

BILL NO. 30-0303

Thirtieth Legislature of the Virgin Islands

January 9, 2014

An Act authorizing the Commissioner of the Department of Property and Procurement to ratify and affirm a purchase order and payment to Betteroads Asphalt Corporation for additional work performed for the Virgin Islands National Guard on behalf of the Government of the Virgin Islands

PROPOSED BY: Senator Shawn-Michael Malone

1 **WHEREAS**, in September of 2011 the Department of Public Works (“DPW”) contracted
2 Betteroads Asphalt Corporation (“Betteroads”) under its task Order to perform paving work on
3 the parking areas and the access road the Virgin Islands National Guard “(VING”) facility
4 located in Estate Nazareth in St. Thomas, Virgin Islands; and

5 **WHEREAS**, the Department of Public Works contracted Betteroads under its Task
6 Order to perform this paving project in the amount of \$239,875.00; and

7 **WHEREAS**, it was determined by Betteroads, that additional work was needed to
8 complete the project that had been originally specified in the contract; and

9 **WHEREAS**, Betteroads completed the additional work on the project without the
10 knowledge, consent or agreement of the Department of Public Works and the Virgin Islands
11 National Guard, and

1 **WHEREAS**, Betterroads submitted an invoice for the original work as agreed to in the
2 contract, and a Change Order in the amount of \$274,119.40; and

3 **WHEREAS**, a contract for additional work performed was not executed; and

4 **WHEREAS**, VING has received the required funding, which is a 50-50 split between the
5 territorial and federal governments in Fiscal Year 2013; and

6 **WHEREAS**, the Virgin Islands National Guard has the requisite amount to compensate
7 Betterroads Asphalt Corporation for the additional work performed, but a purchase Order for this
8 amount must be provided; and

9 **WHEREAS**, the Virgin Islands National Guard is satisfied with the work performed
10 under the original contract and with the subsequent additions; and

11 **WHEREAS**, there is adequate justification for the procurement of the additional work
12 performed; and

13 **WHEREAS**, it has been determined that it is in the best interest of the Government of
14 the Virgin Islands to allow the Commissioner of the Department of Property and Procurement to
15 ratify the Purchase Order and approve the Virgin Islands National Guard's payment to
16 Betterroads Asphalt Corporation for all work completed; Now, Therefore,

17 ***Be it enacted by the Legislature of the Virgin Islands:***

18 **SECTION 1.** Notwithstanding 29 V.I.C. §249, the Commissioner of the Department of
19 Property and Procurement may ratify and affirm the Change Order from Betterroads Asphalt
20 Corporation in the amount of \$274,119.40, permitting approval of any payments that have been
21 made under the Change Order and the payment of the outstanding balance for services rendered
22 under Change Order for which no payment has been made.

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24 **BR13-1172/December 2, 2013/ Revised January 7, 2014/ YLT**
25 **G30-0024**
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