

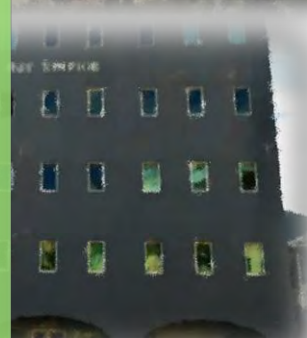
Chapter 9: Leases

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GOVERNMENT OF THE
VIRGIN ISLANDS
Office of the Deputy Governor

Accommodation Management Framework



Revised in 2018 for internal
circulation and adoption

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- Environmental Health Division
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General Introduction

The Government of the Virgin Islands has made and continues to make a significant financial investment in the accommodation that is necessary to successfully deliver services to the Public.

A variety of accommodation is required in order to successfully deliver the ever expanding services of the Government of the Virgin Islands. Office Accommodation is needed to house the people and technology needed to deliver excellence in public services. The design, aesthetics and safety of Office Accommodation, conceivably has the most direct impact of any accommodation type on the image and reputation of the public service, the level of comfort, safety and security experienced by the public as it accesses public services and the health, safety, security and productivity of the public officers who serve from the accommodation.

Housing accommodation is provided for select senior public officials, the judiciary and public officers assigned to work on the sister islands on a temporary basis (such as teachers, fire officers immigration officers and customs officers). Housing accommodation is likely to have a significant impact on the comfort, safety, security and productivity of individual officers. Special focus needs to be placed on minimizing the security risks faced by the judiciary.

The final major category of accommodation is storage. Storage is necessary in order to safeguard equipment, documents and other materials that are either not necessary or appropriate to keep in the main office accommodation. Some units such as the Environmental Health Division may need to store potentially dangerous chemicals away from areas of high density human occupation, and under controlled conditions. Departments such as the Department of Waste Management and the Department of Disaster Management need to store a variety of equipment and supplies. However, almost all Government Departments need to store records such as closed files, reports and forms completed by the public in order to access services. While there has been discussion of implementing a system of e-government, appropriate storage space for

records is expected to be required for some time to come. Government Departments need to store documents under controlled environmental conditions that minimize deterioration of documents and under secure conditions that ensure that the documents are accessible only to those persons with the correct levels of authority. Additionally, for those documents that may have archival value, the storage conditions should also approximate at least the minimum requirements for storing archival information, as identified by the Chief Records Management Officer/Government Archivist.

While it may be difficult to place a dollar value on the accommodation utilized by the Government of the Virgin Islands, it should be appreciated that this value is quite significant and includes the following components:

Description	Source of Information on Value of Asset
Government Owned Office Accommodation – inclusive of the Central Administration Building, the District Offices on the Sister Islands.	At present, the DGO, has no information on the real estate value of government owned buildings. As asset registered is required. A listing of the known government owned accommodation is maintained by the DGO.
Government owned Housing Accommodation – housing utilized by senior public officials.	At present, the DGO, has no information on the real estate value of government owned housing. As asset registered is required. A listing of the known government owned housing accommodation is maintained by the DGO.
Government rented Office Accommodation	The DGO maintains an active register of government rented office accommodation.

Government rented housing accommodation	The DGO maintains an active register of government rented housing accommodation for housing for officers assigned to work on the Sister Islands, as well as housing leased to facilitate the security function of government (the judiciary and the RVIPF).
Government owned storage	At present, the DGO has no database of this.
Government rented storage	The DGO maintains an active register of government rented storage accommodation.
Maintenance of Government accommodation (Facilities Management Unit, various other maintenance contracts)	This function is currently split between the Ministry of Communication and Works, the individual Ministries/Departments and the landlords. As part of the current transformation initiative of the Government of the Virgin Islands, they are currently plans for the Ministry of Communications and Works to take a more comprehensive and structured approach to maintenance of Government Building. Specialised software will be needed in order to properly maintain government accommodation assets.
Fit out and retrofitting of Government accommodation	Currently, they are no standard universal retrofitting and fit out guidelines. Decisions are made by the Departments/Ministries in collaboration with the Public

	Works Department, the PSSU and private enterprises.
Insurance for Properties	Currently few government owned properties are insured. Rented properties are expected to be insured, but documentation on insurance of rented properties is not collected.

Currently, the Deputy Governor's Office (DGO) facilitates the preparation of leases for government rented office and storage accommodation. The DGO also facilitates housing leases for public officers assigned to work on the Sister Islands (teachers, fire officers, police officers and customs officers). Additionally, the Permanent Secretary of the Deputy Governor's Office is the Chairperson of the Office Accommodation Committee.

The purpose of the Accommodation Management Framework is to provide clear and well documented guidelines for the management of the accommodation function, and to seek to standardize the approach to accommodation management across government agencies and across time. It is hoped that this management framework would assist the Government of the Virgin Islands to be in a better position to ensure:

- That the location, design, physical structure, configuration and fit out of accommodation is closely aligned with the functional needs of the unit assigned to that accommodation.
- That the use of space within accommodations is evaluated periodically in order to encourage efficient space utilization across the entire Government of the Virgin Islands.
- That functions like strategic long term planning for the accommodation function, is more effectively coordinated and implemented.

- That planning, design and fit out of accommodation is given more over sight.
- That the breakdown of responsibilities with regard to the accommodation function is clear.
- That best practice methodologies are utilized in the management of all aspects of the accommodation portfolio.
- That strategies that could need to better utilization of space, such as reducing the need for paper storage by increasing emphasis on the use of electronic documents, or options for remote work be given due consideration.
- That accommodation is resilient to disasters, especially those that could result from fires, flooding, hurricanes and earthquakes.
- Than accommodation decisions are informed by/linked to the work plans, strategic plans and business continuity plans of the occupants/proposed occupants.
- That adequate information is collected on each accommodation to guide the decisions that need to be made regarding the accommodation portfolio.
- That the management and use of specific government accommodation is monitored from time to time to ensure that the accommodation remains healthy and safe and that risks to government are minimized.
- That the accommodation function aligns well with the Government's recovery vision of a stronger, smarter, greener and better BVI.

- That recommendations are made to the relevant authorities in a timely manner when unusual situations that have a significant impact on accommodation occurs such as during and after the hurricanes of 2017.
- That recommendations are made to the relevant authorities as to when government should commence a building program.

This Virgin Islands Government Accommodation Management Framework has been developed by the Office Accommodation Committee and should be reviewed and revised every five years. It should be noted that while for historic reasons the first publication of this document (2018) will focus heavily on the management of government rented office accommodation, it is anticipated that over time, the framework will be strengthened and expanded to cover all categories of government accommodation.

This management framework document is divided into two main sections:

Section 1: Context/Purpose/Scope/Operating Principles/Roles and Responsibilities

Section 2: Section 2.0 Accommodation Management Processes and Strategies

The management framework is supported by a number of appendices that provide additional detail and that can easily be utilized (in whole or in part) as working documents for the various participants in the accommodation management process. The appendices are listed at the end of the framework document.

Vision Statement for Accommodation Management Function

Accommodation that is healthy, safe, secure, resilient to disasters, well maintained, aesthetically pleasing, functional, offers government excellent value for money, contributes positively to environmental sustainability (carbon neutral, regenerative).

Section 1.0 Context/Purpose/Scope/Operating Principles/Roles and Responsibilities

1.1 Introduction

This section identifies the context, purpose, scope, operating principles, roles and responsibilities of the various different entities (government and non-government) that are involved in management of government accommodation.

1.2 Context

The Government accommodation portfolio comprises the following categories of accommodation:

- Government owned office accommodation
- Government owned storage accommodation
- Government owned housing accommodation
- Rented office accommodation
- Rented storage accommodation
- Rented housing accommodation

In 2018, based on information provided by the Deputy Governor's Office, the Central Statistics Office estimated that the annual cost of government rented office and storage accommodation was around US\$6.4 million and the monthly bill was just under \$503 thousand. Average annual rent exceeded US\$86 thousand with a monthly average over US \$23.88. The above estimate, which represents only a fraction of the money spent on accommodation, demonstrates that the accommodation portfolio represents a significant investment by the Government of the Virgin Islands. Additionally, it was

noted that the majority of properties rented by Government are located in the central part of Tortola. Of the US\$6.4 million paid in rent, about US\$4.8 million (or 75%) is expended in the Center. This information implies that the Government of the Virgin Islands may be having significant impact on rental rates within Road Town and surrounding areas.

1.3 Purpose

The purpose of this section is to clearly define the breakdown of responsibilities among various stakeholders in the accommodation management process.

1.4 Definitions

Office Accommodation: Office accommodation is space that is used for the purpose of the delivery and administration of services to the public. This includes housing of the equipment and technology necessary to deliver the daily services of government.

Housing Accommodation: Residential/dwelling space that is built or leased in order to provide housing for public officers/ or persons entering the Territory to provide public services. The government of the Virgin Islands is legally required to provide housing for the Judiciary. In recent times, housing has been provided for specific senior public officers. Housing is also provided for officers of the Fire and Rescue Services, the Royal Virgin Islands Police Force, the Immigration Department and teachers, who have been assigned to work on the Sister Islands. Housing for public officers assigned to the Sister Islands is paid for from the budget of the Deputy Governor's Office. With increasing demand for housing and accommodation and a trend towards a decrease in budgets, the Deputy Governor's Office is recommending that consideration be given to building additional government housing for public officers assigned to work on the Sister

Islands, as well as replacing provision of housing with a housing allowance for senior public officers. Final decisions on housing will be reflected in a housing policy.

Storage Accommodation: Storage accommodation is accommodation that is primarily used to house equipment, supplies and documents that either are dangerous, or unnecessary to hold in the main office. Stored items may also need to be kept under controlled environmental conditions.

Tenant: A person/entity who occupies land or property rented from a landlord. In leases for accommodation, the tenant is the Government of the Virgin Islands and the Premier signs on behalf of the Government of the Virgin Islands.

Occupant: The government entity (Ministry/Department/Division etc.) that is actually in possession of/in residence at the accommodation. The occupant takes the main responsibility for day to day management of the lease arrangement and for keeping the Deputy Governor's Office updated on any significant matters relative to the management of the lease.

Landlord: The person/entity who is renting the accommodation or part thereof.

Lessor: A person who leases or lets an accommodation to another another (a landlord).

Lessee: A person who holds the lease of a property (a tenant).

1.5 Authority

The accommodation management framework was agreed to by the Office Accommodation Committee on.... and approved by Cabinet on ...

1.6 Scope of Application

This framework refers primarily to all the office, storage and housing accommodation leased from the private sector for the use of the government of the Virgin Islands. However, the information in the management framework is also relevant to management of government owned accommodation. Statutory Boards are independent of this framework.

1.7 Supporting Documents

Cabinet Memo

Minutes of the Office Accommodation Committee dated

1.8 Operating Principles

The location, design, physical structure, configuration and fit out of accommodation is closely aligned with the functional needs of the unit assigned to that accommodation.

Government accommodation should be safe, secure, aesthetically pleasing in appearance, accessible.

The overall accommodation needs of the Public Service of the Virgin Islands, takes precedence over the needs of any specific unit.

The Government of the Virgin Islands should receive value for money when it invests in leasing accommodation for use by the public service/public officers.

Government agencies should not compete in the marketplace. Final recommendations regarding leases should be made by the Office Accommodation Committee.

Accommodation being leased by the Government of the Virgin Islands should be in compliance with all relevant Government legislation, policies etc.

1.9 Roles and Responsibilities

1.9.1 Cabinet

The Office Accommodation Committee will report to Cabinet on a quarterly basis.

1.9.2 Deputy Governor's Office

Requests for new office accommodation, renewal of existing leases, and termination of leases must be made by applying to the Permanent Secretary Deputy Governor's Office, who is the Chairperson of the Office Accommodation Committee. The Deputy Governor's Office is also responsible for oversight of and reporting on the accommodation portfolio. The Deputy Governor's Office provides Administrative Support to the Office Accommodation Committee, and is responsible for the lease management process.

1.9.3 Government Office Accommodation Committee/Government Accommodation Committee (Refer to Appendix 1 for Details)

The Government Office Accommodation Committee (OAC) was responsible for reviewing requests for new office accommodation/renewal of leases/termination of leases and for making decisions regarding the acquisition and management of the accommodation. The OAC was comprised of the following membership:

- Permanent Secretary Deputy Governor's Office (Chairperson);
- Financial Secretary;
- Permanent Secretary, Premier's Office;
- Director of Human Resources;

- Director of Public Works;
- Senior Administrative Officer (Deputy Governor's Office as the Recording Secretary);
- Chief Surveyor; and
- Chief Fire Officer

The above membership was based on Cabinet Memo

However given the complexity of the accommodation portfolio and the challenges experienced on the portfolio over the following composition for the Office Accommodation Committee will be adopted once this management framework is agreed to by Cabinet, and the name of the Committee will be changes to the Government Accommodation Committee in order to allow for expansion of the role of the Committee as may become necessary.

- Permanent Secretary Deputy Governor's Office (Chairperson);
- Financial Secretary or representative
- Director Central Statistics Office or representative
- Director of Human Resources, or representative (preferably the Health and Safety Officer)
- Director of Facilities Management Department, or representative
- Chief Fire Officer, or representative
- Representative Electrical Inspection Unit
- Representative Building Authority
- Chief Environmental Health Officer or representative
- Director of Disaster Management, or representative
- Honourable Attorney General or representative
- Chief Surveyor
- Administrative Officer or Senior Administrative Officer, Deputy Governor's Office (as recording secretary)

Other persons may be co-opted to serve as resource persons or to serve on sub committees as necessary. The quorum for the Office Accommodation Committee is eight persons.

This new composition was approved by the Cabinet on... (Cabinet Memo)

Additionally it was recommended that the name of the committee be changed from the Office Accommodation Committee to the Government Accommodation Committee in order to allow for the Committee to be better positioned to contribute to broader accommodations decisions, especially to the overall strategic planning for the accommodation portfolio.

1.9.4 Ministry of Finance

Once decisions are made by the Accommodation Committee, the Permanent Secretary of the Deputy Governor's Office should prepare a consultative paper to be sent to the Financial Secretary. The decisions must be signed off on by the Financial Secretary based on the financial prudence of the decision.

The Ministry of Finance should also in collaboration with the Accommodation Committee guide on when a cost benefit or other financial analysis of the accommodation portfolio should be conducted.

1.9.5 The Project Support Services Unit

The Project Support Services Unit (PSSU) of the Ministry of Finance is responsible for assisting with management of retrofitting, fit out and other significant capital projects regarding specific accommodation. The PSSU can also serve as a resource to the Accommodation Committee by reporting on trends that it may be observing with regard to retrofitting of accommodation specifically, or other general accommodated

related trends. The PSSU may also wish to provide recommendations to the Accommodation Committee periodically.

1.9.6 Ministries/Department Heads (occupants of the accommodation)

Ministries/Departments/Unit Heads are responsible and accountable for their agencies utilization of accommodation. This includes day to day management of accommodation, ensuring that the accommodation is healthy and safe for use by the occupants, maintaining a log of significant events at the accommodation, identifying when alternative accommodation arrangements are needed and making the necessary recommendations for obtaining additional/alternative accommodation. They are responsible for communicating with their landlords about matters regarding the landlords responsibilities on the accommodation, and informing the Deputy Governor's Office on the communication. The Heads of Departments are also responsible for planning for and implementing any retrofitting to/fit out of the building, reporting relevant information to the Deputy Governor's Office. Where there is a lease agreement the occupant of the accommodation is responsible for the implementing the tenant's or lessee's covenants under the lease agreement.

Heads of departments are also responsible for keeping their work plans and strategic plans up to date, so that they can make predictions of when they may need to make decisions that may impact their space requirements (such as additional human resources or redeployment of human resources). Heads of departments should ensure that their disaster and business continuity plans are up to date and that the plans are reflective of the current situation at the accommodation (plans should be continuously updated). The plans should also be exercised regularly; it is recommended that a minimum of two fire drills and one earthquake/tsunami drill should be conducted annually.

Where the main occupant of a government office agrees to host another government office, as appropriate, there may be an agreement between the hosting office and the

office being hosted that would guide how cost of resources should be shared (such as contribution to electricity, water, toiletries, stationary etc.). Any such arrangement should be mutually agreed to by both parties and the arrangement should be shared with the Deputy Governor's Office in writing.

The Head of Department should advise the Deputy Governor's Office in writing of their desire to terminate a lease. This request will be taken to the Government Accommodation Committee for consideration. Once the Accommodation Committee agrees, the Deputy Governor's Office will issue a termination letter to the landlord and copy it to the head of department. All terminations should take into account the appropriate clause in the lease agreement.

Departments/agencies should also advise the Deputy Governor's Office of when the security deposit has been paid for an accommodation (evidence such as date, check number etc. should be provided), request the return of the security deposit at the end of the lease in accordance with the terms of the lease and inform the Deputy Governor's Office of when the request for the return of the security deposit has been issued and of when the security deposit has been returned to them for onward processing to the Accountant General.

1.9.7 Facilities Management Department (FMD)

The Facilities Management Department is responsible for maintenance of government facilities. For Government leased accommodation, the FMD is responsible for ensuring that the tenant maintenance responsibilities are carried out.

The FMD should also lead in the area of identifying standards for tiles, faucets, urinals etc. so that government accommodation can have a more standardized look and to achieve efficiencies in terms of ordering and replacing items.

