

Summary of Findings – organized by project

NB all findings summarized at pp 106-109. Findings of “possible criminal activity” and accompanying references to the BPS / DPP are contained at pp 111-112.

| | | | | | | | | | | | | | | | |
|------------------------------------|--|-------|---------------|-------------|--|-------------------------------|-----------------|------------------------------------|------------------------------|----------------------------|--------------|-------------|--------------|----------------------|--|
| Pp 15-16 | <p>“[It] was rumored and even common knowledge in Bermuda, at and before the time of our Appointment, that police investigations might be pending into some at least of the matters which we were appointed to inquire into. We thought it necessary at an early stage to discover whether and, if so, to what extent that might be correct. We therefore listed the transactions which we were inquiring into at that stage and asked the Commissioner of Police whether any of them were the subject of ongoing police enquiries at that time (June 2016). He replied that all of them were.”</p> | | | | | | | | | | | | | | |
| P 37 (findings on p 39) | <p>A - Commercial Courts / Ministry of Finance Renovations</p> <table border="1" data-bbox="394 814 1395 1146"> <tr> <td>Date:</td> <td>August 2008</td> </tr> <tr> <td>Principals:</td> <td>Bermuda Drywall & Ceilings / Devree Hollis</td> </tr> <tr> <td>Ministers subject to comment:</td> <td>Derrick Burgess</td> </tr> <tr> <td>Civil Servants subject to comment:</td> <td>Robert Horton</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 1,696,000</td> </tr> <tr> <td>Final cost:</td> <td>\$ 1,863,000</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>\$ 167,000 = 9.8% of original contract</td> </tr> </table> <ul style="list-style-type: none"> • Minister Burgess ignored technical recommendations and compromised the tender process. He awarded the contract without consulting the technical officers in his department and without obtaining prior Cabinet approval. • PS Horton failed to notify the Accountant General of breaches of FI. • No evidence found of “possible criminal activity” | Date: | August 2008 | Principals: | Bermuda Drywall & Ceilings / Devree Hollis | Ministers subject to comment: | Derrick Burgess | Civil Servants subject to comment: | Robert Horton | Original contracted value: | \$ 1,696,000 | Final cost: | \$ 1,863,000 | Over (Under) Budget: | \$ 167,000 = 9.8% of original contract |
| Date: | August 2008 | | | | | | | | | | | | | | |
| Principals: | Bermuda Drywall & Ceilings / Devree Hollis | | | | | | | | | | | | | | |
| Ministers subject to comment: | Derrick Burgess | | | | | | | | | | | | | | |
| Civil Servants subject to comment: | Robert Horton | | | | | | | | | | | | | | |
| Original contracted value: | \$ 1,696,000 | | | | | | | | | | | | | | |
| Final cost: | \$ 1,863,000 | | | | | | | | | | | | | | |
| Over (Under) Budget: | \$ 167,000 = 9.8% of original contract | | | | | | | | | | | | | | |
| P 41 (findings on p 42) | <p>B - W&E Maintenance and Stores Building</p> <table border="1" data-bbox="394 1472 1395 1803"> <tr> <td>Date:</td> <td>November 2007</td> </tr> <tr> <td>Principals:</td> <td>Central Construction Ltd / Victor Walters</td> </tr> <tr> <td>Ministers subject to comment:</td> <td>Dennis Lister</td> </tr> <tr> <td>Civil Servants subject to comment:</td> <td>Derrick Binns; Robert Horton</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 1,600,000</td> </tr> <tr> <td>Final cost:</td> <td>Unknown</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>Unknown</td> </tr> </table> <ul style="list-style-type: none"> • This contract was awarded while Minister [Dennis] Lister was in office, without Cabinet | Date: | November 2007 | Principals: | Central Construction Ltd / Victor Walters | Ministers subject to comment: | Dennis Lister | Civil Servants subject to comment: | Derrick Binns; Robert Horton | Original contracted value: | \$ 1,600,000 | Final cost: | Unknown | Over (Under) Budget: | Unknown |
| Date: | November 2007 | | | | | | | | | | | | | | |
| Principals: | Central Construction Ltd / Victor Walters | | | | | | | | | | | | | | |
| Ministers subject to comment: | Dennis Lister | | | | | | | | | | | | | | |
| Civil Servants subject to comment: | Derrick Binns; Robert Horton | | | | | | | | | | | | | | |
| Original contracted value: | \$ 1,600,000 | | | | | | | | | | | | | | |
| Final cost: | Unknown | | | | | | | | | | | | | | |
| Over (Under) Budget: | Unknown | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|---------------------------------------|--|-------|-------------|-------------|--|------------------|-----------------|-----------------------|-----------------------------|----------------------------|--------------|-------------|------------|----------------------|---|
| | <p>approval and contrary to recommendation of the technical officers of the Department, and not to the lowest bidder.</p> <ul style="list-style-type: none"> • PS Binns failed to notify the Accountant General of breaches of FI. • The Commission was concerned that neither Minister Lister nor PS Binns were able to recall the circumstances surrounding the award of the contract. • No evidence found of “possible criminal activity” | | | | | | | | | | | | | | |
| <p>P 43 (findings on pp 45-6)</p> | <p>C - Purchase of Sand and Rock for Asphalt</p> <table border="1" data-bbox="396 518 1395 777"> <tr> <td>Date:</td> <td>April 2009</td> </tr> <tr> <td>Principals:</td> <td>Harmony Holdings Ltd / Eugene Ball / Walter Greene</td> </tr> <tr> <td>Ministers noted:</td> <td>Derrick Burgess</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Robert Horton; Vic Ball</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 1,400,000</td> </tr> <tr> <td>Final cost:</td> <td>Unknown</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>Unknown</td> </tr> </table> <ul style="list-style-type: none"> • The Commission disagrees with the Auditor General and considers that a purchase order can amount to a proper contract, as occurred here. • However, the Commission believes that, for a project of this magnitude, there should have been a proper contract which would have safeguarded Government • Notwithstanding that this was treated as an emergency, given the size of the contract (\$1.4 Million), the Commission considers that Cabinet approval ought to have been sought. • A clear conflict of interest existed for Vic Ball, with no disclosure of the identify of principals (one of whom was his father) to Permanent Secretary – in breach of Financial Instructions and the Civil Service Conditions of Employment and Code of Conduct. • Makes a finding of “possible criminal activity” and recommends that the matter be investigated by the Police. This finding is not made re PS Horton. | Date: | April 2009 | Principals: | Harmony Holdings Ltd / Eugene Ball / Walter Greene | Ministers noted: | Derrick Burgess | Civil Servants noted: | Robert Horton; Vic Ball | Original contracted value: | \$ 1,400,000 | Final cost: | Unknown | Over (Under) Budget: | Unknown |
| Date: | April 2009 | | | | | | | | | | | | | | |
| Principals: | Harmony Holdings Ltd / Eugene Ball / Walter Greene | | | | | | | | | | | | | | |
| Ministers noted: | Derrick Burgess | | | | | | | | | | | | | | |
| Civil Servants noted: | Robert Horton; Vic Ball | | | | | | | | | | | | | | |
