

INDEPENDENT COMMISSION AGAINST CORRUPTION

**RECORD OF INTERVIEW BETWEEN INVESTIGATOR ADAM GRIFFITHS AND
CHIEF INVESTIGATOR TIM FOX OF THE INDEPENDENT COMMISSION
5 AGAINST CORRUPTION AND INTERVIEWEE NATHAN CHEHOUD AT THE
INDEPENDENT COMMISSION AGAINST CORRUPTION BUSINESS PREMISES
ON 22 MARCH 2019.**

TIME: 9:31 AM

10 **PRESENT: INVESTIGATOR, ADAM GRIFFITHS
CHIEF INVESTIGATOR, TIM FOX
ROBERT WYLD
NATHAN CHEHOUD**

15 **GRIFFITHS:** Alright this is an, an electronic recorded interview of Mr Nathan Chehoud.
The time is now 9:31 on Friday the 22nd of March 2019. My name is Adam
Griffiths and I am an investigator with the Independent Commission
Against Corruption and this recording is being conducted at the office of
20 the ICAC. Also present is Chief Investigator Tim Fox and for the purpose
of the recording Tim could you please state your name?

FOX: Tim Fox.

GRIFFITHS: Nathan, you also have your legal representative here with you today, Mr
Wyld. Just for the purpose of the recording can you just state your name
and position Mr Wyld?

25 **WYLD:** Robert Wyld, Consultant with Johnson Winter & Slattery.

GRIFFITHS: Thank you very much. Nathan, the reason we've asked you to come in
today is the ICAC is currently investigating two allegations. The first
allegation being that since September 2015 Roads and Maritime Services
employee Samer Soliman has partially and dishonestly exercised his
30 official functions in relation to the awarding of contracts to Novation
Engineering Propriety Limited. The second of those allegations is that
since November, since November 2016 Roads and Maritime Services
employee Samer Soliman and Jainesh Singh have partially exercised their
official functions in relation to the awarding of contracts to AZH
35 Consulting Propriety Limited. So, my questions and any answers you give
will be recorded on the recording device sitting in front of you. Do you
have any objections to that?

CHEHOUD: No.

40 **GRIFFITHS:** Okay. At the conclusion of this interview it may be necessary that we will
ask you to provide a statement and in doing so we will liaise with you in
regards to that and you might be required to sign that at a later date. Do
you understand that?

Sensitive

- CHEHOUD: Yes.
- GRIFFITHS: Okay. So while you understand that you are not obliged to answer any of our questions it's completely voluntary. Do you understand that?
- CHEHOUD: Yes.
- 5 GRIFFITHS: Okay. So just for the purpose of the recording Nathan, could you please state your full name, date of birth and current occupation?
- CHEHOUD: Name is Nathan Chehoud, my date of birth is the [REDACTED] and my occupation is a Senior Principal Civil Engineer with WSP.
- 10 GRIFFITHS: Okay so just by way of background, can you outline your work history from WSP back just briefly?
- CHEHOUD: Yeah, certainly. I've been with WSP for just over three years and before that I worked for another consulting engineering company called Arcadis for about 19 years.
- GRIFFITHS: Okay. Are they still in operation?
- 15 CHEHOUD: Arcadis, yes.
- GRIFFITHS: Yeah. Do they operate by any other name?
- CHEHOUD: They used to operate as Hyder Consulting, they're now known as Arcadis.
- GRIFFITHS: Okay. So were you with them, when they were known as Arcadis for the entire time or did they, were you with them as Hyder as well?
- 20 CHEHOUD: I joined them, when I joined them they were called Hyder Consulting, H-Y-D-E-R and then they were acquired by Arcadis about three years before I moved to WSP about six years ago.
- GRIFFITHS: Okay and what, what was your position there?
- CHEHOUD: So it changed, I was straight out of school so I went from being an apprentice to being a Civil Engineer, to being a Design Manager and a Principal Engineer and now I'm Senior Principal.
- 25 GRIFFITHS: Okay, so just on that, what's, what, what's your background, what are you professionally trained in?
- CHEHOUD: Yep. So I have a diploma in Civil Engineering and that's what I've been, that's my academic qualification and the rest is on the job experience.
- 30 GRIFFITHS: Okay, so what sort of on the job experience insofar as what your daily role is –
- CHEHOUD: Okay –
- GRIFFITHS: - do you have?
- 35 CHEHOUD: Yep, so I have just over 20 years of experience in providing consulting engineering services to primarily to government clients. So I presently

manage projects that comprise of design and environmental assessment and also procurement services for, for government clients.

GRIFFITHS: Okay. If we could move to WSP because that, that part of it might come into play a little bit later in the questioning but –

5 CHEHOUD: Sure –

GRIFFITHS: - if we could WSP can you just outline your, you mentioned you're a Senior Civil –

CHEHOUD: Senior Principal –

GRIFFITHS: Senior Principal –

10 CHEHOUD: Yep.

GRIFFITHS: - do you remember the, the exact date that you started?

CHEHOUD: At WSP? It would have been the end of 2015, December 2015.

GRIFFITHS: Okay. Did you have any time off between starting at WSP and leaving Arcadis?

15 CHEHOUD: I may have had a week off but I'm –

GRIFFITHS: Okay, so nothing, nothing serious –

CHEHOUD: - nothing substantial, no.

GRIFFITHS: Okay. Just in general terms can you explain your role at WSP?

CHEHOUD: Yeah, so do you mean what, what does a Senior Principal do there?

20 GRIFFITHS: Yes, that would be right, yeah.

CHEHOUD: So two things, so I, I'm, as I said I manage projects that involve concept and detail design and environmental assessment of, of large infrastructure projects, primarily for Roads and Maritime and I also have experience in procurement advice and procurement services, yeah, again for government clients. So I, I do both of those things, probably 80/20 split between project management and procurement work. So 80% project management, 20% procurement.

25

GRIFFITHS: O.K and you mentioned it's mostly Government work?

CHEHOUD: Almost exclusively, yeah, nowadays –

30 GRIFFITHS: O.K.

CHEHOUD: - Roads and Maritime's our biggest client and yeah we work mostly for them, yeah.

GRIFFITHS: How, how does then, going off, and then does Government engage WSP? What's the general process to engage your services?

- 5 CHEHOUD: So NSW Government has procurement guidelines that they have to follow and I, I expect that they, they engage us in accordance with those procurements. Typically we're asked to tender along with other consulting engineering companies for the provision of professional services. In some cases we're approached and asked on a sole sourced basis to provide a proposal. So as I understand it both of those means of getting our services sit within the Government's procurement guidelines.
- 10 GRIFFITHS: Does it, does it go through a contract manager or do you get directly engaged yourself?
- CHEHOUD: Doesn't go through a contract, what do you mean by a contract manager?
- GRIFFITHS: Well, does, O.K if we use Samer Soliman for example, can he email you directly and say 'I need you to come and work for me' or does it have to go through someone, some other department within WSP?
- CHEHOUD: Within WSP. No he, he's free to contact me directly –
- 15 GRIFFITHS: Right.
- CHEHOUD: - when it actually comes to an engagement and an official engagement, he will ask for a proposal. I will provide him that proposal and then he will typically engage WSP under a panel contract to which we've previously, on which we've previously tendered to provide professional services along with other professional service providers in, in the industry and if he's satisfied with the proposal that meets his requirements he will issue a work order under that and we can then commence work once we've got that, that work order.
- 20 GRIFFITHS: O.K I'll come back to the work order but when you're referring to this panel that you're, you're, WSP I believe are on –
- CHEHOUD: Yes.
- GRIFFITHS: - which panel is that, that you're referring to?
- CHEHOUD: We're on, we're members of a couple of panels. RMS have a myriad of panels and, and WSP's on a lot of them –
- 30 GRIFFITHS: O.K.
- CHEHOUD: - I can't tell you exactly the name and number of the panel that Samer engaged me under. I think that one of the, one of the engagements that you referred to in your email was spoke change or a variation to a, another project. So perhaps not a panel, not a panel engagement but another project that WSP was contracted to do for RMS and then I think that at least one of those procurement activities was a variation or a scope change to that but otherwise we would be engaged under a, a professional services panel or something like that. It may not be called exactly that.
- 35 GRIFFITHS: O.K and did that panel sit within Samer's unit or is that one that overarches I guess other parts of RMS?
- 40 CHEHOUD: Yeah no, anyone from RMS can draw on it.

5 GRIFFITHS: O.K.

 CHEHOUD: So, yeah it's, it's an enterprise thing not just for –

 GRIFFITHS: The small -

 CHEHOUD: - Samer's benefit, yeah, yeah.

5 GRIFFITHS: O.K. So when you conduct your services with the RMS, does that require you to work closely with the team in their offices?

 CHEHOUD: Not always, no. In fact most of our work is not done in the client's office it's done in our own office.

10 GRIFFITHS: O.K and then the communication will take place through email so if you requested records they would I guess within their agreement, that would part of what you would expect, any sort of internal documents and things of that nature.

 CHEHOUD: I don't follow sorry.

15 GRIFFITHS: If you requested internal documents that were sensitive to the RMS, part of your agreement would that allow Samer to then forward those to you via email?

 CHEHOUD: I guess he'd have to decide what he can and can't send it to me but the means is, yeah, more-or-less it is, it is email, yes.

 GRIFFITHS: O.K.

20 CHEHOUD: Yeah.

 GRIFFITHS: If you're consulted on a job how much influence do you have on, on the outcome of the, of the project?

 CHEHOUD: Very little. In fact Government's own procurement guidelines make it very difficult for us, or for any other consultant to get 'em, to gain some sort of unfair advantage for the next stage of the work.

25 GRIFFITHS: O.K.

 CHEHOUD: So we have, yeah we have little to no influence. Occasionally, and at least one of the, the engagements that you referred to, where we are helping RMS procure something which is entirely unrelated to WSP, Roads and Maritime may ask us to assist them with tender assessments so for example you sent me the, the example of the portable weighing scales. So that's something that WSP's not even remotely associated with. So we prepare the procurement documents for RMS. Actually, no we didn't help with the portable weigh, I didn't help with the tender assessment at that one, sorry.