1.9.8 Department and Ministry Liaison Officers

Liaison Officers should be appointed from each Ministry and from each Department that is housed in leased accommodation. These officers are responsible for interfacing with the Deputy Governor's Office in order to facilitate efficient processing/management of leases, accurate and timely reporting on accommodation matter and easy resolution of matters concerning the tenancy agreement. The Deputy Governor's Office will provide training/sensitization sessions for liaison officers.

1.9.9 Landlords

The landlords are responsible for implementing the covenants agreed to in the specific leases.

Section 2.0 Accommodation Management Processes and Strategies

2.1 Introduction

It is important that all internal stakeholders of the accommodation portfolio are aware of the accommodation processes and strategies that are outlined in the management framework in order to allow for consistency in the management of the portfolio and for the development and implementation of best practices.

2.2 Purpose

This section focuses on outlining the main processes associated with planning (acquisition), management of space, fit out, occupancy and termination of uses of space.

2.3 Processes

The processes checklists and other documentation regarding the accommodation management processes and strategies are noted in the relevant sections below:

2.3.1 Planning

- Department Heads/Permanent Secretaries should periodically evaluate their space needs and make projections and plans for the future. This could require an increase in space or equally a decision could be made to decrease physical space overtime. Additionally, much can be gained from reorganizing the way space is utilized to match changes in function, staffing and other resources. From time to time an organization needs change, Department Heads/Permanent Secretaries can determine whether the fit-out of their current accommodations continues to be well matched to their service delivery needs or whether there is any need for reconfiguration of the space. The above information should be shared with the Permanent Secretary of the Deputy Governor's Office as Chairperson of the Office Accommodation Committee.
- Efforts should be made to ensure that the layout of the accommodation is customer friendly and contributes to the safety and security of the accommodation.
- Efforts should be made to acquire additional space within Government owned accommodation, or accommodation already leased by the Government of the Virgin Islands before seeking to commit to a new commercial lease.
- When a determination has been made that it is necessary to lease additional space, a comprehensive plan should be developed and should accompany the request for acquisition of space document that is sent to the Deputy Governor's Office. It is important to note that financial planning for relocation to a

commercial space should be comprehensive and should include the following a) cost of security deposit b) monthly/annual cost of lease c) service fees d) cost of returning the current accommodation to pre-rental state at the end of the lease d) cost of relocation e) cost of fitting out the new space f) any additional cost associated with the lease.

2.3.2 Site Visits

After an application is received for a new lease or a lease renewal, the application should be processed by the Deputy Governor's Office. Early in that process, the Chairperson of the Accommodation Committee (the Permanent Secretary of the Deputy Governor's Office) should coordinate an initial site visit of the Committee to the accommodation. At this site visit, all the relevant checklists should be utilised to make an assessment of the accommodation. Following the site visit, the appropriate entities should submit their report to the Chairperson of the Committee to become a part of the record on the accommodation. At minimum the following reports should be provided to the Chairperson – Fire Safety, Occupational Health and Safety, Environmental Health, Disaster Resilience, Electrical Assessment, General Building Assessment, Extent to which building meets Environmental Sustainability Criteria. In each of these reports, there should be clear identification of any areas of concern, as well as clear recommendations of any actions that need to be taken in order for the accommodation to be brought up to the standard necessary for occupation/lease by the Government of the Virgin Islands.

2.3.3 Space Management

- Efforts should be used to maximize the use of space (both vertical and horizontal space).
- Space should be allocated according to function.

- An open space policy should be practiced where possible, in order to maximize the use of space and to reduce the cost of fit out.
- International Guidelines regarding the minimum amount of workspace that should be allocated to individuals should be considered.
- Shared meeting rooms can be developed in addition to any conference rooms that may be planned. The meeting room can accommodate meetings of 3 to five persons, and is an option to having several large enclosed offices. Both meeting rooms and conference rooms can be made available for sharing across government. Meeting rooms can also be designed as “hot offices” that can easily be converted for use by temporary staff and consultants.
- Efforts should be made to design the office accommodation in such a manner that there can be flexibility in the use of the space, therefore allowing for some spaces to serve as multi-functional spaces.

2.3.4 Fit Out

Fit out is the process of transforming the basic space into a fully functional workspace.

Some leases may require that formal permission is received from the landlord in order to fit-out and/or retrofit the accommodation.

Inputs should be sought from the architects of the Facilities Management Department in terms of preparing/reviewing the plans for fitting out of the office space. The FMD should ensure that all necessary guidelines/requirements/regulations with regards to fit out of Office Accommodation are met.

Effort should be made to select colours, styles and designs that are suitable to an office function that will be easy to replace or match. The fit out design should also facilitate

ease of conversion to another function. Efforts should also be made to select materials with minimum toxicity/negative environmental impact.

Thought should be given to how the fit out would affect the functionality of mechanical systems such as the air conditioning system.

Fire and Rescue Services should be provided with an opportunity to view the plans for fit out of the space in order to determine whether the fit out plans meet fire safety requirements.

The PSSU must be involved in any significant fit out project, especially those that will require any significant contracts.

2.3.5 Occupancy

There should be a walkthrough of the accommodation before formal occupancy is taken up. Representatives of the landlord, the proposed occupant, the Accommodation Committee and the Deputy Governor's Office should be present at the walkthrough, and should agree on the condition that the accommodation is being delivered to the Government of the Virgin Islands in. At minimum, the Accommodation Committee should be represented at the walkthrough by the Fire and Rescue Services, the Building Authority, the Health and Safety Officer of the Deputy Governor's Office, the Environmental Health Division. The keys for the accommodation could also be handed over at the end of the walkthrough, if it is agreed that the accommodation is ready for handover. A copy of the keys for the accommodation should be deposited with the Deputy Governor's Office for safe keeping.

A disaster management plan and a business continuity plan that is specific to the accommodation should be prepared and sent to the DDM for review within six months

of occupation of a new office space. The preference would be for a draft plan to be presented to DDM in advance of taking up occupation, so there is a possibility of the plan being agreed to and in force before the accommodation is occupied. Once the plan has been accepted, instructions for the response of the office to fire and earthquakes must be posted in the office in an area where the instructions are readily visible. All emergency egress doors must be clearly marked and fully functional at all times. All corridors should be kept clear.

At the termination of a tenancy, the accommodation should be left in similar condition to which it was received, unless otherwise agreed to with the landlord (via the tenancy agreement or other written agreement). The cost of returning the accommodation to its original state should be calculated and budgetary provision made.

A final walkthrough of the accommodation should be done with representatives of the landlord, the Deputy Governor's Office and the occupant. Thirty days, following the end of the lease, the Deputy Governor's Office should request the return of the security deposit in accordance with the terms of the lease agreement.

2.3.6 Hurricanes and other Emergencies

The occupants of the accommodation are responsible for ensuring that the landlord takes the actions agreed in the lease to safeguard the building against hurricanes and other emergencies. The occupant should ensure that it takes all the necessary actions that it can to safeguard the accommodation in advance of hurricanes and that actions are taken to minimize the risks to any other situations that could potentially result in damage to the accommodation or harm to its occupants.

The occupant should report any incidences/damage to property to the Deputy Governor's Office at the earliest opportunity.

2.3.7 Insurance

The landlords of all leased properties should provide proof of insurance of their buildings. More emphasis should be placed on insurance of Government owned accommodation and decisions to insure property should be guided by the relevant Government policy.

Consideration should be given to content insurance for specific items in the accommodation that would need to be replaced quickly in the event of an incident, in order to facilitate business continuity.

2.4 Outcomes and Benefits

It is anticipated that a well prepared and current accommodation management framework should result in the following:

- A clear delineation of responsibilities among stakeholders in the process.
- Best practices in space management
- Improved workspaces for public officers
- Improved accommodation-related experiences for customers
- Enhanced service delivery
- Enhanced landlord/tenant relationships
- More strategic management of funds allocated to acquisition, retention and maintenance of accommodation.

2.5 Monitoring and Reporting Mechanisms

The Deputy Governor's Office should report to the Accommodation Committee on the status of implementation of the decisions of the Committee.

Where there are issues of concern regarding specific accommodations, especially issues relating to the landlord/tenant relationship, the Deputy Governor's Office should support the occupants in addressing the issue as a matter of urgency. When the occupant has failed to successfully address the issue and resolution of the matter is contingent on the actions of the occupant, the Deputy Governor's Office should give the occupant two written directives/warnings to address the matter or provide the information that is necessary to resolution of the matter. If the necessary resolution does not occur in a timely manner, the Deputy Governor's Office should refer the matter to the Accommodation Committee as a matter of urgency.

When the occupant of a space remains silent on an issue related to the lease, it will become necessary for the Deputy Governor's Office to put the matter before the OAC for a decision and the decision should be for the best interest of the government of the Virgin Islands. When there is any notification of an issue the lease should quickly be referenced to see what remedies stated in the lease. This is especially so in the cases in which a Force Majeure Clause can potentially be invoked.

2.6 Penalties

It should be noted that the Financial Secretary has the power to surcharge a person who is or was a public officer. Reference is made to Part VI Surcharges and Set Offs in the Virgin Islands Public Finance Management Act 2004 (No. 2 of 2004).

2.7 Revisions

The Deputy Governor's Office will continuously receive and record suggestions/recommendations regarding proposed changes to the management of the accommodation portfolio. This information will be reported to the Office Accommodation Committee periodically. The Office Accommodation Committee

should engage in a formal review and revision of the Accommodation Management Framework once every five years.

2.8 Supporting Information

The following supporting documentation is recorded in the appendices to this document:

Appendix 1 – Roles and Responsibilities of the Government Accommodation Committee

Appendix 2 - Checklists for the use of the Members of the Office Accommodation Committee and the Deputy Governor's Office

Appendix 3 – Guidelines for Rent for Accommodation Services (Preferred Rent Rates)

APPENDICES

Appendix 1 – Roles and Responsibilities of the Government Accommodation Committee

The work of the Government Accommodation Committee encompasses all aspects of accommodation management inclusive of the following:

- Setting/implementing occupational health and safety/security standards
- Acquisition
- Setting/enforcing minimum standards for acceptable accommodation

- Setting fit out standards
- Identifying time frames within which specific items within the accommodation cycle should be completed.
- Ensuring that accommodation meets occupancy standards
- Recommending when a needs analysis needs to be conducted
- Supporting lease negotiations
- Monitoring layout and fit-out of accommodation to ensure that these processes are aligned with any standards that have been developed/adopted by the Office Accommodation Committee.
- Post occupancy review and monitoring

More specifically, the mandate of the Accommodation Committee is listed as follows:

1. To make recommendations to the Honourable Minister of Finance on what accommodations should be leased from the private sector.
2. Ensures that Ministries/Departments plan strategically for office accommodation and that the Ministries/Departments allow adequate time for evaluation, application for funding, assessment by the OAC, approval by Cabinet if necessary and fit out in order to meet the required occupation date.
3. To review trends and experiences in government owned and rented office, housing and storage accommodation with a view to proposing improvements to the manner in which accommodation is managed and accommodation services are delivered. Reviews should occur at least once in every five years. Specifically the Office Accommodation Management Framework should be reviewed and updated by the Accommodation Committee, once every five years.
4. To seek to ensure that office accommodation decisions are in alignment with the office accommodation policy and any other relevant legislation, policies and procedures of Government and that the office accommodation policy is kept relevant and up to date. This includes but is not limited to the Government's

Health and Safety Policy, Fire Safety, Disaster Resilience, TCP Planning Authority processes, Town and Country Planning legislation and guidelines etc. Relevant agencies may be asked to formally report on the level of compliance of specific accommodations with the legislation, policies etc. they are responsible for implementing/monitoring. This may be done utilizing checklists. The Accommodation Committee should seek to utilize evidence based decision making.

5. To develop standards and guidelines for government accommodation that ensure efficient and effective use of spaces, a close match between the function for which the space is being used and the parameters of the space that is selected, health and safety of users of the space, regular monitoring of the space to ensure that relevant standards are maintained and to ensure that adaptations and changes are made in a timely manner.
6. To ensure that all government accommodation continuously meets the minimum acceptable standards agreed to by the accommodation committee. This should be done through clearly identified mechanisms such as scheduled inspections.
7. To recommend the remedies/penalties for accommodation that falls below the minimum standards, inclusive of the repercussions in the event that a lessor fails to fulfill his or her obligations.
8. To ensure that there are clear fit out plans and budgets in place for accommodation that is to be leased by government in advance of the commencement of new leases.
9. Identifies set criteria that should be included in every lease, in order to achieve consistency across the leases.

10. Recommends alternative users and uses of space, when specific spaces are no longer being maximized.
11. Supports efforts towards ensuring that accommodations are resilient to disasters and that they are accommodation specific disaster plans that include contingency plans for responding to fires, earthquakes, floods, and security related incidents that may occur at the accommodation.
12. Estate Plan

Specific roles of Accommodation Committee Members

The OAC meets as a team, discusses issues and makes recommendations. In addition to their general contributions, the Office Accommodation Committee members are expected to make specific contributions to the committee in their area of expertise as outlined below:

The following roles of the individual members of the committee are being suggested:

Office Accommodation Committee Member	Roles/Responsibilities
Permanent Secretary Deputy Governor's Office	<ul style="list-style-type: none"> • Responds to requests for space in a timely manner so that departments and agencies can operate efficiently and effectively. • Ensures that requests for space are met with optimal use of the spaces government currently occupies. • Ensures that fit-out exercises are carried out in an efficient and timely manner and the intended tenants take up occupancy of the leased spaces within a reasonable time frame (preferably a maximum of three months after the commencement of the lease). • Ensures that lease agreements are renewed in a

	<p>timely manner (there should be a maximum of three months between the end of the previous lease and the beginning of the new lease on accommodations where they are no major unresolved issues).</p> <ul style="list-style-type: none"> • Ensures regular monitoring of lease agreements. • Facilitates the accommodation committee in the development of annual goals/workplan /portfolio review and recommendations. • Ensures that the Committee meets regularly (at least quarterly). • Ensures that each representative on the Committee/each agency represented on the Committee carries out their agreed function effectively. • Serves as an advocate for ensuring that management of the accommodation portfolio contributes positively to employee health, safety and productivity, as well as to effective and efficient delivery of public services. • Ensure that the accommodation portfolio achieves the objectives recommended by the committee and approved by Cabinet (in the form of an accommodation policy that is reviewed at least every five years and updated as necessary). • Prepares an annual report on the activities, achievements, needs and recommendations of the Committee for submission to Cabinet. This can be an insert to the annual report of the Deputy Governor's Office. • Coordinates and manages the provision of housing accommodation for the judiciary, the Attorney General, the Director of Public Prosecutions and
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	<p>public officers assigned to work on the Sister Islands on behalf of the Customs Department, the Department of Immigration, the Royal Virgin Islands Police Force, the Fire and Rescue Department and the Ministry of Education and Culture.</p> <ul style="list-style-type: none"> • Maintain a record of office accommodation spaces that could temporarily be made available for use by other public officers other than the main occupant (this includes conference, training and meeting rooms, as well as underutilized office space).
Financial Secretary	<ul style="list-style-type: none"> • Ensures that accommodation related decisions comply with all relevant fiscal legislation, guidelines and parameters inclusive of budgetary guidelines. • Advises on rent ceilings and on the specific criterion for compensating landlords for property (such as location, age of property, amenities, condition of property, upkeep etc.)
Environmental Health Division	<ul style="list-style-type: none"> • Advises on the health and safety of specific accommodation and on the steps that could be taken to correct the issues. • Advise on issues such as indoor air quality, general sanitation and pest infestation.
Director of Human Resources	<ul style="list-style-type: none"> • Ensure that employee health, safety and productivity are taken fully into account in accommodation practices and decisions. • Ensure that accommodation related decisions are fully in compliance with any relevant occupational health and safety legislation, guidelines and policies. • Prepare health and safety assessments for accommodations under review by the Committee. Special reports can be at the request of either the Committee or the Deputy Governor's Office.

	<ul style="list-style-type: none"> • Brings to the attention of the Committee any buildings that in the regular course of his or her work are becoming a source of concern in terms of the health and safety.
Electrical Inspection Unit	<ul style="list-style-type: none"> • Advises on whether the electrical systems of specific government accommodations are in compliance with government electrical safety codes/guidelines. • Makes recommendations on actions that can be taken to improve energy efficiency in government accommodations.
Chief Fire Officer	<ul style="list-style-type: none"> • Conducts Fire Safety Assessments of specific government occupied accommodations as requested.
Facilities Management Department	<ul style="list-style-type: none"> • Advises on minimum maintenance standards for accommodations. • Advises on measures that can be taken to enhance the security of public offices. • Ensures that the Government of the Virgin Islands takes care of the maintenance activities that it has responsibility for under specific tenancy agreements or under its own schedules. • To advise on actions that can be taken to “green” government accommodations in line with the commitment of the Government of the Virgin Islands to rebuilding “Stronger, Greener, Smarter” after Hurricanes Irma and Maria.
Representative of Building Authority	<ul style="list-style-type: none"> • Identifies if specific accommodations are in compliance with the building code.
Department of Disaster Management	<ul style="list-style-type: none"> • Advise on the steps that can be taken to make specific government accommodations more disaster resilient. • Identify disaster related concerns (non-structural and functional) at specific accommodations.