| Original contracted value: | \$ 1,400,000 | | | | | | | | | | | | | | |
| Final cost: | Unknown | | | | | | | | | | | | | | |
| Over (Under) Budget: | Unknown | | | | | | | | | | | | | | |
| <p>P 47 (findings on p 48)</p> | <p>D - Renovations – Department of Human Resources</p> <table border="1" data-bbox="396 1392 1395 1650"> <tr> <td>Date:</td> <td>2008 / 2009</td> </tr> <tr> <td>Principals:</td> <td>Greymane Contracting Ltd / Thomas & Allison Smith</td> </tr> <tr> <td>Ministers noted:</td> <td>N/A</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Robert Horton; Kenneth Dill</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 257,000</td> </tr> <tr> <td>Final cost:</td> <td>\$ 958,000</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>\$ 701,000 = 272.8 % of original contract</td> </tr> </table> <ul style="list-style-type: none"> • A contract for renovations was issued which was not properly tendered, and for which there was no Cabinet approval. • The Commission accepts that there was confusion as to the responsibility between the Permanent Secretary Horton and the Head of the Civil Service Major Kenneth Dill. • The Commission also notes that there appears to have been no Ministerial involvement in this case. | Date: | 2008 / 2009 | Principals: | Greymane Contracting Ltd / Thomas & Allison Smith | Ministers noted: | N/A | Civil Servants noted: | Robert Horton; Kenneth Dill | Original contracted value: | \$ 257,000 | Final cost: | \$ 958,000 | Over (Under) Budget: | \$ 701,000 = 272.8 % of original contract |
| Date: | 2008 / 2009 | | | | | | | | | | | | | | |
| Principals: | Greymane Contracting Ltd / Thomas & Allison Smith | | | | | | | | | | | | | | |
| Ministers noted: | N/A | | | | | | | | | | | | | | |
| Civil Servants noted: | Robert Horton; Kenneth Dill | | | | | | | | | | | | | | |
| Original contracted value: | \$ 257,000 | | | | | | | | | | | | | | |
| Final cost: | \$ 958,000 | | | | | | | | | | | | | | |
| Over (Under) Budget: | \$ 701,000 = 272.8 % of original contract | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|------|-------------|-----------------------------|------------------|-----------------------------------|-----------------------|-------------------------------------|----------------------------|--------------------|----------------------------|--------------------|----------------------|------------|----------------------|---|---------------------------------------|--|-------|------|-------------|--|------------------|-----------------|-----------------------|---------------|----------------------------|------------|-------------|--------------|----------------------|--|
| | <ul style="list-style-type: none"> • No evidence found of “possible criminal activity” | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>P 49 (findings on pp 51-2)</p> | <p>E - Central Laboratory Building Project</p> <table border="1" data-bbox="396 338 1395 636"> <tr> <td colspan="2"><i>Forensic Lab Marsh Folly Contract</i></td> </tr> <tr> <td>Date:</td> <td>2008</td> </tr> <tr> <td>Principals:</td> <td>Carruthers Shaw & Partners (CS&P)</td> </tr> <tr> <td>Ministers noted:</td> <td>Derrick Burgess</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Robert Horton</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 46,000</td> </tr> <tr> <td>Final cost:</td> <td>\$ 902,000</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>\$ 856,000 = 1,860.9 % of original contract</td> </tr> </table> <table border="1" data-bbox="396 636 1395 963"> <tr> <td colspan="2"><i>Central Lab Southside Contract</i></td> </tr> <tr> <td>Date:</td> <td>2009</td> </tr> <tr> <td>Principals:</td> <td>Concorde Construction / Vernon Burgess</td> </tr> <tr> <td>Ministers noted:</td> <td>Derrick Burgess</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Robert Horton</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 974,500</td> </tr> <tr> <td>Final cost:</td> <td>\$ 1,771,788</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>\$ 797,288 = 81.8 % of original contract</td> </tr> </table> <ul style="list-style-type: none"> • Notwithstanding the urgency, which initially propelled the Marsh Folly project forward, Cabinet approval could still have been sought, as it should have been, a point, which PS Horton acknowledged was a regretful oversight on his part. • The tender process was defective for Central Lab Southside. Only one bidder, the successful bidder, was told about the reduced bid requirements, giving that bidder an unfair advantage. • Ministerial interference by Minister Burgess in the drafting of the Contract Award Recommendation to Cabinet for Central Labs Southside, and acceptance of this course of action by the PS. • Apparent non-disclosure by Minister Burgess to the Cabinet of the concerns and recommendations of the technical officers on the Central Lab Southside award contrary to P.F.A. 2002, clause 6.7.3. • No evidence found of “possible criminal activity” | <i>Forensic Lab Marsh Folly Contract</i> | | Date: | 2008 | Principals: | Carruthers Shaw & Partners (CS&P) | Ministers noted: | Derrick Burgess | Civil Servants noted: | Robert Horton | Original contracted value: | \$ 46,000 | Final cost: | \$ 902,000 | Over (Under) Budget: | \$ 856,000 = 1,860.9 % of original contract | <i>Central Lab Southside Contract</i> | | Date: | 2009 | Principals: | Concorde Construction / Vernon Burgess | Ministers noted: | Derrick Burgess | Civil Servants noted: | Robert Horton | Original contracted value: | \$ 974,500 | Final cost: | \$ 1,771,788 | Over (Under) Budget: | \$ 797,288 = 81.8 % of original contract |
| <i>Forensic Lab Marsh Folly Contract</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date: | 2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Principals: | Carruthers Shaw & Partners (CS&P) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ministers noted: | Derrick Burgess | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Civil Servants noted: | Robert Horton | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original contracted value: | \$ 46,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final cost: | \$ 902,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Over (Under) Budget: | \$ 856,000 = 1,860.9 % of original contract | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Central Lab Southside Contract</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date: | 2009 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Principals: | Concorde Construction / Vernon Burgess | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ministers noted: | Derrick Burgess | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Civil Servants noted: | Robert Horton | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original contracted value: | \$ 974,500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final cost: | \$ 1,771,788 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Over (Under) Budget: | \$ 797,288 = 81.8 % of original contract | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>P 53 (findings on p 55)</p> | <p>F - Global Hue – Contract for advertising & Marketing Services</p> <table border="1" data-bbox="396 1577 1395 1835"> <tr> <td>Date:</td> <td>2009</td> </tr> <tr> <td>Principals:</td> <td>Global Hue / Donald Coleman</td> </tr> <tr> <td>Ministers noted:</td> <td>Ewart Brown</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Marc Telemaque; Cherie-lynn Whitter</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 14,000,000 p.a.</td> </tr> <tr> <td>Final cost:</td> <td>\$ 14,000,000 p.a.</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>--</td> </tr> </table> | Date: | 2009 | Principals: | Global Hue / Donald Coleman | Ministers noted: | Ewart Brown | Civil Servants noted: | Marc Telemaque; Cherie-lynn Whitter | Original contracted value: | \$ 14,000,000 p.a. | Final cost: | \$ 14,000,000 p.a. | Over (Under) Budget: | -- | | | | | | | | | | | | | | | | | | |
