

THE CONTRACTOR-GENERAL ACT

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SCHEDULES.

THE CONTRACTOR-GENERAL ACT

Acts
15 of 1983,
17 of 1985,
1 of 1999.

[7th October, 1983]

1. This Act may be cited as the Contractor-General Act. Short title.

PART I—Preliminary

2. In this Act—

Interpre-
tation.
1/1999
S. 2.

“Commission” means the National Contracts Commission established under section 23B;

“contractor” means any person, firm or entity with whom a public body enters into any agreement for the carrying out of any building or other works or for the supply of any goods or services and includes a person who carries out such works or supplies such goods or services for or on behalf of any public body pursuant to a licence, permit or other concession or authority issued or granted to that person by a public body;

“functions” includes powers and duties;

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

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

“public body” means—

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

- (c) any company registered under the Companies Act, being a company in which the Government or an agency of Government, whether by the holding of shares or by other financial input, is in a position to influence the policy of the company;

1/1999
S. 2.

“sector committee” means a committee established under section 23F;

“Security Forces” means—

- (a) the Jamaica Constabulary Force;
- (b) the Jamaica Defence Force;
- (c) the Island Special Constabulary Force; and
- (d) the Rural Police.

PART II—*The Contractor-General*

Contractor-
General
Commission.

3.—(1) For the purposes of this Act there is hereby constituted a Commission of Parliament to be known as the Contractor-General.

(2) The Commission shall consist of such person or persons as shall be appointed by the Governor-General by instrument under the Broad Seal, after consultation with the Prime Minister and the Leader of the Opposition, and any person so appointed shall be known as a Contractor-General.

Functions
of the
Contractor-
General.

4.—(1) Subject to the provisions of this Act, it shall be the function of a Contractor-General, on behalf of Parliament—

- (a) to monitor the award and the implementation of government contracts with a view to ensuring that—
 - (i) such contracts are awarded impartially and on merit;
 - (ii) the circumstances in which each contract is awarded or, as the case may be, terminated, do not involve impropriety or irregularity;

- (iii) without prejudice to the functions of any public body in relation to any contract, the implementation of each such contract conforms to the terms thereof; and
- (b) to monitor the grant, issue, suspension or revocation of any prescribed licence, with a view to ensuring that the circumstances of such grant, issue, suspension or revocation do not involve impropriety or irregularity and, where appropriate, to examine whether such licence is used in accordance with the terms and conditions thereof.

(2) For the purpose of the discharge of his functions under this Act a Contractor-General shall be entitled—

- (a) to be advised of the award and, where applicable, the variation of any government contract by the public body responsible for such contract;
- (b) subject to section 19, to have access to all books, records, documents, stores or other property belonging to government, whether in the possession of any officer of a public body or a contractor or any other person;
- (c) to have access to any premises or location where work on a government contract has been, is being or is to be carried out;
- (d) to have access to all books, records, documents or other property used in connection with the grant, issue, suspension or revocation of any prescribed licence whether in the possession of any public officer or any other person;
- (e) to have access to any premises or location where he has reason to believe that any such books, records, documents or other property as are referred to in paragraph (d) or any property which is the subject of a prescribed licence, may be found;