	<ul style="list-style-type: none"> • Advise on how the SMART school/ SMART hospital concept can be applied to the accommodation portfolio. • Develop standards and guidelines for the accommodation committee in determining the level of preparation of an accommodation and its occupants for a natural or human disaster, and for recovering after. • Review emergency and business continuity plans for government accommodations.
Ministry of Communication and Works	Assists with advocating for the development of the appropriate accommodation related policies, legislation and practices to support the efforts of department under the Ministry of Communication and Works.
Central Statistics Office	Assists in identifying what data needs to be collected in order to facilitate better management decisions being made on the accommodation portfolio. Assists with collection and analysis of accommodation related data.
Administrative Officer, Deputy Governor's Office	Records the discussion at the meetings and prepares minutes for distribution to members of the committee within three weeks of the meeting.

Appendix 2 Checklists for the use of the Members of the Office Accommodation Committee and the Deputy Governor's Office

GOVERNMENT ACCOMMODATION COMMITTEE

Last updated October, 2018

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GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 1 - COMPLIANCE WITH LEGISLATION AND POLICY

This checklist was provided by the Deputy Governor's Office

Last Updated October, 2018

Government Accommodation should be in compliance with all relevant legislation and Government Policies, some of which are listed below:

- ☐ No. 15 of 2004 Virgin Islands Physical Planning Act, 2004
- ☐ Virgin Islands Labour Code, 2010 – (Specifically Section 5, Part IX Clause 134, 135, 136, 138, 139, 140, 141, 149)
- ☐ Building Regulations 1999; Cap 232-233; Buildings Ordinance (Cap 234)
- ☐ Disaster Management Act and Regulations
- ☐ Arbitration Act 2013
- ☐ Public Finance Management Act, 2004
- ☐ Public Finance Management Regulations 2005
- ☐ Virgin Islands Public Finance Management (Amendment) Act 2012

- ☐ Registered Land Ordinance (Cap 229) (**Specifically Division 2 – Leases, Clause 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64,**
- ☐ Fire and Rescue Service Act (Cap 164); Fire and Rescue Services (Cap 164)
- ☐ Draft Fire Code of the Virgin Islands
- ☐ Virgin Islands Building Regulations 1999
- ☐ Virgin Islands Climate Change Trust Fund Act 2015
- ☐ Government of the Virgin Islands Energy Policy 2016
- ☐ Workplace Health and Safety Policy and Procedure Manual 2018
- ☐ Building Authority Regulation Guide

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 2 -DESIGN/LAYOUT

Contributed by Government Accommodation Committee

Last updated October, 2018

- ☐ Ceiling and floor finished, flooring should be some type of durable tile
- ☐ Ceiling is the height that is recommended for the structure

- ☐ Air Conditioning Unit utilizes Energy Recovery Ventilators
- ☐ Elevators functional and safe
- ☐ Accessibility - Ramps to improve accessibility
- ☐ Square footage of building measured using BOMA Standards
- ☐ Vents for bathrooms
- ☐ Kitchen
- ☐ Building envelope properly sealed.
- ☐ Aesthetics
- ☐ Security

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 3 - ELECTRICAL INSPECTION CHECKLIST(S) FOR RESIDENTIAL AND COMMERCIAL PROPERTIES

Prepared by the Electrical Inspection Unit

Last updated October, 2018

COMMERCIAL ELECTRICAL INSPECTIONS CHECKLISTS

Key Questions

- ☐ Is the electrical installation covered by the National Electrical Code?
- ☐ What are the required interrupting ratings for the service and distribution equipment?
- ☐ What are the supply system voltage(s) and phase configurations?
- ☐ What are the electrical loads in the building or structure?

- ☐ Are the terminations in accordance with minimum requirements?
- ☐ Are the minimum working spaces provided at electrical equipment?
- ☐ Are all required labels and identification marks on equipment?
- ☐ Is installed equipment listed and suitable for the use?
- ☐ Are there adequate size emergency standby power systems with automatic transfer switch?

General Requirements

- ☐ Determine which installations or portions of the installations are covered by NEC rules.
- ☐ Verify equipment is listed and installed in accordance with manufacturer's installation instructions and suitable for the location.
- ☐ Identify any special equipment or systems that require special approvals or evaluations.
- ☐ Verify service and distribution equipment has sufficient interrupting ratings for AFC (available fault current) and system is fully rated.
- ☐ Is service and distribution equipment being installed as a fully rated system or as a series combination rated system?
- ☐ Check for electrical enclosures and boxes with unused openings. Verify closure of raceway and cable openings.
- ☐ Verify equipment has not been contaminated by foreign materials or is not damaged.
- ☐ Verify equipment is securely mounted and adequate ventilation and space for the equipment is provided.
- ☐ Check electrical splices and equipment terminations.
- ☐ Check temperature ratings of terminations.
- ☐ Check for arc flash warning labels and locations of labels.
- ☐ Check for minimum working spaces at electrical equipment. Verify working space is not used for storage.
- ☐ Check the space above and below equipment for no foreign equipment (Dedicated Equipment Space).

- ☐ Verify entrance and door to work spaces. Any personal doors to or within 25 ft. of working space requires panic hardware and must open in the direction of door.
- ☐ Verify illumination is provided for equipment.
- ☐ Check for circuit directories, and identification of disconnecting means

RESIDENTIAL ELECTRICAL INSPECTIONS CHECKLISTS

Key Questions

- ☐ What wiring methods will be used, and are the wiring methods suitable for the conditions?
- ☐ Will multiwire branch circuits be used?
- ☐ Are the small-appliance branch circuits installed properly?
- ☐ What sizes of service equipment, service-entrance conductors, and feeder conductors are required?
- ☐ Is the service overhead or underground?
- ☐ What types of grounding electrodes are available?
- ☐ What sizes of grounding electrode conductors are required?
- ☐ Where is mechanical equipment located, and what types of equipment will be installed?

General Requirements

- ☐ Check wiring methods (usually cable assemblies) for support and suitability for the conditions.
- ☐ Check boxes for suitability of use.
- ☐ Verify that boxes are installed in accessible locations for all junction and outlet boxes.
- ☐ Check that cables are secured to boxes. (Where single gang nonmetallic boxes are used and cable is fastened within 200 mm (8 in.) of the box, securing to the box is not required).
- ☐ Flexible conduit or cable sheath shall extend not less than 6 mm (1/4 in.) inside the box and beyond any cable clamp.
- ☐ Check boxes for conductor fill.

- ☐ Check positioning of boxes that are intended to be flush with combustible and noncombustible finished surfaces.
- ☐ Check for splicing devices on all equipment grounding conductors within boxes and bonding connections to metal boxes.
- ☐ Check equipment grounding conductors for suitability and size.
- ☐ Check boxes used in floors, or for support of ceiling fans, for listing.
- ☐ Check recessed luminaires for clearances from combustibles and insulation.
- ☐ Applicable Building Code verify smoke detector locations and requirements. (The applicable Building Code typically covers smoke detector requirements).

Kitchen

- ☐ Check spacing of receptacles for walls and countertops, including islands, peninsulas, and area behind corner-mounted ranges and sinks.
- ☐ Verify that a minimum of two 20-A small-appliance branch circuits is used for kitchen receptacles.
- ☐ Verify that a wall-switched lighting outlet is provided and wired on a general lighting circuit. (Receptacle outlet cannot be used as lighting outlet in kitchen)
- ☐ Verify that properly sized circuits have been provided for specific kitchen appliances, such as dishwashers, disposals, ranges, cooktops, trash compactors, and the like.
- ☐ Verify that the two or more small-appliance branch circuits have no other outlets other than receptacle outlets in the pantry, dining room, and breakfast room, as well as an electric clock receptacle and electric loads associated with gas-fired appliances.
- ☐ 6. Not fewer than two small-appliance branch circuits must supply the kitchen countertop receptacle outlets.
- ☐ In dwellings with more than one kitchen, no small-appliance branch circuit can serve more than one kitchen.
- ☐ If range hood is to be cord-and-plug connected, verify that receptacle is supplied by an individual branch circuit.

Dining Room

- ☐ Check receptacle outlets for proper spacing.
- ☐ Verify that all required receptacle outlets are supplied by small-appliance branch circuits.
- ☐ Check for wall-switch-controlled lighting outlet on a general lighting circuit

Bathrooms

- ☐ Verify that receptacle outlets are installed on wall or partition adjacent to and within 900 mm (36 in.) of each basin. (Receptacle not required to be mounted on wall or partition if it is intended to be installed on the side or face of basin cabinet).
- ☐ Verify that no receptacles are installed within or directly over a bathtub space or shower stall.
- ☐ Verify that receptacle outlets are supplied by dedicated 20-A branch circuit(s). (Where a 20-ampere circuit supplies a single bathroom, other outlets (lighting, etc.) within the same bathroom shall be permitted to be supplied by this circuit).
- ☐ Where a hydro massage tub will be installed, verify GFCI protection, accessibility, and bonding of electrical equipment and grounded metal parts. This branch circuit will typically be a dedicated branch circuit per the rating of the motor.
- ☐ Check for a wall-switch-controlled lighting outlet on a general lighting circuit. (Receptacle outlet cannot be used as lighting outlet in bathrooms)

Bedrooms, Family Rooms

- ☐ Check receptacle outlets for proper spacing.
- ☐ Check for wall-switch-controlled lighting outlets (including switched receptacles).

Hallways

- ☐ Check for at least one wall-switch-controlled (or automatic-, remote-, or centrally controlled) lighting outlet.

- ☐ Verify that hallways with a continuous length of 3.0 m (10 ft.) or more have at least one receptacle outlet.

Stairways

- ☐ Check for at least one wall-switch-controlled (or automatic-, remote-, or centrally controlled) lighting outlet.
- ☐ Verify that wall switches are provided at each floor level and landing level that includes an entry way where there are six or more risers between levels.

Closets

- ☐ Check clearances between luminaires and storage spaces if luminaires are installed.

Laundry

- ☐ Verify that at least one receptacle outlet is installed for the laundry.
- ☐ Verify that a dedicated 20-A circuit supplies the laundry outlet(s) and no other outlets.
- ☐ Check for a laundry receptacle outlet within 1.8 m (6 ft.) of the intended appliance location.
- ☐ Check for proper branch-circuit conductors, including equipment grounding conductors, for 240-volt dryers (if used).
- ☐ Verify that lighting outlets for the area are supplied from general lighting circuits.

Garages

- ☐ Verify that at least one receptacle outlet is provided.
- ☐ Verify that a wall-switch-controlled lighting outlet is provided

Outdoors

- ☐ Check for at least two receptacle outlets, accessible at grade level, one each at the front and back of the dwelling.

- ☐ Verify that a receptacle outlet is installed within 7.5 m (25 ft.) provided for servicing mechanical equipment, if any.
- ☐ Verify cable assemblies (such as Type NM cable) are properly sleeved through concert, brick, etc.
- ☐ Check for wall-switch-controlled (or remote, central, or automatic controlled) exterior lighting outlets at outdoor entrances or exits with grade level access.

Services and Feeders

- ☐ Review the calculation of service load, and determine the minimum size of service conductors.
- ☐ Verify that service equipment is identified as suitable for use as service equipment.
- ☐ Verify that service disconnects and overcurrent devices are located outside or inside nearest the point of entrance of the service conductors.
- ☐ Verify that service disconnects are grouped together, with no more than six in any one location.
- ☐ Check for proper accessibility, working clearances, and dedicated electrical spaces around service equipment.
- ☐ Check service-entrance wiring methods for suitability, support, and protection from damage.
- ☐ Check for a proper drip loop and weather head on overhead services.
- ☐ Verify that the point of attachment is adequate and will provide required support.
- ☐ Verify clearances above roofs, grade and driveways.
- ☐ Check service masts for adequate strength and support.
- ☐ Check for proper clearance of service conductors from building openings, doors, porches, balconies, or similar locations.
- ☐ Check underground service conductors for proper depth, fill, protection, marking, and allowances for ground movement.

System Grounding

- ☐ Determine which grounding electrodes are available, and verify that they are bonded together to form a grounding electrode system. This may require an inspection of the foundation footings before the slab is poured if a concrete-encased electrode is present.
- ☐ Verify that no prohibited electrodes are being used in the grounding electrode system (metal underground gas piping or aluminum electrodes).
- ☐ Check any rod, pipe, or plate electrodes for proper size, type, and installation.
- ☐ Verify that grounding electrode conductors are unspliced and protected and that any metal enclosures are bonded and electrically continuous.
- ☐ Check grounding electrode conductor(s) for proper sizing.
- ☐ Check grounding electrode connections for proper type, for protection, and for accessibility.
- ☐ Verify that the main bonding jumper is installed and of the proper size and type.
- ☐ Verify that grounding electrode for system has a reading of 25 ohms or less.
- ☐ Verify that service raceways and enclosures are properly grounded and bonded.

Feeders and Panelboards

- ☐ Review the calculation of feeder loads, and verify that conductors are properly sized and rated.
- ☐ Verify proper ratings and protection of panelboards.
- ☐ Check for proper accessibility, working clearances, and dedicated electrical spaces around panelboards.
- ☐ Verify that at least the minimum number of overcurrent devices and circuits has been provided.
- ☐ Check lighting and appliance panel boards for excessive number of circuits and circuit provisions.
- ☐ Verify that the grounded conductor of a feeder circuit is insulated and isolated from equipment grounding conductors and grounded enclosures.
- ☐ Verify that panel boards are grounded by an appropriate and properly sized equipment grounding conductor (or conductors).

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 4 - ENVIRONMENTAL SUSTAINABILITY/GREEN BUILDING FACILITY MANAGEMENT

Contributed by the Deputy Governor's Office and the Ministry of Communication and Works

Last updated November, 2018

General

- ☐ During the design phase of the life of an accommodation (architectural design or layout/interior design utilize the 12 principles of Green Engineering where relevant) see: <https://www.acs.org/content/acs/en/greenchemistry/what-is-green-chemistry/principles/12-principles-of-green-engineering.html>
- ☐ Utilise the concepts of Industrial Ecology where relevant to help to achieve sustainability
- ☐ Consider LEED Certification for accommodation

Environmental Toxins

- ☐ Nontoxic, bio-based cleaning products
- ☐ Vents to remove fumes from appliances
- ☐ Low volatile organic compound paints and adhesives

Energy

- ☐ Energy efficient lighting, LEDs
- ☐ Energy efficient appliances ENERGY STAR®

- ☐ Photovoltaic system installation
- ☐ Wind energy system installation
- ☐ Passive solar heating installation
- ☐ Motion sensors, daylighting sensors, timers
- ☐ Lighting system with automated occupancy controls Natural Ventilation (ie. Windows that open)
- ☐ Low Energy Windows Installed throughout Building(s)
- ☐ Pre-Heating Water Energy Technology
- ☐ Plug timers
- ☐ Reflective solar window tinting, where applicable

Water

- ☐ Low flush toilets
- ☐ Water efficient faucets
- ☐ Irrigation system employs conservation technology (ie. Drip irrigation)
- ☐ faucet aerators
- ☐ No leaks

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 5 - FINANCE CHECKLIST

Contributed by the Ministry of Finance

Last updated October, 2018

FINANCE CHECKLIST

- ☐ Budget Allocation/Cabinet Decision – to allow for identification of the funding source
- ☐ Head and Subhead from which the lease will be paid
- ☐ Allocation amount
- ☐ Rate per sq. ft. monthly/annual rent
- ☐ Other fees/services with financial implications (maintenance fee, generator fee, service charge, air conditioning maintenance etc.)
- ☐ Within Cabinet agreed rent range
- ☐ Associated relocation and outfitting costs
- ☐ Penalties

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 6 - OCCUPATIONAL HEALTH AND SAFETY CHECKLIST

Contributed to by Virgin Islands Fire and Rescue Services, Department of Human Resources, Environmental Health Division, Public Works Department

Last updated October, 2018

Stairs and Handrails

- ☐ Buildings with multiple stories should have installed durable handrails.
- ☐ Steps should be even heights and skid resistant.
- ☐ In instances where there are multiple floors, consideration should be given to an elevator or lift to ensure that differently abled persons can access services.

Signage

- ☐ Proper signage for exits should be affixed and in working conditions at all times.

Fixtures and Fittings

- ☐ Fixtures and fittings installed by the landlord on the property need to be safe to use. This includes correct installation.
- ☐ Copy of Certificate from Electrical Inspection Unit provided.
- ☐ Clear lines of responsibility in terms of what fittings and fixtures tenants will be responsible for and what fittings and fixtures landlord will be responsible for

Electrical Safety

- ☐ Electrical Inspection should be conducted on a regular basis (at least twice annually) and the necessary certificates provided.

Lighting

- ☐ Sufficient light to enable work to be undertaken without risks to occupants.
- ☐ Lighting should be of reasonable and manageable luminescence i.e. not too bright, nor too dull.
- ☐ Available Emergency Lighting, including a standby generator, should be a preference.
- ☐ Energy efficient lighting components should be installed.
- ☐ Lighting produced by naked flames or enhanced by liquid fuels should not be used.

Temperature

- ☐ Temperature levels within the workplace units and living accommodations should be comfortable and reasonable for ALL occupants.
- ☐ Materials or machinery that produce extreme temperatures should, as much as possible be isolated from occupants.

