

[REDACTED]

From: [REDACTED]
Sent: 19 March 2015 17:26
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Community Pharmacy Poster Campaigns and Panels
Attachments: Mr [REDACTED] - CJC Media - 19 March 2015.doc

Dear [REDACTED],

As promised, please find enclosed my reply to your email of 23rd February 2015.

Yours sincerely,

[REDACTED]
Branch Head - Pharmacy Branch
(ext [REDACTED])

*Pharmacy & Medicines Division
Healthcare Quality & Strategy Directorate
St Andrew's House
Edinburgh EH1 3DG*

email: [REDACTED]@scotland.gsi.gov.uk
Tel: 0131 244 [REDACTED]
Mob: [REDACTED]

 The Scottish Government



From: [REDACTED] [mailto:[REDACTED]@cjcmedia.com]
Sent: 23 February 2015 16:34
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Community Pharmacy Poster Campaigns and Panels

Hi [REDACTED] thanks for taking the time to talk to me on Wednesday and again today, it was very much appreciated.

You asked me to e mail you with my 'specific' concerns to allow you to address them.

After taking time to think about [REDACTED]'s response and your acceptance of her response, I have got to say that I am disappointed and I am sorry but I am not willing to accept it.

Therefore, if you don't mind, can you ask [REDACTED] and [REDACTED] to clarify or confirm these queries;

- 1) Can you confirm, that after the tender process was complete, that no one who represents the SG seen the results or have taken the time to analyse the results.?

- 2) Can you confirm that although [REDACTED] saved the SG [REDACTED] on the contract, he never informed the SG of this?
- 3) Can you confirm that [REDACTED] never seen the tenders from both companies?
- 4) Can you confirm who you spoke to in procurement and that it was your 'understanding' that his tender was the most competitive (cheaper)?
- 5) Can you confirm that it was the most competitive and was it just the cost?
- 6) Can you confirm that [REDACTED] never knew the amounts tendered?

Taking into account that [REDACTED] is now the only person to have seen both tenders can you ask him to confirm that, as stated by [REDACTED] in previous email "Carat made the recommendation to appoint Tactical Media on the basis that they submitted the most competitive bid".

Considering that CJC Media were asked to tender for a contract they had held from 2006/7 and who in emails confirmed by Carat and the SG were more than happy with, can I ask why did the SG and Carat feel the need to instigate a tender?

- 2006 CJC Media awarded Community Pharmacy Contract
- 2007 no tender process
- 2008 no tender process
- 2009 no tender process
- 2010 no tender process
- 2011 no tender process
- 2012 no tender process
- 2013 tender process but only between two companies, Tactical Media and CJC Media, Tactical Media awarded tender despite Tactical Media having;
- No staff, the contractors who carried out the campaigns for the six previous years refused to work with Tactical Media. These contractors had built up great relationships with all the pharmacists.
- No relationship with [REDACTED] from Adams Plastics in East Kilbride who supplied the pharmacy frames, they have since refused to work with him.
- No 'real time' accountability system to confirm the installation of the posters, an integral part of any distribution process.
- No trading history
- No infrastructure
- No audited accounts
- No references
- No website for contractors to contact or reference them
- No experience in carrying out the installation (the principle [REDACTED] spent 5 years full time living in Italy during CJC Media's tenure)
- The principal in Tactical Media, [REDACTED] was also a shareholder of both Tactical Media and CJC Media at the time of the tender, therefore, could not lose the tender and deems the tender invalid on the basis of the procurement framework.

- 2014 no tender process
- 7) Can you confirm if [REDACTED] received the tender from Tactical Media after he received the tender from CJC Media or before?
 - 8) Can you confirm if the document received by [REDACTED] via email has remained intact from the date received. This can be done by looking at the properties of the document.
 - 9) By looking at the information enclosed can you confirm that a tender process was only instigated to the benefit the formation of Tactical Media?
 - 10) Even although CJC Media raised concerns at the formation of this tender at the time, via an e mail to [REDACTED] can you confirm that CJC Media complied to all processes, procedures and guidelines that is documented within the procurement framework and acted in good faith at all times
 - 11) Can you confirm that [REDACTED] of Carat was aware of SG procurement process and followed this when making his decision.
 - 12) If as [REDACTED] says that his tender was more competitive, why did he not just say that, when I continually asked him why he gave contract to Tactical Media? Why is this information only coming out now?
 - 13) Can you confirm that there is no tender for 2015?
 - 14) Are the payments made to Tactical Media from Carat available to the Public?
 - 15) Can you confirm that as an agent who is representing the best interest of the SG and the public purse, that you are in agreement with the decision made by [REDACTED] and Carat ?
 - 16) Does [REDACTED] and yourself not find it questionable that a company with a 10 day history can win a tender in these circumstances?

Below, I have responded to the e mail from [REDACTED]

In response to your email of 8 December 2014 I can advise that I had no involvement with the decision taken by Carat to appoint Tactical Media for the Community Pharmacy Scotland poster campaigns.

[REDACTED] said she had no involvement, then why did she meet with [REDACTED] the day before to discuss the matter? I have e mails from [REDACTED] and [REDACTED] as evidence of that meeting and if the meeting never took place why was it cancelled?

My contact with CJC Media has always been through [REDACTED], whom I met with every 2-3 months to discuss any issues and to confirm future campaign requirements. A meeting was arranged with [REDACTED] for 13 March 2013 however this meeting never went ahead. When [REDACTED] informed me of his new business, and raised interest in providing a service to SG distributing the Community Pharmacy Scotland health posters, I advised him that it was Carat who held the contract and they would take any decisions relating to the sub-contracting of the work. I believe it was at this point that you were both invited by [REDACTED] to tender for the 13/14 poster work.