| Date: | 2009 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Principals: | Global Hue / Donald Coleman | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ministers noted: | Ewart Brown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Civil Servants noted: | Marc Telemaque; Cherie-lynn Whitter | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original contracted value: | \$ 14,000,000 p.a. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final cost: | \$ 14,000,000 p.a. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Over (Under) Budget: | -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|--------------------------------------|---|-------|--------------------|-------------|---|------------------|-------------|-----------------------|--|----------------------------|--------------------------|-------------|-----------------------------------|----------------------|----|
| | <ul style="list-style-type: none"> • The Contract was not tendered. • The Premier as Minister for Tourism recommended the contract to Cabinet as a straightforward renewal with no evident concern shown over the serious criticisms raised in the Auditor General’s report. There is no evidence that the criticisms of Global Hue were brought to the notice of Cabinet when the 2009 Agreement was approved. • This new contract was agreed after the 2008 financial crash and the Commission believes that environment would have been conducive for a competitive tender among advertising agencies, likely enhancing value for money. • Evidence found of “possible criminal activity”; Commission supports ongoing police investigation re the involvement of the Minister / former Premier Brown. • No evidence found of “possible criminal activity” with regard to PS Whitter, PS Telemaque or any other civil servant. | | | | | | | | | | | | | | |
| <p>P 57 (findings on p 59)</p> | <p>G – Ambling – Planning, works, engineering, hotel, etc. consultancy services</p> <table border="1" data-bbox="396 732 1395 1064"> <tr> <td>Date:</td> <td>2008 / 2010 / 2011</td> </tr> <tr> <td>Principals:</td> <td>Ambling Development Partners (AKA Ambling International Consulting Inc.) / Eddie Benoit</td> </tr> <tr> <td>Ministers noted:</td> <td>Ewart Brown</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Marc Telemaque; Cherie-lynn Whitter; Robert Horton</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 400,000 p.a. retainer</td> </tr> <tr> <td>Final cost:</td> <td>\$ 3,200,000 (per Aud-Gen Report)</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>--</td> </tr> </table> <ul style="list-style-type: none"> • The contracts agreed with Ambling in 2008 and in 2010 were not tendered. • It appears that the Premier negotiated the contract directly with Ambling with no input from the Cabinet Secretary of Permanent Secretary. • Substantial sums were paid to Ambling but there are no coherent records of any services they performed. • This should have remained the responsibility of the Ministry of W&E but was moved by the Premier to T&T (others included Bermuda Emissions construction, Heritage Wharf, and Port Royal). • The PS said multiple agreements were put in place with Ambling but only one Cabinet approval appeared to have been sought. • Evidence found of “possible criminal activity”; Commission supports ongoing police investigation re the involvement of the Minister / former Premier Brown. • No evidence found of “possible criminal activity” with regard to PS Whitter, PS Telemaque or any other civil servant. | Date: | 2008 / 2010 / 2011 | Principals: | Ambling Development Partners (AKA Ambling International Consulting Inc.) / Eddie Benoit | Ministers noted: | Ewart Brown | Civil Servants noted: | Marc Telemaque; Cherie-lynn Whitter; Robert Horton | Original contracted value: | \$ 400,000 p.a. retainer | Final cost: | \$ 3,200,000 (per Aud-Gen Report) | Over (Under) Budget: | -- |
| Date: | 2008 / 2010 / 2011 | | | | | | | | | | | | | | |
| Principals: | Ambling Development Partners (AKA Ambling International Consulting Inc.) / Eddie Benoit | | | | | | | | | | | | | | |
| Ministers noted: | Ewart Brown | | | | | | | | | | | | | | |
| Civil Servants noted: | Marc Telemaque; Cherie-lynn Whitter; Robert Horton | | | | | | | | | | | | | | |
| Original contracted value: | \$ 400,000 p.a. retainer | | | | | | | | | | | | | | |
| Final cost: | \$ 3,200,000 (per Aud-Gen Report) | | | | | | | | | | | | | | |
| Over (Under) Budget: | -- | | | | | | | | | | | | | | |
| <p>P 61 (findings on p 67-8)</p> | <p>H - TCD Motor Vehicle Safety and Emissions Testing Programme</p> <table border="1" data-bbox="396 1715 1395 1898"> <tr> <td>Date:</td> <td>2001 – current</td> </tr> <tr> <td>Principals:</td> <td>Bermida Emmissions Control Ltd / Donal Smith; Joel Madeiros</td> </tr> <tr> <td>Ministers noted:</td> <td>Ewart Brown</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Marc Telemaque; Joyce Hayward</td> </tr> </table> | Date: | 2001 – current | Principals: | Bermida Emmissions Control Ltd / Donal Smith; Joel Madeiros | Ministers noted: | Ewart Brown | Civil Servants noted: | Marc Telemaque; Joyce Hayward | | | | | | |
| Date: | 2001 – current | | | | | | | | | | | | | | |
| Principals: | Bermida Emmissions Control Ltd / Donal Smith; Joel Madeiros | | | | | | | | | | | | | | |
| Ministers noted: | Ewart Brown | | | | | | | | | | | | | | |
| Civil Servants noted: | Marc Telemaque; Joyce Hayward | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------------|--|-----------------------------|--|----------------------------|--------------|-------------|--|----------------------|---|---------------------------|---------------|----------------------------|---|-------------|--|----------------------|---|--------------------|--|-------|------|-------------|--|------------------|-----------------|-----------------------|---------------|----------------------------|-----------------|-------------|-----------------|----------------------|---|
| | <table border="1"> <tr> <td colspan="2"><i>Initial Construction</i></td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 5,300,000</td> </tr> <tr> <td>Final cost:</td> <td>\$ 15,230,000</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>\$ 9,930,000 = 187.4 % of original contract</td> </tr> <tr> <td colspan="2"><i>Ongoing Operations</i></td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 1,800,000 p.a. (unclear; originally anticipated)</td> </tr> <tr> <td>Final cost:</td> <td>\$ 2,400,000 p.a. = 24M+ over 10 years</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>\$ 701,000 p.a. = 7M+ over budget over 10 years</td> </tr> </table> <ul style="list-style-type: none"> • Assurances (2001 and 2003) and contracts were provided (2005 to 2009) to BECL without an appropriate tender process. • The selection of BECL was the personal choice of the Minister of Transport and Tourism (Brown). • The delegation of this project from Works and Engineering to Transport and Tourism was unclear and inappropriately documented. • PS Telemaque failed in his oversight of the Dept of Transport, and failed to notify the Accountant General of breaches of FI. • Evidence found of “possible criminal activity”; Commission supports ongoing police investigation re the involvement of the Minister / former Premier Brown. • No evidence found of “possible criminal activity” with regard to PS Whitter, PS Telemaque or any other civil servant. | <i>Initial Construction</i> | | Original contracted value: | \$ 5,300,000 | Final cost: | \$ 15,230,000 | Over (Under) Budget: | \$ 9,930,000 = 187.4 % of original contract | <i>Ongoing Operations</i> | | Original contracted value: | \$ 1,800,000 p.a. (unclear; originally anticipated) | Final cost: | \$ 2,400,000 p.a. = 24M+ over 10 years | Over (Under) Budget: | \$ 701,000 p.a. = 7M+ over budget over 10 years | | | | | | | | | | | | | | | | |
