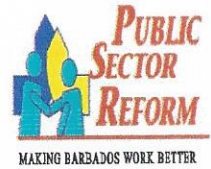




## SANITATION SERVICE AUTHORITY

2<sup>nd</sup> Floor NPC Building,  
Willey, St. Michael,  
Barbados



REF: 2016\_1107

1

7<sup>th</sup> November 2016

Mr. David Comissiong  
Attorney-a-Law  
Clement Payne Chambers  
Crompton Street  
Bridgetown  
St. Michael

Dear Mr Comissiong,

I write in my capacity as Chairman of the Sanitation Services Authority Board to inform that the Board has acknowledged receipt of and noted your correspondence dated 22<sup>nd</sup> October 2016 and captioned "Privatisation of Functions of the Sanitation Services Authority."

Regards

Margot Harvey  
Ms. Margot Harvey  
Chairman of the Board  
Sanitation Services Authority

CC: *Members of the Board*  
*Acting Manager, Ms. Rosalind Knight*

DAVID A. COMISSIONG, LLB (U.W.I) L.E.C. (Hugh Wooding Law School)  
Attorney-at-Law

---

22 October 2016

Ms Margot Harvey  
Chairman  
Sanitation Service Authority Board  
and Members of the Board

( Erskine Simmons, Neil Marshall,  
Peter Barrow, Jeffrey Nurse,  
Stephen Layne, Peter Gilkes,  
Carolyn Brathwaite, and Debra Walker)

c/o Sanitation Service Authority  
2<sup>nd</sup> floor NPC Building  
Willey  
St. Michael

Dear Sirs / Madams

**Re: Privatization of functions of the Sanitation Service Authority**

I act in my capacity as a Citizen and taxpayer of Barbados, and write to each of you in your capacity as a member of the **Sanitation Service Authority Board**, and in accordance with your appointment to the said Board on the 16<sup>th</sup> of June 2016 by Dr. Denis Lowe, the Minister of Environment and Drainage, acting under powers conferred on him by the **Sanitation Service Authority Act**, Chapter 382 of the Laws of Barbados.

As you are no doubt aware, the **Sanitation Service Authority Board** of which you are a Member is a “board” or “other authority of the Government of Barbados” and exercises powers and is bound by duties conferred and imposed by the **Sanitation Service Authority Act**.

You would also be aware that under Section 9 of the said **Sanitation Service Authority Act**, it is provided that “the expenses of the Authority..... shall be defrayed out of moneys voted for the purpose by Parliament”. (In other words, out of moneys provided by the Citizens and taxpayers of Barbados !)

Furthermore, as a result of the public / governmental / statutory status of the Board that you are a Member of, the said Board is legally obligated to make decisions and to act in a manner that is **NOT** “unreasonable” and /or that does **NOT** constitute an “irregular or improper exercise of discretion”. Additionally, the Board is **NOT** permitted to make decisions or to act in a manner that constitutes a breach of or omission to perform a duty.

And you would also be aware that under Sections 3 and 4 of the **Administrative Justice Act**, Chapter 109B of the Laws of Barbados, the decisions and acts of a Board or other authority of the Government of Barbados (such as the SSA Board) are subject to **Judicial Review** before the **Supreme Court of Barbados** in the event that such decisions or acts constitute :--

“ (e) unreasonable or irregular or improper exercise of discretion”

“ (l) breach of or omission to perform a duty”

It is against this background, therefore, that I would now like to draw to your attention the financial implications of the decision that was recently made by your SSA Board to “privatize” some of the functions and services of the SSA by hiring eight compactor trucks owned by such private sector companies as **Williams Liquid & Solid Waste Management Inc., Forde’s Freighting & Rental Services Inc., Garbage Master Ltd, and Project Recycling Ltd**, at a rental fee of \$411 per hour per truck, over a six month period.

The information that has been made available to me and other members of the Barbadian public through the news media establishes that the SSA will be paying the private business-men \$411 per hour per truck, and that each truck will be in operation for 8 hours per day and for 5 days a week.

Thus, EACH TRUCK will cost the SSA (and by extension the taxpayers of Barbados) the sum of \$16,440 per week or \$427,440 over the six month period, and ultimately \$854,880 over a one year period --in the likely event that the arrangement is extended .

This half-yearly cost to the SSA of \$427,440 per truck or yearly cost of \$854,880 PER TRUCK needs to be juxtaposed against the one-off cost that the SSA would incur if it actually purchased such a compactor truck for itself ---- approximately \$250,000 !

