

The Commission has made findings of serious corrupt conduct against Samer Soliman, Stephen Thammiah, Ali Hamidi and Jainesh (Jai) Singh.

The Commission found that Samer Soliman engaged in serious corrupt conduct by:

- between November 2015 and June 2016, misusing his position as manager of the RMS HVP Unit to arrange for six RMS contracts to be awarded to Novation, his friend's company, namely the:
 - November 2015 contract for the procurement of 21 under-vehicle inspection cameras, for which Novation was paid \$45,780 by RMS
 - December 2015 contract to undertake mobile automatic number plate recognition (ANPR) technology trials and provide a scoping study, for which Novation was paid \$83,097 by RMS
 - February 2016 contract for a field trial and scoping study of thermal vehicle scanner technology, for which Novation was paid \$76,274 by RMS
 - March 2016 contract for trialling of portable weigh scales, for which Novation was paid \$25,129.50 by RMS
 - May 2016 contract for a field trial and scoping study of a vehicle dimension scanner, for which Novation was paid \$23,089 by RMS
 - June 2016 contract for the procurement, field trial and scoping study for ruggedised tablets, for which Novation was paid \$92,345 by RMS

in each case doing so for the purpose of improperly benefiting Mr Thammiah and himself (chapter 3)

- between April and November 2016, misusing his position as RMS HVP Unit manager to obtain for Novation the exclusive NSW distributorship of the existing brand of portable weigh scales and parts used by RMS (PAT GmbH/static axle weigher (SAW)) (chapter 4)
- between January 2017 and August 2018, misusing his position as manager of the RMS HVP Unit to arrange for contracts to be awarded to AZH, his friend's company, namely the:
 - January 2017 contract for a scoping study and trial of the Industrial Monitoring and Control Pty Ltd (IMC) thermal camera, for which AZH was paid \$31,900 by RMS

- January 2017 contract for a field trial and scoping study of the SICK dimension scanner, for which AZH was paid \$31,900 by RMS
- January 2017 contract for a field trial and scoping study for the TIRTL (infra-red traffic logger) and Optris thermal scanner, for which AZH was paid \$33,000 by RMS
- January 2017 contract for a field trial and scoping study for the TIRTL and LTI (Laser Technology Inc) dimension scanner, for which AZH was paid \$33,000 by RMS
- January 2017 contract for a field trial and scoping study for integration of the TIRTL and weigh in motion (WIM), for which AZH was paid \$30,800 by RMS
- April 2017 contract for trial and scoping study for Houston Radar technology, for which AZH was paid \$33,000 by RMS
- April 2017 contract for a two-phase report on heavy vehicle crash analysis, for which AZH was paid \$66,000 by RMS
- May 2017 contract for field trials and scoping study for thermal and cold cameras, for which AZH was paid \$99,000 by RMS
- July 2017 contract for trial of HAENNI portable scales, for which AZH was paid \$53,625 by RMS
- August 2017 contract for trial of PAT 10C III portable scales, for which AZH was paid \$53,625 by RMS
- December 2017 contract for trial and study of modern portable scales, for which AZH was paid \$241,175 by RMS
- March 2018 contract for in-ground thermal camera trial and study, for which AZH was paid \$179,259 by RMS
- June 2018 contract for modernising ITS field trials and study, for which AZH was paid \$230,890 by RMS
- August 2018 contract for trial and study of heavy vehicle avoidance, for which AZH was paid \$195,690 by RMS

in each case doing so for the purpose of improperly benefiting Mr Hamidi and knowing that he would also benefit financially through payments made to him by Mr Hamidi/AZH (chapters 5, 6 and 7)

- between September and November 2017, improperly exercising his public official functions in the tender process for the professional services contractor (PSC) panel in order to ensure that AZH was a winning tenderer and was appointed to that panel, when he:
 - manipulated the specifications of the request for tender for the PSC panel to favour AZH, by removing tender requirements he knew that AZH could not satisfy and foregrounding requirements he knew that he could represent AZH as satisfying
 - drafted AZH's tender submission for the PSC panel

