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Avera Was Only Registered in the USVI July 14, and Company Has Yet to Secure a Local Business License

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Ernice Gilbert **July 23, 2020**

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Michael K. Pemberton talks Avera in October 2019, when it was an app to facilitate marijuana transactions in the USVI By. VI CONSORTIUM

The company whose owners include Governor Albert Bryan's daughter, Aliyah Bryan, and Michael K. Pemberton, the latter a close friend of the governor currently serving as "Millennial Coordinator" in the administration, was registered for doing business in the territory on July 14, 2020 and had yet to secure a business license after filing documents this week.

[As seen](#) on the territory's Division of Corporations and Trademark website, Ávera was registered in the USVI 9 days ago. However, the firm was chosen by the V.I. Department of Health for a \$1 million contract to perform coronavirus contact tracing work — one of the most important jobs of

this era, as execution could either lead to quicker reopening of economies while saving of lives, or deeper recession and, potentially, the loss of additional lives in the territory from Covid-19.

According to the CDC, contact tracing involves identifying people who have an infectious disease and people who they came in contact with and working with them to interrupt disease spread.

In a statement issued Wednesday, D.O.H. Commissioner Justa Encarnacion attempted to clarify the status of the important job, stating the deal with Ávera had not been finalized.

However, during the Tuesday Committee on Finance Hearing, the commissioner said the company was already chosen to do the work, and that D.O.H. was actually pushing Ávera so that the contract could be completed. "We actually been speaking with them all weekend. I spoke to Ms. Harley to push them a little bit because it's on their side now. Once it gets to us we'll make sure that it gets finished within the next week as it's critical for us to get that up and running," Ms. Encarnacion said. Ms. Harley works in D.O.H.'s procurement arm.

In attempting to bring clarity to its 72-hour turnaround for choosing Ávera, D.O.H. further stated on Wednesday that on June 28 it identified three companies that could provide the contact tracing job: Aytu Bioscience, AMC Health, and Avera.

"Only Avera, Inc. responded to the request. The department moved forward with the vetting process once the proposal was received," D.O.H. said.

But the two companies D.O.H. listed as having contacted, neither offer contact tracing as capability or service. And a quick search online shows that as of June, [35 states were using](#) U.S.-based firm Sales Force's contract tracing technology for coronavirus, with evidence that the company's technology works. D.O.H. said had it searched the internet for contact tracing providers.

Because the territory is under a state of emergency, Governor Bryan has the authority to forego the normal procurement process, which paved the way for the 72-hour turnaround with little vetting. Generally, in matters of public exigency where deals need to move quickly to secure important work, governments go with firms with vast experience in the requisite field so as to be assured the project will be executed correctly.

Ávera securing the deal appears to violate both federal and local conflict of interest laws. Governor Bryan has yet to issue a statement on the matter, and it was unclear as to whether he would hold a press briefing today. According to Government House, the governor will be on the "Press Box" today, a video program hosted by the administration that selects questions from the community.

The Consortium obtained Ávera's certificate of incorporation, which revealed the company's board of directors as Mr. Pemberton, Ms. Bryan, Attorney Kye Walker, Dr. Kisha Christian, Joseph Samuel and Les Hollis.

The matter came to the fore following questioning from Senator Kurt Violet on Tuesday, which saw frustrated lawmakers calling for the deal to be dismantled.

"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."

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."

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