- ☐ Adequate temperature (between 65 and 75°F)

Maintenance and Repair

- ☐ Landlord is/has addressed any structural faults with the building, especially with regard to the structural integrity of the building.
- ☐ Agreed maintenance schedule has been provided by the landlord.
- ☐ Agreed maintenance schedule has been provided by occupant.
- ☐ Maintenance issues are to be reported as soon as possible.
- ☐ At the minimum, biannual inspections of the accommodations should be carried out.
- ☐ Records of maintenance and/or repairs should be kept both at the accommodations and at the relevant government offices (Deputy Governor's Office).

Asbestos

- ☐ Buildings made with asbestos should be avoided for rental purposes.
- ☐ Any repairs being done to buildings containing asbestos should be done by a certified contractor and conducted outside of working hours.
- ☐ Landlord should notify tenants of the presence of asbestos.

Fire Safety

- ☐ Fire Safety Inspections should be conducted on accommodations at least once annually.
- ☐ Recommendations for the siting and mounting of fire extinguishers and smoke detectors should be accepted and adhered to.
- ☐ Smoke detectors and alarms should be installed by the landlord.
- ☐ Buildings utilized by Government should be built from fire-resistant materials or at minimum materials that would not promote the quick spread of fires.

- ☐ Tenants should ensure that fire extinguishers are installed and that staff are trained in their use.
- ☐ An emergency Evacuation Plan should be compiled and approved by the Department of Disaster Management and/or the Virgin Islands Fire and Rescue Services.

First Aid

- ☐ First Aid Kit should be available on the premises.
- ☐ The installation of an Eye Wash Station(s) should be encouraged.

Egress

- ☐ There should be sufficient fire exits in all rented buildings and they should be adequately identified as such. More than one exit should be available.
- ☐ Landlord should ensure that they are sufficient fire exits/escapes and that they should be free from clutter or blockage at all times and in sound working conditions.
- ☐ Emergency exits and exit routes must not be blocked or compromised in any way.
- ☐ Staircases should be fitted with hand rails.
- ☐ All escape routes (staircases, fire escapes, etc.) must ultimately lead to safety.
- ☐ Staircases and exit doors must provide fire resistance for up to one hour.

Risk Assessment

- ☐ Risk assessments should be conducted on buildings periodically.

Mold and Sick Building Syndrome

- ☐ All leaks should be repaired immediately in order to prevent mould growth.
- ☐ Temperature control in the building is regulated to reduce mold proliferation.

- ☐ At least twice per year, the building should be thoroughly cleaned by the landlord.
- ☐ Be alert for condensation and wet spots
- ☐ Keep HVAC (heating, ventilation and air conditioning) drip pans clean, flowing properly and unobstructed.
- ☐ Vent moisture-generating equipment to the outside, where possible
- ☐ Perform regular building/HVAC inspections and maintenance as scheduled
- ☐ Clean and dry wet or damp spots within 48hrs.
- ☐ Decrease the amount of paper stored in offices

Ventilation/Air Quality

- ☐ Ventilation System should introduce fresh air into the system and remove the stale air/carbon dioxide.
- ☐ Air conditioning systems should be regularly and adequately cleaned.
- ☐ Air conditioning units should be properly tested and maintained to ensure they are kept clean and free from anything which may contaminate the air.
- ☐ Air conditioning systems should be cleaned at least once a quarter.
- ☐ Ensure there is sufficient ventilation and air circulation.
- ☐ Ensure that windows are installed on at least two opposite walls of accommodations' space/structure.
- ☐ Ensure A/C Units are functional and regularly maintained.
- ☐ The installation of thick rugs and carpets should be discouraged.
- ☐ The premises should be kept cleaned.

Carpets

- ☐ No carpets should be present in the accommodation.

Cloth partitions

- ☐ No cloth partitions should be utilized in the accommodation.

Cleaning

- ☐ Cleaning of offices should be done daily using a prepared checklist.
- ☐ Use of cleaning supplies with low toxicity

Storage

- ☐ Designated areas to store paper files.
- ☐ Ensure that storage areas are separate and apart from human traffic areas.
- ☐ Items should not be stacked within two feet of the ceiling.

Machinery

- ☐ All office machines should be subjected to a regular service and maintenance contract to ensure that machines are cleaned internally, filters are changed and safety is maintained.

Noise and Vibration

- ☐ Before obtaining accommodations, an assessment of the level of regular surrounding noise should be done.
- ☐ This assessment should indicate the levels, types, frequency and duration of the noise.
- ☐ The level of vibrations caused by vehicles, machinery, sound producing equipment, aircraft, etc. should be similarly assessed before obtaining accommodations.
- ☐ Office layouts should prevent unnecessary noise

Adequate space to work

- ☐ Assessment of doorways, walkways, access to equipment, means of escape, storage/

Furniture

- ☐ Should be of a non-porous material that is easy to clean and sanitise
- ☐ Carpet should not be in offices that are highly trafficked by the public.

Sanitary Facilities

- ☐ Adequate toilet and washing facilities. Facilities should be in sufficient numbers and be clean, well maintained and have adequate ventilation.
- ☐ Hot and cold water, soap and hand drying facilities should also be in place.

Septic tanks/Waste Management

- ☐ No leakage cracks
- ☐ If the septic system is mechanical there should be a back-up power supply

Vermin and Pests

- ☐ The tenant/occupant should ensure that the interior premises are kept clean and free from garbage or anything that will promote infestation of rats and roaches.
- ☐ The landlord should ensure that the exterior premises are kept in a manner that will not encourage an infestation of rats and roaches. If the premises become infested, they should be immediately exterminated and the area thoroughly cleaned.
- ☐ The exterior surrounding the premises should be kept in a manner which prevents the breeding of mosquitos.

Repairs

- ☐ Landlords should conduct the following repairs:
 - those to the exterior structure and fabric of the property – such as the roof, walls, windows and doors, drains, foundations and guttering
 - repairs to toilets, baths, sinks, basins and their associated pipework; and
 - water pipes, electrical cables, and air-conditioning units installed by the Landlord
 - Leaks
- ☐ Landlords should be timely in addressing building deficiencies including broken pipes and toilets

Electrical Safety - Information provided by the Electrical Inspection Unit (refer to Checklist 3 for a detailed checklist)

- ☐ Certificate of Approval of Electrical Installation
- ☐ Annual Electrical Inspection

Security

- ☐ Persons should not be able to walk into the building/office without proper screening.
- ☐ Security cameras/systems in high risk areas
- ☐ Security lighting

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 7 INFORMATION TO BE INCLUDED WITH APPLICATION FOR NEW LEASES/LEASE RENEWAL

Contributed by Deputy Governor's Office

Last updated October, 2018

- ☐ Description of accommodation (inclusive of photographs, electronic copies of photographs will be required for preparation of lease agreement, location, features)
- ☐ Land Registration Information
- ☐ Landlord name and contact information (physical address, mailing address, e-mail address, phone numbers)
- ☐ Justification for lease (need that this lease fills, information on other options considered, why this lease is considered to be the best option available at this time, how this lease will help to improve service delivery, productivity etc., description of match between this specific accommodation and the needs of the ministry/department etc.)
- ☐ Heads of Terms of Lease/draft Lease
- ☐ Funding/budgetary provision for lease (inclusive of head and subhead from which the lease will be paid, financial provision for cost of relocation, retrofitting etc., additional costs such as security deposit, service fees, maintenance costs)
- ☐ Time frame for which lease is being requested (1yr, 3yrs, 5yrs). Note that the maximum time for which the lease will be provided is 5yrs, however lease agreements can contain an option to renew)
- ☐ Information on other government agencies in close physical proximity with which services can potentially be shared, such as internet services, conference rooms etc.

- ☐ Accommodation should meet/potentially meet the identified standards with regards to space per person, number of toilets, lighting, ventilation, air conditioning, galley, eating place, space for future expansion, meeting rooms, wireless connectivity and telephone
- ☐ Accessible and friendly to differently-able persons.
- ☐ Disaster Plan/Business Continuity Plan for Accommodation

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 8 - MINIMUM LEGAL REQUIREMENTS TO BE INCLUDED IN LEASES CHECKLIST

Contributed to by Deputy Governor's Office

Last updated October, 2018

- ☐ Correct Land Registration Information
- ☐ Copy of parent lease if accommodation is on property that is leased from another entity
- ☐ Name of landowner on Land Register and name of landlord on lease is a match
- ☐ Power of Attorney or other relevant legal document if appropriate
- ☐ Heads of Terms as provided by landlord and agreed to by the Government of the Virgin Islands (rent, maintenance fees etc.)
- ☐ Force Majeure Clause
- ☐ Maintenance Schedule
- ☐ Photographs for Identification

- ☐ Schedule of contents (applicable for properties that are being leased as furnished accommodation, mostly housing accommodation)
- ☐ Requirement to Insure Property
- ☐ Legal remedy if Government assets damaged as a result of landlord's failure to carry out his responsibilities (e.g. by failure to install hurricane shutters in advance of a hurricane).
- ☐ Legal remedy if landlord fails to maintain property as agreed to in lease

DEPUTY GOVERNOR'S OFFICE

CHECKLIST 9 – DGO NEW LEASES/LEASE RENEWAL

Contributed by the Deputy Governor's Office

Last updated October, 2018

Name of Landlord

Registration Section

Block

Parcel

Description	Date Completed
<input type="checkbox"/> Application for new lease or renewal of lease received	
<input type="checkbox"/> Verification that all necessary information accompanies the application for space/recommendation for renewal of lease <ul style="list-style-type: none"> • Justification for use 	

<ul style="list-style-type: none"> • Land Registration information (Registration Section, Block, Parcel) • Electronic photographs to be used for identification of the property • Source of funding (Cost Center etc.) • Square footage • Annual or monthly rent • Rent per square foot • Landlord (should be the same as on land register, unless there is a Power of Attorney or other legal document that specifies the relationship between the landowner and the landlord) • Certificate of Incumbency (If a company) • Copy of Passport Identification Page • Evidence of Insurance of Property • Draft Lease/Tenancy Agreement 	
<input type="checkbox"/> Obtain certified copy of land register	
<input type="checkbox"/> Obtain copy of occupancy certificate	
<input type="checkbox"/> Check to see if landlord is in good standing at Inland Revenue Department	
<input type="checkbox"/> Site visit to the premises	
<input type="checkbox"/> Office Accommodation Committee Information Paper prepared	
<input type="checkbox"/> Office Accommodation Committee recommendation received	
<input type="checkbox"/> Premier's Approval received	
<input type="checkbox"/> Cabinet's Approval received (for new leases only)	
<input type="checkbox"/> Draft Lease prepared for vetting by Attorney's General's Chambers (leases should include inventories where necessary, Force Majeure Clause, Insurance Clauses, Maintenance Schedule)	

<input type="checkbox"/> Final lease agreed to by Landlord	
<input type="checkbox"/> Lease executed by Premier	
<input type="checkbox"/> Lease executed by Landlord	
<input type="checkbox"/> Lease Notarised by Notary Public	
<input type="checkbox"/> Lease send to Inland Revenue for Stamp Duty Exemption	
<input type="checkbox"/> Address form provided by Land Registry to be prepared for submission to Land Registry	
<input type="checkbox"/> Lease sent to Land Registry for Registration (if lease is for a period of two years or more)	
<input type="checkbox"/> Original copies of lease distributed to Landlord, Occupant. Note that lease to occupant should be accompanied by a covering letter that indicates the responsibilities of the occupant. Also the Tenant/Occupant mandated to coordinate annual inspections of accommodation by Fire and Rescue Service, Electrical Inspection Unit, Environmental Health Division and Health and Safety Officer and to ensure that copies the reports of the inspections are IDGOed with the Deputy Governor's Office, Tenant/Occupant required to maintain a log of maintenance and other relevant activities at accommodation and to make this log available to the Deputy Governor's Office on demand	
<input type="checkbox"/> Photocopies of the lease distributed to Financial Secretary, Auditor General, Accountant General, Director, Internal Audit, Commissioner of Inland Revenue	
<input type="checkbox"/> Update of property management database	

GOVERNMENT ACCOMMODATION COMMITTEE

**CHECKLIST 10 – BASIC REQUIREMENTS THAT OFFICE ACCOMMODATION
BEING CONSIDERED FOR LEASE BY THE GOVERNMENT OF THE VIRGIN
ISLANDS SHOULD MEET**

Contributed by the Office Accommodation Committee

Updated October, 2018

Basic Criteria

- ☐ Air Conditioning Unit
- ☐ Fire Suppression systems (Health and Safety)
- ☐ Secondary Egress
- ☐ Finished Floors
- ☐ Finished Ceiling
- ☐ Finished Bathroom(s)
- ☐ Finished Kitchenette
- ☐ Finished Mechanicals (outlets, etc.)
- ☐ Certificate of Occupancy
- ☐ If two (2) or more storeys, some sort of lift system must be in place

Lease Consideration

- ☐ Back-up generator (can be negotiated)
- ☐ Maximum of 5 yr standard leases (1 and 2yrs should also be considered)
- ☐ Maintenance Schedule to be imbedded in the lease
- ☐ Maximum out clause – 6 months on either side
- ☐ Rent within rent ceiling
- ☐ Rent Review – every 3-5 years at the recommended rate of 2.5%

Additional features:

General Note: Environmental Sustainability considerations such as renewable energy, water saving features, use of green engineering featured in design should be considered as plus as the government commits to “Greening of the Public Service”

- ☐ Entity that we are in negotiation with should be the legal owner of the property of the property of should be able to provide evidence of their legal relationship with the landowner.
- ☐ Disaster Resilient – SMART Building
- ☐ Renewable Energy Source
- ☐ Security Features
- ☐ Efficient and Effective Maintenance Programme
- ☐ Property taxes up to date
- ☐ Parking

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 11 – BASIC REQUIREMENTS BEING RENTED BY THE GOVERNMENT OF THE VIRGIN ISLANDS FOR STORAGE ACCOMMODATION SHOULD MEET

CONTRIBUTED BY THE ARCHIVES UNIT

Last updated 27th October, 2018

Checklist to be further developed after reviewing website provided by Chief Archivist

- ☐ Input from Chief Archivist if government records are being stored in the accommodation
- ☐ Adequate temperature venting etc. if chemicals are being stored

- ☐ If electronic media is being stored, the minimum standards for storage of electronic media should be identified and met
- ☐

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 12 – DISASTER RESILIENCE

Contributed by the Department of Disaster Management

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 13 - MAINTENANCE CHECKLIST

Contributed by Facilities Management Department

Last updated October, 2018

Painting of Accommodation

Landscaping

Parking Area

External Painting/Aesthetics of Building

Clear and Clean Access Areas (2 means of exiting building)

Security

Clearly Marked Emergency Exits

Space free of clutter

Air Conditioning Units

Plumbing

Electrical

Lighting

Floors

Ceilings

Mould Remediation

[Appendix 3 – Guidelines for Rent for Accommodation Services \(Preferred Rent Rates\)](#)

The preferred rent range for office accommodation is \$20 to \$30 per square foot.

All leased office accommodation should meet the minimum guidelines for leasing properties (air conditioning unit, fire suppression systems, secondary egress, finished floors, finished ceilings, finished bathrooms, finished kitchenette, finished mechanicals

(outlets etc.), certificate of occupancy, if two (2) or more storeys, some sort of lift system must be in place.

GOVERNMENT ACCOMMODATION COMMITTEE

CHECKLIST 14 – Condition of Rental Property Checklist (Housing)

Contributed by the Ministry of Communication and Works

Instructions: Tenant(s) complete(s) this checklist within three days of moving in and tenant(s) and landlord or manager review property and completed checklist together and mutually agree on the condition of the property upon move-in by signing this form. Each party keeps a copy of signed checklist.