30 GRIFFITHS: Just going back in my mind. I helped with the tender assessment of maintenance of heavy vehicle inspection sites so when RMS receive the tenders I was there along with two other officers of, employees of RMS. Help them open the tenders, check them for compliance and did an assessment. So in that, in that sense I, I assisted them in the tender assessment process, the evaluation, but at the end of the day I don't really

35 GRIFFITHS: O.K.

40 CHEHOUD: O.K.

have any influence. I can just provide recommendations, they need to make the final decision.

5 GRIFFITHS: O.K. Were you ever informed as to why a consultant is needed for those particular projects? Is it, do you know if it's requirement for RMS to have a consultant?

10 CHEHOUD: No it, I don't think it is. I think as far as I know Roads and Maritime employees who are going to do a procurement for Roads and Maritime, they have different degrees of experience in procurement and so if they are perhaps too busy or inexperienced in the areas of procurement they may call on somebody else from the industry to assist them. I don't think it's mandatory that there needs to be, and we need to be involved as a consultant.

15 GRIFFITHS: O.K. Did you know, and, and I'll move forward just slightly, did you know anyone at RMS prior to being, I guess the first time you were engaged with them? Did you know anyone there?

CHEHOUD: Sorry, are you going back to the beginning of my career?

GRIFFITHS: Yeah, so, well not the beginning of your career. Say if we take it back to 2014 or thereabouts, what, did you have a personal involvement with anyone within the RMS, I'll and I'll confine it to the heavy vehicle unit.

20 CHEHOUD: I think I may have met, in, at a, at a workshop, a professional workshop, I may have met someone from that unit. Perhaps once or twice. You asked if I had any personal relationship with them. No, none whatsoever.

GRIFFITHS: O.K. Do you know, and I'll keep it, do you know the people that work within that unit?

25 CHEHOUD: I know, I know a couple of people, yeah.

GRIFFITHS: And who are they?

30 CHEHOUD: So I know Samer and I know Alex Dubois and I know Jai Singh and I know Craig Steyn and then I'm not sure whether they're in the same unit or not but another chap that has asked me to do work for him is Evan King and yeah I could, maybe one or two others. If you'd like me to go on.

GRIFFITHS: No that's fine. Did you work with any of these people prior to WSP?

35 CHEHOUD: Did I work with any of these people prior to W - I think yes, I think I worked with Alex Dubois in a workshop on a project that included a heavy vehicle inspection station. Was he my client before WSP? I can't remember. I don't think so, no.

GRIFFITHS: O.K. Do you, do you know if any of that work that you had before assisted you in getting any of the work later on?

CHEHOUD: I don't think it's likely, no. I, highly unlikely.

GRIFFITHS: O.K so you, there's no sort of relationship with Samer Soliman or -

CHEHOUD: No.

GRIFFITHS: - Mr Dubois?

CHEHOUD: No.

GRIFFITHS: And, I'll just go through this.

5 FOX: So just while Adam's looking at that, when did you first start working with the, this compliance area that deals with the heavy vehicle inspection sites?

CHEHOUD: Yeah, good question. So when I joined WSP as far as I can recall, WSP already had an existing contract to provide design services to this, to this unit of RMS and had already done several heavy vehicle inspection designs for them. So when I joined the company I was given a couple of small tasks on those projects just to help the project manager and then I think during the course of that engagement they, the, the client advised us that they had a need for other services including procurement services and that's when they asked me to provide them proposals for that service.

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15 FOX: O.K. So just to clarify what year did you join WSP?

CHEHOUD: I thought I answered that earlier, December 2015.

FOX: Thanks, O.K.

CHEHOUD: Yeah.

FOX: So we're talking a timeframe from December 15 onwards you've had an emerging levels of contact with this unit.

20

CHEHOUD: Yeah, yes.

FOX: And you've got to know the people you bought in –

CHEHOUD: Yeah that's right.

FOX: - (indecipherable) O.K. And just to summarise is it fair to say that a significant proportion at work is, you could classify as procurement services?

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CHEHOUD: Yes.

GRIFFITHS: What I wanted to ask you about is, and, and I alluded to this in our email that I sent you earlier, was that the creation of two panels in October 2017. One of those panels was, as you've mentioned, just previously was a heavy vehicle maintenance panel –

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CHEHOUD: Yep.

GRIFFITHS: - and the other one was a PSC or professional services contract panel –

CHEHOUD: Yep.

35 GRIFFITHS: What can you tell me about the creation of the heavy vehicle maintenance panel and how you became involved with it?

CHEHOUD: Yeah so it was, I think as I said a variation to the existing contract that we had. So we were invited to provide a proposal to assist RMS in establishing these two panels. The first being the, the maintenance one. We prepared a proposal which outlined the work that we would assist RMS with. RMS accepted that proposal and we then carried out the work that was, the scope of work that was agreed.

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GRIFFITHS: O.K. What I wanted to ask you is in February of this year we submitted a notice, section 22 notice to produce documents to your company, WSP and we got a number of documents returned to that. Did you have any involvement in the collection of those records that we asked for?

10

CHEHOUD: No.

GRIFFITHS: Did you have any knowledge that we asked for –

CHEHOUD: No.

GRIFFITHS: - those records. O.K. What I'd like to do is just show you a letter quickly which is the return of the material had a cover letter from WSP.

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CHEHOUD: Yep.

GRIFFITHS: And that letter, I'll just get it for you, is dated the 25th of February 2019 and it's from a gentleman at WSP called, oh sorry a lady, Katherine Mortin (spelling?) who's a Deputy General Counsel Australia. We sought records in relation to the panel for maintenance for heavy vehicle programs and also the one for professional services contracts. I'll give you an opportunity to have a quick look at that letter.

20

CHEHOUD: Thank you.

GRIFFITHS: Just so that we can be full and upfront with you. O.K so prior to me moving forward and showing you the records that we have, there's an indication here that the panel maintenance of heavy vehicle enforcement programs and it's got a contract number there of October 2017 has come back no documents located within the, the WSP system and the same again for the professional service contract. Were you there under a WSP as in a WSP employee consulting for RMS?

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CHEHOUD: Absolutely, yes.

GRIFFITHS: Were, would there be contracts of engagement for that service?

CHEHOUD: Yes.

GRIFFITHS: Do you recall how you were engaged?

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CHEHOUD: Yeah we were, if memory serves we were for the, for the maintenance panel it was a variation to an existing contract. That's, that would've, that would've been the, the means of engagement.

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GRIFFITHS: O.K. How did that engagement practically take place?

CHEHOUD: I sent a proposal to the project manager.

5 GRIFFITHS: So take a step back –

 CHEHOUD: Yeah.

 GRIFFITHS: - you would've received something, for an -

10 CHEHOUD: Yeah I was, I was, I was invited to a meeting where RMS explained the need they had for procurement services. I would've taken some notes and gone back and prepared a proposal because the engagement was going to be a variation to an existing contract, I would've prepared a variation letter. Given that to the project manager and asked the project manager to issue that to our client and then there would've been an acceptance of that proposal which then gave me the green light to start, start work.

 GRIFFITHS: O.K so if we go back –

 CHEHOUD: Yep.

 GRIFFITHS: - who, who do you recall was at that meeting? That first initial meeting?

15 CHEHOUD: We're talking about the maintenance of heavy vehicle inspection sites. So it would've been Alex Dubois and me, possibly Samer, I can't remember for sure and maybe Craig Steyn from RMS as well.

 GRIFFITH: Do you have a rough time period of when this meeting took place?

 CHEHOUD: Probably around June. June 2017.

 GRIFFITH: Were you the only external consultant present at that meeting?

20 CHEHOUD: Do you mean from WSP or, or from any, yeah so there no other, there were no other professional services contractors present and I don't recall whether anybody else from WSP was with there, was there with me or not. I can't remember.

 GRIFFITHS: O.K so they, they, they basically directly engaged you to help with this so even, even though you did a proposal the job essential was WSPs?

25 CHEHOUD: Not until, not until I'd submitted a proposal and it'd been accepted.

 GRIFFITH: O.K.

 CHEHOUD: So it wasn't, wasn't WSP's until then.

 GRIFFITHS: Now the proposal that you presented, would that be stored within WSP's records somewhere?

30 CHEHOUD: Yes.

 GRIFFITHS: And if we, I mean the, the notice that we gave you was quite specific with a contract number would that contract number have been listed on the, on the proposal?

35 CHEHOUD: It's possible. What, if it wasn't listed by contract number it could be listed by WSP project number because every engagement with RMS is given a unique number.

- GRIFFITHS: O.K.
- CHEHOUD: So yeah if it, yeah that, so if not one then the other.
- FOX: The work that you did you said was a variation to an existing contract. What was the existing contract?
- 5 CHEHOUD: As I understand it was to provide design services in relation to heavy vehicle inspection bays. So the, the engineering design, producing engineering drawings that enabled construction of, of those.
- FOX: O.K and when you started in December 2015 was that contract already in existence?
- 10 CHEHOUD: Yeah I believe it was, yeah.
- FOX: So you've just come in and you've just taken on the role of servicing RMS in relation to that contract.
- CHEHOUD: Servicing RMS –
- FOX: Sorry I'm just talking about the heavy vehicle.
- 15 CHEHOUD: In, in one, yeah –
- FOX: Yep.
- CHEHOUD: - In, in one, one very small area of their needs so their big need was for, for design, environmental assessment services for various vehicle inspection bays. Heavy vehicles sites that as a, as a side to that if you like, was they needed procurements services and that, that's what I assisted with, yeah.
- 20 FOX: O.K. Alright, thank you.
- GRIFFITHS: So when you say the variation, what was the, I guess the scope of what you were doing?
- 25 CHEHOUD: Yep. So I was going, what we offered to do, what WSP offered to do was to, to get a detailed briefing from our client on what they needed to procure. What services they needed to procure. We would then ask RMS to provide us with their standard model or template procurement documents which we would then modify to make them specific to this procurement. We
- 30 would then return those documents to our client –
- GRIFFITHS: Sorry.
- CHEHOUD: - we returned those documents to our client who would review them, make any comments or amendments and then we would finalise them and our, our client would use those documents to go to the market and procure the
- 35 services that they needed.
- GRIFFITHS: Do you recall exactly what they were procuring? Were they, was it a product or they were procuring a panel? What were they doing?