| <i>Initial Construction</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original contracted value: | \$ 5,300,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final cost: | \$ 15,230,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Over (Under) Budget: | \$ 9,930,000 = 187.4 % of original contract | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Ongoing Operations</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original contracted value: | \$ 1,800,000 p.a. (unclear; originally anticipated) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final cost: | \$ 2,400,000 p.a. = 24M+ over 10 years | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Over (Under) Budget: | \$ 701,000 p.a. = 7M+ over budget over 10 years | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>P 69 (findings on p 73-4)</p> | <p>I - Magistrates Court and Hamilton Police Station</p> <table border="1"> <tr> <td colspan="2"><i>Contract #1</i></td> </tr> <tr> <td>Date:</td> <td>2007</td> </tr> <tr> <td>Principals:</td> <td>Landmark Lisgar / E Matvey; B Mcleod; G Bilfochi; J Bilfochi</td> </tr> <tr> <td>Ministers noted:</td> <td>Dennis Lister</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Derrick Binns</td> </tr> <tr> <td>Original contracted value:</td> <td>--</td> </tr> <tr> <td>Final cost:</td> <td>--</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>--</td> </tr> <tr> <td colspan="2"><i>Contract #2</i></td> </tr> <tr> <td>Date:</td> <td>2008</td> </tr> <tr> <td>Principals:</td> <td>LLC / E Matvey; B Mcleod; W Burgess; V Hollinsid</td> </tr> <tr> <td>Ministers noted:</td> <td>Derrick Burgess</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Robert Horton</td> </tr> <tr> <td>Original contracted value:</td> <td>~ \$ 72 Million</td> </tr> <tr> <td>Final cost:</td> <td>~ \$ 89 Million</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>~ \$ 17 Million = 23.6 % of original contract</td> </tr> </table> <ul style="list-style-type: none"> • Re the 1st Contract, Minister [Dennis] Lister failed to disclose to Cabinet the technical | <i>Contract #1</i> | | Date: | 2007 | Principals: | Landmark Lisgar / E Matvey; B Mcleod; G Bilfochi; J Bilfochi | Ministers noted: | Dennis Lister | Civil Servants noted: | Derrick Binns | Original contracted value: | -- | Final cost: | -- | Over (Under) Budget: | -- | <i>Contract #2</i> | | Date: | 2008 | Principals: | LLC / E Matvey; B Mcleod; W Burgess; V Hollinsid | Ministers noted: | Derrick Burgess | Civil Servants noted: | Robert Horton | Original contracted value: | ~ \$ 72 Million | Final cost: | ~ \$ 89 Million | Over (Under) Budget: | ~ \$ 17 Million = 23.6 % of original contract |
| <i>Contract #1</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date: | 2007 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Principals: | Landmark Lisgar / E Matvey; B Mcleod; G Bilfochi; J Bilfochi | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ministers noted: | Dennis Lister | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Civil Servants noted: | Derrick Binns | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original contracted value: | -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final cost: | -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Over (Under) Budget: | -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Contract #2</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date: | 2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Principals: | LLC / E Matvey; B Mcleod; W Burgess; V Hollinsid | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ministers noted: | Derrick Burgess | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Civil Servants noted: | Robert Horton | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original contracted value: | ~ \$ 72 Million | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Final cost: | ~ \$ 89 Million | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Over (Under) Budget: | ~ \$ 17 Million = 23.6 % of original contract | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|------------------------------------|---|-------|------|-------------|--------------------------------|------------------|------------------------------|-----------------------|--|----------------------------|------------------------|-------------|---------------------------------|----------------------|--|
| | <p>officers’ recommendation as required.</p> <ul style="list-style-type: none"> • Commission did not see how contract qualified on basis of Lister’s evidence re “to give opportunity where there hadn’t been opportunity before ... small Bermudian, in the main ... black Bermudian companies, black Bermudian individual”. Furthermore, no reference to this policy could be found in Cabinet Memos or Cabinet Minutes. • Re the 2nd Contract, Principals of the contractor included Minister Burgess’ cousin and Premier Brown’s half brother. • The second contract was not submitted by Minister Burgess and PS Horton for approval by Cabinet, nor were principals disclosed as required. • It was clear that Mr. Burgess; consultant Mr. Julian Hall was aware in October 2008 of Burgess and Hollinsid’s involvement. The Commission cannot accept that Minister Burgess did not know of their involvement. • The level of compensation for providing collateral by Messrs Burgess and Hollinsid appears on its face to be excessive. Commission estimates suggest that if the project lasted for approximately 30 months with a \$6 million profit, they would have received \$300K and \$180K respectively in salaries ad \$1.32M and \$1.2M in profit margin respectively, in return for provision of collateral (home equity) valued at approximately \$1.6M but no actual cash outlay. • Evidence found of “possible criminal activity” re the 2nd (but not 1st) contract; Commission supports ongoing police investigation re the involvement of the Minister. • Commission cannot agree on whether Premier Brown should also be investigated • No evidence found of “possible criminal activity” with regard to PS Binns or Horton. | | | | | | | | | | | | | | |