- drafted a submission for AZH that was false and misleading in all material respects in its representations about AZH’s experience and technical skills and included as examples of AZH’s work two reports that he had himself entirely plagiarised from the work of genuine vendors
- appointed Mr Singh, a person he knew to be a close friend of Mr Hamidi, to convene the tender evaluation committee, knowing that AZH would be lodging a submission
- attended the tender evaluation on 30 October 2017, although he was not on the tender evaluation committee
- failed to make any declaration of a conflict of interest in relation to AZH (chapters 6 and 7)
- between 4 June 2017 and 9 August 2018, soliciting and receiving \$177,450 from Mr Hamidi in 13 payments as an inducement or reward for exercising his official functions to favour AZH and award the company multiple RMS contracts (chapter 7)
- between late October 2016 to at least the end of the 2016–17 financial year, misusing his position as manager of the RMS HVP Unit by engaging with Mr Thammiah in a deliberate scheme to make as much profit as possible for Novation from the supply of scales spare parts to RMS, which involved, among other things, causing the payment by RMS to Novation of 27 invoices to a total of over \$803,000 for scale parts, software and hardware knowing that such items would either not be supplied or, if supplied, would be subject to exorbitant mark-up by Novation (chapter 8)
- between approximately July and late October 2017, misusing his position as manager of the RMS HVP Unit by assisting Novation to be appointed to the Heavy Vehicle Maintenance (HVM) panel, including by ensuring criteria was included in the request for tender (RFT) that would enable Novation to tender and by assisting Mr Thammiah with Novation’s tender submission, in order to continue to benefit from the money Novation would receive from RMS as a result of gaining work as an HVM panel member (chapter 9)
- on 17 October 2017, signing a conflict of interest declaration, in which he falsely declared that he had no actual, perceived or potential conflict of interest when endorsing the recommended appointment of Novation to the HVM panel (chapter 9)
- between January 2016 and October 2018, receiving cash payments totalling \$347,200 from Mr Thammiah in person, or via his own withdrawals from Novation’s account, these payments representing the immediate financial advantage obtained by Mr Soliman from his joint enterprise with Mr Thammiah (chapter 10)
- misusing his position as manager of the RMS HVP Unit to favour Novation by manipulating RMS’s processes for a tender worth over \$2 million for the procurement of 125 portable weigh scales (chapter 11)
- misusing his position as manager of the RMS HVP Unit to favour Novation by manipulating RMS’s processes for a tender worth over \$7 million for the procurement of 425 portable weigh scales and 70 chargers (chapter 12).

The Commission found that Stephen Thammiah engaged in serious corrupt conduct by:

- between 15 December 2015 and 18 June 2016, submitting eight invoices to RMS for payment for six contracts, namely the:
 - November 2015 contract for the procurement of 21 under-vehicle inspection cameras, for which Novation was paid \$45,780 by RMS
 - December 2015 contract to undertake mobile ANPR technology trials and provide a scoping study, for which Novation was paid \$83,097 by RMS
 - February 2016 contract for a field trial and scoping study of thermal vehicle scanner technology, for which Novation was paid \$76,274 by RMS
 - March 2016 contract for trialling of portable weigh scales, for which Novation was paid \$25,129.50 by RMS
 - May 2016 contract for a field trial and scoping study of a vehicle dimension scanner, for which Novation was paid \$23,089 by RMS
 - June 2016 contract for the procurement, field trial and scoping study for ruggedised tablets, for which Novation was paid \$92,345 by RMS

in each case knowing, when he submitted the invoices, that he had not done, or would not do, most of the work, for which he invoiced and that Mr Soliman would use his position at RMS to dishonestly arrange for payment of the invoices (chapter 3)

- between 10 January and 16 May 2017, in agreement with Mr Soliman, creating 28 Novation invoices totalling just under \$836,000, and submitting these to RMS for payment, for which Novation received just over \$803,000, knowing that parts for which he invoiced would not be ordered from or supplied by International Road Dynamics (IRD), and/or that the prices charged were grossly inflated and knowing that Mr Soliman would use his position at RMS to cause payment of the invoices to benefit himself and Mr Soliman (chapter 8)
- on 6 October 2017, in agreement with Mr Soliman, submitting Novation's response to the RFT for the HVM panel knowing that Mr Soliman had used, and would continue to use, his position to favour Novation's appointment to the HVM panel, in the expectation that Novation would continue to profit from RMS business and that he would share in those profits with Mr Soliman (chapter 9)
- between January 2016 and October 2018, making cash payments, or enabling Mr Soliman to withdraw cash, to the total value of \$347,200 from Novation's accounts on account of Mr Soliman exercising his public official functions to improperly favour Novation in the awarding of RMS contracts (chapter 10)
- on 9 February 2018, in agreement with Mr Soliman, submitting a response to the RMS request for quotes (RFQ) for the procurement of 125 portable weigh scales knowing that Mr Soliman had misused his position as manager of the RMS HVP Unit to favour Novation in the tender process (chapter 11)