Tenant Name (Print) _____

Property Address _____

Landlord/Manager Name (Print) _____

ITEM	CONDITION ON ARRIVAL	CONDITION ON DEPARTURE
LIVING ROOM		
Floor & Floor Covering		
Walls & Ceiling		
Door(s)		
Door Lock(s) & Hardware		
Lighting Fixture(s)		
Window(s) & Screen(s)		
Window Covering(s)		
Smoke Alarm		
Fireplace		
Kitchen		
Floor & Floor Coverings		
Walls & Ceiling		
Door(s)		
Door Lock(s) and Hardware		
Window(s) & Screen(s)		
Window Covering(s)		
Light Fixture(s)		
Cabinets/Inside Drawers		
Counters		
Stove/Burners, Controls		
Oven/Rangehood Inside, Outside, Fan		
Refrigerator		
Dishwasher		
Sink(s) & Plumbing		
Garbage Disposal		

DINING ROOM		
Floor & Floor Covering(s)		
Walls & Celing		
Light Fixture(s)		
Window(s) & Screen(s)		
Window Covering(s)		
Other		
BATHROOM #1		
Floors & Floor Covering(s)		
Walls & Ceilings		
Counters & Surfaces		
Window(s) & Screen(s)		
Window Covering(s)		
Sink & Plumbing		
Bathtub/Shower		
Toilet		
Light Fixture(s)		
Door(s)		
Door Lock(s) & Hardware(s)		
Inside Drawers		
BathROOM #2		
Floor & Floor Covering(s)		
Walls & Ceiling		
Counters & Surfaces		
Window(s) & Screen(s)		
Window Covering(s)		
Sink & Plumbing		
Bathtub/Shower		
Toilet		
Light Fixture(s)		
Door(s)		
Door Lock(s) & Hardware(s)		
Inside Drawers		
Fire Extinguisher		

CONDITION OF RENTAL PROPERTY CHECKLIST

ITEM	CONDITION ON ARRIVAL	CONDITION ON DEPARTURE
BEDROOM #1		
Floor & Floor Covering(s)		
Walls & Ceiling		
Window(s) & Screen(s)		
Window Covering(s)		
Closet(s), including Doors & Tracks		
Lighting Fixture(s)		
Smoke Alarm		
Door(s)		
Door Lock(s) & Hardware		
BEDROOM #2		
Floor & Floor Covering(s)		
Walls & Ceiling		
Window(s) & Screen(s)		
Window Covering(s)		
Closet, including Doors & Tracks		
Lighting Fixtures		
Smoke Alarm		
Door(s)		
Door Lock(s) & Hardware		
BeDROOM #3		
Floor & Floor Covering(s)		
Walls & Ceiling		
Window(s) & Screen(s)		
Window Covering(s)		
Closet, including Doors & Tracks		
Lighting Fixtures		
Smoke Alarm		
Door(s)		
Door Lock(s) & Hardware		
HALL		
Smoke Alarm		
Carbon Monoxide Alarm		

CONDITION OF RENTAL PROPERTY CHECKLIST

ITEM	CONDITION ON ARRIVAL			CONDITION ON DEPARTURE
OTHER				
Heating System				
Air Conditioning				
Stair(s)				
Hallway(s)				
Lawn(s) & Garden(s)				
Patio, Terrace, Deck, etc				
Parking Area(s)				
Front/Back Porch				
Other				
Other				
Other				
# of Keys Received:	Door	Laundry	Mailbox	
Tenants acknowledge that all smoke alarms and fire extinguishers were tested in their presence and found to be in working order, and that the testing procedure was explained to them. Tenants agree to test all detectors at least once a month and to report any problems to Landlord/Manager in writing.				
Comments: _____				

CONDITION OF RENTAL PROPERTY CHECKLIST

MOVE-IN INSPECTION DATE: _____ Owner/agent Signature

Tenant Signature

CONDITION OF RENTAL PROPERTY CHECKLIST

MOVE-OUT INSPECTION DATE: _____ Owner/agent Signature _____

Tenant Signature

CONDITION OF RENTAL PROPERTY CHECKLIST

To: Permanent Secretary, DGO

Requested Date: 28th September, 2021

**CABINET PAPER RECORD & EXTRACT FROM THE MINUTES OF THE MEETING
OF THE VIRGIN ISLANDS CABINET HELD AT THE
CONFERENCE ROOM, GOVERNOR'S OFFICE ON
7TH NOVEMBER, 2007**

**Office Accommodation: Policy, Procedures and Management
Memo No. 013/2007**

0469. The Deputy Governor joined Cabinet to present this paper.

0470. In light of a full discussion Cabinet:

- (a) noted the current position on rented office accommodation;
- (b) agreed that there should be a freeze on new commitments to rent accommodation. This freeze would continue until the consultant (see below) had submitted his report to Cabinet and decisions taken on the next steps;
- (c) further agreed that if exceptionally a new rental agreement was required to meet a proven need, a case should be made to the Deputy Governor's Office and thence Cabinet approval sought;
- (d) approved the draft policy for procurement and management of rented office accommodations (Appendix 1), and in particular, approved:
 - i. The engagement of a consultant to assess the current situation and make recommendations for optimizing the use of resources in this area
 - ii. The creation of a small unit headed by a trained property manager to act on behalf of the Government in this matter

Cabinet Secretary's Signature

Date Sent to Ministry



28.09.2021

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DATE: 8 October, 2007

M.P.: 1/1/11

CABINET PAPER

No. c013/2007

Office Accommodation: Policy, Procedures and Management

Memorandum by the Governor

DECISION SOUGHT

Cabinet is invited to:

- (a) note the current position on rented office accommodation; and
- (b) approve the draft policy for procurement and management of rented office accommodation (Appendix 1), and in particular, approve:
 - i. The engagement of a consultant to assess the current situation and make recommendation for optimizing the use of resources in this area.
 - ii. The creation of a small unit headed by a trained property manager to act on behalf of the Government in this matter.

BACKGROUND INFORMATION

Historical

The expansion of the public service over the past quarter century has been accompanied by an explosion in the number of office units and rentals. The Central Administration Complex (CAC) was constructed in 1991-1993 to ease the burden and provide an impressive Government headquarters, but was overcrowded almost from day one. It housed all the central Ministries and departments plus some other service departments. A large number of departments remained out in other Government owned property, and several in rented space. The latter included "Allied Health" (Mental Health, Dental, etc.) Public Library, Social Development, Immigration, Labour, Legislative Council offices, the Court Reports section of the High Court Registry, Financial Services, Commercial Registry, Training Division and Audit.

2 On Tortola, the CAC has been the last significant project in public office building (other than the special case of the airport). Growth in public services increased demand for space and forced the acquisition of more and more rented accommodation, particularly in Road Town, during the later 1990's. Since 2000 there has been an explosion of demand to house new units (such as Law Reform) and accommodate expansion of existing departments (such as Health Services, Information and Public Relations, Finance, Inland Revenue, for example). This demand shows little sign of slackening off, and there remains fierce competition in Road Town for office space, which is another way of saying that there is a significant shortage. Present known square footage rented both for offices and storage is approximately 130,881 sq. ft., (see Appendix 2) but some 18 properties of a total of 53, or over a third, have no area specified in the leases.

Procedures

In about 1991 an Office Accommodation Committee was established in the Department of Personnel Services. Under the chairmanship of the Chief Personnel Officer, its task was to receive and review applications for rental of office space, then make recommendations to the Minister of Finance who had the final say on approval. Once so

approved, the cost would be included in the Estimates and the Personnel Office would assist

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in drawing up leases and rental agreements. Membership comprised representatives of Finance, Chief Minister's Office, Public Works Department, Development Planning Unit and the Town and Country Planning Department.

For reasons that are not quite clear the committee ceased meeting in 2002, and since then most Government departments have been making their own arrangements and liaising directly with the Ministry of Finance. Some continued to use the services of the Department of Human Resources on an *ad hoc* basis. In the course of all this, much waste has been incurred as buildings have been paid for and not occupied. Rent and other terms agreed have depended upon the skills of particular departments and landlords.

In early 2006 the Deputy Governor's Office took over from Human Resources their residual responsibility for dealing with office accommodation and has been striving to bring the subject under its control against the resistance of some departments.

Proposal for consultancy

The Government's investment in office accommodation is now too great to continue to be managed in an *ad hoc*, piecemeal and amateurish fashion. In order to restart the process on a right footing it is desirable that a thorough professional assessment be made of the current situation and recommendations be made as to how to go forward. I therefore propose to engage a consultant with the following terms of reference:

- Conduct a thorough survey of government owned and rented accommodation for office and storage purposes and place on a database that shows location, floor area, in the case of rented property cost, occupancy terms, usage rate, etc.
- Make recommendations as to how best to manage this aspect of Government's inputs into the production of public goods and services.

Legal Implications

3. There are none.

Financial Considerations

4. The total amount budgeted for Office Rent in 2007 is \$3,391,657 (see Appendix 3, p. 6) and it is shown under the Departmental Heads in the Estimates. This amount is 1.34 % of total estimated revenue, 1.53% of total estimated expenditure and 2.21% of Other Charges, a not inconsiderable proportion, and growing. Actual expenditure of \$2,620,735 in 2005 was 1.12% of total actual revenue and 1.45% of actual total expenditure. Not recorded or known are the many hundreds of thousands of dollars that may have been wasted in buildings rented but not occupied; and lost by obtaining less than optimal terms through poor negotiation, through pandering too much to the prospective occupants' wishes and through indifferent lease administration.

The proposal to establish a Property Procurement and Management Unit consisting of 2 officers and necessary equipment will have to be costed, but even at \$100,000 per year it should save several times its cost. The proposed consultancy should be obtainable at a cost of \$10,000 or less.

David Pearey
Governor

Appendix 1: Draft Policy for Procurement and Management of Rental Accommodation
Appendix 2: Government Rent: Budgetary Provision for 2007 and Actual Expenditure 2005
Appendix 3: Government Rent for Office Accommodation

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DATE: 18th July, 2017

M.P.: FIN/G2/35A

CABINET PAPER

No. c00/2017

Relocation of High Court Registry to SAKAL Building -
Agreement for Revised Heads of Term

Memorandum by the Minister of Finance

DECISION SOUGHT:

Cabinet is invited to note that the Landlord has not agreed to a reduced rent for the third and fourth floors of the SAKAL Building; and to consider the following options:

- (a) decide whether the Government of the Virgin Islands (Tenant) should pay a pro-rata share of 50.69%, equivalent to \$10,797 per annum, of the cost of operating the elevator and generator as proposed in the Landlord's revised Heads of Terms;
- (b) decide whether a compromise should be agreed between the Government of the Virgin Islands (Tenant) and the Landlord for the Tenant to pay a monthly service charge of \$400 for the maintenance of the elevator and generator; or
- (c) decide whether Cabinet should maintain its position taken at decision (c) of Cabinet expedited extract Memo No. 070/2017, that there are no charges for the common spaces/area and maintenance for the demised spaces in the SAKAL Building for the High Court Registry; and
- (d) agree that an expedited extract be issued to allow the decision of Cabinet to be acted upon immediately and before the confirmation of the Minutes.

..... In March, 2017, Cabinet, via expedited extract Memo No. 070/2017 (**Appendix A**), decided, inter alia, that the Government of the Virgin Islands enter into a Lease Agreement with Edage Enterprises Limited for eight thousand, five hundred and forty-two (8,542) square feet of office space for the relocation of the High Court Registry for a period of five years, at a rate of thirty-eight (\$38) per square foot. Cabinet also agreed that there would be no charges for the common spaces/areas and maintenance. Cabinet further agreed that before the lease agreement is finalised that the Deputy Governor's Office negotiates with the Landlord for reduced rent for the third and fourth floors given the fact that the Government is already renting the first two floors for the Civil Registry and Passport Office.

2. On 12th April, 2017, a team from the Deputy Governor's Office met with the Landlord and his team to negotiate the rent and to discuss the Heads of Terms for the third and fourth floors of the SAKAL Building. The Landlord advised that the rate of \$38 per square foot was an already discounted rate, an amount that was equivalent to at least \$10 below the current market rate. He was therefore not amenable to reducing the

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rental amount, although it was pointed out that the Government would be renting the entire building (four floors) for a period of five years for each Department, with the option to renew for a further five-year period, and that there should be some incentive and cost benefit to the Government.

3. The Landlord also was not in agreement that there should be no charges for the common spaces and for the operation of the elevator. He maintained that because the proposed rent at \$38 per square foot was already at a discounted rate, the Government (Tenant) should bear some of the burden for the monthly maintenance of the elevator and generator. The Landlord's representative subsequently submitted a revised Heads of Term (**Appendix B**) on 7th July, 2017 to the Deputy Governor's Office and also advised of the Landlord's request for the Tenant to accept a pro-rate share (50.69%) of the cost of operating the elevator and generator. Based on the Landlord's calculations outlined in the table below, the Tenant's pro-rate share for the third and fourth floors would amount to \$10,797 per annum which is equivalent to \$900 per month. The Landlord insists on the payment of the service charges. Given that the Civil Registry and Passport Office is not paying for common spaces including charges for the upkeep of the elevator, similar concession should be given for the lease of the offices for the High Court Registry in order to maintain uniformity of the leases for which the Government is renting an entire building. It is not advisable, however, for the Government to have differing lease agreement terms and conditions for rental of office spaces within the same accommodation or building as this may result in future discrepancies and inconsistencies in the administration of the leases.

Estimated annual operating cost	
Elevator	
Service & Maintenance	\$7,300
Electricity	\$10,000
Generator	
Monthly Service	\$1,200
Annual service and parts	\$2,000
Fuel	
Total annual cost	\$21,300
Pro-rata annual share for Levels 3 and 4	\$10,797
Pro-rata monthly share for Levels 3 and 4	\$ 900

4. It should be noted, however, that rent at the rate of \$38 per square foot is at the very high end of the rental spectrum for which rent is being paid for the accommodation for Government offices. For comparable properties which were rented within the last five-year period, with rent amounts in the region of \$35 - \$38 per square foot, no maintenance fees are charged for these spaces which either include an elevator, and or a generator. For instance, in 2015, Cabinet approved three rental units (2 units at 3,067 sq. ft and one unit at 932 sq. ft) in the Cutlass Building at the rate of \$38 per square foot. There are no charges for the common spaces/areas and maintenance. However, there is elevator access in the building.

5. For those properties where a monthly maintenance fee is charged for the cleaning of common areas, and for the upkeep of the elevator and generator, the cost per square foot is in the region of \$24 - \$28. A listing of the rental properties for which the Government is paying maintenance fees for common spaces, elevator and or a

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..... generator is attached as **Appendix C**.

6. With the exception of the provision for the payment of a pro-rata service charge by the Tenant, the other terms and conditions of the revised Heads of Terms are acceptable.

7. In consideration of the decisions sought, Cabinet is asked to note that only the sum of two hundred and sixty-two thousand dollars (\$262,000) was approved for rent for accommodation of the High Court Registry. An additional sum of sixty-two thousand, five hundred and ninety-six dollars (\$62,596) would be required to cover the total rent cost of three hundred and twenty-four thousand, five hundred and ninety-six dollars (\$324,596) per annum. This amount is unbudgeted, as well as funding for the retrofitting costs are yet to be identified. Further, the proposed additional charges of \$900 per month representing a monthly service charge for the upkeep of the elevator and generator are also unbudgeted. These incremental charges would further increase the overall expenditure for renting this accommodation.

..... 8. The rent expenditure for the Government has increased exponentially over the past decade, and if allowed to continue to grow at the current rate without strict administration, will become unsustainable in the near future. The Government is currently leasing office accommodation for 63 properties. In 2016, the rent expenditure for office accommodation accounted for 92.37% or six million, eight thousand, five hundred and eight dollars and forty-eight cents (\$6,008,508.48) of the Government's overall rent expenditure for office accommodation, storage and land which amounted to six million, five hundred and four thousand, three hundred and twenty-five dollars and seventy-two cents (\$6,504,325.72). The attached spreadsheet (**Appendix D**) provides details on the properties rented by the Government. Based on the acute financial situation in the Territory, financial prudence needs to be exercised to ensure that our already competing resources are utilised in the most efficient and for the most critical and urgent projects.

9. If the Landlord is adamant on the payment of a monthly service charge, Cabinet is asked to consider a compromise figure with the Government paying \$400 per month instead of the full \$900 per month. To agree to further additional charges in excess of an already high rent rate per square foot, Government may further contribute to the increase in the market rate for commercial spaces.

10. Alternatively, Cabinet is also asked to consider whether Cabinet's decision as recorded at item (c) of Memo No. 070/2017 should be upheld.

..... 11. In recognition of the fact that the new Court Year begins in September, and in anticipation of the executed lease whereby retrofitting works on the demised spaces could commence, the Project and Procurement Services Unit of the Ministry of Finance issued invitations to Tender for office configuration for the Supreme Court and procurement and installation of the air conditioning system. Copies of the Tender Notices are attached as **Appendix E**.

CROSS MINISTRY CO-ORDINATION

12. The Office Accommodation Committee (OAC) and the Deputy Governor's Office fully support the urgent relocation of the Supreme Court to enable the staff to be suitably accommodated and to enhance the level of service provided to the public.

RESTRICTED

BUDGET

13. The sum of two hundred and sixty-two thousand dollars (\$262,000) was allocated in the 2017 Budget Estimates for the relocation of the High Court Registry under Capital, 3210305 (Supreme Court Office Configuration). However, the annual rent for the Supreme Court space would be three hundred and forty-two thousand, five hundred and ninety-six dollars (\$324,596), a difference of \$62,596 would have to be reallocated to cover this cost.

FINANCIAL IMPLICATIONS

..... 14. The Financial Secretary's comments are attached as **Appendix F**.

LEGAL IMPLICATIONS

..... 15. The Attorney General's comments are at **Appendix G**.

CONCLUSION

16. Although the working conditions at the High Court Registry are now untenable and complaints from members of the public and legal fraternity are rife, the Government should not be allowed to be held hostage for the sake of obtaining much needed accommodation by having to pay exorbitant rents at levels which would eventually become unsustainable. Notwithstanding, given the strict timeline in which the High Court must be relocated to alternative accommodation and be ready for the new Law Year in September, an urgent decision is required to ensure that the operations of the Court are not compromised.

17. Honourable Members are, therefore, asked to consider the options presented in the Decision Sought and agree which option should be recommended.

Dr. D. Orlando Smith
Minister of Finance

Appendices

<i>Appendix A:</i>	<i>Cabinet Memo No. 070/2017</i>
<i>Appendix B:</i>	<i>Revised Heads of Terms for SAKAL Building</i>
<i>Appendix C:</i>	<i>List of Government rented properties paying maintenance fees</i>
<i>Appendix D:</i>	<i>List of Government rented properties</i>
<i>Appendix E:</i>	<i>Tender Notices Nos. 7 and 8 of 2017</i>
<i>Appendix F:</i>	<i>Comments from Financial Secretary</i>
<i>Appendix G:</i>	<i>Comments from Attorney General</i>



GUIDELINES FOR PROCUREMENT OF OFFICE AND HOUSING ACCOMMODATION, TENANCY AGREEMENTS AND LEASE MANAGEMENT

OFFICE OF THE DEPUTY GOVERNOR
Updated 1st December, 2020

OFFICE OF THE DEPUTY GOVERNOR GUIDELINES FOR OFFICE AND HOUSING ACCOMMODATION GOVERNMENT OF THE BRITISH VIRGIN ISLANDS

PREAMBLE:

The guidelines set out in this document outline the general operating procedures for the management of Government rented properties, including the application processes for the acquisition of office space, housing accommodation and lease agreements. The guidelines also speak to the management of leases with respect to office and housing accommodation.