| <p>P 75 (findings on p 79)</p> | <p>J - Port Royal Golf Course Improvements Capital Development Project</p> <table border="1" data-bbox="396 1129 1395 1388"> <tr> <td>Date:</td> <td>2007</td> </tr> <tr> <td>Principals:</td> <td>Island Construction and others</td> </tr> <tr> <td>Ministers noted:</td> <td>Ewart Brown; Derrick Burgess</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Cheri-lynn Whitter; Robert Horton; Joyce Hayward</td> </tr> <tr> <td>Original contracted value:</td> <td>\$ 7,700,000 (initial)</td> </tr> <tr> <td>Final cost:</td> <td>\$ 25,500,000 (final, approved)</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>\$ 17,800,000 = 231.2 % of original contract</td> </tr> </table> <ul style="list-style-type: none"> • The delegation of responsibility for this major capital expenditure was unclear, unsatisfactory, and inappropriately documented. • No documented financial procedures were adopted and followed by Port Royal Golf Course Trustees contrary to the ‘Introduction’ section Financial Instructions. • Inappropriate level of financial oversight of a QUANGO by the Department of T&T • Evidence found of “possible criminal activity”; Commission supports ongoing police investigation re the involvement of the Minister / former Premier Brown. • No evidence found of “possible criminal activity” with regard to PS Whitter, PS Telemaque or any other civil servant. | Date: | 2007 | Principals: | Island Construction and others | Ministers noted: | Ewart Brown; Derrick Burgess | Civil Servants noted: | Cheri-lynn Whitter; Robert Horton; Joyce Hayward | Original contracted value: | \$ 7,700,000 (initial) | Final cost: | \$ 25,500,000 (final, approved) | Over (Under) Budget: | \$ 17,800,000 = 231.2 % of original contract |
| Date: | 2007 | | | | | | | | | | | | | | |
| Principals: | Island Construction and others | | | | | | | | | | | | | | |
| Ministers noted: | Ewart Brown; Derrick Burgess | | | | | | | | | | | | | | |
| Civil Servants noted: | Cheri-lynn Whitter; Robert Horton; Joyce Hayward | | | | | | | | | | | | | | |
| Original contracted value: | \$ 7,700,000 (initial) | | | | | | | | | | | | | | |
| Final cost: | \$ 25,500,000 (final, approved) | | | | | | | | | | | | | | |
| Over (Under) Budget: | \$ 17,800,000 = 231.2 % of original contract | | | | | | | | | | | | | | |
| <p>P 81 (findings on p 84)</p> | <p>K - Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf</p> <table border="1" data-bbox="396 1860 1395 1894"> <tr> <td>Date:</td> <td>2007</td> </tr> </table> | Date: | 2007 | | | | | | | | | | | | |
| Date: | 2007 | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|---------------------------------------|--|-------------|--|------------------|------------------------------|-----------------------|--|----------------------------|---|----------------------------|---------------------------------|----------------------|---|----------------------|----|
| | <table border="1" data-bbox="396 191 1395 451"> <tr> <td>Principals:</td> <td>Correia Construction (NB Entech as additional party)</td> </tr> <tr> <td>Ministers noted:</td> <td>Ewart Brown; Derrick Burgess</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Marc Telemaque; Cherie-lynn Whitter; Joyce Hayward</td> </tr> <tr> <td>Original contracted value:</td> <td>~ \$ 39,000,000</td> </tr> <tr> <td>Final cost:</td> <td>~ \$ 60,000,000</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>~ \$ 21,000,000 = 53.8 % of original contract</td> </tr> </table> <ul data-bbox="347 491 1406 919" style="list-style-type: none"> • The delegation of this project from Works and Engineering to Transport and Tourism was unclear, unsatisfactory and inappropriately documented. • The final terms of the construction contract were not submitted for approval to Cabinet by the Premier, although Cabinet did apparently approve the selection of the vendor. The contract did not allow the right to audit nor did it require a performance bond. • Payments were made by the Accountant General’s department without evidence of Cabinet approval of the contract. • Evidence found of “possible criminal activity”; Commission supports ongoing police investigation re the involvement of the Minister / former Premier Brown. • No evidence found of “possible criminal activity” with regard to PS Whitter, PS Telemaque or any other civil servant. | Principals: | Correia Construction (NB Entech as additional party) | Ministers noted: | Ewart Brown; Derrick Burgess | Civil Servants noted: | Marc Telemaque; Cherie-lynn Whitter; Joyce Hayward | Original contracted value: | ~ \$ 39,000,000 | Final cost: | ~ \$ 60,000,000 | Over (Under) Budget: | ~ \$ 21,000,000 = 53.8 % of original contract | | |
| Principals: | Correia Construction (NB Entech as additional party) | | | | | | | | | | | | | | |
| Ministers noted: | Ewart Brown; Derrick Burgess | | | | | | | | | | | | | | |
| Civil Servants noted: | Marc Telemaque; Cherie-lynn Whitter; Joyce Hayward | | | | | | | | | | | | | | |
| Original contracted value: | ~ \$ 39,000,000 | | | | | | | | | | | | | | |
| Final cost: | ~ \$ 60,000,000 | | | | | | | | | | | | | | |
| Over (Under) Budget: | ~ \$ 21,000,000 = 53.8 % of original contract | | | | | | | | | | | | | | |
| <p>P 85 (findings on p 89-90)</p> | <p>L - L. F. Wade Airport Development Project: Terms of Reference</p> <table border="1" data-bbox="396 1031 1395 1291"> <tr> <td>Date:</td> <td>2014 to current</td> </tr> <tr> <td>Principals:</td> <td>CCC; Aecon Group Inc</td> </tr> <tr> <td>Ministers noted:</td> <td>Bob Richards; Trevor Moniz; Michael Fahy</td> </tr> <tr> <td>Civil Servants noted:</td> <td>Anthony Manders; Curtis Stovell; Aaron Adderley</td> </tr> <tr> <td>Original contracted value:</td> <td>unclear; believed to be \$250M+</td> </tr> <tr> <td>Final cost:</td> <td>--</td> </tr> <tr> <td>Over (Under) Budget:</td> <td>--</td> </tr> </table> <ul data-bbox="347 1331 1422 1686" style="list-style-type: none"> • The Commission commends ACG Stovell for his response to the Government’s request for a waiver, first made in September 2014. • FS Manders failed to make clear that the waiver he sought for CCC would extend to approval of the whole project including the selection of Aecon as contractor. The Commission further notes regarding the difference in perspective regarding the waiver between FS Manders and CG Stovell that it is for the ACG to determine in any event on what basis a waiver should be issued. • The OPMP played a more limited role than might have been expected had it been fully staffed and resourced at the time. • No evidence found of “possible criminal activity” <p data-bbox="347 1692 1357 1791">NB page 112 – the Commission’s exact words: <i>“There is no evidence of possible criminal activity in relation to the L. F. Wade Airport Development Project”</i></p> | Date: | 2014 to current | Principals: | CCC; Aecon Group Inc | Ministers noted: | Bob Richards; Trevor Moniz; Michael Fahy | Civil Servants noted: | Anthony Manders; Curtis Stovell; Aaron Adderley | Original contracted value: | unclear; believed to be \$250M+ | Final cost: | -- | Over (Under) Budget: | -- |
| Date: | 2014 to current | | | | | | | | | | | | | | |
| Principals: | CCC; Aecon Group Inc | | | | | | | | | | | | | | |
| Ministers noted: | Bob Richards; Trevor Moniz; Michael Fahy | | | | | | | | | | | | | | |
| Civil Servants noted: | Anthony Manders; Curtis Stovell; Aaron Adderley | | | | | | | | | | | | | | |
| Original contracted value: | unclear; believed to be \$250M+ | | | | | | | | | | | | | | |
| Final cost: | -- | | | | | | | | | | | | | | |
| Over (Under) Budget: | -- | | | | | | | | | | | | | | |
| <p>P 112</p> | <p>No references to Head of the Civil Service re <u>disciplinary proceedings</u> made because: “Answering the second question first, we do not consider that disciplinary proceedings</p> | | | | | | | | | | | | | | |

