officer

Thru: Angela Whyte (Ms.)
Senior Director Corporate Service

From: Arlain Taylor (Ms.)
Administrator *AT 12.12.19*

Date: December 6, 2019

Re: Payment to General Paintings Ltd

Kindly facilitate payment to **General Painting Ltd** in the sum of One Hundred Thousand Seven Hundred and Twenty Four Dollars Seventy Four Cents (**\$100,724.74.00**) to paint the interior areas of the security post office and restroom.

Justification

Three companies were contacted for a site visit Skyjamaica, Albert Painting and General Painting but only two submitted quotations. General Painting was chosen on the basis that they have done prior painting jobs which were of a high satisfactory standard and quality.

Attached, please see invoices for further details.



Appendix 3

Procurement Unit

Memo

To: Gerald Wright (Acting)
Director Finance

Thr: Ms Angela Whyte
Senior Director Corporate Services

From: Dennis Spencer
Senior Procurement Officer

Date: December 12, 2019

Re: Payment to Woodville Lewis

23/12/19

PAID

Kindly make payable to Woodville Lewis the sum of fifty four thousand five hundred dollars (\$54,500). This is in order to paint guard house at the front gate. The option to use the above is based on it being the most economic choice it's a minor job and he has the technical competence to do the job.

Attached, please see invoice for further details.

Should you have queries or require further information, I can be contacted at Ext: 8001.

*Mrs Bauld
Please verify
Miss Davis and action
Please prepare
P.O. & payment
as per Invoice 2019/12/27*