The Office of the Deputy Governor is responsible for Government rented properties including the administration of office accommodation, housing accommodation for specific senior officers and officers assigned to the Sister Islands, and rent for storage facilities for Government offices.

The Office of the Deputy Governor has a Rent Vote for payment of rent for some Government departments (under Governor's Group). Rent for housing accommodation for officers assigned to the Sister Islands is also paid from the Rent Vote. Some Ministries/Departments have their own rent votes and while they are responsible for the rent payments for their respective departments, the reporting relationship to the Office of the Deputy Governor maintains.

LEASES:

General Principles:

- 1) All Government rented accommodation, including office and housing accommodation, should have valid lease agreements.
- 2) All leases, whether office accommodation or housing accommodation, must be handled by the Office of the Deputy Governor.
- 3) All leases for government rented properties, including office and housing accommodation, must be vetted by the Attorney General's Chambers.

PROCESS FOR ACQUISITION OF OFFICE ACCOMMODATION:

- 1) The Permanent Secretary, or Head of Department, through his or her Permanent Secretary (including the Financial Secretary) writes to the Permanent Secretary in the Office of the Deputy Governor to request new office accommodation. The application should include at least the following basic information:
 - Justification for new or alternative office accommodation
 - History of present accommodation (date of initial occupancy, maintenance issues)
 - Staffing complement
 - Identification of budgetary provision
 - Projection of preliminary costs other than rent (fit-out, etc.)
- 2) The application is received in the Office of the Deputy Governor, stamped and recorded.
- 3) The Permanent Secretary reviews the application on file and forwards same to the appropriate desk officer responsible for further action.
- 4) The desk officer acknowledges receipt of the application. The desk officer further reviews the application to ensure completeness and undertakes necessary action to obtain supporting documentation for the request.

- 5) In preparation of the Office Accommodation memorandum, the desk officer undertakes the following actions:
- i) ensures that the information identified in item no. 1 above are included in the request;
 - ii) obtains the heads of terms for the proposed property;
 - iii) verifies the proposed property's parcel, block and registration information with the Land Registry Department;
 - iv) verifies with the Land Registry Department the name in which the property is registered, i.e. to confirm whether the potential landlord is the legal owner of the property. If the potential landlord is not registered as the legal owner of the property as indicated on the Land Register in the Land Registry Department, the potential landlord is requested to provide legal documentation of the lawful owner of the property.
 - v) verifies with the Land Registry Department whether the property is in good standing, i.e. there are no liens/charges against the property. If the name(s) on the Land Registry documents does checks with the Land Registry to Prepares information paper for submission to the Office Accommodation Committee for consideration.
- 6) In the Office Accommodation decision paper, the SAO/Secretary, OAC should indicate what decision should be taken by the OAC and outline background information.
- 7) In consultation with the Permanent Secretary, the SAO/Recording Secretary set a date for the next convenient meeting of the Office Accommodation and an Agenda prepared. OAC information papers are circulated to the Committee members at least one week before the next meeting.
- 8) The Office Accommodation Committee (or members thereof) conducts site visit (if building is already constructed) to assess property to ascertain compliance with the Virgin Islands Building Code, Fire Code and other statutory requirements.
- 9) In consideration of a request for new accommodation, the OAC should bear in mind the following considerations:-
- i) whether the proposed premises are suitable;
 - ii) whether the proposed rent is in keeping with the rent ceiling set by the Government;

- iii) identify associated costs with procuring the requested premises, such as configuring and outfitting the office space, monthly rent and security deposit, etc.;
 - iv) whether the Department has the financial resources to cover rent costs, or whether funding would be required. If funding is required, ascertain how the funding will be met;
 - v) ensure that the proposed building meets with Building Authority approval and that the building is fully compliant with the appropriate building standards;
 - vi) ensure that the proposed building meets the Virgin Islands Fire and safety code;
 - vii) whether alternative and/or more cost-effective arrangements could be made;
 - viii) ensure that adequate parking space will be made available for use by the Department or at least senior officers and clients;
 - ix) consider what the Government's responsibilities are in relation to the lease agreement; and
 - x) review the requesting Department's 5 – 10 year staff projections, if this information is provided.
- 10) With respect to requests for continuation of leases, the above applies, however the OAC's recommendations are forwarded to the Honourable Minister of Finance through the Financial Secretary, for approval.
- 11) The Secretary takes minutes of the OAC meetings and prepares a memorandum outlining the recommendations made by the OAC. The recommendations are forwarded to the Financial Secretary for onward submission to the Minister of Finance for consideration and subsequent approval.
- 12) Once the recommendations from the Hon. Minister have been received, an extract of the recommendation is placed on the respective office accommodation file; the decision is communicated to the relevant Head of Department; and the landlord is advised of the decision taken. The appropriate action is taken on file.
- 13) All requests for new office accommodation must be approved by the Cabinet of the Virgin Islands. A Cabinet Paper is prepared once the recommendation of the OAC is approved by the Honourable Minister of Finance is obtained.
- 14) A monthly report is prepared on all office accommodation matters, which will be incorporated in a quarterly report.

- 15) A monthly report is prepared on rent expenditure from the Office of the Deputy Governor's Rent Vote. The information is obtained from the Finance and Planning Unit, Office of the Deputy Governor.
- 16) An annual report is prepared on the rent expenditure from the Office of the Deputy Governor Rent Vote.
- 17) At the end of each year, a request is made to all Ministries and/or Departments with Rent Votes to submit an annual report on the expenditure charged against their respective Votes.
- 18) A comprehensive report is prepared on the Government's rent expenditure on an annual basis.

OFFICE AND HOUSING ACCOMMODATION SITE VISITS:

- 1) Site visits to Government rented office and housing accommodation are made on an annual basis.
- 2) An inventory checklist is completed at the end of each visit.
- 3) The site visit is to be conducted by the desk officer for office accommodation, or other such authorised officer within the Office of the Deputy Governor. The desk officer will liaise with the Head of Department whose department is in the rented premises and the landlord to schedule a site visit.
- 4) Persons present during a site visit should include the Head of Department or other such authorised officer, an authorised representative from the Office of the Deputy Governor, and the landlord or his or her authorised representative.
- 5) During the site visit, the general condition of the accommodation and premises would be inspected. A checklist would be used and any maintenance issues would be highlighted in the presence of the landlord or such designated representative and the Head of Department or authorised representative and documented. Following the site visit, the Office of the Deputy Governor's representative would complete the office accommodation inspection checklist and have all parties' present sign off on the form.

- 6) If there are maintenance works to be addressed, a letter is sent to the landlord making reference to the site visit and requesting the relevant works to be undertaken. A copy of the signed accommodation checklist is attached to the letter.
- 7) A copy of the signed checklist is sent to the Head of Department and also to the landlord. The original document is placed on the respective office or housing accommodation file in the Office of the Deputy Governor.
- 8) A follow-up is made (within a reasonable timeframe, about 3 weeks – 1 month) with the respective department to ascertain whether the maintenance works have been completed. If the works have been incomplete, a follow-up is made with the landlord. The matter is kept active until it is satisfactorily completed.

LEASE MANAGEMENT:

When a lease agreement is received from a landlord:-

Pre-lease arrangements:

- 1) Obtain a copy of the registered title deed (land register) from the Land Registry Department to ascertain whether the property is vested in the name of a company or in the name of an individual.
- 2) If the property is registered in a company name, obtain a copy of the relevant portions of the Memorandum and Articles of Association of the company which authorize persons to sign documents binding the company (see section 8).
- 3) Obtain parcel number, block and registration number of the property to be rented, if this information is not provided on the lease agreement. Thereafter, submit an application to the Land Registry Department to obtain a certified copy of the land register for the property.
- 4) Once the certified copy of the land register for the prospective property is obtained, review same to identify legal owners of the property. Also review the land register to determine whether there are any liens/charges or encumbrances on the property. This should be done with new and renewal of lease agreements.

- 5) Check with the Inland Revenue Department to ensure that all property taxes are paid up to date and that the property is in good standing. This should be done with new and renewal of lease agreements. **The lease process should only continue if the properties are in good standing (i.e. property taxes paid up to date).**
- 6) In instances where there are liens/charges against the property to be leased, the desk officer informs the landlord to get a letter of approval from the landlord's respective bank for the property to be leased. The bank's letter is then sent to the Office of the Deputy Governor and then forwarded to the Chief Registrar of Lands. A copy of the bank's letter is retained on file.
- 7) Lease agreements should be executed in the name of the Landlord as it appears on the records at the Land Registry Department. All leases should first be cross-referenced with information from the Land Registry. The name appearing on the lease (landlord or legal representative) and the name in which payment is to be made should correspond.
- 8) In the case where the Lessor is a Company/Business, the following documents need to be produced:
 - Memorandum and Articles of Association
 - Register of Directors
 - Certificate of Incorporation
 - Copy of Passport Identification Page (for each Director, if necessary)
 - Registered Agents Certificate/Certificate of Incumbency
- 9) If the lease is to be executed with a company, the names of all of the Directors must be included in the lease and all of the Directors, save and except in the case where there is a Managing Director (the Articles of Association will state how the company's business will be conducted) must sign the lease. Alternatively, a Resolution by all of the Directors authorizing one or more of the Directors to act on behalf of the Directors of the Company may be submitted for consideration by the Attorney General's Chambers when vetting the lease agreement.
- 10) Where a landlord is deceased, a legal document – Letter of Administration or Probate document or other such legal document attesting to the legal administrator(s) of the property must be furnished. The land register should also

be amended to reflect the change. A certified copy of the land register should be requested from the Land Registry Department for the file.

- 11) In the case where a married female landlord whose maiden name is reflected on the property to be leased, if she so desires to have the lease executed in the married name, she would have to write to the Chief Registrar of Lands to advise of her change of name by marriage and attach a copy of her marriage certificate and request that the property to be registered in her married name. A fee of \$2.50 is payable for this amendment.
- 12) All lease agreements should be carefully reviewed to ensure that covenants do not bind the Government unduly or that would prove onerous on the Government, i.e. excessive fees such as payment of property taxes, rent reviews which stipulates percentage increases in rent even though the lease has not expired, and any other hidden costs. It is for these reasons that all leases are sent to the Attorney General's Chambers to be vetted before they are executed.
- 13) When submitting a lease to the Attorney General's Chambers for vetting electronically, the following documents are submitted:

Landlord(s) (not a Company)

- Draft lease
- Copy of the land register (recent)
- Letter of Probate or Power of Attorney, where applicable

If it is a Company:

- Memorandum and Articles of Association
- Register of Directors
- Certificate of Incorporation
- Copy of Passport Identification Page (for each Director, if necessary)
- Registered Agents Certificate/Certificate of Incumbency
- Copy of the land register

- 14) The landlord should be responsible for the general maintenance of the property. The property should be regularly maintained. *There should* be a clause for inspection by the landlord to inspect the property structurally on an annual basis. Certain checkpoints for reviewing a lease and potential property include:

- Provision of a back-up generator provided and maintained by the landlord
 - Provision of fire and smoke detectors and fire extinguishers
 - Provision of an emergency exit/fire escape i.e. separate entrance and exit
 - Adequate parking facilities
 - Security – and fencing if necessary
 - Consider accessibility to the property
 - It is important to conduct a site visit to the potential property with the landlord and the respective Permanent Secretary and Head of Department
 - Check renewal option of lease. What sort of notice would be required to terminate or to request a renewal?
 - Examine rent review clauses
 - Ensure that the total square footage and the amount per square foot is clearly defined
- 15) Ensure that proposed buildings to be leased are fully compliant with the appropriate building standards, electrical and fire standards, and that the landlords are aware of their prime responsibilities. The clear message to landlords should be that non-compliant buildings will not be leased.
- 16) Lease agreements are to be executed between the Honourable Premier and Minister of Finance for and on behalf of the Government of the Virgin Islands and the Landlord (legal owner/executor of the property).
- 17) If the lease agreement is to be executed by another person other than the Premier, i.e. Acting Premier, the correct designation of the Minister should be included in the lease.
- 18) Permanent Secretaries and Heads of Departments must ensure that funding is available to meet rent payments and security deposit, and any other expenses that may be outlined in the lease agreement.
- 19) Ascertain from Ministries/Departments their views on the leases with respect to the contents of the lease before onward submission to the Attorney General's Chambers to be vetted. The Permanent Secretary/Head of Department is kept in the loop until the lease is finalised.
- 20) Before a lease is submitted to the Attorney General's Chambers for vetting, ensure that all supporting documents are attached:
- lease with mutually agreed terms

- a copy of land register
- corporate documents (if a company); inventory listing (if a housing tenancy lease)
- delineated plan or redlined sketch of the property to be leased, or a photograph of the building/office space/house/apartment to be leased

21) **All** leases **must** be vetted by the Attorney General's Chambers. Regardless, whether the lease is a renewal on the same terms as a previous lease, the lease **must** be vetted by the Attorney General's Chambers.

22) Lease agreements which have not been vetted by the Attorney General's Chambers before being executed will not be accepted.

23) Once the final vetted lease has been received, the landlord is given a copy to review. The lease in its final form is sent to the landlord for his or her review. If the final lease agreement is accepted by the Landlord, arrangements are made first to have the Landlord sign the lease, thereafter, arrangements are made for the Honourable Premier and Minister of Finance to sign the lease agreement.

24) After a lease has been executed by all parties, the lease is notarised.

25) Once a lease has been notarised, all originals (three) are sent first to the Inland Revenue Department to be exempted from the Stamp Duty requirement, and then onto the Land Registry to be registered, if the lease is for a period of more than one year. Leases under one year do not have to be registered.

26) Once the leases have been registered, a copy is sent to the Landlord, one to the Honourable Premier, one to the respective Ministry and Department, and a copy is placed on the respective accommodation file. Other relevant departments are provided with a copy of the registered lease. (**See distribution of leases section**)

27) In the case where payment of rent will be met by the Office of the Deputy Governor, the Finance and Planning Unit in the Office of the Deputy Governor is provided with the relevant information and a copy of the lease agreement which will be sent to the Accountant General to effect payment.

28) The commencement date of a lease agreement is of utmost importance. Leases should not be executed until the premises are ready to be accommodated. The rent is normally payable once the keys are handed over. Therefore, signing of leases and moving into a new accommodation must be carefully and properly

coordinated to avoid having to pay rent for a building for periods in advance of being able to take up occupancy and commencing full operations.

CHECKLIST FOR LEASES:

1. When a lease agreement or heads of terms is received from a prospective and/or existing landlord, the lease agreement/heads of terms should be reviewed against the Lease Agreement checklist to ensure that all pertinent information relative to the property and landlord are covered.
2. The landlord or prospective landlord will be requested to furnish all outstanding or missing information before proceeding with the lease agreement.

RENEWAL OF LEASES:

- 1) Refer to the Renewal clause in the specific lease. For administrative and budgetary purposes, it is recommended that the Government should seek to renew a lease agreement at least one year in advance. This time frame will allow for timely notification and finalisation of new lease agreements and also to budget for any potential increases in rent.
- 2) Write to the respective Department Head to inform of expiration of lease and to request recommendation for either renewal or termination.
- 3) Once the Department's recommendation is received, a letter is sent to the landlord indicating Government's interest in a renewal or termination of the lease agreement. If a renewal is sought, it is done requesting a renewal on the same terms. A copy of the old lease is attached to the request.
- 4) An inspection of the rented accommodation is also carried out by the Office of the Deputy Governor upon the expiration of the lease to determine the condition of the accommodation.
- 5) When the landlord's response is received, the particulars the renewal, including any increase is included in the information paper sent to the Office Accommodation Committee for consideration. The OAC's recommendation is then submitted to the Honourable Premier and Minister of Finance for approval.

- 6) Once the recommendation is approved for the renewal of the lease, obtain a current copy of the land register and prepare lease for submission to the Attorney General's Chambers for vetting.
- 7) Before a lease is renewed, any existing leases on the land register must first be cancelled before the new lease is registered (**see section Surrender of Leases**).
- 8) If payment is to be met from the Office of the Deputy Governor - Head 110; Subhead 61510, the Finance and Planning Unit in the Office of the Deputy Governor is provided with the relevant information (a copy of the executed lease and any other documents/information is necessary).

Surrender of Leases:

- 9) In the case of an existing lease which has expired and a new (renewal) lease is being prepared, the expired lease must first be surrendered before the new lease is executed. The **Surrender of Lease Form (Form R.I. 11)** obtained from the Land Registry should be prepared and surrendered by the Honourable Premier and the landlord. The Surrender of Lease Form is either notarised or may be certified by a Commissioner for Oaths. The Surrender of Lease Form is submitted to the Chief Registrar of Lands.