| | |
|-------|---|
| | would be appropriate, essentially for two reasons. First, because of the lapse of time; and secondly, because throughout the relevant period in connection with the matters we reviewed, there was a widespread disregard of proper procedures which was tolerated at all levels within the Civil Service and permitted, even sometimes apparently encouraged, by Ministers in charge of relevant Departments. ” |
| P 113 | No references to the Minister of Finance re <u>surcharge</u> . But: “We do recommend, however, that the scope of surcharge proceedings and the circumstances in which they may be invoked should be clarified and publicised more widely than they appear to be at present.” |
| P 113 | No references to the Minister of Legal Affairs re <u>civil asset recovery</u> . |
| P 113 | No references to the AG re <u>civil proceedings</u> . |

Summary of Findings – by Minister

Ministers principally criticized

- Derrick Burgess
 - A - Commercial Courts / Ministry of Finance Renovations (p 37)
 - Ignored technical recommendations and compromised the tender process He awarded the contract without consulting the technical officers in his department and without obtaining prior Cabinet approval.
 - No evidence found of “possible criminal activity”
 - B – Maintenance and Stores Building (p 41)
 - No criticism of Minister
 - No evidence found of “possible criminal activity”
 - C – Purchase of Sand and Rock (p 43)
 - Cabinet approval ought to have been sought
 - No evidence found of “possible criminal activity”
 - D – Renovations – Department of Human Resources (p 47)
 - No criticism of Minister
 - No evidence found of “possible criminal activity”
 - E – Central Laboratory Building Project (p 49) *(NB Vernon Burgess was a principal)*
 - Cabinet approval ought to have been sought
 - The tender process was defective for Central Lab Southside. Only one bidder, the successful bidder, was told about the reduced bid requirements, giving that bidder an unfair advantage.
 - Ministerial interference by Minister Burgess in the drafting of the Contract Award Recommendation to Cabinet for Central Labs Southside
 - Non-disclosure by Minister Burgess to the Cabinet of the concerns and recommendations of the technical officers on the Central Lab Southside.
 - No evidence found of “possible criminal activity”
 - I – Magistrates Court and Hamilton Police Station (p 69) *(NB Winters Burgess was a principal)*
 - 2nd Contract not submitted for approval to Cabinet
 - Relationship to principals also not disclosed.
 - Commission does not accept that Burgess did not know of their involvement
 - The level of compensation for providing collateral by Messrs Burgess and Hollinsid appears on its face to be excessive:
 - Estimates by Commission of compensation for provisional collateral and no actual cash outlay:
 - W Burgess: \$300K in salary, and \$1.32M in profit margin
 - V Holinsid: \$180K in salary, and \$1.2M in profit margin
 - **Evidence found of “possible criminal activity”**
 - **Referred to BPS to continue ongoing investigation**
 - J – Port Royal Golf Course Improvements Capital Development Project (p 75)
 - The delegation of responsibility for this major capital expenditure – was unclear, unsatisfactory, and inappropriately documented.
 - No documented financial procedures were adopted and followed by Port Royal Golf Course Trustees.