CHEHOUD: O.K. So in my mind we're still talking about heavy vehicle maintenance. Is that right?

GRIFFITHS: Yes that's correct.

CHEHOUD: Yeah. O.K.

5 GRIFFITHS: Stick onto that.

CHEHOUD: Yeah we'll stay, stay with that one. So I, I seem to recall there were two, there were two parts. Like a Part A and a Part B to what RMS was procuring. They were procuring minor physical works and services which is a very common procurement that RMS does, which was basically civil works to carry out repairs and maintenance at heavy vehicle sites. So if they had a safety barrier that separated the road from their site and someone had collided with it and it needed to be repaired, they would want, they wanted a panel established whereby they could get any number of, any number of quotes from these, from this panel to go out there and get that barrier replaced or repaired in, in quick order. So that was, that was one example of, I think it was Part A of the civil works. And then Part B was, and this is stretching my memory a bit but I think they had heavy vehicle enforcement equipment. Things like brake pad testers, weigh-in motion devices, weigh bridges, weighing, other weighing portable weighing devices and they wanted, as part of the same panel, a group of companies that could service that equipment for them to make sure that it was compliant and, and working properly so that they could do their work, yep.

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GRIFFITHS: So when you say the variation does, did that not exist within the, the contracts that were already in existence with RMS that had the heavy vehicle unit could access?

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CHEHOUD: I don't, I don't know to be, to be honest Adam. I would've assumed that if they'd come to us with the establishment of this panel it's because it didn't already exist. Hang on, no hang on. I think, I think with regards to their equipment, some of the suppliers may have had existing contracts with RMS for the ongoing maintenance of their, what they supply. With regards to the physical works, the maintenance, the physical maintenance of their built assets, I can't remember whether RMS had a panel or not but they must have been getting the, the service from somewhere because their, their assets were being maintained. So the short answer is I don't know what the arrangement was before we were asked to help set up this panel.

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GRIFFITHS: Would you be aware of, based on the RMS procurement manual, what the effect of this panel would have on them procuring the services of these companies?

CHEHOUD: Sorry I don't understand the question.

40 GRIFFITHS: So you've got an overarching procurement manual that the RMS use, would this panel alter in any way how they could procure the services of the companies on the, on the list?

CHEHOUD: I'm sorry Adam I still don't understand the question (laughs). Could you

—

- FOX: But I think we all understand the basic concept of a panel.
- CHEHOUD: Yeah.
- FOX: Which they're on. They, they will be selected to provide work.
- CHEHOUD: Yes.
- 5 FOX: In-line with the scope of the panel I suppose.
- CHEHOUD: Yes.
- FOX: O.K that's all we needed to know. And your role was purely to provide a consultancy in relation to the preparation of the assessment process?
- CHEHOUD: No preparation of the documents –
- 10 FOX: Of the documents, right.
- CHEHOUD: - that, that would use to procure the panel.
- FOX: Yep.
- CHEHOUD: And in that one instance, that one engagement, I was also asked to assist them with the evaluation of the tenders.
- 15 FOX: O.K so it was a, it was a, a, a dual role then –
- CHEHOUD: Yes.
- FOX: So you assisted in the preparation –
- CHEHOUD: Of the tender documents, yep.
- FOX: - of the tender documents –
- 20 CHEHOUD: Yes.
- FOX: - that were going, that went out to be applicants?
- CHEHOUD: Yes.
- FOX: And, and then when they, they came in you sat on the tender evaluation panel?
- 25 CHEHOUD: Yes.
- FOX: O.K. So just going back to this variation to the contract
- CHEHOUD: Yes.
- FOX: You spoke to Adam about a meeting. Was that the first time you became aware of a, a need for your, for WSP to become involved?
- 30 CHEHOUD: Yes.
- FOX: And who drew up the variation to the existing contract?

CHEHOUD: I wrote the proposal.

FOX: Yep.

CHEHOUD: I then gave it to WSP's project manager.

5 FOX: Sure. O.K. So stop it there then. Then going back, who instructed you at the RMS side to, to do that?

CHEHOUD: To prepare the proposal?

FOX: Yes.

CHEHOUD: It would've been either Alex or Samer. I can't remember who.

10 FOX: And were those persons, did those person, either of those persons have sufficient delegation to do that as far as you were, understood it?

CHEHOUD: I don't know the answer to that question. RMS has a delegations manual. Consultants typically don't have visibility of it.

FOX: And your understanding who was more senior? Alex or Samer?

CHEHOUD: Samer.

15 FOX: So Samer was the manager as you understood it?

CHEHOUD: Yes.

FOX: And what's it left, when from your project manager, presume it went back to RMS?

CHEHOUD: Yes I, I expect so, yes.

20 FOX: O.K. Were you involved in that process at all? That high level process?

CHEHOUD: No, so I, I provided, as I said I provided the proposal to the project manager and then I expected, assumed, that the proposal would be forwarded to RMS and I, I imagined that it happened because I later received an instruction to start work.

25 FOX: O.K so you received instructions. How did you receive those instructions?

CHEHOUD: O.K so it would've been either through the WSP's project manager –

FOX: And who –

CHEHOUD: - or, or, or from Roads and Maritime directly.

30 FOX: Who would, you talk about the project manager, who was that at the time? Was it one particular individual?

CHEHOUD: I can't remember who it was. It would've been either Michael Cudmore who's one of my colleagues or Linda Hafez who's also another colleague.

FOX: How do you spell, Cudmore is C-U-D-M-O-R-E?

CHEHOUD: Yeah that's right.

FOX: And the second name was?

CHEHOUD: Linda.

FOX: L-I or Y?

5 CHEHOUD: L-I-N-D-A Hafez H-A-F-E-Z.

FOX: O.K.

CHEHOUD: Yep.

FOX: And that, that the notification or the engagement letter or whatever it was, was that letter or an email?

10 CHEHOUD: Telling you to start work –

FOX: Yeah.

CHEHOUD: - that the proposal had been accepted? It would've been an email if I'm, I can't remember but I think it was an email.

FOX: And just to recap, you can't recall whether it was from Mr Cudmore or Ms Hafez or whether you received it from the RMS?

15 CHEHOUD: Yeah, if, if I, I'm inclined to think it would've been from RMS more, more, more likely than not.

CHEHOUD: Are you O.K dude your eyes are watering like crazy?

GRIFFITHS: No that's fine.

20 FOX: So, sorry just focus on the questions.

CHEHOUD: Yeah.

FOX: Don't worry about Adam, he's alright.

CHEHOUD: (laughs).

FOX: Alright so you would've received a written approval to start working?

25 CHEHOUD: Yes.

FOX: On that project.

CHEHOUD: Yes.

FOX: Alright and you're pretty sure that was an email.

CHEHOUD: Yeah.

30 FOX: Alright. And who determined the, the pricing of the WSP services that you were providing?

CHEHOUD: It's because I was going to do the work I estimated what tasks they needed and what hours I would need to spend doing that work. That was, so that was me.

FOX: Yep.

5 CHEHOUD: Then because it was an existing contract, we would've had existing hourly rates for WSP resources and, and I think that the WSP's project manager would've taken my scope and hours. Applied those rates to it and that would've been the, the lump sum that we would've been engaged under.

10 FOX: So you provide an estimate to the project manager. The project manager then goes to the existing contract, looks at your rates of pay and provides a formal quote to RMS to say this is what the, we've been asked to do a, provide a proposal on, this is what we can do. This is how much it will cost and then they'd come back and say yes we're happy with that.

CHEHOUD: Correct.

15 FOX: O.K and when, and you, you, you're on a salary? You're not on, you're on an hourly rate with WSP?

CHEHOUD: I'm on an, yeah yearly salary.

FOX: You're, yep, you're fully paid. You don't have any bonus or anything like that?

20 CHEHOUD: I, I was, I, I recently was promoted from principle engineer to senior principle and that was in, I think it was November last year, November. And when I was promoted I, I (indecipherable) WSP's partner scheme.

FOX: O.K.

25 GRIFFITHS: What I'll do is I'll show you this record. It's a, it's a meeting that may give you a bit of understanding of possibly when the, the timing of this occurred. It's our record D10543705. It's a meeting organised by Mr Alexandre Dubois to include Mr Soliman, Mr Chehoud, Mr Steyn and Mr Thevathasan and it's dated the 23rd of August at 12 o'clock and this is a meeting so it may, I'll show you one directly after this and just say if you recall. If that jogs your memory.

30 CHEHOUD: Yes.

GRIFFITHS: O.K so that's about the time that you think that the initial meeting took place for the heavy vehicle –

35 CHEHOUD: I thought it was sooner than that but I'll, I'll go with August, yeah. I thought it was a bit sooner. I, I thought it was, I thought it was June when we first spoke about it.

GRIFFITHS: O.K.

CHEHOUD: But I may not have actually given them the, the proposal until August.

- 5 GRIFFITHS: O.K could this have been more than, so the proposal's already done and this, then another meeting to establish what needs to get done after you've been awarded the contract.
- CHEHOUD: Well unless it says we've arranged for a meeting to discuss the scope and items required for a PSC panel contract. O.K so this is, this is different to the maintenance one that we were talking about.
- GRIFFITHS: Yes.
- CHEHOUD: O.K so maintenance I think the first meeting was in June.
- GRIFFITHS: Yep.
- 10 CHEHOUD: And yeah this makes sense that a couple months later, we then, we were then asked to look at preparing the PSC contract docs.
- GRIFFITHS: Did you then have to go through the same process that Tim mentioned before to, to do the PSC panel?
- 15 CHEHOUD: Yeah that's just the, that's just the standard process with everything with RMS. They ask us to do work, we prepare a proposal, they accept it, we do the work.
- GRIFFITHS: O.K.
- FOX: So there should be two proposals which are variations to existing contracts?
- 20 CHEHOUD: Yes.
- FOX: One's for the heavy vehicle inspection site work that you mentioned –
- CHEHOUD: Yep.
- FOX: - by part A and the second one should be the professional services, the PSC panel.
- 25 CHEHOUD: That's right.
- GRIFFITHS: And those proposals should be somewhere with, held with WSP?
- CHEHOUD: Indeed, yes.
- GRIFFITHS: O.K now it looks as though you may have declined this meeting because of other reasons.
- 30 CHEHOUD: Yes.
- GRIFFITHS: So this is our reference D10538709. It's an email from Samer Soliman to yourself and it's dated the 3rd, ah the 6th of September 2017. So I'll give it to, just to have a look at that.
- CHEHOUD: Sure. PSC contract for heavy vehicle. Not available at this time.
- 35 GRIFFITHS: So this is obviously moving on to the second.

