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Elizabeth Barrett-Anderson
 Attorney General of Guam
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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
 DATE: 11/13/2017
 TIME: 4:10 AM PM BY: AR
 FILE NO OPA-PA: 17-010

Attorneys for the Government of Guam

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL**

IN THE APPEAL OF:)	DOCKET NO. OPA-PA-17-010
CORE TECH INTERNATIONAL CORP.,)	
)	
Appellant,)	
)	DEPARTMENT OF PUBLIC WORKS
And)	AGENCY REPORT
)	
DEPARTMENT OF PUBLIC WORKS,)	
)	
Purchasing Agency.)	

Comes now the Guam Department of Public Works (“DPW”) by and through its counsel and files its Agency Report and Statement pursuant to 2 GAR § 12105(g) in response to appeal by Core Tech International Corp. (“Core Tech”).

I. APPELLEE INFORMATION

Name: Department of Public Works
 Address: 542 N. Marine Corps Drive
 Tamuning, Guam 96913



For purposes of this appeal, please direct correspondence to DPW's counsel, Thomas P. Keeler (tkeeler@guamag.org), Guam Attorney General's Office, 590 S. Marine Corps Drive, Suite 802, ITC Building • Tamuning, Guam 96913. Tel: 475-3324; Fax: 472-2493.

II. APPEAL INFORMATION

- A. Purchasing Agency: Department of Public Works, Government of Guam
- B. Contract No.: 11-0929
- C. Project No.: GU-DAR-T101(001)
- D. Date of Contract: September 30, 2011
- E. This appeal is made from the decisions of DPW to terminate the Contract and its alleged rejection of CTI's requests for time extension and change orders ("Time Extension Request").

III. STATEMENT OF GROUNDS FOR APPEAL

A. DPW

1. DPW provided CTI a notice of default and an opportunity to cure.

CTI correctly describes the Contract as a Design-Build contract in which CTI agreed to design and build improvements to the Route 1 and Route 8 intersections, and replacement of two (2) bridges over the Hagatna River.

DPW provided CTI numerous opportunities to complete the non ADA compliant sidewalk work and other Punch List items. In a June 13, 2017, **Final Demand to Complete Project** letter ("Final Demand"), DPW notified CTI that:

"it has 10 days from the receipt of this letter to 1) complete the past due signage work; and submit a plan acceptable to DPW and the FHWA for how to bring all Project sidewalks, driveways and pedestrian ramps into full compliance with its contractual obligations and ADA requirements. CTI's proposal is also required to provide a firm deadline for completing all outstanding items."

The Final Demand letter, a copy of this is attached hereto as **Exhibit "A"** and incorporated herein by this reference, contained an outline of key Project dates detailing CTI's failure to prosecute work on the Project.

CTI's June 23, 2017, response to the Final Demand letter advised that it required 2 to 3 weeks

to provide a schedule to complete the Project. DPW accommodated CTI's request for additional time via a June 30, 2017 letter advising that it had until Monday June 24, 2017 in which to submit a comprehensive plan and schedule to complete the Project. *See, Exhibit "B"*.

CTI failed to submit anything on July 24, 2017, as promised. CTI also failed or otherwise refused to meet with DPW's contracting officer. Finally, CTI failed to submit any documents on or before the Notice of Termination, issued on August 23, 2017.

CTI asserts that it is unprecedented for a contractor who has substantially completed a \$16 million project to receive a notice of default and termination with little work remaining on a Project. *See, Notice of Appeal, p. 3*. DPW's position is that there is nothing extraordinary with a government agency terminating a defaulting contractor on a federal highway project. Instead what is unprecedented is for a contractor who acknowledges that over 50% of Project sidewalks are non-ADA compliant to effectively do *nothing* to correct the default for a period of over 3 years. Attached hereto as **Exhibit "C"** and incorporated herein by this reference is a copy of CTI's October 9, 2014 survey of the sidewalk cross-slopes that showed 58.2% of the Project's sidewalk panels are ADA non-compliant.