[REDACTED] said she meet wit [REDACTED] every 2-3 months ! Impossible he lived in Italy for 5 years during th | campaign start and end dates. I also have all of [REDACTED]'s e mail's to and from [REDACTED] at no time was any meetings arranged. I also have his diary from the time he was back in Scotland, no appointments were made. I am presuming

that if [REDACTED] meet with him every 2-3 months it will be documented? As there is email evidence of the meeting being arranged with [REDACTED], presumably [REDACTED] will have evidence of meeting being cancelled also?

[REDACTED] said the meeting never happened that when [REDACTED] informed her of his new venture and raised an interest in providing a service to SG she advised him that Carat made the decision. Why did [REDACTED] contact [REDACTED] if she was not a person of influence, why not go straight to Carat? Did [REDACTED] question why he was leaving CJC Media and what made him think that he would win the tender considering he was a Director of the company that never put a foot wrong in 7 years? Don't you find that strange? Did [REDACTED] question that? Did she not find it strange?

I agree that there have not been any issues or complaints with the work CJC Media has delivered in the past, indeed we have been happy with the service provided by both CJC Media and [REDACTED]

How can she be happy with both CJC Media and [REDACTED] when he lived in Italy for 5 years, who did [REDACTED] think was providing the service? Therefore, is it not the case that she happy with CJC Media then?

However, it is a matter for Carat, as the Contractor, to decide who they appoint as sub-contractors to deliver the service required, ensuring that value for money is achieved. Carat made the recommendation to appoint Tactical Media on the basis that they submitted the most competitive bid. I had no involvement in the decision making process and accepted Carat's decision

[REDACTED] is saying that Tactical Media provided the most competitive bid, I know for sure that they didn't and I will prove this when [REDACTED] has to produce his bank statements in court via my loss of earnings writ, which he is legally obliged to do, as are Carat.

Finally, after all this both employees of Tactical Media have recently been charged with perjury.

Perjury is seen as striking at the very heart of the criminal justice system. For that reason, it is viewed extremely seriously by judges.

"Perjury is a very serious offence; justice could not be administered unless people spoke the truth on oath. Again it is very difficult to prove, and accordingly it must be understood that perjury, when proved, attracts a severe penalty" -

Parker LCJ in R v Simmonds (George Lewis James) (1969) 53 Cr App R 488.

"Perjury is one of the most serious offences on the criminal calendar, because it wholly undermines the whole basis of the administration of justice...and that is why it is a matter which must carry a sentence of imprisonment" - Chapman J in R v Warne (1980) 2 Cr App R (S) 42.

This offence goes against everything The Scottish Government stand for and as a businessman as well as a member of the public, I find it incredible that this Company continue to be entrusted to deliver a contract for them.

17) Can you confirm that [REDACTED], [REDACTED] and yourself are aware of this charge and that you are all in agreement that Tactical Media should still remain as a sub contractor of Carat and the SG

I am sending you these 'specific' requests as you asked, as discussed, I am also taking this up with my local MSP Johann Lamont and going by my past dealings with her she will be in touch soon.

As I have eluded to on many previous occasions, this is not a route that I wanted to go down, however, due to the lack of clarity from [REDACTED] and your response to your 'investigation' I feel I have no option.

Regards

Director
CJC Media
No 3, 52 Milnpark Gardens
Glasgow
G41 1DP.

Off: 0141 [REDACTED]
Dir: 0141 [REDACTED]
Mob: [REDACTED]

[REDACTED]@cjcmmedia.com

www.cjcmmedia.com



From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]
Sent: 30 December 2014 10:51
To: [REDACTED]@cjcmmedia.com
Cc: [REDACTED]@scotland.gsi.gov.uk
Subject: Community Pharmacy Poster Campaigns and Panels

Dear [REDACTED],

I am writing to acknowledge receipt of your email of 8th December to my colleague [REDACTED] [REDACTED] unfortunately has been on long term sick leave so please accept my apologies for the delay in acknowledging your correspondence.

We are looking into the concerns raised in your email and will write again once we have completed our enquiries.

Your sincerely,

██████████
Branch Head - Pharmacy Branch

(ext ██████████)

Pharmacy & Medicines Division
Directorate of Finance, eHealth & Pharmaceuticals
St Andrew's House
Edinburgh EH1 3DG

email: ██████████@scotland.gsi.gov.uk

Tel: 0131 244 ██████████

Mob: ██████████

In 2014 Scotland Welcomes the World
To find out more click here



From: ██████████ [mailto:██████████@cjcmmedia.com]

Sent: 08 December 2014 15:58

To: ██████████

Subject:

Hi ██████████

from February 2007 until March 2013 CJC Media Limited were contracted to by NHS Scotland, Community Pharmacy division to distribute 990 A1 and 256 A3 posters throughout Scotland to all relevant pharmacies.

During that time, we delivered around 70,000 posters and other marketing materials, without one complaint.

However, on 5th March 2013 my business partner and fellow Director, ██████████, resigned from the company to start another company the next day, called Tactical Media.

It transpires that this company was being planned by ██████████ for over a year. This, apart from being unethical, was also a dereliction of his fiduciary duties as a Director. I have a plethora of evidence of this, including, website registrations, limited bank accounts getting set up, Powerpoint presentations and e mails to and from clients etc.

During the six years duration of our contract with Community Pharmacy Scotland, ██████████ spent approximately four of those years living full time in Italy. His role within the pharmacies was to order the artwork and raise the invoice, as living in Italy; it was the only duties that he was capable of attending to.

My colleagues and I managed the rest of the campaign from start to finish. Please see the enclosed tender; this will give you an insight into how much work went into the organisation of the distribution.