

The Virgin Islands Consortium

After 14 Years and \$25 Million of Local Funds, the USVI Still Hasn't Met 25 Conditions to Gain U.S. Dept. of Education Compliance for Funding

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Ernice Gilbert **February 12, 2020**



Bazilio Cobb Associates CEO Ralph B. Bazilio By. VI LEGISLATURE

A company called Bazilio Cobb Associates (BCA) was castigated on Tuesday for its failure — in 9 and a half years — to perform its job of making the USVI Dept. of Education — and to a lesser extent the VI Dept. of Human Services — come into compliance with a U.S. Department of Education Compliance agreement that demands the V.I. Dept. of Education resolve 25 special conditions for the local government to continue receiving U.S. Dept. of Education funding. The federal funding is critical to the

survival of the territory's education system, and the local government, just from payments to BCA alone, has spent \$24.7 million to rectify the conditions.

But after almost 10 years with BCA and 14 years altogether, the GVI has yet to come into compliance, and senator after senator piled on representatives of BCA, including company CEO Ralph B. Bazilio and USVI Project Manager for BCA Mariana Jalloh.

According to Office of Management and Budget Director, Jenifer O'Neal, the G.V.I., as part of the agreement, had to hire third-party fiduciaries to help the government come into compliance, with BCA scoring the major contract nearly 10 years ago to help manage U.S. D.O.E. grant funds awarded to the territory — along with making sure the 25 special conditions were met. More recently, the BCA was tasked with training local individuals to manage grant funds so as to relieve the local government of the \$2.6 million annual cost, under a so-called self-contained model. That process includes six phases that must be completed before the local employees could takeover, but Ms. O'Neal has not been satisfied with the pace of the training. She also protested BCA's lack of presence in the territory to train the local employees.

"Training should have ended by the end of December [2019] and it still has not been completed," Ms. O'Neal said. "So for me, I think the pace is too slow and I think that Mr. Bazilio, BCA staff being here for two weeks and then they're gone for two weeks, makes it hard. We have staff who are also going to take vacations, they have sick days, they have whatever...So the timing just doesn't work when people are in and out all the time... So the training just isn't happening as fast as I'd like the training to happen."

Senator Kurt Violet, known to be a sharp questioner, pounced, asking Ms. Jalloh whether she believed it was a wise setup for BCA to be in the territory — which it receives \$2.6 million from annually — two weeks a month to perform the training. After trying to dodge the question, Ms. Jalloh said it was what the company had decided to do.

Mr. Violet then moved on to another question that cut directly to the heart of what senators thought was BCA's deliberate snail's pace in completing the tasks so that it could hold on to the \$2.6 million contract longer.

The veteran St. Croix senator referred to a June 28, 2019 letter from the U.S. Dept. of Education addressed to Gov. Albert Bryan, which demanded that phase one of the six phases take place in three months, between May 1 to July 31, 2019. Thereafter, phase 2 was supposed to be completed in August of 2019, according to the U.S. D.O.E. letter. However, BCA said phase two would be completed in April 2020.

Mr. Violet then spoke to the detailed nature of the letter relative to the conditions and phases, including timelines on when the U.S. D.O.E. expected the phases to be completed. "So you're literally saying that despite the fact that you have a specific mandate from the U.S. Dept. of Education, that your time schedule is totally different to this? Ms. Jalloh responded in the affirmative and further stated that the U.S. D.O.E.'s letter had wrong dates.

"You're saying the U.S. D.O.E.'s letter to the governor is incorrect? The U.S. D.O.E. sent an incorrect letter and you guys developed your own dates?" Mr. Violet, bewildered, asked. Ms. Jalloh held her position that the letter had incorrect dates.

Mr. Violet continued: "I'm reading from a letter that was submitted to the governor that made a suggestion for six phases... And it's not a suggestion, they're saying that this is what we expect you to do; this is the schedule that we're giving you to implement."

Adding to senators' ire, Mr. Bazilio said he didn't notice the U.S. D.O.E.'s dates until the Tuesday hearing.

"You're telling me you're the third-party and you didn't know those dates? That's what you're telling me? You're telling me you didn't notice the dates that the U.S. Dept. of Education included in that letter for implementation? You didn't notice those dates?"

Ms. Jalloh, trying to move on from the discussion of dates, said all phases would be completed by July 2020 — even though the company had only completed one phase since mid-2019 and was currently working on the second.

"So we have to be foolish, that's what you're trying to tell me," Mr. Violet, visibly annoyed, said. "Because you're saying phase 2 is going to finish April 2020, and then you're going to finish phases 3, 4, 5 and 6 in two months, when here it is saying that phase 3 takes Oct., Nov., Dec. -- three months, Phase four takes four months..."

Ms. Jalloh said some of the phases would be tackled concurrently.

Mr. Violet said the third-party fiduciaries had no intention of actually working to accomplish the conditions to remove the territory from the compliance agreement.

"There is no incentive for you guys to come out of this. There's no incentive for any of the third-party that is dealing with the finances of the government of the Virgin Islands to want to come out of the third party because they are plush, cushy contracts in which you guys have held for a number of years, and the longer that you hold it the better off for you. So when you begin to talk about not having capacity, or inconsistency within the department, there has been one consistent entity, which is the third party. You've been here for ten years so you should have a full understanding as to how we need to move forward," Mr. Violet said.

Senator Janelle Sarauw, said, "Third-parties and consent decrees in the territory have become like cottage industries, specifically in minority communities across the nation."

In responding to Mr. Bazilio's comment that the government of the Virgin Islands lacked clarity as to the reason why the 25 conditions had yet to be met, Senator Donna Frett-Gregory, chair of the Committee on Education and Workforce Development in which the Tuesday hearing was held, said, "I'm not sure why we're having this discussion today about lack of clarity. If there's lack of clarity, then it is the responsibility of the third-party fiduciary to provide that support to the entity. And in this instance it's the VI government and the team that's here, and the Dept. of Education, which is the largest entity. That's your job; that's your responsibility. For me to hear that we're still having a lack of clarity — I understand that we have changes — but for me to sit here today and listen to the lack of clarity, I just find that to be a little disingenuous."

Senator Novelle Francis, said, "Thirteen years under third-party fiduciary, 9 and a half with BCA, we're not making any movement in my opinion."

Senator Kenneth Gittens, in a statement provided to the Consortium late Tuesday, said, "I have major concerns with the lack of progress we have made at the Department of Education under the Third Party Fiduciary hired in 2010 to oversee our federal grants and programs. We've paid this consulting firm, Bazilio, Cobb & Associates, millions of dollars over the last 10 years with little to no progress. They've failed the U.S.V.I. public school system and no progress has been realized. By now they should have trained Virgin Islanders to take over the role of monitoring and writing these federal grant programs. There has been irreparable damage to our school system as the result of mismanagement."

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