REGISTRATION OF LEASES:

Legal Requirement:

Section 46 of Cap 229 – Registered Land Ordinance speaks to the Registration of Leases. Section 46 states:

“A lease for a specified period exceeding two years or for the life of the lessor or of the lessee, or a lease which contains an option whereby the lessee may require the lessor to grant him a further term or terms which, together with the original term, exceed two years, shall be in the prescribed form, and shall be completed by –

- (a) Opening a register in respect of the lease in the name of the lessee; and
- (b) Filing the lease; and
- (c) Noting the lease in the encumbrances section of the register of the lessor's land or lease.”

EXEMPTION FROM STAMP DUTY REQUIREMENT – INLAND REVENUE:

1. After a lease agreement has been duly executed and notarised, the leases are sent to the Commissioner of Inland Revenue under cover memorandum to request exemption from the Government's Stamp Duty requirement. A form is also completed.
2. After lease agreement has been approved for stamp duty exemption, the lease agreement is forwarded to the Land Registry for registration.
3. Once the Land Registry has registered the lease, copies of the lease are distributed. (See **distribution of leases section**).

REQUIREMENTS FOR REGISTRATION OF LEASES:

- i) Certificate of Incorporation or Certification from the Registry of Corporate Affairs on Good Standing of the Company
- ii) Memorandum and Articles of Association
- iii) Register of Directors
- iv) Proof of Belongership of Directors
- v) Certificate of Good Standing from the Inland Revenue Department
- vi) Registration information on the Land Register (Registration Section, Block and Parcel Number, Registered owner of property)

NUMBER OF ORIGINALS FOR LEASES:

Three (3) original leases should be prepared and executed.

DISTRIBUTION OF EXECUTED and REGISTERED LEASES:

Once a lease has been executed, exempted from the stamp duty requirement and registered (if necessary); an **original** lease should be distributed as follows:

- i) Department's file
- ii) Landlord (with cover letter)
- iii) Head of Department (with cover memo)

A copy of the registered lease should be distributed as follows with a covering memo:

- i) Financial Secretary
- ii) Auditor General
- iii) Accountant General
- iv) Director, Internal Audit
- v) Commissioner of Inland Revenue
- vi) Head of Department (only if an original lease was not available)
- vii) In the case of leases to be paid by the Office of the Deputy Governor, a copy should be sent to the Finance and Planning Officer, Office of the Deputy Governor under cover of a memo, for payment.

TERMINATION OF LEASES:

Office Accommodation:

- i) Refer to the Termination clause in the specific lease.
- ii) If the accommodation is no longer required, write to the landlord giving adequate notice in accordance with the lease agreement.
- iii) Complete the Surrender of Lease form and submit to the Chief Registrar of Lands under covering memo indicating termination of lease.
- iv) Write to the Accountant General informing of termination of lease (if paid by The Office of the Deputy Governor)
- v) If payment is being met from the Office of the Deputy Governor's Rent Vote, the Finance and Planning Officer in the Office of the Deputy Governor is provided with the relevant information to ensure that payment is stopped at the appropriate time.

N.B. When new leases, increases in rent for leases or terminations are made, it is important to review the print out of the appropriate Rent vote the following pay period to ensure that payments are being made in respect of the new rent; the increase is being paid in respect of increases in rent; or that payment has ceased where a lease has been terminated.

Housing Accommodation:

- i) Refer to the Termination clause in the specific lease.

- ii) If the accommodation is no longer required, write to the landlord giving adequate notice as specified in the lease agreement.
- iii) Complete the Surrender of Lease form and submit to the Chief Registrar of Lands under covering memo indicating termination of lease.
- iv) If payment was being met from the Office of the Deputy Governor's Rent Vote, inform the Finance and Planning Unit in the Office of the Deputy Governor of the termination of the lease to ensure that payment is stopped at the appropriate time.
- v) Write to the Accountant General informing of termination of lease (if paid by the Office of the Deputy Governor)

OFFICE RELOCATION CHECKLIST (Provided by the Ministry of Finance Project and Procurement Unit)

- ❑ Floor plan & drawings
 - Identify office accommodation requirements
 - Prepare drawings
 - Request staff input
 - Solicit PWD architect for job or contract private firm
- ❑ Office space
 - Identify possible office location
 - Negotiate lease
 - If applicable, request phone service is installed in building.
 - If applicable, confirm that utility accounts are paid and transferred to Government.
 - Ensure that maintenance terms of building are specified.
 - Finishings: carpet, blinds, screens, etc.
 - Conduct walk through of building/ offices before signing lease. If applicable, solicit Building Authority - PWD to assist with inspection to ensure sound construction for new buildings.
 - Confirm full set of keys is received and contact persons identified if problems arise.
 - *Lease term should be no more than 5 years.*

- **Lease should be reviewed by Financial Secretary during the negotiation process.**
 - Prepare a project budget and schedule. An operational budget should also be developed as well.
 - If applicable; request funding through budget process.
- ❑ Office Furnishings
 - Prepare tender document
 - Public Tender
 - Prepare contract
 - Issue contract
 - Delivery and install
- ❑ Security System
 - Prepare tender document: request design and supply of system
 - Public Tender
 - Prepare contract
 - Issue contract
 - Delivery and install
- ❑ Cleaning
 - Decide whether to hire cleaners/cleaning services.
 - Proceed according to decision made in 'a'.
- ❑ IT: Telephone & Computers
 - Advise DoIt and TSMU of office relocation by submitting floor plans to the respective units.
- ❑ Parking
 - Confirm parking with landlord
- ❑ Move office
 - Set move-in date.
 - Identify moving company, if necessary.
 - Inform DoIt and TSMU of relocation date to ensure installation of services.
 - Inform Government Ministries and Departments of new location.
- ❑ Finishings:
 - Building signage
 - Office directory
 - etc.

MAINTENANCE:

Mechanical Ventilation System (Air conditioning Unit)

Air conditioning units could be a source of contamination and may carry pollutants into buildings if not properly and adequately maintained. A service schedule as recommended by the manufacturer must be adhered to as much as possible and must include the entire system inclusive of the compressor parts, the refrigerant lines, ducts and filters. Timely maintenance and servicing does not only provide good air quality but also prolongs the life of the equipment and reduces energy costs.

- i) Develop and implement maintenance and servicing schedule for the air conditioning system and in keeping with the manufacturer's recommendations

If mould problems occurs, the following actions can be undertaken to address mould in offices:

- i) Remove all wall to wall carpeting and replace with ceramic tiles or such other "green" flooring material
- ii) Schedule periodic cleaning of offices including furniture and wall partitions (to minimise allergens and mould accumulation in offices, wall partitions should be of a material that can be wiped/cleaned easily)
- iii) Regular maintenance and servicing of air conditioning units and cleaning of air ducts – at least quarterly
- iv) Removal of boxes and clutter (old and unused equipment) from around the office

ACCOMMODATION FOR SUPREME COURT JUDGES

The following checklist was provided by the Eastern Caribbean Supreme Court as it relates to the criteria for accommodation being considered to house appointed judges, hence its inclusion in this document. While this refers primarily to resident judges, the same criteria applies to temporary (case specific) appointments as well.

GENERAL FEATURES

- ☐ Property to be properly fenced, preferably with a motorized gate with remote
- ☐ Adequate grounds
- ☐ Security system
- ☐ Secure and adequate windows and doors
- ☐ Burglar proofing
- ☐ Bedrooms should be preferably elevated
- ☐ Proper flooring
- ☐ Proper lighting, including outdoor and or sensor/security lighting
- ☐ Adequate water supply with back up water system
- ☐ Water heating system throughout the residence, preferably solar [cost-effective]

QUARTERS

- ☐ Bedrooms – 4: 1 Master bedroom and 3 others
- ☐ Bathrooms – 3 + 1 powder room
- ☐ Study
- ☐ Covered porch or entertainment area w/bar
- ☐ Living room
- ☐ Dining room
- ☐ Family room or Den
- ☐ Kitchen
- ☐ Maid's quarters
- ☐ Laundry
- ☐ Carport/Garage

MASTER BEDROOM – EN SUITE

- ☐ King or Queen size bed
- ☐ Bedside tables with lamps
- ☐ Vanity and stool
- ☐ Chest of drawers
- ☐ Dresser with a mirror
- ☐ Dressing room or walk-in closet
- ☐ Adequate closet/storage space - lockable cupboards and drawers
- ☐ TV and stereo stand
- ☐ Television w/cable connection
- ☐ Chairs – 2
- ☐ Drapes
- ☐ Area/Throw Rugs
- ☐ Bedroom linen

- ☐ Air conditioning
- ☐ Standing/Ceiling fans
- ☐ Phone
- ☐ Waste paper basket

MASTER BATHROOM

- ☐ Tub w/shower
- ☐ Matching fixtures
- ☐ Towels
- ☐ Bath set – 3 pieces
- ☐ Shower curtain
- ☐ Waste paper basket

OTHER BEDROOMS

- ☐ At least 1 Queen Size bed, other beds to be Queen Size or twin beds
- ☐ Bedside tables and lamps
- ☐ Vanity and stool
- ☐ Small desk and lamp
- ☐ Chest of drawers
- ☐ Chairs – 2
- ☐ Drapes
- ☐ Area/Throw rugs
- ☐ At least 1 room to be air-conditioned
- ☐ Adequate closet/cupboard space
- ☐ Linen Cupboard – Suitably located in the residence

OTHER BATHROOMS

- ☐ Shower
- ☐ Matching fixtures
- ☐ Towels
- ☐ Bath set – 3 pieces
- ☐ Shower curtain
- ☐ Waste paper basket

POWDER ROOM

- ☐ Toilet
- ☐ Sink
- ☐ Bath set
- ☐ Waste paper basket

STUDY

- ☐ Adequate lighting for reading

- ☐ Desk w/computer extension
- ☐ Ergonomic chair
- ☐ Sofa
- ☐ Chairs - 2
- ☐ Adequate cupboards and book shelves
- ☐ 2 drawer filing cabinet
- ☐ Phone
- ☐ Internet connection
- ☐ Area/Throw rugs, if appropriate
- ☐ Waster paper basket
- ☐ Air conditioning
- ☐ Standing/Ceiling fans

LIVING ROOM

- ☐ Sofas – 2, if appropriate
- ☐ Matching chairs – 4
- ☐ Coffee tables
- ☐ End tables – 6
- ☐ Footstools
- ☐ Standing/table lamps, where appropriate
- ☐ Drapes
- ☐ Stand for television and stereo
- ☐ Television w/cable connection

DINING ROOM

- ☐ Table to seat a minimum of 8 persons
- ☐ Chairs – 8
- ☐ Buffet
- ☐ Cabinet – display
- ☐ Trolley
- ☐ Table cloth
- ☐ Table mats
- ☐ Vases, where appropriate
- ☐ Furniture to be cushioned/padded
- ☐ Area/Throw rugs

KITCHEN

- ☐ Minimum 36" 4-5 burner stove and grill
- ☐ 14 cu. Ft. refrigerator
- ☐ Freezer – stand-alone
- ☐ Adequate cupboards
- ☐ Adequate counter space
- ☐ Sink with double draining board

- ☐ Crockery/cutlery drainer
- ☐ Good quality pot set – 9 piece w/covers
- ☐ Frying pans – large and small
- ☐ Breakfast and dinner sets for 12
- ☐ Cutlery sets – 2 [for 12 persons]
- ☐ Set of kitchen knives
- ☐ Ice bucket w/tongs
- ☐ Wine and whiskey glasses
- ☐ Water goblets
- ☐ Grater
- ☐ Strainers
- ☐ Bread board
- ☐ Cutting Boards
- ☐ Electric kettle
- ☐ Adequate set of bakeware/oven to table/microwaveable, of at least 5 pieces w/covers
- ☐ Baking and roasting pans
- ☐ Serving spoons
- ☐ Carving knife
- ☐ Serving platters
- ☐ Salad Bowls
- ☐ Serving Set
- ☐ Dessert bowls – 12
- ☐ Colander
- ☐ Canister set
- ☐ Napkin holders
- ☐ Egg beater/Whisk
- ☐ Blender
- ☐ Microwave oven
- ☐ Pedal bin
- ☐ Large wheeled outdoor garbage bin
- ☐ Kitchen curtains
- ☐ Step ladder

MAID'S QUARTERS

- ☐ Bed
- ☐ Bedside table and lamp
- ☐ Chair
- ☐ Bedside mat
- ☐ Dresser
- ☐ Clothes cupboard
- ☐ Shower stall
- ☐ Toilet
- ☐ Wash Basin

- ☐ Mirror
- ☐ Bath set – 3 piece
- ☐ Curtains – Bedroom and bath

LAUNDRY

- ☐ Ironing board
- ☐ Electric steam Iron
- ☐ Laundry baskets – 2
- ☐ Washing machine
- ☐ Dryer
- ☐ Clothes pegs
- ☐ Cupboards/shelves
- ☐ Laundry tubs w/hot and cold water
- ☐ Scrubbing brush
- ☐ Dust pan
- ☐ Brooms
- ☐ Mop
- ☐ Broom cupboard
- ☐ Vacuum cleaner
- ☐ Buckets – 2
- ☐ Clothes lines
- ☐ Floor polisher, where necessary

GARDENING

- ☐ Store room
- ☐ Wheel barrow*
- ☐ Garden hoses
- ☐ Spade*
- ☐ Fork*
- ☐ Machete*
- ☐ Adequate outdoor taps
- ☐ Mower or weedwacker*
- ☐ Shrubbery cutter*

*Where gardening services not provided by Host Government or Landlord

12th June 2006

GOVERNMENT HOUSING POLICIES:

GOVERNMENT-RENTED HOUSING POLICY

1. Government-rented housing accommodation is furnished with basic furnishings. Soft furnishings such as linens, rugs, dishes, toiletries, etc. are the responsibility of the assigned officer.
2. The Government does not furnish telephones nor have them connected. Applications and deposits must be the responsibility of the occupant of the residence.
3. All utilities including water, electricity, telephone, gas, cable and internet service are the responsibility of the officer. A copy of the connection form in respect of the service should be forwarded to the Office of the Deputy Governor to be placed on record.
4. The assigned officer is responsible for reasonable care of the accommodation and furnishings. An officer who occupies Government-rented accommodation is responsible for any damage to the property and its furnishings incurred at the hands of the officer, or authorised occupant(s) of the accommodation.
5. The Landlord is responsible for the repair of the property and repair and/or replacement of furnishings and fixtures of the accommodation due to reasonable wear and tear.
6. All communication regarding the accommodation should be between the Permanent Secretary, Office of the Deputy Governor, on behalf of the Government, and the Landlord.
7. In the event that an emergency arises and it occurs after working hours, the assigned officer will liaise with the Landlord on the matter, and report immediately the following day to the Permanent Secretary, Office of the Deputy Governor.
8. The assigned officer should not communicate with the Landlord regarding accommodation issues as they relate to extension or termination of the tenancy agreement, relocation to another property owned by the Landlord, upgrading/changes to the accommodation to suit the officer's needs, or for rent increases.

9. The assigned officer must take reasonable care not to bring the Government into disrepute for unauthorised actions or decisions taken by the assigned officer.
10. The assigned officer must ensure the cleanliness of the accommodation at all times. The accommodation must be thoroughly cleaned and cleared of all personal effects of the officer before he or she vacates the residence.
11. The assigned officer may not install any major appliances without the prior written consent of the Landlord.
12. The assigned officer may not make any remodelling changes in the accommodation without written permission from the Permanent Secretary, Office of the Deputy Governor, and consent by the Landlord.
13. Government-rented accommodation is solely for the assigned officer and his or her immediate family, if necessary. Under no circumstances shall an assigned officer sublet any portion of a Government-rented property.
14. Occasional visiting guests, friends or relatives are permissible, provided that they do not take up permanent residence, or remain in the accommodation for a continuous period greater than one (1) week, without the written approval by the Permanent Secretary, Office of the Deputy Governor. Any change in occupant(s) must first be approved in writing by the Permanent Secretary, Office of the Deputy Governor prior to the enactment of the same.
15. An inspection of the house or apartment will be made on the commencement of the officer's taking up occupancy and at the end of the occupancy.
16. An inspection of the house or apartment will be made on a quarterly basis once the assigned officer takes up residence. A checklist will be completed.
17. The assigned officer is required to give thirty (30) days written notification to the Permanent Secretary, Office of the Deputy Governor through the officer's Head of Department advising of his or her end of duty and/or intention to vacate the accommodation.
18. The assigned officer is required to return the keys for the rented accommodation to the Permanent Secretary, Office of the Deputy Governor or other such authorised officer, before vacating the rented accommodation.

19. The assigned officer must ensure that all utility bills are settled before vacating the premises. Failure to do so may result in the outstanding balance being deducted from the officer's salary or gratuity payment. In this regard, the assigned officer is required to provide proof that all utility bills have been paid before his or her departure.
20. Officers who accept Government-rented accommodation agree to reside in the housing under the stipulations set forth above and with the full knowledge that they may be required to vacate the premises for any infraction of the rules or for loss of eligibility as stated above.

DECLARATION:

I, _____ declare that I have read and understood the contents of this policy as outlined above, and agree to act in accordance with the terms and conditions of the policy.

