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DEPARTMENT OF FINANCE

**GAR MEMORANDUM NO. 01-2018**

**FOR: DEPARTMENT AND AGENCY HEADS**

**SPECIAL ATTENTION TO:**

**Procurement Directors and Officers**

**Fiscal Directors and Officers**

**Federal Grants Fiscal and Program Directors and Officers**

January 24, 2018

**FROM:**

A blue ink signature of Valdamier O. Collens, consisting of a stylized, cursive script.

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**Valdamier O. Collens, Commissioner**

**SUBJECT: Compliance: Federal Disaster Funding -- Procurement of Goods & Services**

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Owing to the heightened scrutiny surrounding the proper management, oversight and transparency and reporting of disaster relief funding, I am writing you today in my capacity as the Governor's Authorized Representative (GAR) relative to implementing an important step in maintaining our collective responsibility and accountability for the federal disaster grant funding being provided to the Territory of the United States Virgin Islands (USVI). Federal regulations (44 CFR 206.41(D)) stipulate that the Governor shall designate a GAR, who shall administer Federal disaster assistance programs on behalf of the USVI. The GAR provides executive oversight and direction of the disaster recovery on behalf of the Governor, and executes all necessary documents on behalf of the USVI. The GAR is responsible for compliance with the FEMA-State Agreement, which defines the requirements that must be followed to receive federal disaster grant funding.

As was discussed at the Governor's Cabinet meeting on December 14, 2017, to the same degree that the recovery process will begin to accelerate, so will the amount of federal funding needed to support these urgent efforts. These funds will need to be spent in accordance with applicable federal regulations to mitigate the risk of funds being questioned and returned to the federal government. Mindful of this, one of the most critical and time sensitive areas for compliance relates to the procurement of goods and services for which the USVI may seek federal reimbursement.

With due consideration given to the departments, instrumentalities and individuals who are involved in performing procurements throughout the Government of the Virgin Islands (GVI),

there is a need to create a consistent process for reviewing these procurements for compliance with applicable laws and regulations. Consequently, as an integral component of the GAR's responsibility, your assistance in adhering to the following additional guidelines is respectfully requested:

- Any future procurements (or series of related procurements for the same, similar, or related goods or services) that will result in an agreement with a vendor where more than \$100,000 (i.e., the "GVI Recovery Threshold") in federal disaster grant funding is anticipated to be expended, must be reviewed by Virgin Islands Territorial Emergency Management Agency (VITEMA) at least five (5) business days prior to consummating any agreement, contract, or notice to proceed (i.e., verbal or written) with a vendor. The baseline documentation needed to complete the review can be found in Attachment A.
- For any prior procurements (i.e., between September 6, 2017 to present-day) that meet the GVI Recovery Threshold, a listing of all agreements, contracts, or notices to proceed (whether written or verbal) must be transmitted **via email** to Mrs. Renata Christian, Territorial Public Assistance Officer ([renata.christian@vitema.vi.gov](mailto:renata.christian@vitema.vi.gov)), or for St Croix, Mrs. Malinda Vigilant-Messer, Deputy Public Assistance Officer ([malinda.vigilant@vi.gov](mailto:malinda.vigilant@vi.gov)) **by Friday, February 9, 2018**. The listing should include the following information:
  - 1) Vendor Name
  - 2) Date of Agreement
  - 3) Total Anticipated Cost of Contract
  - 4) Procurement Methodology (e.g. Sole Source, Open Competition, etc.)
  - 5) Contract Type (e.g., Fixed, Unit Price, Time and Materials)
  - 6) Agreement Approver (e.g., Governor, Board of Directors, Executive Director)

For procurements undertaken consistent with your applicable policies and procedures, most of the baseline documentation should likely already exist. The goal is not to create extra work or be overly prescriptive, but to rely on existing documentation to properly support the procurement(s) undertaken. As always, we endeavor for this to be a collaborative process, where we all work together to maximize not only the amount of federal funds the USVI receives, but also the amount we are ultimately able to properly document and retain.

Once this information is received and reviewed by VITEMA, we will contact you with any questions. Moreover, we will be scheduling a seminar in February 2018 to reinforce the matters brought forth herewith.