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Company Co-Owned by Governor Bryan's Daughter and Friend Awarded \$1 Million No-Bid Contract

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Senators who participated in Tuesday's Committee on Finance hearing did not mince words when slamming Dept. of Health testifiers during a budget hearing for awarding a no-bid contract totaling \$998,000 to Ávera, a company co-owned by Michael K. Pemberton, a friend of Governor Albert Bryan who currently holds a position in the administration titled "Millennial Coordinator", and Mr. Bryan's eldest daughter, Aliyah, coming in direct collision with both local and federal conflict of interest laws.

The company, which has no experience in coronavirus contact tracing, was awarded the no-bid deal within 72 hours to perform the important Covid-19-related work. The process did not respect the normal procurement protocols because the territory is under a state of emergency, which gives the governor the authority to forego those protocols, according Dept. of Health officials. D.O.H.

Commissioner Justa Encarnacion said a bid was not put out through the Dept. of Property and Procurement. Instead, she said D.O.H. put out a request for proposal and went with the only company that responded, which she said was Ávera.

Senators found Ms. Encarnacion's responses to be disheartening.

"We have procurement laws in the Virgin Islands that need to be adhered to no matter what," said Senator Kurt Vialet, who raised the issue with the no-bid contract. "If you're going to request that contact tracing is done, you go through the procurement process. This is the second contract that I have heard about in the last week that have not gone through that process and have been awarded to a specific group. And it always happens that this group just happens to be there standing, waiting to get a contract."

The contact tracing that Ávera was contracted to perform involves getting information from travelers who enter the USVI. Ávera would then provide location data to the Dept. of Health. "We would know exactly where they're going throughout the territory," Ms. Encarnacion said.

Asked if the company had experience with the important function of contact tracing, which could mean life and death as it relates to tracking individuals to help prevent the spread of the deadly disease, Ms. Encarnacion said, "This is actually a new company so they do not have prior experience. So we're providing the youth of the VI an opportunity to be able to get some experience."

On the company's ["Team" page](#), Aliyah Bryan is said to have co-founded the company during her senior year at Agnes Scott College, "as an opportunity to help stimulate economic growth across the Caribbean region."

The bio added, "As the daughter of a leader in the United States Virgin Islands, she learned early on the skills necessary to be a leader herself, as well as an inspiration for young girls in the Caribbean finding their niche while working toward self-sufficiency."

Mr. Pemberton, according to the Ávera website, spearheaded the company through its process of becoming part of the first cohort of the Research and Technology Park's Accelerator Program.

The Consortium had [written an article about the RT Park's first cohort event](#) and honed in on Mr. Pemberton. During the event, held in October 2019, Mr. Pemberton described Ávera as a company that would facilitate the expedition of "the current marijuana acquisition through telemedicine and also help[ing] local governments increase tourism spending by up to 300 percent."

At the time, the success of the app depended on the passage of legislation approving marijuana legalization for medicinal and recreational use, and the possibility that the app would become the service through which marijuana transactions are processed. Governor Albert Bryan [has been lobbying hard for the bill's passage](#), but it remains in the Senate.

At the time, Mr. Pemberton said his company was well placed to succeed because it was built with the latest legislation on medicinal marijuana as a basis of operation; because it was part of the "best RTPark in the Caribbean,"; and because the company's API "is built around helping local farmers and entrepreneurs build equity through banking compliance with our tech."

Mr. Pemberton also said that all of the 32 licenses expected to be approved in the territory — including dispensaries, manufacturers and cultivators — would have to adapt Ávera's technology

to be regulated in the U.S. Virgin Islands.

Giving an example of how the company would make money, Mr. Pemberton spoke of a tourist arriving in the territory. This tourist, who wants to access the local marijuana market, would then setup an appointment at a cost of \$50 through the Ávera app (the fee was negotiated between Ávera and local physicians, according to Mr. Pemberton). Then there's a \$25 tourist pass, which Mr. Pemberton said is based off of the local law — a fee that he said was negotiated between Ávera and the local government. Ávera would also get a cut at the dispensary level, Mr. Pemberton said, because the company's tech would be utilized during that process as well.

But with the recreational marijuana legalization bill still in flux, Ávera has pivoted, it appears. Now, the company describes itself as a firm utilizing "the power of technology to counteract problems with opportunities," and has landed a \$1 million contract with the Bryan administration.

Following a question by Senator Donna Frett-Gregory, D.O.H. said the Ávera contract would be funded with federal Covid-19 dollars, namely the CARES Act. Health officials said the department was advised by Property and Procurement Commissioner Anthony Thomas to simply send out a request for proposal to at least three vendors. Asked who were the three vendors, the department could not immediately provide the names.

Mr. Violet asked about the scope of work, and Ms. Encarnacion said the plan is to partner with the Dept. of Tourism, which is building a website where data will be collected. The data will then be transferred to Ávera, which will then provide the data to the Dept. of Health.

"We're going to get into issues because we're being reckless," Mr. Violet said. "When you find out who are the principles and you get a \$1 million contract within 72 hours, without going through the requisite procedure and other entities are not given an opportunity, and we're doing a solicitation and select this company when you know who the principles are, you're setting yourself up for a bad situation," Mr. Violet said. "As a government we have to be responsible and frugal. Government cannot be only special interest. It just can't. And this is just blatant. This is blatant abuse of \$1 million. Just blatant."

Senators encouraged the Dept. of Health to go back to the Dept. of Property and Procurement to address the issue.

Senator Janelle Sarauw called the deal "shady." "When this is all said and done, this government will have to repay the feds for our blatant actions," she [wrote on Facebook](#). "This is as diplomatic as I can type these words. You want work, get work. But go through the proper channel. Adhere to the laws. Even in a state of emergency, there is a process to follow. What the Governor allowed was frankly an abuse of power. This is how people end up in orange, red, blue jumpsuits. This simply cannot be the change of course. It cannot."

Mr. Pemberton, the Ávera co-founder, responded by tagging the lawmaker in a Facebook post. "I am deeply dissatisfied that you, along with Senator Violet and his wife, have chosen to publicly attack a company that was formed by a group of millennial Virgin Islanders seeking to make a difference in their community," [he wrote](#). Mr. Pemberton told Ms. Sarauw that she had not done her due diligence and that her information was off. It was not clear what information Mr. Pemberton was referring to, as the senators were provided responses directly from the Dept. of Health.

In the video below, Mr. Pemberton talks Ávera and how it would facilitate an explosion in marijuana consumption by tourists and thereby fuel revenue growth for the USVI and other partners.

Mr. Pemberton added, "In the short time since our official launch, our team has been bullied off of hearsay and assumptions that lack any kind of supporting evidence."

He also called for the Senate to hold an investigative hearing. Mr. Pemberton further stated that he would be "happy to attend" the hearing "alongside a lawyer."

In an interview with the Consortium Tuesday evening, Sen. Sarauw said she would stay true to the office of which she was elected to serve by the people of the territory. "As a policymaker I have the duty and the right and a fiduciary responsibility to protect the government's finances," she said. "We have the right to check and balance. Accountability."

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