2. DPW acted in good faith in terminating CTI on the Contract.

Based on limited facts, CTI alleges that the timing of the Notice of Termination/Default ("Notice of Termination") and an Addendum issued in a separate third IFB project for the Simon Sanchez High School Bid (the "SSHS Project") "are not coincidental – DPW intended to discriminate and retaliate against CTI ...". *See, Notice of Appeal, p. 5*. The fact is however that the dates are coincidental. The SSHS Project and the Project that is the subject of this appeal are separate procurements that are handled by different divisions of DPW. Further, as noted in Mr. Joaquin Blaz's October 30, 2017 Declaration, the Notice of Termination was based on legal counsel's advice, given as early as June 2017 (i.e., 3 months before the Notice of Termination issued), that the "Route 1/8 Project's Surety Bond might not be enforceable if DPW failed to terminate prior to the one year anniversary of Substantial Completion (i.e., August 25, 2016). *See, Exhibit "D"*, Joaquin Blaz Declaration, Paragraph 8.

Further, if DPW intended to discriminate and retaliate against CTI why didn't it terminate CTI earlier? Why did it continue to rely on CTI's representations that it would complete the Project? The facts support a finding that DPW was willing to give CTI as much latitude as possible to complete the Project and that the Notice of Termination was issued at the last possible time (i.e., a

few days before the one year anniversary from Substantial Completion) and only then in order to ensure that DPW would not be deemed to have waived its rights under the Project's Surety Bond Number CMB 9060033.

B. DPW COMPLIED WITH ITS CONTRACTUAL OBLIGATIONS.

1. CTI's Baseline Schedule was approved on July 23, 2013,

CTI's Revised Baseline Schedule was approved on July 21, 2013. Owing to CTI's inability to submit an acceptable time extension analysis, DPW performed its own analysis dated November 6, 2013. DPW's analysis provided CTI with a 60 calendar extension (Change Order No. 7) and reserved CTI's rights to claim additional days if CTI can demonstrate delays to the critical path or near critical path activities in accordance with contract documents. *See, Exhibit "E"*, DPW's May 25, 2016 letter to CTI, attached hereto and incorporated herein by this reference.

2. CTI failed to provide the documents needed for DPW to review and approve CTI's Time Extension Request.

CTI alleges that DPW failed to approve CTI's Time Extension Request. This is a misstatement of the facts. Numerous Project documents serve to discredit CTI's allegation. Most recently Ms. Arriola in a September 22, 2017 letter to DPW's counsel inquired if the Notice of Termination constituted final agency decision under 5 G.C.A. § 5427(c). *See, Exhibit "F"*. DPW's timely response, dated October 23, 2017, stated that the Notice of Termination did not serve as the agency's final decision. Specifically, CTI was requested, yet again, to provide backup data for the items claimed to allow DPW to determine any other impacts to the schedule and cost review. The department's response further noted that until "such time as CTI submits the additional information or states in writing that if refuses to do so, DPW is not able to make a final decision." *Id.*

In closing, DPW has not failed to approve CTI's Time Extension Request. It is incumbent upon CTI to either provide the requested supporting documentation or notify DPW in writing it is not able to provide the necessary information or refuses to do so.

C. PTG DID NOT INTERFERE WITH CTI'S WORK ON THE PROJECT

1. DPW was not obligated to accept defective work.

DPW, as Project Owner, had the right to accept or reject work on the Project. DPW acted in good faith in rejecting and accepting work. Attached hereto as **Exhibit "G"** and incorporated herein by this reference is a copy of DPW's May 8, 2015 letter to CTI addressing the "cracks" on the

underside of Bridge 2. Nothing contained in DPW's response can reasonably be interpreted as "usurping" CTI's responsibilities for the Project, as alleged by CTI. It CTI objects to DPW's refusal to accept certain work, its obligation under the Contract is to complete the work as directed by the department and submit a change order for additional time, costs and compensation.

