



ANY REPLY OR SUBSEQUENT REFERENCE SHOULD BE ADDRESSED TO THE
FINANCIAL SECRETARY AND THE FOLLOWING REFERENCE NUMBER QUOTED:-

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MINISTRY OF FINANCE AND THE PUBLIC SERVICE
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P.O. BOX 512
KINGSTON
JAMAICA

March 17, 2023

Circular No.: 14

Cabinet Secretary
Permanent Secretaries
Heads of Departments and Agencies
Chief Executive Officers

Re: Procurement, Negotiation and Amendment of Contracts for Security Guard Services effective April 1, 2023

Cabinet Secretary, Permanent Secretaries, Heads of Departments, Chairmen of Boards, Chief Executive Officers and other Heads of Procuring Entities are hereby advised of the following policy decisions of the Ministry of Finance and the Public Service, arising from the decision of the Supreme Court of Judicature of Jamaica in the case of **National Housing Trust v Marksman Limited and Robert Epstein [2022] JMRC1:**

1. The Government of Jamaica will observe the status of security guards as employees, and will accord to such security guards the privileges and benefits due to employees;
2. The Government of Jamaica now mandates that all procurement contracts for security guard services are to be negotiated and amended in accordance with the instructions set out in the accompanying Guidance Note (GN 1/23) issued March 2023. **Effective April 1, 2023**, each security guard employed to fulfil a procurement contract must enjoy the privileges and benefits of employees;
3. Effective **April 1, 2023** every bidding document for contracts for security guard services must expressly provide that regardless of price, the procuring entity will disqualify any security guard service provider that fails to accord the privileges and benefits of employment to the security guards in its employ.

In the foregoing **Guidance Note (GN1/23) issued March 2023** is enclosed for action.

Should you have further questions or concerns, please do not hesitate to contact the Chief Public Procurement Policy Officer, Mr Andrei Bennett by e-mail- andrei.bennett@mof.gov.jm.

Darlene Morrison, CD
Financial Secretary