- in August 2018, in agreement with Mr Soliman, submitting a response to the RMS RFQ for the procurement of 425 portable weigh scales and 70 chargers knowing that Mr Soliman had misused his position as manager of the RMS HVP Unit to favour Novation in the tender process (chapter 12).

The Commission found that Ali Hamidi engaged in serious corrupt conduct by:

- between 7 February 2017 and 17 September 2018, submitting invoices for the:
 - January 2017 contract for a scoping study and trial of the IMC thermal camera, for which AZH was paid \$31,900 by RMS
 - January 2017 contract for a field trial and scoping study of the SICK dimension scanner, for which AZH was paid \$31,900 by RMS
 - January 2017 contract for a field trial and scoping study for the TIRTL and Optris thermal scanner, for which AZH was paid \$33,000 by RMS
 - January 2017 contract for a field trial and scoping study for the TIRTL and LTI dimension scanner, for which AZH was paid \$33,000 by RMS
 - January 2017 contract for a field trial and scoping study for integration of the TIRTL and WIM, for which AZH was paid \$30,800 by RMS
 - April 2017 contract for trial and scoping study for Houston Radar technology, for which AZH was paid \$33,000 by RMS
 - April 2017 contract for a two-phase report on heavy vehicle crash analysis, for which AZH was paid \$66,000 by RMS
 - May 2017 contract for field trials and scoping study for thermal and cold cameras, for which AZH was paid \$99,000 by RMS
 - July 2017 contract for trial of HAENNI portable scales, for which AZH was paid \$53,625 by RMS
 - August 2017 contract for trial of PAT 10C III portable scales, for which AZH was paid \$53,625 by RMS
 - December 2017 contract for trial and study of modern portable scales, for which AZH was paid \$241,175 by RMS
 - March 2018 contract for in-ground thermal camera trial and study, for which AZH was paid \$179,259 by RMS
 - June 2018 contract for modernising ITS field trials and study, for which AZH was paid \$230,890 by RMS
 - August 2018 contract for trial and study of heavy vehicle avoidance, for which AZH was paid \$195,690 by RMS

in each case knowing when he did so, that he had not done, or would not do, most of the work for which he invoiced and that Mr Soliman would use his position at the RMS to dishonestly arrange for payment of the invoices (chapters 5, 6 and 7)

- on 25 October 2017, in agreement with Mr Soliman, lodging a tender submission with RMS for inclusion on the PSC panel, knowing that Mr Soliman had drafted

AZH's submission and that he had used, and would continue to use, his position to favour AZH's appointment to the PSC panel (chapters 6 and 7)

- between 4 June 2017 and 9 August 2018, paying Mr Soliman \$177,450 in 13 payments as an inducement or reward for Mr Soliman exercising his official functions to favour AZH and award the company multiple RMS contracts (chapter 7).

The Commission found that Jainesh (Jai) Singh engaged in serious corrupt conduct by:

- in October 2017, improperly assisting AZH to be appointed to the PSC panel by recommending AZH's appointment, knowing that its tender submission contained false and misleading information about the experience and technical skill of AZH and Mr Hamidi, and deliberately failing to declare his conflict of interest arising from his friendship with Mr Hamidi (chapters 6 and 7)
- between February and March 2018, partially and dishonestly exercising his official functions by recommending Novation as the winning tenderer for a contract valued at over \$2 million and declaring that he was not aware of any situation that might lead to an actual or perceived conflict of interest, or which might affect him carrying out his functions both fairly and in RMS's best interest, when he knew that the friendship between Mr Soliman and Mr Thammiah was such a situation (chapter 11).