- Inappropriate level of financial oversight.
 - **Evidence found of “possible criminal activity”**
 - **Referred to BPS to continue ongoing investigation**
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - Delegation of this project from Works and Engineering to Transport and Tourism was unclear, unsatisfactory and inappropriately documented
 - **Evidence found of “possible criminal activity”**
 - **Referred to BPS to continue ongoing investigation**
- Ewart Brown
 - F – Global Hue (p 53)
 - Contract should have been tendered.
 - Recommended the contract to Cabinet as a straightforward renewal with no evident concern shown over the serious criticisms raised in the Auditor General’s report.
 - This new contract was agreed after the 2008 financial crash and the Commission believes that environment would have been conducive for a competitive tender among advertising agencies, likely enhancing value for money.
 - **Evidence found of “possible criminal activity”**
 - **Referred to BPS to continue ongoing investigation**
 - G – Ambling (p 57)
 - The contracts agreed with Ambling in 2008 and in 2010 were not tendered.
 - It appears that the Premier negotiated the contract directly with Ambling with no input from the Cabinet Secretary of Permanent Secretary.
 - Substantial sums were paid to Ambling but there are no coherent records of any services they performed.
 - This is another contract that should sensibly reside in the Ministry of W&E but was moved by the Premier to T&T.
 - **Evidence found of “possible criminal activity”**
 - **Referred to BPS to continue ongoing investigation**
 - H – Motor Vehicle Safety and Emissions Testing Programme (p 61)
 - Assurances (2001 and 2003) and contracts were provided (2005 to 2009) to BECL without an appropriate tender process.
 - The selection of BECL was the personal choice of the Minister of Transport and Tourism (Brown)
 - The delegation of this project from Works and Engineering to Transport and Tourism was unclear and inappropriately documented
 - **Evidence found of “possible criminal activity”**
 - **Referred to BPS to continue ongoing investigation**
 - I – Magistrates Court and Hamilton Police Station (p 69) (*NB Vincent Holinsid was a principal*)
 - **Commission cannot agree re “possible criminal activity”**
 - J – Port Royal Golf Course Improvements Capital Development Project (p 75)
 - The delegation of responsibility for this major capital expenditure – was unclear, unsatisfactory, and inappropriately documented.
 - No documented financial procedures were adopted and followed by Port Royal Golf Course Trustees.
 - Inappropriate level of financial oversight.
 - **Evidence found of “possible criminal activity”**

- **Referred to BPS to continue ongoing investigation**
- K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - Delegation of this project from Works and Engineering to Transport and Tourism was unclear, unsatisfactory and inappropriately documented
 - Final terms of the construction contract were not submitted for approval to Cabinet, by the Premier, although Cabinet did apparently approve the selection of the vendor. The contract did not allow the right to audit nor did it require a performance bond.
 - Selecting a contractor without a bid price did not allow price competition to prevail.
 - Expertise that resided in the Ministry of W&E which could have added value was bypassed.
 - **Evidence found of “possible criminal activity”**
 - **Referred to BPS to continue ongoing investigation**
- Dennis Lister
 - B – Maintenance and Stores Building (p 41)
 - Awarded without Cabinet approval and contrary to recommendation of the technical officers of the Department, and not to the lowest bidder.
 - There was no documentation, such as Cabinet conclusion, for the decision not to accept the lowest bid.
 - The Commission was concerned that neither Minister Lister nor PS Binns were able to recall the circumstances surrounding the award of the contract.
 - No finding of “possible criminal activity”
 - I – Magistrates Court and Hamilton Police Station (p 69)
 - Re 1st Contract, failed to disclose to Cabinet of the technical officers’ recommendation.
 - No finding of “possible criminal activity”

Ministers noted but not criticized directly

- Paula Cox
 - F – Global Hue (p 53)
 - G – Ambling (p 57)
 - I – Magistrates Court and Hamilton Police Station (p 69)
 - J – Port Royal Golf Course Improvements Capital Development Project (p 75)
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
- Bob Richards
 - L – L. F. Wade Airport Development Project: Terms of Reference (p 85)
- Michael Fahy (as Acting AG)
 - L – L. F. Wade Airport Development Project: Terms of Reference (p 85)
- Trevor Moniz
 - L – L. F. Wade Airport Development Project: Terms of Reference (p 85)

Summary of Findings – by Civil Servants

With the exception of Vic Ball, no civil servant was recommended for criminal investigation.

No disciplinary action was recommended.

