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Bryan Says He Would Recuse Himself From Daughter's \$1 Million Bid, Places Onus on Lt. Governor Roach

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Governor Bryan during an interview at Gov't House in March, 2020, just before the coronavirus was declared a pandemic. By. CRUSELDA ROBERTS FOR VI CONSORTIUM

Governor Albert Bryan on Monday struck a different tone relative to a Dept. of Health \$1 million no-bid job for coronavirus contact tracing that was awarded to a company whose owners include his daughter, even though the company had yet to be formed in the USVI when it was awarded the deal and has no experience or background in the important work of coronavirus contact tracing.

Ávera was awarded the \$1 million job within 72 hours as the Dept. of Health did not follow normal procurement protocols. D.O.H. said the current state of emergency declaration provides for forgoing the normal procurement process under exigency language written in the state of

emergency statute. Instead of going through the Dept. of Property and Procurement to place the job out for bid, D.O.H. sent out its own request for proposal to three companies, among them Ávera, with Health Commissioner Justa Encarnacion stating that the department went with the only company that responded within the 72-hour window.

The bid to perform the contact tracing job [was revealed during a Senate hearing last Tuesday](#). There, senators expressed frustration with the deal and called on the Dept. of Health start over.

Mr. Bryan, speaking during his coronavirus press briefing on Monday, sought to distance himself from bid, striking a milder tone than the demeanor [seen last Thursday](#). "This proposal never even left [the Dept. of] Health. I was not involved in the selection process at all, so it's not a conflict of interest," Mr. Bryan said as he listed a number of offices a contract goes through before it arrives to his desk.

"If I had signed it I could see the perception under the law as being a conflict of interest, but I know my attorney would never recommend that I sign off on a contract that was issued by my daughter," the governor added, explaining that he has a vested interest in his daughter's success.

Pressed by the Consortium on what would happen if a contract with Ávera as the awardee appeared on his desk, Mr. Bryan said he would recuse himself from the matter and leave it up to Lieutenant Governor Tregenza Roach to decide the outcome. The Consortium asked Mr. Roach for his thoughts on the matter, but a response was not furnished at time of writing. (It was not clear whether Mr. Roach still used the phone number the Consortium has on file.)

Asked on Tuesday about local reports that at least one of the two firms D.O.H. said it sent an RFP to, Aytu Bioscience, stated that it had received no such communication, Ms. Encarnacion said D.O.H. has an electronic record of the communication. "We did not get a response from them, but we do have the file indicating that they were contacted. That's as much as I can say," she said referring to Aytu Bioscience and AMC Health.

Asked why were those two companies contacted and not others that are well known for contact tracing, Ms. Encarnacion said, "Like I said to you before, the actual intricate details as to the process and why they were, versus others, I won't be able to answer that right now. I was not involved in the intricate decision-making. However those were the companies that were chosen."

Last week, Mr. Bryan [he lashed out](#) at the media for its coverage of the deal, and against senators for bringing up the matter. "It's election season 2020. It comes as no surprise to me that my political enemies want to do something because they think this is a referendum on Albert Bryan," the governor pushed back. "This is a referendum on the people of the Virgin Islands and if we're really going to change course or we're going to stand as obstructionists to a governor who is transparent trying to do the right things.

"See, we are 9 days away to a primary election and a 100 days away from a midterm, so it's fit for leaders to eat their young in order for them to be successful," he said of senators who brought up the Ávera matter.

Senator Kurt Vialet responded to the governor during an interview Thursday evening with the Consortium. He said the Legislature has an oversight role to play in government, and that lawmakers saw as worrisome the manner in which the Avera deal was approved.

"The concerns raised on the floor was about the lack of following procurement processes as per Virgin Islands code. And despite the fact that we have a state of emergency, there are still some

basic processes that must be in place in order to make sure that you're complying with the rules and regulations that govern the Virgin Islands and govern federal monies," Mr. Vialet said Thursday. "And in this instance, it was clear that the proper procedures were not implemented. The 72-hour contract solicitation and awarding of a contract, we found that to be highly suspicious."

The senator added, "I heard him say that the contract isn't fully executed and they don't have a contract. But I think he needs to remember that on the floor, the question was asked, do we have a contract for contact tracing and Dept. of Health Commissioner Justa Encarnacion said yes. We asked her who is the vendor and she said Avera. We asked the amount she said \$998,000. So that came from his administration. We didn't make that up. We responded to what we heard on the floor in reference to them on an exigent basis procuring a contract within 72 hours."