CHEHOUD: Yes. Yes.

GRIFFITHS: O.K so you appear to have been sick for the meeting previous. Do you, did that meeting get rescheduled?

CHEHOUD: To discuss the PSC –

5 GRIFFITHS: Yes.

CHEHOUD: - contracts. I can't, I can't remember.

GRIFFITHS: O.K so if you have a look, I just want to show you, find –

CHEHOUD: Yeah.

10 GRIFFITHS: - out what Samer's written up there. It says 'We don't have time to get BOTH (in capitals) panels up and running'. Do you recall, or did he ever express to you what the urgency of getting these panels up and running was?

CHEHOUD: Hmm let me think. No I can't remember, sorry, yeah.

GRIFFITHS: And were both panels created and finished at the same time?

15 CHEHOUD: Did we create the tender documents for them at the same finish –

GRIFFITHS: Yeah.

CHEHOUD: - or at the same time?

GRIFFITHS: Yep.

20 CHEHOUD: No I think they were staggered. I think the heavy vehicle maintenance contract documents were finished first.

GRIFFITHS: O.K.

CHEHOUD: At, followed by the PSC documents, if I remember correctly.

GRIFFITHS: Was, was there a big timeframe between the two being finalised?

CHEHOUD: Maybe a month I'm guessing. I don't recall, yeah, yeah.

25 GRIFFITHS: O.K. Alright. I'll just move forward now. This is, it might assist you with, and this is again it's, it says PSC contract heavy vehicle programs innovation projects and it's D10538696. There's quite a bit of email correspondence between yourself and Samer Soliman dating back to the 13th of September 2017 and it would appear based on the conversation it's what needs to go within the, the RFP.

30 CHEHOUD: Yep.

GRIFFITHS: So I'll give you, give you a chance to have a look at that. I won't take it out. You don't need to read it all it's (indecipherable). If you go back in a few pages it, it reads from (indecipherable).

- CHEHOUD: Yes. Yep. Yep.
- GRIFFITHS: So based on your reading of that, do you recall having that conversation, that email conversation with Samer?
- CHEHOUD: Yes.
- 5 GRIFFITHS: And is that the conversation relates to the requirements for the, for the RFP, for the, for what the companies need to fulfil to be able to submit their tender?
- CHEHOUD: Yeah that's right for the PSC contract.
- GRIFFITHS: Yes this is PSC contract.
- 10 CHEHOUD: Yes.
- GRIFFITHS: You seem to have, I guess offered a fair amount of advice in the email dated 19th September 2017 in regards to what you think should be within that document and then Samer's come back on the, the 19th of September not, not that long later with, with a list of what he thinks. It's quite, it's a lot shorter. Did you have any concerns as to what his written there based on what you sent him as, on your experience?
- 15 CHEHOUD: I think I assumed that he had accepted my advice and was just heading to it, rather than trying to replace my advice with his.
- GRIFFITHS: O.K.
- 20 CHEHOUD: Yep.
- GRIFFITHS: If I could steer you to this section where they're talking about the weightings –
- CHEHOUD: Yep.
- GRIFFITHS: - and they've got a weighting of 80% on past performance. Is that something that in your experience is, is general to have a weighting on past performance that high?
- 25 CHEHOUD: 80% on past performance. In, in procurement when you're procuring from a, a market where there is, where this is maturity in providing those services you could have a lower weighting for, because there's a bigger pool of resources to choose from they're all basically experienced. That, that is high but as I understood it, it was because the number of companies or the market. There was, it was quite limited in who could provide these services and so it was important for RMS to see that they, that the companies that were tendering had experience in providing this niche service, either to RMS or to other roads agencies.
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- GRIFFITHS: O.K so you mentioned niche service. What's your understanding of the service that RMS was looking to procure through the PSC contract?
- CHEHOUD: Again stretching my memory but if, if I recall it was about running trials on different technologies that would assist RMS in doing their enforcement

5 work. So it would be a, it would be unlike say for example the heavy
vehicle maintenance contract where there are lots of civil contractors out
there that could do repairing of asphalt or safety barriers. This was more a
specialised IT or an ITS professional service and my understanding was
that RMS had not done a lot of this in the past and were looking for
consultants who, who had done it who could, who could not only, not only
do what RMS needed but also lead a little bit as well. Draw on their
experience for other roads agencies or international or so on. To help RMS
refine the technologies that they needed. So I think RMS was approaching
10 it. My understanding was RMS was approaching it from a point of view
of, not being a very mature client and so they, they were looking for greater
maturity from the, greater maturity and experience from the contractors,
the PSC's that they were looking to engage.

GRIFFITHS: O.K again that's probably, that's, sorry just lost my train of thought then.

15 FOX: That's alright. I'll ask you a question. You said, you keep your
understanding.

CHEHOUD: Yep.

FOX: So in specifically in relation to this, where did you get that understanding
from?

20 CHEHOUD: I think it would've been from communications, conversations –

FOX: With?

CHEHOUD: - with Samer and Alex and others in their team.

FOX: So who was leading the conversations from the RMS side in relation to the
method of establishing this panel that's the PSC –

25 CHEHOUD: Samer.

FOX: Samer was the lead man was he?

CHEHOUD: Yes.

FOX: O.K so you were getting most of your conversations from him. Or sorry
most of your understanding from him.

30 CHEHOUD: Yes.

FOX: And he told you did he, that we needed leaders, companies who we could
see as leader's who would take the, take the RMS forward in relation to
trials and technology.

CHEHOUD: I don't think he used the word leaders per say but –

35 FOX: Right.

CHEHOUD: - my understanding –

FOX: - was (indecipherable) –

CHEHOUD: - from those conversations yeah, yep. There was that.

FOX: Yep so they, they were so in a way they were looking to bring some new companies in as well to maybe get some fresh flow. Did that, did he ever say that or – cause they’ve got presumably using –

5 CHEHOUD: Yes.

FOX: - some contractors as they’re –

CHEHOUD: Yes.

FOX: - already using.

10 CHEHOUD: Yeah, yeah will I, he sent me an example of a trial that they’d run recently to show me what the whole trial process looked like. So definitely they would’ve used someone before.

FOX: Right.

CHEHOUD: Why they didn’t keep going back to that, someone why they needed to broaden the pool, yeah I, I mean that, Samer didn’t often say that, that the, the panels would serve to broaden the pool of providers to RMS, new blood

15 –

FOX: Right, O.K.

CHEHOUD: - new experience, that sort of thing.

FOX: Alright.

20 GRIFFITHS: You mentioned that he, he provided you with a, a study, was it a study that you mentioned. That he provided you with, an example -

CHEHOUD: A, an example of a trail, yes.

GRIFFITHS: Do you recall what that trail was about and who provided it?

CHEHOUD: May I, may I look at the documents here?

25 GRIFFITHS: Yeah, yeah you can go for it.

CHEHOUD: Thank you. O.K so in this email here, Thursday 14th of September 2017. Samer emailed me and said ‘Here is one RFQ example for a current on-road trial. This is one of the simpler trials we may do for a new dynamic portable weigh scales so the RFQ request for quotations is quite simple and basic’. So that’s what it was for.

30 GRIFFITHS: O.K.

CHEHOUD: Yep. That would, that’s the example he would’ve sent to me.

GRIFFITHS: Did he provide a name of a company that, just with that RFQ, who actually completed the trial? Or was it only the RFQ?

CHEHOUD: I can't remember. If he provided the actual trial itself it may have had company logo's et cetera on it but I don't remember.

GRIFFITHS: O.K I'll just show you this. It's D10539696. It's actually page 118 of my bundle. Is that the RFQ that was (indecipherable)?

5 CHEHOUD: No this was not the example. This is the RFQ that we prepared -

GRIFFITHS: Oh O.K.

CHEHOUD: - for RMS.

GRIFFITHS: O.K. I will chase that RFQ up. Now my apologies for chopping around. We're going to go back and mention the heavy vehicle maintenance panel.

10 CHEHOUD: Yes.

GRIFFITHS: And the reason I'm doing this is 'cause it's working in chronological order so -

CHEHOUD: Yep.

GRIFFITHS: - it appears that these two panels are being run concurrently so it, it's a bit
15 hard to understand what's going on.

CHEHOUD: That's fine.

GRIFFITHS: Now this is a record that is D10535728. Now you're not a party to the email but what is attached to the email is a WSP memo, and that memo is dated the 12th of October 17 from, you're the signatory on it to Samer Soliman. So I'll give you a chance to have a look at that and it refers to the tender evaluation of the contract for heavy vehicle maintenance enforcement programs.

20 CHEHOUD: Yep.

GRIFFITHS: And I'll just show you that.

25 CHEHOUD: Yep. Yes.

GRIFFITHS: Now you mentioned before that you sat on the, on the tender evaluation panel for one of the panels but not the other.

CHEHOUD: That's right.

GRIFFITHS: Obviously based on this record you sat on the panel for the heavy vehicle maintenance panel. Was there a reason you didn't sit on the panel for the PSC?
30

CHEHOUD: Yeah if, if memory serves I think WSP may have wanted to tender on providing ITS trails et cetera for that.

GRIFFITHS: O.K. I'll come to that.

