

The Commission for Standards in Public Life

9 October 2015

Helen Kilpatrick, CB
Her Excellency the Governor
5th Floor, Government Administration Building
Grand Cayman KY1-9000
CAYMAN ISLANDS

Dear Your Excellency,

From media reports the Members of the Commission for Standards in Public Life (“the Commission”) have learned that draft legislation dealing with the process of procurement is now being considered by the Cayman Islands Government. The Commission has also learned through the media of the appointment of a Central Procurement Office Director, Mr. Craig Milley.

Having regard to the Commission’s constitutional mandate as set out under sections 117 and 121 of the Cayman Islands Constitution Order 2009 which requires the Commission to, among other things, “review and establish procedures for awarding public contracts”, the Commission is dismayed by the manner in which this process has been handled.

The Commission is aware that members of the previous Commission, especially the former Chairman, worked diligently to reform the issue of procurement. To this end, the Working Group on Procurement, chaired by the former Chairman of the Commission, Mrs. Karin Thompson, submitted their Final Report on 19 February 2013. Since that time, the Commission has not been informed of any development in this area, nor has it been invited to participate further in the process surrounding procurement.

The Commission is aware that the Report of 19 February 2013 made several observations and recommendations regarding the involvement of the Commission in the procurement process, namely:

5(c)(iv) The Commission for Standards in Public Life (CSPL) has been given the constitutional responsibility “to review and establish procedures for awarding public contracts”. In the course of its discussions, the PSC recognizes that the remit of this body vis-à-vis the PO - should it be established - will require further clarification to avoid a duplication of efforts and resources with respect to procurement and related matters;

5(d)(ii) To support their independence it is proposed that the private sector members of the CTC/PC be appointed by the Governor and the civil service members be appointed by the Deputy Governor. This, bearing in mind that procurement is an executive function with responsibility for procurement of goods and services falling to the public service. The PSC supports the current membership of the CTC with the majority of members being appointed from the private sector (currently 4 private sector and 3 civil service members) including at least one lawyer and one accountant. It is recommended that the proposed Director of Procurement be appointed as one of the civil service members of the CTC (until such time as the CPO is fully established and the PC is formed. At that point the Director of Procurement will chair the PC) and a member of the CSPL be an ex officio member. The Governor and the Deputy Governor appointing the members of these committees will reduce the potential for political influence in the procurement process; and

9. The PSC supports the continuation of the CTC's current mandate and the current membership make-up until the CPO is fully established. As stated earlier the PSC recommends that the CTC members be appointed by the Governor and the Deputy Governor. The proposed Director of Procurement will be a standing member of the CTC until the CPO is fully established. It is also proposed that the CSPL appoint a member to serve on the CTC.

The Commission wishes to engage in a harmonious relationship with the Cayman Islands Government in order to advance the work of procurement, and other matters which fall within its remit. This, however, requires acknowledgment of and regard for the Commission and its constitutional remit.

Members have agreed that at this stage, it would be beneficial to all to arrange a meeting with the Director of Procurement and Chairman of the current Procurement Committee to discuss the advancement of the recommendations made by the previous Working Group on Procurement and matters going forward. This meeting has been confirmed for 15 October 2015.

Yours faithfully,



Rosie Whittaker-Myles
Chairman

cc: Honourable Deputy Governor