**The question that arises therefore is as follows:-** Why should the Sanitation Service Authority Board be saddling the SSA (and by extension the taxpayers of Barbados) with payments to private businessmen of \$427,440 per truck per half-year (or \$854,880 per truck per year), when the Board could have purchased the said truck for a one-time cost of some \$250,000 , and end up being the OWNER of the truck rather than a mere RENTER with no ownership rights ?

**In addition :-** Why would the SSA Board enter into such an arrangement with these private companies, when it means that several truck drivers who are members of the staff of the SSA will have no trucks to drive (and therefore no duties to perform) but will still be entitled to

receive payment of their full salary from the SSA ?


**On the face of it, the decision that the Board has made to put this privatization scheme in place is so financially outrageous and so detrimental to the financial interests of both the SSA and the Citizens and taxpayers of Barbados that it appears to constitute an “unreasonable or irregular or improper exercise of discretion” and/or “a breach of or omission to perform a duty”.**

The purpose of this letter therefore is to draw the ugly and outrageous implications of this decision to your attention, and to hereby request that you provide me (and by extension all of the other Citizens and taxpayers of Barbados) with a written explanation and justification of this decision, so that we — the Citizens and taxpayers — can make our own assessment of your rationalization and determine whether further action (including legal action) is required.

I now hereby call upon each of you to do his or her duty as public officials accountable to the people of Barbados, and to provide the said requested written explanation/justification within 14 days of your receipt of this letter.

I would also like to inform you that in light of the fact that this matter affects not only me, but all of the other Citizens and taxpayers of Barbados, I intend to share the contents of this letter with the national community through the news media. I also propose to similarly share your response with my fellow Citizens.

Yours faithfully

  
**DAVID COMISSIONG**  
Citizen of Barbados

## DAVID COMISSIONG

### PRESS RELEASE

#### **NO SUSPENSION OF SSA PRIVATIZATION : Dr DENIS LOWE HAS MISLED THE NATION**

Approximately two weeks ago, Minister of the Environment, Dr. Denis Lowe, solemnly assured the people of Barbados that the outrageous Sanitation Service Authority (SSA) privatization arrangement by virtue of which the SSA was engaging eight private sector compactor trucks in the collection of garbage at an astronomical fee of \$411 per hour was being SUSPENDED at the end of the week that commenced on Monday 31st October 2016 --- that is, by Saturday 5th November 2016.

Well, it is my sad duty to inform the Barbadian people that as of today-- Friday the 11th of November 2016-- the said privatization arrangement is still very much in place, and the private trucks are still collecting garbage on behalf of the SSA and are still being paid at the outrageous rate of \$411 per truck per hour !

And so once again Minister Denis Lowe has misinformed and misled the people of Barbados!!!

Indeed, Minister Lowe seems determined to proceed with this privatization arrangement in which private sector companies owned by the likes of Bizzy Williams and Anderson Cherry will be paid some \$16,440 PER TRUCK PER WEEK and some \$854,880 PER TRUCK in the event that the arrangement is extended over the period of one year.

But what makes the arrangement even more ridiculous and scandalous is that the payment made to the private companies is based on the number of hours that they operate, and not on the amount of garbage that they collect ! Thus if they operate their stipulated 40 hours per week and collect only 10 tons of garbage ( while the government owned SSA trucks are collecting 25 tons each) they will still be paid their full \$16 440 per truck!

In other words, it does not matter how much garbage they collect, they are still entitled to demand their \$411 per hour or \$16440 per week!

And there is really no way for the SSA to police these private vehicles as they go about their supposed duties. In other words, there is no accountability built into the contractual relationship !

This arrangement may be compared and likened to the arrangement that the said Dr Denis Lowe conferred upon Mr Bizzy Williams' Sustainable Barbados Recycling Centre (SBRC) for the processing of garbage. Under that contract the current Democratic Labour Party Administration

committed Government (and by extension the taxpayers of Barbados ) to providing SBRC with a minimum of 36,00 tons of garbage to process every year, and to paying SBRC a minimum of \$22.6Million per year over a twenty (20) year period WHETHER OR NOT SBRC IS CALLED UPON TO PERFORM THE SAID ANNUAL 36,000 TONS OF GARBAGE PROCESSING !!!

It is these types of outrageous governmental contracts that cumulatively are sinking the Government and taxpayers of Barbados in debt.

In my capacity as a Citizen of Barbados I now hereby call upon the Media houses of Barbados to do their duty ; to carry out the necessary investigations at the SSA; and to report to the Barbadian people that Dr Lowe has misled them, and that the SSA's privatization arrangement is still in place.

DAVID COMISSIONG