35 CHEHOUD: Yeah.

- 5 GRIFFITHS: I just, we'll just go to this record.
- CHEHOUD: Yeah, yeah.
- GRIFFITHS: I'll come to that in, as soon as we finished that –
- CHEHOUD: Sure.
- 10 GRIFFITHS: - I'll just ask about it. You've got this page open here which is obviously appendix A and it's got a number of handwritten companies listed on that. Do you recall who's, who compiled this list?
- CHEHOUD: Who's handwriting it is?
- GRIFFITHS: Mmm.
- 10 CHEHOUD: It's not mine.
- GRIFFITHS: O.K well that's fine. As long as it's not – unless you saw the person writing?
- CHEHOUD: I, I can't recall who wrote it, no.
- GRIFFITHS: O.K.
- 15 CHEHOUD: No hang on. It, it would've been Alex or Jai. Alex or Jai.
- GRIFFITHS: O.K.
- CHEHOUD: Yeah, yep.
- GRIFFITHS: Now this, is this the entirety of the tenderer's that applied for the heavy vehicle maintenance panel?
- 20 CHEHOUD: I don't know if it's everyone who applied but it's everyone that was in the tender box.
- GRIFFITHS: O.K.
- CHEHOUD: Yeah.
- 25 GRIFFITHS: How was the tender constructed? Was it sent to select companies or was it an open tender?
- CHEHOUD: I think it was an open tender, if memory serves, yeah.
- GRIFFITHS: O.K. So based on it being an open tender for civil works you said there's quite a few companies out there you would assume that a large amount of companies –
- 30 CHEHOUD: Yes.
- GRIFFITHS: - would've applied. O.K. Cause what I'm going to do is show you and, and obviously you just mentioned that you sat in on the, on the evaluation –
- CHEHOUD: Yeah.

5 GRIFFITHS: I'll just keep this altogether. I'll show you the, what looks like the assessment against the criteria and what I want to show you first off is, is B2 which is the category B which is what, what I'm requesting cause Novation Engineering sits within category B.

5 CHEHOUD: Yep.

 GRIFFITHS: And you'll notice there that they have a score there of zero for a number, for one of two of those, I think it's one of those –

 CHEHOUD: Yes.

10 GRIFFITHS: - tender criteria. If they still ended up on the panel and they scored a zero for one of the criteria, how, how do they still end up on the panel?

 CHEHOUD: Sorry what was the question, so –

 GRIFFITHS: So if a company who scores a zero –

 CHEHOUD: Yes.

15 GRIFFITHS: - obviously they're not, they're deficient in one of the categories. How do they still end up on the panel? How are not, like how do they meet the, they haven't met the requirements, how do they then end up on the panel? Do you recall reviewing those records?

 CHEHOUD: Yeah so, let's see 'Demonstrated experience in carrying out the specific out specific work. Responsiveness in carrying out the work'. Yeah so I think, I think this is because in terms of responsiveness as, as we've got a note here, they've, we've said 'Novation is only the authorised supplier not a maintainer'. So again this is testing my memory but my understanding would be, or my recollection would be that because they had only previously supplied the asset and not maintained it, you couldn't give them a score on to how they performed in the past at maintaining it 'cause they were just a supplier but it appeared that they were now tendering to also do maintenance, which was a new service that RMS would be procuring.

20 CHEHOUD: Yeah so, let's see 'Demonstrated experience in carrying out the specific out specific work. Responsiveness in carrying out the work'. Yeah so I think, I think this is because in terms of responsiveness as, as we've got a note here, they've, we've said 'Novation is only the authorised supplier not a maintainer'. So again this is testing my memory but my understanding would be, or my recollection would be that because they had only previously supplied the asset and not maintained it, you couldn't give them a score on to how they performed in the past at maintaining it 'cause they were just a supplier but it appeared that they were now tendering to also do maintenance, which was a new service that RMS would be procuring.

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 GRIFFITHS: O.K.

30 CHEHOUD: That they hadn't procured in the past.

 GRIFFITHS: O.K so if we look at the circumstances around this evaluation, who was present in the room?

 CHEHOUD: Myself, Alex, Craig and Jai.

 GRIFFITHS: How were the, the tenders opened?

35 CHEHOUD: They were all in sealed envelopes. So we opened the sealed envelopes. Someone made an annotation in that register that you've pointed out earlier. Then we took out the contents of the envelope and we took it apart and put, put the various returnable schedules that RMS had asked for. So we divided up the document, the hard-copy document into those so that we could easily compare one with the other.

40 CHEHOUD: They were all in sealed envelopes. So we opened the sealed envelopes. Someone made an annotation in that register that you've pointed out earlier. Then we took out the contents of the envelope and we took it apart and put, put the various returnable schedules that RMS had asked for. So we divided up the document, the hard-copy document into those so that we could easily compare one with the other.

5 GRIFFITHS: O.K. During that time were there any representations made by the RMS employees about any of the companies within that tender?

 CHEHOUD: What do you mean by representations?

 GRIFFITHS: Favourable representation. Did they, did they seem to favour Novation? Did they seem to favour someone else?

 CHEHOUD: I don't recall there being any representations, no.

 GRIFFITHS: O.K. Was there any discussion amongst the group about the scoring as, that took place?

 CHEHOUD: Yes.

10 GRIFFITHS: And what was that discussion?

 CHEHOUD: We typically, actually what we, yeah what we did was, we took the evaluation criteria individually, the four of us, and then we read the tender. We did our own assessment against the evaluation criteria and then we passed the tender onto the next person and that way we went through all the tenders and then we, once we all reviewed all the tenders and put our own scores in, we discussed our scores and we discussed any differences and then we reached a consensus on what the score should be.

15 GRIFFITHS: Who managed the tender evaluation?

 CHEHOUD: Who managed the tender evaluation? I'd probably say that the, the chair of the evaluation committee was Alex, yeah.

20 GRIFFITHS: O.K. Was there any time that, did Alex make any representations to, in regards to any of the companies that appeared on the panel?

 CHEHOUD: I don't remember. I don't think so, yep.

 GRIFFITHS: O.K.

25 FOX: Just a couple of things and –

 CHEHOUD: Yep.

 FOX: - presumably some of these companies have worked for, provided services to, or worked for RMS previously. They weren't complete unknowns to the company. Were you, were you aware of that?

30 CHEHOUD: I seem to recall that at least one of the tenderers when we opened them and we saw who they were from, I seem to recall someone, some of the, one of the RMS employees saying they don't know who this company is, we've never seen a tender from them before, worked with them before, but by and large they were known to the RMS employees.

35 FOX: And were you there when the, the tender box was opened?

 CHEHOUD: Yes.

- FOX: You were. So the box was in a public place for a while and obviously it was bought into the room, bought into the room where you were.
- 5 CHEHOUD: Yeah the box was in the foyer of their George Street office in Parramatta and it was locked and Alex had to ask for the key and I can't remember who provided it to him but it was somebody in security there and they unlocked it in front of us and then Alex and I took all of the tenders that had our tender number on the, on the cover and we took them all and carried them up to a meeting room up, a few floors up and did the assessment.
- 10 FOX: And the handwritten list that Adam showed you before, that's reflective of your recollection at least, of the applicants?
- CHEHOUD: Yes.
- 15 FOX: And you said that you wrote your independent thoughts on each one. You conducted an assessment on each one and there was on, was that on there, a copy of their, of their form? Yes you write it on, the assessment? Or was it on an assessment form prepared by RMS?
- 20 CHEHOUD: No we, we I think we may have, so before RMS does any tender evaluations, in fact before RMS calls a tender, I, I believe their procurement guidelines say that they have to have prepared a, a procurement strategy.
- FOX: But just going, just focusing on that meeting –
- CHEHOUD: Yes.
- FOX: - you said that you wrote down –
- CHEHOUD: Yes.
- 25 FOX: - your independent assessment –
- CHEHOUD: Yes.
- FOX: - of each one –
- CHEHOUD: Yes.
- FOX: Where did you write that?
- 30 CHEHOUD: It, it was either on a spreadsheet or on a hardcopy piece of paper that had the pre-agreed evaluation criteria.
- FOX: And were you handwriting?
- CHEHOUD: I can't remember whether it was a spreadsheet or whether it was handwritten.
- 35 FOX: So it could've been an electronic document –
- CHEHOUD: Yes.

FOX: - on a laptop.

CHEHOUD: Yes.

FOX: So how would that have worked? You, the, who had a laptop in there?

5 CHEHOUD: I definitely did and I think there was at least one other laptop, probably Alex.

FOX: Alright and do you still have a copy of that document?

CHEHOUD: I don't know. I could look for it.

FOX: Yeah please, we'd, we'd like that.

CHEHOUD: Yeah, sure.

10 WYLD: I'll make a (indecipherable)

CHEHOUD: Can you make a note, thanks Rob.

FOX: Alright so you've, you've, you've conducted, conducted an, you, you Nathan have conducted an assessment of each of the applicants?

CHEHOUD: Yes.

15 FOX: And then by either writing on a, an excel sheet or handwriting on some sort of document and then the next person say Jai Singh is it, comes in and he does in –

CHEHOUD: We were all in the room at the same time, yeah, yeah.

20 FOX: Yes I understand that but you, you, you, you, you the way you explained it you had, you, gave some independent thought –

CHEHOUD: In details.

FOX: - to each application.

CHEHOUD: Yes.

25 FOX: And then someone else's gives their independent thought to that application.

CHEHOUD: Yes.

FOX: And so on –

CHEHOUD: Yes.

30 FOX: - and then at the end, if somebody presumably the leader of the, the tender evaluation panel which you think might have been Alex, collates them all and then you have a discussion about what you all think.

CHEHOUD: Yes.

FOX: And then once you've done that you, you, you basically say whether the application was successful or otherwise?

CHEHOUD: No what we do is we hand up the final scores and then my job was to prepare a memo that reflected the final scores and then it was up to RMS to decide –

5 FOX: Who was on the panel.

CHEHOUD: - who was on the panel.

FOX: O.K.

CHEHOUD: Yep.

10 FOX: Right and during that discussion you can only recall one comment about familiarity with companies and that was in the negative said well we don't know, someone said I don't know this company, or I've never heard of this company.

CHEHOUD: Yes.

15 FOX: So rather than someone saying I know these, I know those.

CHEHOUD: No it was both. They were familiar with the tenderers and they were also, so there was, at least one tenderer they weren't familiar with.

FOX: O.K and you can't recall which tenderer that was that they were not familiar with?

20 CHEHOUD: No, sorry.

GRIFFITHS: Were any conflicts of interest raised during the, during the meeting about any of the companies?

CHEHOUD: No.

FOX: Did you sign a declaration of conflict of interest?

25 CHEHOUD: Yes.

FOX: You did and who did you give that to?