Signature: _____

Date: _____

cc: Head of Department

**IN THE MATTER OF THE TERRITORY OF THE VIRGIN ISLANDS COMMISSION OF INQUIRY 2021
AND THE COMMISSION OF INQUIRY ACT (CAP 239) (THE 'ACT')**

SIXTH AFFIDAVIT OF JEREMIAH FRETT

I, JEREMIAH FRETT of Major Bay, Tortola, Financial Secretary, **MAKE OATH** and **SAY** as follows:

1. Introduction

- 1.1 I am the Acting Financial Secretary of the Ministry of Finance (the '**Ministry**') in the Government of the British Virgin Islands. I have served in this capacity effective 1 January 2021 and I make this Affidavit from facts within my own knowledge that are true or are without my own direct knowledge but are true to the best of my knowledge, information and belief, the sources of which are identified.
- 1.2 I make this Affidavit on behalf of Hon Andrew Fahie, Minister of Finance in response to the letter sent to him by Mr Andrew King, Senior Solicitor to the Commission of Inquiry, on 7 June 2021 entitled '*Request for Affidavit No. 2*' (the '**Request**') in relation to the Government's leasing arrangements with private landlords ('**Private Landlords**').
- 1.3 At the outset, I should further say that in this Affidavit, where I mention a document, I do not waive any privilege asserted in respect of it unless I do so expressly.
- 1.4 I shall refer in this Affidavit to the exhibit marked 'JF-9', which is a paginated bundle of documents.
- 1.5 Apart from what is set out below, I am unable to provide the information requested in the Request as the Ministry's role is limited to a presence on the Office Accommodation Committee (the '**Committee**') and transmitting the relevant cabinet papers and documents to the Cabinet for approval.

2. Process of approving Government lease arrangements with Private Landlords

- 2.1 The arrangements for leases for privately owned properties are managed by the Committee, which falls within the remit of Deputy Governor's Office. As such, the management of leases for privately owned properties is currently the responsibility of the Deputy Governor's Office.
- 2.2 The Ministry is a member of the Committee and the Deputy Financial Secretary represents the Ministry on the Committee. The Deputy Financial Secretary's assignment to the Committee is done verbally by the Financial Secretary.
- 2.3 The Committee considers and makes recommendations for entering into lease agreements on behalf of a Government department (the '**Recommendations**').

- 2.4 The Committee's Recommendations are submitted to the Minister of Finance for approval. However, as the Recommendations are submitted to the Minister of Finance through the Premier's Office, the Ministry is unable to provide any copies of these Recommendations. I should also add that I am unaware of why the Recommendations are submitted to the Minister of Finance through the Premier's Office and that the Deputy Governor's Office is likely to be the department with the knowledge of why it is done this way.
- 2.5 Once approval is given, the Recommendations are returned to the Committee. In the case of requests for the Government to enter into a new lease agreement, a Cabinet Paper is prepared by the Deputy Governor's Office for Cabinet's approval. On occasion, the agreement of other Ministries is sought by the Deputy Governor's Office regarding the lease agreements between the Government and Private Landlords (see the memorandum from the Acting Permanent Secretary of the Deputy Governor's Office to the Financial Secretary and Permanent Secretary of the Ministry of Transport, Works and Utilities dated 15 May 2020 exhibited at pages 209 - 213 of Exhibit JF-9). The agreement of the Financial Secretary is sought where funding from the Government is requested, and the Financial Secretary will advise on the availability of funding.
- 2.6 The Cabinet Papers together with the Committee's Recommendations and other supporting documents (the '**Documents**') are sent for Cabinet approval via the ExcoTrack system. The Ministry of Finance is able to access these Documents through the ExcoTrack system and will submit them to Cabinet for consideration.
- 2.7 I exhibit at pages 12 - 435 of Exhibit JF-9 the relevant Cabinet papers and related documents, regarding Government leases with Private Landlords from 2018 onwards. These are primarily in respect of office accommodation for various Government Ministries and Departments.
- 2.8 Following Cabinet's approval, for a Government department to enter into a lease agreement, the Ministry will inform the Deputy Governor's Office of Cabinet's decision. The Deputy Governor's Office then takes the necessary steps to execute Cabinet's decision, for example, the Deputy Governor's Office will submit a draft lease to the Attorney General's Chambers for vetting.
- 2.9 The final lease agreement, once signed by the landlord, is submitted to the relevant Minister for signing. After this, the Deputy Governor's Office will arrange for the executed lease to be submitted to a notary public for notarization.
3. **Funding and budget for Government lease arrangements with Private Landlords**
- 3.1 The funding for the Government's leasing arrangements with Private Landlords is approved through the annual budget (the "**Budget**") and if warranted via a Schedule of Additional Provision. Funding through a Schedule of Additional Provision would occur in instances such as mid-year rentals, change in rentals etc.). Each department undertakes their own internal consultancies and rank their programmes activities and projects based on their ministry's priorities. They submit then their budget estimates to the Ministry. The Ministry consolidates all budget proposals and submits them to Cabinet along with the Appropriation Bill (i.e. the legislation that introduces the Budget into law) where the Budget is discussed with Cabinet members. Once the Budget is approved by Cabinet, the Ministry submits the Budget to the House of Assembly (the '**House**'). The proposed Budget is introduced to the House and debated. The House then re-organises itself into the Standing Finance Committee. The Standing Finance Committee invites each Accounting Officer to explain and rationalise their submission and answer Members' questions.

3.2 Subsequently, the House resumes into a formal sitting and the report of the Standing Finance Committee is presented. The Budget debate takes place. After the Budget debate, the Budget is approved. The approved Budget either becomes effective on first day of the year or when the Governor assents to the Appropriation Bill, whichever is later. The law contains the new appropriation in terms of the rent for offices authorised to be spent by the Government for a given year.

Sworn by: Jeremiah Frett)

On 9 September 2021)

At Ministry of Finance)

Qwomar #2, 2nd Floor)

Blackburn Highway, Tortola)



Jeremiah Frett

Before me:

Notary/Commissioner of Oaths

**IN THE MATTER OF THE TERRITORY OF THE VIRGIN ISLANDS COMMISSION OF INQUIRY 2021
AND THE COMMISSION OF INQUIRY ACT (CAP 239) (THE 'ACT')**

SIXTH AFFIDAVIT OF JEREMIAH FRETT

From: Helen Durante/government/VG
To: Kedrick Malone/government/[REDACTED]
Cc: Geraldine Ritter-Freeman/government/[REDACTED] Sharleen DaBreo/government/[REDACTED] Jamal Jones/government/[REDACTED] Elvia Smith-Maduro/government/[REDACTED] Penny Maduro/government/[REDACTED] Tamesha Smith/government/[REDACTED]

Date: Friday, January 10, 2020 11:32AM

Subject: Re: Lease for Cutlass Building

Good morning Mr. Malone,

I acknowledge receipt of your email and note its contents. In this instance, the landlord was clear that she was provided with a date (time) when the space was requested.

The lease will be advanced to the landlord and the Attorney General's Chambers for vetting for execution. You will receive a copy of the executed lease, in due course.

Regards,

Helen Durante-Seymour
Deputy Secretary
Deputy Governor's Office
Road Town, Tortola
British Virgin Islands

Tel: [REDACTED]

-----Kedrick Malone/government/VG wrote: -----

To: Helen Durante/[REDACTED]
From: Kedrick Malone/government/VG
Date: 01/10/2020 08:02AM
Cc: Geraldine Ritter-Freeman/government/[REDACTED], Sharleen DaBreo/government/[REDACTED]
Jamal Jones/government/[REDACTED] Elvia Smith-Maduro/government/[REDACTED], Penny Maduro/government/[REDACTED] Tamesha Smith/government/[REDACTED]
Subject: Re: Lease for Cutlass Building

Good morning Ms. Durate,

Thank you for the follow-up.

At this stage, with no basis for disputing Mrs. Lake's claim and the need for the Premier's Office to vacate the admin building, we have no choice but to agree unless you have an alternate solution.

I restate my concern and request for there to be a clear and structures process instituted to ensure departments/ministries do not commit government to financial obligations to take space too far in advance of when such space can be occupied.

Kind regards,

Kedrick Malone
Permanent Secretary
Premier's Office
Government of the Virgin Islands
T. [REDACTED] M [REDACTED]
Email [REDACTED]
www.bvi.gov.vg

-----Helen Durante/government/VG wrote: -----

To: Kedrick Malone/government/[REDACTED]
From: Helen Durante/government/VG
Date: 01/09/2020 09:34AM
Cc: Geraldine Ritter-Freeman/government/[REDACTED] Sharleen
DaBreo/government/[REDACTED] Jamal Jones/government/[REDACTED] Elvia Smith-
Maduro/government/[REDACTED] Penny Maduro/government/[REDACTED] Tamesha
Smith/government/[REDACTED]
Subject: Re: Lease for Cutlass Building

Good Morning PS Malone,

I acknowledge receipt with thanks your email of 7th January, 2020 advising of the commencement dates for the 3rd and 6th floors of Cutlass Tower as August, 2019 and September, 2019, respectively.

The landlord, Mrs. Patsy Lake, was informed of the proposed commencement dates of the leases, and she did not accept the dates as given. Mrs. Lake has indicated that the commencement dates for the 3rd floor space should be with effect from July, 2019, and from August, 2019 for the 6th floor space when she was initially approached by personnel from the Premier's Office to hold the space for rental.

In light of the foregoing, can you kindly confirm whether the Premier's Office accepts the landlord's request for the commencement date for the lease for the 3rd floor space of Cutlass Tower to take effect from 1st July, 2019, and for the 6th floor space to take effect from 1st August, 2019?

The Deputy Governor's Office awaits your further instruction to proceed with advancing the leases for execution.

Regards,

Helen Durante-Seymour
Deputy Secretary
Deputy Governor's Office
Road Town, Tortola
British Virgin Islands
Email [REDACTED]
Tel: [REDACTED]

-----Kedrick Malone/government/VG wrote: -----

To: Helen Durante/government/[REDACTED]
From: Kedrick Malone/government/VG
Date: 01/07/2020 02:56PM
Cc: Geraldine Ritter-Freeman/government/[REDACTED] Sharleen
DaBreo/government/[REDACTED] Jamal Jones/government/[REDACTED] Elvia Smith-

Maduro/government/██████████ Penny Maduro/government/██████████ Tamesha
 Smith/government/██████████
 Subject: Re: Lease for Cutlass Building

Dear DS Durante-Seymour,

Thank you for your note outlining the remaining issues to complete the lease of the spaces on the 3rd and 6th floors of the Cutlass Building to Premier's Office.

We can advance the lease with the understandings outlined in items i, ii and iii of your note. With regard to item iv, commencement date for the lease, i took a bit more time to assess the request of the Landlord given the financial implications. It appears that dialogue between the landlord and staff of the Premier's Office (DS Maduro and FPO Jones) began around the timeframe indicated by the Landlord. It is not absolutely clear when a firm commitment was made as there is nothing in writing. The Landlord claims that she took the properties off the market from July and August respectively and the commencement date should be from those months.

In the absence of guidance on how such matters are handled and in light of the above, I think it is reasonable to offer the Landlord a commencement date of August and September respectively with the allowance of 30 days for the Government to have completed its processes to secure the lease after registering its intent.

I hope this provides the required direction to finalise and sign the lease as the Premier's Office needs to move urgently as construction has commenced on the roof and this is adversely affecting the office work environment.

Might I suggest that DGO issue guidelines for Public Service engagement with Landlords to help with navigating when financial commitments are made to bring them more in line with Cabinet Decisions. This will minimise long gaps between when commitments are made and when premises can be occupied.

Kind regards,

Kedrick Malone
 Permanent Secretary
 Premier's Office
 Government of the Virgin Islands

T. ██████████/M. ██████████

Email ██████████
www.bvi.gov.vg

-----Helen Durante/government/VG wrote: -----

To: Geraldine Ritter-Freeman/government/██████████
 From: Helen Durante/government/VG
 Date: 11/11/2019 03:40PM
 Cc: Sharleen DaBreo/government/██████████ Kedrick Malone/government/██████████
 Jamal Jones/government/██████████ Elvia Smith-Maduro/government/██████████, Penny
 Maduro/government/██████████
 Subject: Re: Lease for Cutlass Building

Dear DS,

Further to your email of 7th November, 2019, I report the following:

i) the draft lease has been amended to reflect the breakdown of the monthly service charges.

ii) I contacted the landlord, Mrs. Patsy Lake on 7th November, 2019 to inform her of Cabinet's decision approving the rental of the 3rd and 6th floor spaces in the Cutlass Tower and to enquire of the issues your email. The landlord indicated that the issues with the windows were already addressed. She was not aware of any water leakage on the 3rd and 6th floors. If you aware of any leakages, or any issues for that matter, in the spaces the Premier's Office will accommodate, this information should be communicated to the landlord for redress.

iii) rent payments are automatically paid on the first of each month once the respective Department has submitted the relevant instructions for payment to the Treasury Department. The landlord was amenable to the omission of the provision where a late fee of \$50 per day is applied for each day the rent is outstanding. Of course, we will need to get this agreement in writing.

iv) in respect of the commencement date for the leases, the landlord indicated that the commencement dates should be the dates when she was asked to hold the spaces for the Premier's Office, i.e. 3rd floor space, effective 1st July, 2019 and the 6th floor space with effect from 1st August, 2019.

Kindly confirm the dates and your agreement to proceed with the lease arrangements.

Regards,

Helen Durante-Seymour
Deputy Secretary
Deputy Governor's Office
Road Town, Tortola
British Virgin Islands

Tel: [REDACTED]

▼ Geraldine Ritter-Freeman---11/07/2019 10:22:37 AM---Hi DS, A few things:

From: Geraldine Ritter-Freeman/government/VG

To: Helen Durante/government/[REDACTED]

Cc: Sharleen DaBreo/government/[REDACTED] Kedrick Malone/government/[REDACTED]

Jamal Jones/government/[REDACTED] Elvia Smith-Maduro/government/[REDACTED]

Date: 11/07/2019 10:22 AM

Subject: Re: Lease for Cutlass Building

Hi DS,

A few things:

1. I note that the monthly break down cost, for the service charge, is not included in the three year lease as it is in the six year lease. This should be included. On another note, based on my understanding of the service charge the media would have reported inaccurately on their calculations and perhaps we need to inform them accordingly. We can discuss further offline.

2. With regards to section 5 (c), To provide the Lessee with a building in which the floors, ceilings (save and except for ceiling lights) and bathrooms are in a finished state and ready for occupation; Are windows also a consideration? It has been brought to our attention that the windows on other floors of the building has been leaking and may need to be sealed properly. Please advise on how we can ensure that this is not an issue that we have to contend with moving forward, especially in light of all the mould challenges;
3. With regards to section 2 (RENT) The Lessee shall pay to the Lessor rent for the Term at the rate of \$116,545.92 per annum or \$38.00 per square feet which shall be payable in monthly installments of \$9,712.16 on or before the fourth day of each month Provided however that it is expressly agreed and understood that after the fourth day the Lessee shall be required to pay a late fee of fifty (\$50.00) dollars per day for each day that the rent is outstanding. Is this late fee sustainable from a government perspective? Is four days the standard for late fees in commercial leases?

I await your feedback.

Regards,

Geraldine Ritter-Freeman
Deputy Secretary, Premier's Office
Tel: 284-468-3701 ext. [REDACTED]
Cell: [REDACTED]
email: [REDACTED]

▼ Helen Durante---11/06/2019 04:52:18 PM---Dear DS, Attached correspondence with reference to the accommodation of the Premier's Office in the

From: Helen Durante/government/VG
To: Geraldine Ritter-Freeman/government/[REDACTED]
Cc: Sharleen DaBreo/government/[REDACTED]
Date: 11/06/2019 04:52 PM
Subject: Re: Lease for Cutlass Building

Dear DS,

Attached correspondence with reference to the accommodation of the Premier's Office in the Cutlass Tower is for your attention.

Please note that you are required to indicate the commencement date for inclusion in the draft leases. Once that information is provided, it will be included in the leases which will then be forwarded to the landlord for her review and acceptance.

The draft leases were provided by the landlord and we included the information approved by Cabinet.

Regards,

Helen Durante-Seymour
Deputy Secretary
Deputy Governor's Office
Road Town, Tortola

British Virgin Islands

Ema [REDACTED]

Tel: [REDACTED]

[attachment "Draft Lease of Cutlass Tower - 3rd Floor (6.11.19).pdf" deleted by Geraldine Ritter-Freeman/government/VG] [attachment "Draft Lease of Cutlass Tower 6th Floor (6.11.19).pdf" deleted by Geraldine Ritter-Freeman/government/VG]

[attachment "Memo to PSPO - Lease Agreements for Cutlass Towers .pdf" deleted by Geraldine Ritter-Freeman/government/VG] [attachment "Memo to PSPO advising of Cabinet's decision - 28.10.19.pdf" deleted by Geraldine Ritter-Freeman/government/VG]

▼ Geraldine Ritter-Freeman---11/06/2019 01:27:12 PM---Hi DS, Am I waiting for you to forward the lease?

From: Geraldine Ritter-Freeman/government/VG
To: Helen Durante/government/[REDACTED]
Date: 11/06/2019 01:27 PM
Subject: Lease for Cutlass Building

Hi DS,

Am I waiting for you to forward the lease?

Let me know.

Regards,

Geraldine Ritter-Freeman
Deputy Secretary, Premier's Office
Tel: 284-468-3701 ext [REDACTED]
Cell: [REDACTED]
email: [REDACTED]