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WAPA Defends Secrecy of Evaluation Team Amid PSC's Push for Disclosure in \$200 Million Propane Contract

WAPA CEO Karl Knight and legal counsel Dionne Sinclair refused to reveal the identities of the evaluation committee reviewing five proposals, saying early disclosure could compromise integrity as PSC members pressed for transparency and conflict checks.

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A routine update before the Public Services Commission (PSC) on efforts to find a new propane supplier for the Water and Power Authority (WAPA) escalated into a heated exchange Tuesday after PSC Chairman Pedro Williams insisted on learning the identities of WAPA's bid evaluation team — a demand that WAPA officials resisted, citing procurement integrity and potential conflicts of interest within the Commission itself.

The agenda item began with a summary of the ongoing procurement process. WAPA's contract administration manager, Nicole Aubain, disclosed that five proposals are currently under review. The evaluation committee, which met for the first time last week, is scheduled to meet weekly until completing its report by November 20 or shortly thereafter. Recommendations are expected to be presented to the WAPA board at its December meeting, Ms. Aubain said.

"In your list of five submittals, does that include the entity that Vice Chair Hughes was asking you to consider?" asked PSC Chair Pedro Williams. WAPA officials confirmed that it did. "The vendor that's been advocated for has submitted a proposal," said WAPA General Counsel Dionne Sinclair. Mr. Williams took exception to the characterization. PSC members also learned that Vitol was among the respondents.

Through questioning by ex-officio member Senator Carla Joseph, the PSC was informed that all five members of WAPA's evaluation team are internal staff. "Can you tell us who those five persons are?" Chairman Williams asked. "In order that the process maintain some level of confidentiality and be outside of the influence of everyone," Ms. Sinclair replied, "it is key right now to not disclose the members of the evaluation team."

Mr. Williams then requested that the names be submitted under confidentiality protections, a request Ms. Sinclair declined. The chairman reminded WAPA officials that confidential submissions are standard procedure. "That is fine," responded Ms. Williams. "I would only ask that if there are any conflicts, that those be disclosed to us prior to such submissions."

She clarified that commissioners should disclose whether they have any interests in any of the five bidding companies that could create a conflict when learning the identities of the evaluators. The five bidding companies are Empire Gas Inc., Equinor U.S., Saintnals LLC, Carib LPG Trading, and Vitol Virgin Islands.

"Here's what we're going to do. Submit them to me personally, and I will handle it," Mr. Williams directed. Attorney Sinclair pushed back, prompting WAPA CEO Karl Knight to intervene. "We are in the midst of a procurement process," he said. "We're trying to preserve the integrity of the procurement process. Your request is an unprecedented request of the Authority in the midst of a procurement process."

Mr. Knight explained that the identities of evaluation committee members are typically not revealed until the committee's report is submitted. "I do not want individuals to compromise or attempt to compromise the folks who are doing this work," he said, assuring that the names would be disclosed once the process is complete. "But I think at this juncture, it does open the door unnecessarily for the potential of compromising a process that is in the midst of being conducted." He pledged full transparency once the evaluation concludes, adding, "As these five individuals are evaluating proposals for \$200 million worth of contract, I just don't want anybody, in any way, feeling that they can influence those individuals."

Referring to Commissioner Williams's directive, Mr. Knight pleaded, "I do ask you and beg the commission to reconsider." Commissioner Clement Magras then asked if the names could be provided to the PSC before the WAPA board votes on the evaluation committee's recommendation. "What is the purpose of you getting it before the board?" Mr. Knight asked. "For us to determine if there's a conflict," replied Mr. Magras.

"So you believe that my validation committee may have a conflict of interest in evaluating these proposals?" Mr. Knight challenged. Although Mr. Magras quickly denied the suggestion, the WAPA CEO continued pressing. "How will you determine if they have a conflict? You're going

to investigate the members of my evaluation committee to determine—no, let's put it clearly on the record,” Mr. Knight continued, even as Chairman Williams attempted to gavel the meeting back to order.

Senator Joseph recalled that a previously constituted evaluation team had included an allegedly conflicted WAPA employee. “These are things that came out in a report,” she said. “That is why they just want the names...I believe it's in a sense of transparency and sense of building trust,” she added.

Mr. Knight then posed one final question to the Commission, echoing the earlier concern raised by his general counsel. “Are you aware that one of your members was openly advocating for one of the proposals in this open, active proposal procurement process?” he asked, referring to PSC Vice Chair David Hughes. Mr. Hughes had previously [accused WAPA](#) of disregarding a more favorable proposal in favor of a less beneficial one, a move that led to the cancellation of the first RFP and the launch of a new procurement round.

Mr. Hughes was absent from Tuesday's meeting when Mr. Knight made his remarks. Chairman Williams responded, “We're all pretty aware of the discussion with the vice chair and members of your team relative to a particular entity. If you consider that advocating for, again that's your definition...I don't know that I will necessarily characterize it as such.” Acknowledging WAPA's concerns, he again directed that the names of the evaluation committee members be submitted directly to him.

“I will trust you to handle it appropriately,” Mr. Knight conceded, while reiterating his claim that Mr. Hughes had “put his thumb on the scale” for one potential supplier. “I was told that I would receive a proposal, and I think the word was ‘I suggest you accept it.’ That to me is advocacy,” Mr. Knight insisted. “It was open advocacy that has eroded my trust in the Commission's integrity...” At the [Tues. August 30 meeting](#), Commissioner Hughes accused WAPA of failing to meaningfully engage a bidder already supplying fuel at cheaper rates, charging that officials instead steered negotiations back to Empire for a more expensive contract under questionable procurement practices.

Mr. Knight's statement was cut off by Chairman Williams's interjection. “As long as I sit in this chair, and you're probably entitled to your concern and your issues, but don't paint a broad brush of the Commission because of the conduct of one person, even the chair, because I only have one vote,” he declared.

Before moving to the next agenda item, Chairman Williams restated his directive that the names of WAPA's evaluation committee members be submitted to him under confidentiality. Commissioner Raymond Williams placed his objection on record, arguing that the rationale should have been discussed during the executive session at the start of the meeting. “I'm definitely not in support of providing information without more factual discussions and reasons,” he said.