CHEHOUD: Probably Alex.

FOX: Alright.

CHEHOUD: Yeah.

30 GRIFFITHS: O.K do you know if all the tenderers that, I guess submitted submissions ended up on the panel?

CHEHOUD: I don't know but as, as the, as the memo shows at least when I finished drafting it, RMS's thinking was that all of the applicants qualified to be on the panel. I don't know what they subsequently did after that cause I sent

them a, a draft memo that they needed to complete and sign. Yeah go ahead.

GRIFFITHS: I'll show the, I'll see whether that's the, this is the memo you're referring to.

5 CHEHOUD: It's the one you had before.

GRIFFITHS: Yeah I know there's one probably going to be signed.

CHEHOUD: O.K.

10 GRIFFITHS: Yeah so this is, it's actually attached to a, an email that you're not part of dated the 30th of July 2018 and it's D10516662 and it's on 305 of my bundle and it's the same memo but it appears to have on the last page all the signatures involved. So I'll give you a chance to have a look at that.

CHEHOUD: Yep.

GRIFFITHS: O.K. does this memo conclude your services with RMS?

CHEHOUD: Yeah the draft –

15 GRIFFITHS: In regards to this contract?

CHEHOUD: - yep the, the draft version does, yeah. I, I haven't seen this memo before. This final one with all the signatures on it –

GRIFFITHS: O.K.

20 CHEHOUD: - and I've also, it also contains more text in the body of the memo than the draft one that I prepared.

FOX: So the draft one that you prepared, Adam showed you earlier has got your signature on it.

CHEHOUD: Yes.

25 FOX: O.K. How did you provide that to RMS and, and who specifically did you provide it to?

CHEHOUD: I emailed it to, it would've been Alex, at least Alex, perhaps others on the evaluation panel and it would've had my electronic signature in it.

FOX: Your electronic signature.

CHEHOUD: Yes.

30 FOX: O.K. So this one, it's got a signature on there.

CHEHOUD: Yes.

FOX: Is that an electronic signature?

CHEHOUD: Yeah it's exactly the same as the –

FOX: Right.

CHEHOUD: - draft, yeah.

FOX: O.K so that's your electronic signature has been transposed onto that -

CHEHOUD: Yes.

5 FOX: - from the, from the draft but what you're saying is, is that in -

CHEHOUD: In content, there was -

FOX: - in content there are differences.

CHEHOUD: Yes.

FOX: - and in fact you never actually sited this completed -

10 CHEHOUD: No, correct.

FOX: - which is actually not what's indicated by the last page.

CHEHOUD: Yeah there's -

FOX: - the last page indicates that you have seen it and you saw it on the 12th of October 2017 but you're saying that's not the case.

15 CHEHOUD: That's correct.

FOX: Alright. What, what are the differences?

CHEHOUD: May I see the other one?

GRIFFITHS: You indicated, just so you can tell me what they are, cause you did indicate there was differences.

20 CHEHOUD: O.K, yep.

GRIFFITHS: Yep.

CHEHOUD: So I can't remember the duration of the contract was in there. I don't know who Paul Hayes is so I wouldn't have addressed the memo to him.

GRIFFITHS: Right.

25 CHEHOUD: I don't think the cost was known to me at the time in my draft so that's section three. That all looks right as we go down. I can't remember whether this qualification comment is section 8.2 was in there or not.

FOX: 8.2 conformity of tenders.

CHEHOUD: Yeah so it was noted because of the nature of these. Is that, was that note

30 in already?

FOX: Yeah (indecipherable).

CHEHOUD: Yeah that's the, see that was one, O.K. Funding -

FOX: Funding of (indecipherable)

CHEHOUD: O.K that was, that was already in there.

FOX: Yep.

CHEHOUD: Yeah so those are the basic differences highlighted there.

5 FOX: Yep. So it's the estimate of cost.

CHEHOUD: Oh it was in there, O.K.

FOX: Yep we've got six million dollars' worth of work.

CHEHOUD: Yeah, yep.

FOX: Yep so that's the same.

10 CHEHOUD: O.K. If I may, is that O.K.

FOX: Yeah, yeah of course.

CHEHOUD: Thank you. So that looks about the same. Cause I remember leaving some, yeah O.K. So I remember leaving some, some sections where then RMS needed to populate it.

15 FOX: So you're looking at point ten.

CHEHOUD: Point ten.

FOX: So point six underneath that

CHEHOUD: Under (indecipherable)

FOX: What, what have they got on the final one?

20 CHEHOUD: Just, they've just deleted that highlighted text.

FOX: Right.

CHEHOUD: successfully completed. Yeah and there was a difference there, the delegation number wasn't included.

FOX: O.K. Alright. Is it fair to say there's nothing that you would have a, an issue with?

25 CHEHOUD: No, no that's, that is fair to say yes.

GRIFFITHS: So obviously the date's not in the draft as well.

CHEHOUD: No indeed. Is, does the, what I can't recall was whether I sent this, yeah there it is. O.K so I sent it to Samer and then he sent it to Paul Hayes and he's changed the name on it. There you go I thought I sent it to Alex. I've got the date of 12th of October 2017 which is the date on the final one, whereas everybody else has signed it on the 17th.

30

FOX: Yep. Which, did you expect to see this returned to you before final submission when you sent this off to Samer?

CHEHOUD: Yeah I mean if there, if there were going to be any changes to the conclusion that had been reached –

5 FOX: Yep.

CHEHOUD: Or any, any modifications to what our evaluation process was, yeah I definitely would have expected to receive a copy back, yeah. But I don't think that was the case.

10 FOX: So all that really appears to have, and the material changed, seems to be the recipient.

CHEHOUD: Indeed, yes.

FOX: I, I'm not sure about what's on appendix six. So –

GRIFFITHS: (indecipherable) been in the period (indecipherable)

FOX: Right,

15 GRIFFITHS: In what we have.

FOX: That's the copy (indecipherable) results.

GRIFFITHS: Yeah and, and the evaluations.

FOX: Right.

20 GRIFFITHS: Are all under WSP letterhead. So they weren't, what, what I, what I have on our records they're not on the, or the appendix is.

FOX: So I mean, this is very much a draft it's even got, you haven't, sorry this is your initial one that's addressed to Samer –

CHEHOUD: Yeah.

FOX: - is, is, is the footer's not, not complete.

25 CHEHOUD: Yes.

FOX: - and I just want to, would you be able to find the appendix to this? Do you, do you know where they all are?

CHEHOUD: No I, I never saw the appendix on –

FOX: Right.

30 CHEHOUD: - the company search.

FOX: Even though this purports to be a WSP document and a document includes the appendix? You don't, or the appendices, you don't have sight of those?

CHEHOUD: Appendix D I, I don't recall seeing. So we had, there was appendix A, B and C.

GRIFFITHS: Which A is the –

CHEHOUD: That's that one.

5 GRIFFITHS: - schedule of tenders received.

CHEHOUD: Yep.

GRIFFITHS: So that would be, you could either –

CHEHOUD: Yeah, yeah.

GRIFFITHS: (indecipherable) that you've got.

10 CHEHOUD: Yep.

GRIFFITHS: B is the tender analysis.

CHEHOUD: Yes.

GRIFFITHS: Which is the table

CHEHOUD: Yep, yeah, yeah.

15 GRIFFITHS: C is the conforming tender checklist –

CHEHOUD: Yep.

GRIFFITHS: - which is again another –

CHEHOUD: Yep.

20 GRIFFITHS: - table. And then D is the results of A, B and an ASIC web searches which is, we don't have that but –

CHEHOUD: Yeah I, I don't recall ever seeing that. Appendix D.

FOX: Right and that's why you said to Jai please attach –

CHEHOUD: Yeah correct.

FOX: - please provide results.

25 CHEHOUD: Yes.

FOX: Right. Do you know Paul Hayes? You've never met him?

CHEHOUD: No I don't think so.

FOX: Did you have a specific role in the tender evaluation?

30 CHEHOUD: I think I, my role was to prepare the memo. It's basically record the findings of the evaluation.

FOX: Were there any, any discussions in relation to probity around the tender evaluation?

CHEHOUD: There's no discussion around the probity of it. In the evaluation meeting itself I –

5 FOX: Or at any stage.

CHEHOUD: At any stage, yeah. There would've been discussion of probity because the RMS procurement guidelines discussed when a probity advisor is mandated and it provides guidance on probity and provides, confidentiality, so there would've been some discussion on it. I can't recall whether it was just specifically in the evaluation meeting or not.

10 FOX: Did you see that as, as it, as someone who presumably to some degree independent of RMS? Did you see that as part of your role to –

CHEHOUD: No I did not.

FOX: - provide probity advice?

15 CHEHOUD: No, no.

FOX: In general –

CHEHOUD: Yep.

FOX: - presumably RMS create panels. It's not a, an unusual event. Is that a fair, in your experience is that fair?

20 CHEHOUD: Yes they create panels, yes.

FOX: Yes and do you know why you were specifically bought in for this, these two panels? The HVIS and PSC?

CHEHOUD: I don't know specifically why but I, I have my own opinions as to why. I, I wasn't told specifically why.

25 FOX: O.K.

CHEHOUD: My, my opinion is that RMS, this particular branch of RMS the, the people who were doing the procurement lacked experience in procurement and needed input from a more experienced party and that's why we were – and the convenience of already being under a, being in an existing contract for the heavy vehicle work that we were doing, the design work meant that they could ask us to provide those services as a, as a variation.

30 FOX: And you never dealt with anyone higher than Samer Soliman, is that correct?

CHEHOUD: I don't think so. I'm not sure of the org chart so I would assume that the people who I've mentioned already, sit lower than Samer in the org chart but I'm not absolutely sure.

35 FOX: So there's no other names that you can think of, of people you've dealt with in that compliance unit?

CHEHOUD: Yeah so there's two other, there's two other names but I don't know if they're in the compliance unit or not. So Tam McAffrey and what's the name of the other chap, sorry there's another guy but I can't, I can't remember his name.

5 FOX: You said your opinion was that they were inexperienced in relation to procurement.

CHEHOUD: Yep.

FOX: What was the basis of your, your opinion?