2. DPW is the Owner of the Project, and at all times acted as such.

DPW is the Owner of the Project with its Deputy Director serving as Contracting Officer. PTG serves as a consultant to DPW as the department does not have the personnel or expertise to comply with Federal reporting requirements. The FHWA, PTG, the Guam Attorney General's office and others meet weekly to review the status of federally funded road construction projects on Guam. While all of these entities provide input final decisions are the sole responsibility of DPW's contracting officer. Delays on the Project, such as CTI taking virtually no corrective action since its own October 9, 2014 survey acknowledged that over 50% of the Project sidewalks were non ADA compliant, were the result of CTI's actions or non-actions. DPW is not responsible for CTI's failure to complete the Project in a timely manner.

D. LIQUIDATED DAMAGES HAVE BEEN ASSESSED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE PARTIES CONTRACT.

DPW assessed liquidated damages based on the Contract Completion Date of April 16, 2014, as amended by Change Order No. 07. Core Tech alleges that based on the "substantial completion and/or beneficial use and occupancy of the Project, liquidated damages are barred or should be reduced substantially. *See, Notice of Appeal, p. 10.* DPW already complied with the requirement to substantially reduce liquidated damages. In its August 30, 2016 letter to Mr. Robert Marks, Core Tech's Project Manager, it was notified that following Substantial Completion liquidated damages "will be reduced to \$660 per day starting August 26, 2016 until CTI achieves final completion and acceptance. *See, Exhibit "H"*.

///

CONCLUSION

DPW respectfully requests that the OPA dismiss this appeal for the reasons stated above.

RELIEF REQUESTED BY DPW

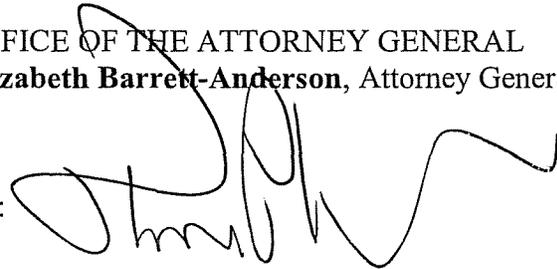
DPW respectfully request a ruling from the OPA as follows:

1. Core Tech's Appeal be dismissed;
2. For such other relief that the OPA may determine is just and proper.

Submitted this 13th day of November, 2017.

OFFICE OF THE ATTORNEY GENERAL
Elizabeth Barrett-Anderson, Attorney General

By:



THOMAS KEELER
Assistant Attorney General

EXHIBIT A



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

FILE COPY

RECEIVED

JUN 15 2017



public works
DIPATTAMENTON CHE'CHO PUPLEKO
Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

Core Tech
RECEIVED
6-15-17

PARSONS

ARRIOLA, COFAN, ARRIOLA
JUN 15 2017
RECEIVED
By *Kass* Time: 10:15

JUN 13 2017

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, Guam 96913

**Re: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-T101(001)
Final Demand to Complete Project**

Dear Ms. Bathan:

The Department of Public Works ("DPW") requests that Core Tech International Corporation ("CTI") complete the subject project's outstanding work and provide a plan to address the nonconforming elements of the contract within 10 days of receipt of this letter. Further details regarding the project, including details of the remaining work to be completed, the project's NTP and Substantial Completion date, project duration, and a timeline of project events are provided below.

On August 16, 2011, DPW and CTI entered into a Design-Build Contract ("Contract") for the above referenced project ("Project"). The Contract provided for the Project to be completed in 784 calendar days of DPW's Notice to Proceed, which CTI received on October 4, 2011. The Contract included a provision for assessment of liquidated damages in the amount of \$3,300 per day following the completion date, until Substantial Completion was achieved, at which time liquidated damages would be reduced to \$660 per day. The Contract includes a provision where the completion date may be extended by Change Order for justifiable delays or modifications that affect critical path.