Civil Servants principally criticized

- Robert Horton
 - A - Commercial Courts / Ministry of Finance Renovations (p 37)
 - Failed to notify the Accountant General of breaches of Financial Instructions
 - B – Maintenance and Stores Building (p 41)
 - Failed to notify the Accountant General of breaches of Financial Instructions
 - C – Purchase of Sand and Rock (p 43)
 - Cabinet approval ought to have been sought
 - D – Renovations – Department of Human Resources (p 47)
 - Financial Instructions were not followed and Cabinet ought to have been sought
 - E – Central Laboratory Building Project (p 49)
 - Cabinet approval ought to have been sought
 - The tender process was defective for Central Lab Southside. Only one bidder, the successful bidder, was told about the reduced bid requirements, giving that bidder an unfair advantage.
 - Ministerial interference was accepted.
 - G – Ambling (p 57)
 - Noted, but no direct criticism
 - I – Magistrates Court and Hamilton Police Station (p 69)
 - 2nd Contract not submitted for approval to Cabinet
 - Relationship to principals also not disclosed.
 - J – Port Royal Golf Course Improvements Capital Development Project (p 75)
 - Noted, but no direct criticism
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - Noted, but no direct criticism
- Derrick Binns
 - B – Maintenance and Stores Building (p 41)
 - Failed to notify the Accountant General of breaches of Financial Instructions
 - The Commission was concerned that neither Minister Lister nor PS Binns were able to recall the circumstances surrounding the award of the contract.
 - I – Magistrates Court and Hamilton Police Station (p 69)
 - Re 1st contract, failed to notify the Accountant General of breaches of Financial Instructions.
 - Failed to make concerns with Minister’s proposed course of action known.
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - Noted, but no direct criticism
- Vic Ball
 - C – Purchase of Sand and Rock (p 43)
 - A clear conflict of interest existed for the Purchasing Officer Ball, with no disclosure of identify of principals to Permanent Secretary

- **Evidence found of “possible criminal activity”**
- **Referred to BPS for investigations**
- Joyce Hayward
 - C – Purchase of Sand and Rock (p 43)
 - Noted, but no direct criticism
 - F – Global Hue (p 53) (ACG Dept criticized; not noted personally)
 - *Payments were made by the Accountant General’s Department on the basis of sign off by the Accounting Officer without evidence of tendering or a request for a waiver.*
 - G – Ambling (p 57) (ACG Dept criticized; not noted personally)
 - *Payments were made by the Accountant General’s Department on the basis of sign off by the Accounting Officer without evidence of tendering or a request for a waiver.*
 - H – Motor Vehicle Safety and Emissions Testing Programme (p 61)
 - Failed to follow FIs in that she failed to implement/ permitted Ministry to circumvent Cabinet requirement (2005) of open tender process, and (ii) approved payments without sight of requisite approvals.
 - J – Port Royal Golf Course Improvements Capital Development Project (p 75)
 - Noted, but no direct criticism
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - Noted, but no direct criticism
- Marc Telemaque
 - F – Global Hue (p 53)
 - Provided no oversight to the Director of Tourism [Whitter] who in turn failed to ensure requisite tender information was obtained or a waiver of the tender requirement.
 - Failed to notify the Accountant General of this breach of Financial Instructions.
 - G – Ambling (p 57)
 - Provided no oversight to the Director of Tourism [Whitter] who in turn failed to ensure requisite tender information was obtained or a waiver of the tender requirement.
 - Failed to notify the Accountant General of this breach of Financial Instructions.
 - H – Motor Vehicle Safety and Emissions Testing Programme (p 61)
 - Provided no oversight to the Director of Transport who in turn failed to ensure requisite tender information was obtained or a waiver of the tender requirement.
 - Failed to notify the Accountant General of this breach of Financial Instructions.
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - Authorized advance payment of \$ 8.9M as Cab Sec
 - Delegation of this project from Works and Engineering to Transport and Tourism was unclear, unsatisfactory and inappropriately documented
 - Final terms of the construction contract were not submitted for approval to Cabinet, by the Premier, although Cabinet did apparently approve the selection of the vendor. The contract did not allow the right to audit nor did it require a performance bond.
 - Selecting a contractor without a bid price did not allow price competition to prevail.

- Expertise that resided in the Ministry of W&E which could have added value was bypassed.
 - Failed to notify the Accountant General of this breach of Financial Instructions.
- Cherie Whitter
 - F – Global Hue (p 53)
 - Failed to ensure requisite tender information was obtained or a waiver of the tender requirement.
 - G – Ambling (p 57)
 - Failed to ensure requisite tender information was obtained or a waiver of the tender requirement.
 - J – Port Royal Golf Course Improvements Capital Development Project (p 75)
 - The delegation of responsibility for this major capital expenditure – was unclear, unsatisfactory, and inappropriately documented.
 - No documented financial procedures were adopted and followed by Port Royal Golf Course Trustees.
 - Inappropriate level of financial oversight.
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - Delegation of this project from Works and Engineering to Transport and Tourism was unclear, unsatisfactory and inappropriately documented
 - Final terms of the construction contract were not submitted for approval to Cabinet, by the Premier, although Cabinet did apparently approve the selection of the vendor. The contract did not allow the right to audit nor did it require a performance bond.
 - Selecting a contractor without a bid price did not allow price competition to prevail.
 - Expertise that resided in the Ministry of W&E which could have added value was bypassed.
- Kenneth Dill
 - D – Renovations – Department of Human Resources (p 47)
 - Financial Instructions were not followed and Cabinet approval ought to have been sought
- Anthony Manders
 - L – L. F. Wade Airport Development Project: Terms of Reference (p 85)
 - Failed to make clear that the waiver he sought for CCC would extend to approval of the whole project including the selection of Aecon as contractor.

Civil Servants noted but not criticized directly

- Curtis Stovell
 - J – Port Royal Golf Course Improvements Capital Development Project (p 75)
 - Although mentioned in context of lack of financial oversight, criticism primarily reserved for the then PS [Whitter]
 - K – Royal Naval Dockyard Cruise Ship Pier – Heritage Wharf (p 81)
 - L – L. F. Wade Airport Development Project: Terms of Reference (p 85)
 - The Commission commends ACG Stovell for his response to the Government’s request for a waiver, first made in September 2014.

- Aaron Adderley
 - L – L. F. Wade Airport Development Project: Terms of Reference (p 85)
- Donald Scott
 - A - Commercial Courts / Ministry of Finance Renovations (p 37)
- Lawrence Brady
 - A - Commercial Courts / Ministry of Finance Renovations (p 37)
 - E – Central Laboratory Building Project
- Lucy Chung
 - A - Commercial Courts / Ministry of Finance Renovations (p 37)
 - D – Renovations – Department of Human Resources (p 47)
 - E – Central Laboratory Building Project (p 49)
- Andrew Morille
 - E – Central Laboratory Building Project (p 49)
- Julie Grant
 - H – Motor Vehicle Safety and Emissions Testing Programme (p 61)