10 CHEHOUD: So when I, when I asked, that's a good question. How did I form that opinion? Well I think, I think if they had already established another panel before and would've done so recently, that they would not have probably needed someone to come and do it for them again, cause it's, it's not rocket science. So if they'd recently done it, they wouldn't need someone to come and advise them on it and also when I asked for, when I sat down and went

15 through what services they needed, and started to sort of map the products and services that they needed against the RMS standard procurement documents I, I got the impression that it was, that, that was not sort of somewhat new to them. That you could, you would use this suite of RMS procurement documents for this procurement and then this other standard

20 document for this other, so it all seemed –

FOX: And who were you, who were you sat with when you, you, you undertook the process?

CHEHOUD: Well over those three procurements it was, it was different people.

FOX: Right.

25 CHEHOUD: So it was Samer and it was Alex and it –

FOX: Could you tell me which procurement is for which person?

CHEHOUD: Yeah O.K. So the heavy vehicle maintenance, cause I associate that with Alex as has he been with him being the (indecipherable)

FOX: So that's who you had most of your liaison with -

30 CHEHOUD: Yes.

FOX: - and most of the communication –

CHEHOUD: Yes.

FOX: - was with Alex.

CHEHOUD: Yes.

35 FOX: O.K.

CHEHOUD: The establishment of the PSC contract –

FOX: Yep.

CHEHOUD: That was Samer.

FOX: O.K.

CHEHOUD: And the purchase of the portable weighing scales that was Samer and another Alex, but a different Alex. Alex Lee.

5 FOX: O.K.

CHEHOUD: Yep.

FOX: Alright.

10 GRIFFITHS: Now you mentioned before that you had to withdraw from the PSC evaluation because WSP were or wanting to submit a tender for that. Did WSP, were they aware that you were working on the, on the panel?

CHEHOUD: No. No.

GRIFFITHS: So would then, would, would that company then submitting a tender, is what, what section do they come from where they would submit a tender?

15 CHEHOUD: I don't know to be honest, I'm so, I had no idea that our company offered that service but when I was preparing the documents, either when I was preparing, yeah, yeah cause the documents hadn't been finished yet. It must have been discussed by someone somewhere in the company and they, someone's ears pricked up and said 'Oh we provide that service, or we can do that' and I still don't even remember who told me that. I think it was someone in WSP said to me 'Oh that's, we can do that work'. I'm like oh O.K, well if we can do that work I can't be on the assessment panel in that case. I don't know whether WSP ended up submitting a tender or not, even I don't –

20

FOX: So let's get this right. You, you were in, in the process of preparing the, the tender documents?

25 CHEHOUD: Yes.

FOX: With Samer Soliman?

CHEHOUD: Yeah, yeah.

FOX: And how far down that process had you gone when this event happened?

30 CHEHOUD: We'd, I'd at least produced the first draft of –

FOX: Alright so you produced the first draft you think.

CHEHOUD: Yep.

FOX: And then there's a conversation at WSP workplace which indicates that, they, they may consider submitting an application and what did you do then?

35 CHEHOUD: Well I think I just, this is, this is stretching my memory. I think I basically just said to our client that I wouldn't be able to assist with the tender.

FOX: And when you keep saying our client, can you be more specific.

CHEHOUD: Samer.

FOX: Samer.

CHEHOUD: Yeah.

5 FOX: You said to Samer, that you couldn't, have anymore involvement in the process?

CHEHOUD: Actually he may have told me that WSP was interested in tendering. Or I, I can't remember whether I told him or he told me. He may have told me that actually.

10 FOX: Alright so it may not have been a workplace conversation. It may have been a conversation with Samer Soliman. Is that what you're saying now?

CHEHOUD: No I'm thinking that somebody told me that WSP was interested. It must have been, no, this is what it is was. First it was somebody within the company told me and then they must have told Samer and him and I must have agreed in that instance that I couldn't be involved in the evaluation process.

15 FOX: Alright and, and from that point on did you have, did you have any further involvement in the PSC?

CHEHOUD: No, no (indecipherable)

20 FOX: So you just literally drafted the documents that were going to be sent out to the applicants.

CHEHOUD: Yes.

FOX: That's all you did.

CHEHOUD: Yes.

25 FOX: O.K.

GRIFFITHS: O.K so I'll show you this record which is D10538557 and it's an email from Samer Soliman to Jai Singh on the 15th of October 17 but it contains an email from Jai Singh to yourself on the 16th of October.

CHEHOUD: Yep.

30 GRIFFITHS: And it refers to the PSC panel conflict of interest risks.

CHEHOUD: Yes.

GRIFFITHS: So I'll tell you that.

CHEHOUD: Yes (reads from document). O.K so yeah I'd forgotten about this. So I also provided. O.K so it looks like Jai –

35 GRIFFITHS: Actually just to clarify is –

CHEHOUD: Yeah, yeah.

5 GRIFFITHS: - is this, does this email refer to your meeting to leave the PSC panel work because WSP were looking at submitting a tender?

CHEHOUD: I don't think so.

10 GRIFFITHS: O.K.

CHEHOUD: I, I can't, I can't be sure. It looks like a tender addendum letter so what, in terms of timing it means the tender would've been posted and now RMS is looking to clarify or have more information regarding conflict of interests and it looks like they've asked me to provide them with a sample tender addendum letter that they can delete the contents of, drop this content in and then publish to the tenderers.

15 GRIFFITHS: So at this time you were still working on the PSC panel?

CHEHOUD: No, no, I'd, I'd, I'd finished what I was doing at the point that we discussed earlier and then they came back and said evidentially from this, I'd forgotten about this, that they posted the tender and they wanted to now issue a tender addendum and asked for a, a typical tender addendum letter that they could modify using this new content. So there was, so finished working on it –

20 GRIFFITHS: Yep.

CHEHOUD: When I realised there was a conflict of interest and the sometime down the track they came back and said 'We need to publish a tender addendum, could you send us a sample tender addendum letter' and this is the text that they were going to drop in.

25 FOX: And did you do that as a, as a, in good faith as a, as a favour really. As opposed to part of a contract. More, what –

CHEHOUD: Yeah well I, I had provided the, I'd written the tender documents and I'd previously provided tender addendum letters. So yeah, it's just, here's a, here's a letter template, modify it.

30 FOX: So just going back to your conclusion of work under the PSC panel. Is that recorded anywhere in writing? So is there an email either between yourself and Soliman saying 'Look I withdraw due to a potential conflict of interest?'

CHEHOUD: Yeah there would be have to be. I seem to remember there being.

35 FOX: Or is, is that, is that you and Soliman or is that you and someone internally notifying internally WSP, look I've got to withdraw from this because of potential conflict of interest?

CHEHOUD: Probably both –

FOX: Alright.

CHEHOUD: - but at least, almost definitely with one between WSP and the client.

FOX: O.K.

CHEHOUD: And Samer, yeah.

FOX: Have we seen that Adam?

5 GRIFFITHS: I might have something here, I'm just checking (indecipherable). So there's a, this actually another copy of the memo. I'll show you that in a second but it's again going back to the heavy vehicle maintenance panel. So (give me a second). O.K so this, this email from Samer to yourself on the 26th of October 17 which is our reference D10542026 appears in Samer's writing to you, oh sorry, Samer's writing to yourself about what you need to provide the RMS with regards to, and it's, forgive the smallness of the email –

10 CHEHOUD: That's alright.

GRIFFITHS: - but with regards to the work you've seem to have submitted on the PSC. Is that correct?

15 CHEHOUD: Yeah so it looks like Samer and Jai were, had, the tender had closed and they were going to do their evaluation and they were basically asking me to send them the same documents that we had prepared for the heavy vehicle panel in word, in word format so that they could modify it to suit their, their new, their new panel.

20 GRIFFITHS: O.K and this is after WSP you, you learned of WSP's want to submit a tender?

CHEHOUD: Yes that's right.

GRIFFITHS: O.K so you were just, is this, in the case that you were just finalising that part of that work so that they had, they would then finish it?

25 CHEHOUD: Yeah so I, I was, I was sending them more or less some blank templates of what an evaluation report looked like and what a template letter of acceptance looked like because previously we'd only provided it to them in PDF format and they now needed to edit it. I was just sending them the same documents back.

30 GRIFFITHS: I'll show you this record which comes previous to that –

CHEHOUD: Yep.

GRIFFITHS: - to see whether it, it's relating to the heavy vehicle (indecipherable) heavy vehicle maintenance panel. This relates to the heavy vehicle maintenance panel and it's 10542062 and it's an email from yourself to Samer on the 26th of October 17. It does contain documents but it seems to refer to the heavy vehicle maintenance panel. Is that what you're referring to?

35 CHEHOUD: Yes that's the email and yep, yep.

GRIFFITHS: Is one of those of the records that you're referring to –

CHEHOUD: Yes.

