



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
Department of Property and Procurement

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MEMORANDUM No. 003-2023

To: Derek Gabriel, Commissioner
Department of Public Works

From: 
Lisa M. Alejandro, Acting Commissioner
Department of Property and Procurement

Cc: Adrienne Williams-Octalien, Director
Office of Disaster Recovery

Bosede A. Bruce, Commissioner
Department of Finance

Nathan A. Simmonds, Director
Public Finance Authority

Daryl D. Jaschen, Director
Virgin Islands Territorial Emergency Management Agency

Dayna Clendinen, Interim Executive Director
Housing Finance Authority

Date: April 3, 2023

Re: Designation of the Commissioner of the Department of Public Works as the “Authorized Representative” of the Commissioner of the Department of Property and Procurement in Processing Partial and Final Payments on Government of the Virgin Islands Construction Contracts.

Subject to the approval of the Governor of the U.S. Virgin Islands, the Department of Property and Procurement is identifying the Commissioner of the Virgin Islands Department of Public Works (“DPW”) as the *authorized representative* of the Commissioner of the Department of Property and Procurement for the sole purpose of approving partial and final payments on all construction contracts of the Executive Branch.

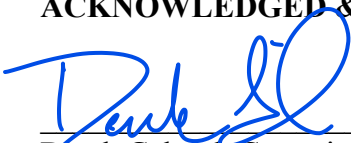
Consequently, effective **April 17, 2023**, the Commissioner of DPW will review and approve all partial and final payments on construction contracts in accordance with the provisions of 31 V.I.R. & REGS §§ 242-101 to 242-108. The Department of Property and Procurement will no longer review and approve construction contract payments.

The following steps will apply in the construction contract payment review process, effective **April 17, 2023**:

1. All contractors will submit all payment requests to DPW;
2. DPW's Engineering Office will verify the measurements of quantities/work completed in accordance with 31 V.I.R. & REGS § 242-102;
3. DPW's Procurement Office will review the payment request and ensure the payment request is consistent with the contract's values, terms, and conditions;
4. The Commissioner of DPW will approve or disapprove the payment request in accordance with 31 V.I.R. & REGS §§ 242-107 and 242-108;
5. If the payment request is approved by the Commissioner of DPW, DPW's Procurement Office will disseminate the approved payment request to the user agency, the contractor and any required funding agencies, including but not limited to, the Virgin Islands Public Finance Authority ("PFA"), the Virgin Islands Territorial Emergency Management Agency ("VITEMA"), the Office of Disaster Recovery ("ODR"), and the Housing Finance Authority ("HFA");
6. If the construction contract is funded through the PFA, DPW's Procurement Office will submit the customary payment request packet directly to PFA for payment processing; and
7. For all contracts which will be paid through the Department of Finance ("DOF"), upon receipt of the approved payment request from DPW's Procurement Office, the user agency will submit the payment request to DOF for payment processing.

The designation of DPW's Commissioner as the **authorized representative** of DPP in processing construction contract payments under 31 V.I. R. & REGS § 242-107 and 108, applies only to partial and final payments. This designation of authority does not extend to the processing of change orders, supplemental contracts or any other modification to a construction contract. The approval process for requesting change orders, supplemental contracts or any other modification to a construction contract remains unchanged and must be approved by DPP. This designation of authority will be subject to periodic review and may be revoked by DPP at anytime subject to the approval of the Governor of the U.S. Virgin Islands.


ACKNOWLEDGED & AGREED:



Derek Gabriel, Commissioner
Department of Public Works

Date: 4/14/2023

APPROVED/DISAPPROVED:



Albert Bryan Jr., Governor
United States Virgin Islands

Date: 4-14-23

