

Special Report on Case No. 152

1. On October 2002, the Ombudsman presented to the Chief Minister his third special report of the year. This special report referred to Report No. 152 which the Ombudsman had closed on 13 November 2001. It involved a complaint made against the Technical Services Department (formally known as the Support Services Department) and the Ministry for Public Service, over the disposal of refuse to Spain.
2. In his report the Ombudsman had expressed the view that the Minister's decision to delay putting out to tender the refuse disposal to Spain, after a period of well over a year, and continue with a contractor who had been directly appointed to provide the service on an indefinite basis, without, in the interim period, considering advertising the service to public tender, constituted an act of maladministration. The Ombudsman was of the opinion that, particularly because the contract between the Government and the present operator engaged in the disposal of refuse carried no terms of engagement, this being unspecified, it was open to the Government to advertise to public tender at any time, and thereafter contract the successful applicant on the same terms whilst the Government considered proposals on the future of the incinerator.
3. In subsequent correspondence with the Minister for Public Services, the Hon. E. Britto, the Ombudsman was not convinced as to why the current arrangements were continued and thereby not giving other interested parties the chance to bid. The Ombudsman pointed out that the principle of equality of treatment should be upheld at all times by the public administration, and this had regrettably not happened in this case, hence his decision to submit this third special report. This special report was laid by the Chief Minister before House of Assembly on 18 November 2002.