- 5 GRIFFITHS: - assist them in finalising the PSC?
- CHEHOUD: Yes.
- GRIFFITHS: O.K. It also contains a copy of the WSP memo for the heavy vehicle maintenance and once again it's got your electronic signature on there.
- 10 CHEHOUD: Yes.
- GRIFFITHS: Is that –
- CHEHOUD: That was stupid.
- GRIFFITHS: O.K. O.K. Now do you recall what the outcome was of WSP's tender?
- CHEHOUD: I didn't know WSP had tendered. I don't –
- 15 FOX: So what you're saying is, as far as the PSC goes, at WSP involvement, you had no, you had no involvement in that process?
- CHEHOUD: Absolutely not, yeah.
- FOX: And you are standalone from the PSC panel completely apart from just some administrative assistance that you provided i.e. providing template documents –
- CHEHOUD: Yeah correct.
- FOX: - as a, as and when required, as a gesture of good will really.
- CHEHOUD: Correct, yeah, yeah.
- 20 GRIFFITHS: So you had no knowledge of any of the companies that tendered for the PSC?
- CHEHOUD: No.
- GRIFFITHS: Do you recall, were you ever told about how the PSC, the outcome of the PSC?
- CHEHOUD: No.
- 25 GRIFFITHS: O.K. Again going back to what we served on WSP earlier this year. That at letter was received from WS, from Jai Singh at WSP to Nin Tin, no Ninton (spelling?) and it's dated the 22nd of the 11th 2017 and it refers to the PSC programs panel. I'll show you that, just out of, just for completeness.
- 30 CHEHOUD: Yep thank you.
- GRIFFITHS: O.K so that says there that WSP their tender was unsuccessful. Would you have, based on the emails that you have before with the PSC with weightings and, and the weighting reference to 80% for, what you refer to as mature companies, would you have expected WSP to have fallen short on that tender.
- 35

- CHEHOUD: I didn't even know WSP was tendering.
- GRIFFITHS: No I understand that but based on the fact that you said that, you know the 80% was listed as the experience of a company, WSP –
- CHEHOUD: Yeah, yeah.
- 5 GRIFFITHS: - are global and they're quite –
- CHEHOUD: Yep.
- GRIFFITHS: - well known and they've done a lot of work with the RMS before –
- CHEHOUD: Yep.
- GRIFFITHS: - and yet their tender was unsuccessful.
- 10 CHEHOUD: Yeah, I, I know, I know so little about the PSC's who provided that type of service that I didn't even know WSP had that capability let alone knowing whether we were industry leaders or beginners. So that has, that doesn't surprise me at all that, no. Cause I didn't even know we had capability let alone how good we were at it.
- 15 FOX: O.K. I think we just need to ask you something about the 425 weigh scales –
- GRIFFITHS: Yeah (indecipherable) yeah. Finally, the, the last contract that you set up a procurement process that you assisted with was when RMS were securing 425 portable weight scales.
- 20 CHEHOUD: Yep.
- GRIFFITHS: How much involvement – sorry how were first engaged to be part of that?
- CHEHOUD: So I, if memory serves, Samer and Alex Lee asked me to come out to meet with them and to brief me on a procurement need that they had.
- 25 GRIFFITHS: O.K and you had any experience in I guess, portable weighing scales?
- CHEHOUD: No except for the previous panel which included the maintenance of –
- GRIFFITHS: O.K.
- CHEHOUD: - those, yeah.
- 30 GRIFFITHS: Is it fair to say that your experience for this came for the procurement process itself?
- CHEHOUD: Correct.
- GRIFFITHS: What was your understanding of the initial procurement process? Was it to be an open tender, a closed tender or a request for quote?
- CHEHOUD: I recall it was going to be an open tender.

- GRIFFITHS: And by open tender what do you know as that? What do you know as an open tender?
- CHEHOUD: That it's posted on the RMS or the Governments E-tender website which any registered company can bid on.
- 5 GRIFFITHS: O.K.
- CHEHOUD: As long as they meet the minimum requirements that are defined in their request for tender.
- GRIFFITHS: O.K. How much involvement did you have in the production of the request for tender?
- 10 CHEHOUD: I prepared the tender documents that we used, yes.
- GRIFFITHS: O.K when, when we refer to the specifications, and he referred to that in the previous answer, did you have any involvement in those, in the drafting of those specifications?
- CHEHOUD: Yes.
- 15 GRIFFITHS: What involvement?
- CHEHOUD: It was interviewing Samer and Alex about what their needs were. Trying to distil their needs down into a specification and writing it down for them basically to help get their wish list out of their head onto paper and then iterating, going through a few revisions to make sure that it reflected what their needs were. As well as that WSP also did some industry research. I had a young engineer who was assisting me do some research on the various types of portable scales that were available around the world and what their performance specifications were. So that when we came up with our specification list, of RMS's wish list we could compare it against what was actually available in the market to see if what they wanted was realistic or not.
- 20
- 25
- GRIFFITHS: How did those compare?
- CHEHOUD: They were, they were pretty close, yeah, because RMS already owned some portable weighing scales so they weren't buying them for the first time and they knew what they were after so yeah there wasn't, what RMS was asking for and what was available on the market weren't too far apart, they were pretty close.
- 30
- GRIFFITHS: Who, who gave you that specifications initially?
- CHEHOUD: RMS's specifications?
- 35 GRIFFITHS: Yeah RMS specifications.
- CHEHOUD: I think Samer gave me, gave me a, a briefing, a verbal briefing. I can't recall whether he actually ever gave me anything in writing but based on that verbal briefing we prepared a written specification.

5 GRIFFITHS: O.K. Did, at any time do you recall the tender changing from open to a closed or a request for proposal?

 CHEHOUD: No I don't. No.

 GRIFFITHS: Where, when was the last time you had involvement with that tender process?

 CHEHOUD: That would've been when we finalised the tender documents and sent them to RMS. That would've been the end of it.

 GRIFFITHS: When you say finalise the tender documents, that's prior to it going onto E-tender?

10 CHEHOUD: Definitely, yeah.

 GRIFFITHS: O.K. So post that, you had no –

 CHEHOUD: No.

 GRIFFITHS: - understanding of the outcome?

 CHEHOUD: No.

15 GRIFFITHS: O.K.

 FOX: When you recall, when you were first called about this, you said you went to meet Alex and Samer –

 CHEHOUD: No Samer, oh yeah, Alex Lee, yeah, yeah.

 FOX: Alex Lee, yep.

20 CHEHOUD: And Samer at –

 FOX: At Parramatta.

 CHEHOUD: Yep.

 FOX: And, and they gave you a briefing in their office. Is that correct?

 CHEHOUD: Yeah, yeah, that's right.

25 FOX: O.K and was it just you went or did you take someone else from WSP?

 CHEHOUD: There were, there were two meetings if I recall where we got the first initial download and then we prepared our proposal from that and then there was a more detailed follow up meeting. I think the more detailed one I may have been accompanied by somebody, that, that, the young grad engineering who was helping me, yeah.

30 FOX: So when you went, was this another example of a variation to the existing contract?

 CHEHOUD: No.

- FOX: So how, how was, how would WSP procure in this instance?
- CHEHOUD: So in this instance we were engaged under a, remember I said professional services panel before? So we were engaged with a work order, under that professional services panel.
- 5 GRIFFITHS: A different one to the one that was created in –
- FOX: So this is one of your overarching –
- CHEHOUD: Yeah.
- FOX: - panels.
- CHEHOUD: Yeah, yeah.
- 10 FOX: That you spoke about earlier.
- CHEHOUD: Yeah, yeah.
- FOX: So you, and Samer sent you the work order before the meeting did he?
- CHEHOUD: No Alex, Alex Lee, Alex and Samer asked for a proposal. I prepared the proposal and I asked them how we were going to be engaged and then one of us, it was either me or, or someone from RMS said probably the easiest way would be for a work order under the existing panel and then Alex Lee came back with the work order, after our proposal had been accepted and then we started work.
- 15
- FOX: O.K. And were you advised that RMS had only recently been, prior to this meeting, had a, not long in the past been involved in procurement of the same products? What was your understanding of the, the sort of, the history of this?
- 20
- CHEHOUD: Yeah, it's recent so it's still quite fresh. I understood that the, this the current fleet of sales that they had, had been in service for about thirty years and they were reaching the end of their life. So I wasn't aware that there were any recent procurements, any more recent than say thirty years ago. I, my understanding was the last time we bought these was thirty years ago. They're getting to the end of their life, we need to replace them.
- 25
- FOX: And Samer and Alex between them, told you that did they?
- 30
- CHEHOUD: Yes, yes.
- FOX: O.K. Did you make notes of these meetings?
- CHEHOUD: Yes I did.
- FOX: And where did you make your notes?
- 35
- CHEHOUD: In one note.
- FOX: Are you –

CHEHOUD: (indecipherable)

FOX: - retain those notes?

CHEHOUD: Yeah I'm pretty sure I did, yep.

FOX: Alright, that's something else we'll be seeking from you as well.

5 CHEHOUD: Sure, sure.

GRIFFITHS: Is there anything else you want to ask?

FOX: No, I don't, I think that's about it.

GRIFFITHS: Yeah.

10 FOX: Just, just want to run a couple of names by you, make sure we've covered everything off.

CHEHOUD: Yep.

FOX: Have you meet, or at any, or had any involvement with someone by the name of Stephen Thammiah?

CHEHOUD: Who?

15 FOX: Stephen Thammiah.

CHEHOUD: No.

FOX: Ali Hamidi?

CHEHOUD: No.

20 FOX: O.K and have you ever heard of a company called Novation Engineering?

CHEHOUD: Yeah they were one of the tenderers.

FOX: Alright and do you recall any conversations about that company at all?

CHEHOUD: No, none at all. No.

25 FOX: And what about a company called AZH Consulting Pty Ltd? Have you ever heard of that company?

CHEHOUD: Not, not until I got your email.

FOX: O.K.

CHEHOUD: Yeah.

FOX: Alright. No worries.

30 GRIFFITHS: Alright we'll I have nothing further Nathan. So thank you for coming in. What, do you have any questions or anything else you want to add based on what we've spoken about today?

CHEHOUD: Could you tell me a little bit more about the process? Where to from here?

GRIFFITHS: I can explain, we can do that after we finish the interview

CHEHOUD: Yep.

5 FOX: But basically we'll, we'll, we'll probably be requesting some, some documents that we hope you've retained, personally retained on, on, maybe on your laptop or something. So if you could make sure you don't do anything but we'll, we'll go through a process internally to do that and then we'll, we'll probably issue a notice to get them and then beyond that

10 we, we may be looking at compiling the cellular parts of this interview into a witness statement to help, to assist our investigation.

CHEHOUD: Sure.

GRIFFITHS: O.K. Alright Mr Wyld do you have anything?

15 WYLD: No. It would be helpful, I understand you need to issue a notice if you want anything further but we can either do that in correspondence or if you think it's appropriate to issue a notice, then issue a notice and you, you might just think whether the notice should be to the company. If it's the company records because I don't know whether they're Nathan's personal records.

20 FOX: Sure.

GRIFFITHS: That's fine.

WYLD: But I'm, I'm here to assist. I'm here for the company.

FOX: O.K.

25 WYLD: So I was not involved and didn't know what's happened in the past but I'll draw that to the attention of the people instructing me and let them know that something will occur.

GRIFFITHS: O.K.

WYLD: But otherwise I have no, nothing further to add.

FOX: Thank you.

30 GRIFFITHS: O.K. Alright the time is now 11:06 and I'll terminate the recording.

(INTERVIEW CONCLUDES)