Substantial Completion was achieved on August 25, 2016. As of August 26, 2016, there were numerous closeout items needed to achieve Final Acceptance with two (2) major groups of items remaining. The first of these items requires CTI to address various drainage issues. DPW requests CTI provide a plan to address this work within 10 days of receipt of this letter.

The other outstanding item DPW requires CTI to address is the Project's sidewalks, driveways, and pedestrian ramps that are non-compliant with the Americans with Disabilities Act ("ADA"). DPW's initial survey indicated that over 80% of the Project sidewalks are ADA non-compliant while CTI has acknowledged that nearly 60% fail to comply with the Federal Law.

Below is a list of project events related to the ADA non-compliant sidewalks and sidewalk ramps on the Project. The list is intended to highlight key dates concerning the Project sidewalks and is not considered all inclusive:

- April 2013: DPW provided CTI with an updated Open Issues/Deficiencies List.

- October 17, 2013: CTI was notified of ADA and ponding issues at the driveway, sidewalk and wall at the Route 8 residence between Sta. 3+65 and 4+40.
- June 12, 2014: DPW issued Non-Conformance Report (“NCR”) to CTI on ADA deficiencies for the sidewalk.
- August 11, 2014: Parsons Transportation Group (“PTG”) provided CTI with the sidewalk survey data performed by DPW’s project inspectors showing 83.1% of the sidewalk cross-slope as being non-compliant.
- October 9, 2014: CTI submitted its survey of the sidewalk cross-slopes that acknowledged 58.2% of the sidewalk panels are non-compliant. This is significantly less than the 83.1% as determined by DPW.
- November 21, 2014: DPW and PTG met with CTI to discuss the non-compliance. DPW requested CTI to submit a proposed procedure to correct the non-compliance issues by December 1, 2014 for DPW’s review and approval prior to proceeding with any corrective work.
- November 10, 2015: DPW and CTI met on-site with Director Ben Servino, Guam Department of Integrated Services for Individuals with Disabilities (“DISID”) to review the non-compliant sidewalk cross slope. Following the meeting Director Servino instructed CTI to comply with the contract requirements.
- April, 26, 2016: At CTI’s request, PTG held a site review meeting with CTI’s new field management team to clarify the non-compliance. During this meeting, Mr. Robert Marks, CTI’s new Project Manager, mentioned that CTI was considering grinding the non-compliant areas to bring the 4-inch thick sidewalk into conformance. Grinding may be a potential solution; however, PTG and CTI agreed that the grinding may create a non-compliant surface for slip resistance and visual appearance. If CTI wishes to pursue grinding as a possible solution, it was suggested that a test area be ground for DPW’s review and approval. This suggestion was not an agreement that removal or replacement of the non-compliant sidewalk panels would not be necessary. Refer to DPW’s letter dated May 25, 2016 for details on the discussion.
- May 25, 2016: DPW’s letter to CTI noted that it had yet to receive any proposed resolutions to the ADA deficiencies.
- August 31, 2016: DPW issued a letter requesting an update for the proposed ADA resolution and the completion schedule for the outstanding work CTI committed to submitting by August 17, 2016 during the August 3, 2016 Construction Progress Meeting.
- September 21, 2016: The parties held a Construction Progress Meeting. The minutes memorialized that CTI had only submitted proposed resolution for the driveways and temporary traffic control plans to perform the work at pedestrian ramps. The meeting minutes document that CTI was still working on finalizing the proposed plans for pedestrian ramps and sidewalk slopes.

- September 26, 2016: DPW provided CTI with a Punch List resulting from the parties' final inspection held on August 17, 2016. The Punch List was a consolidation of the following:
 1. Unresolved items from the updated Open Issues/Deficiencies List provided to CTI in December 2013. This list was periodically updated during the Project.
 2. Unresolved items from the Open Issues List presented during the March 12, 2015 meeting between PTG and CTI's senior management.
 3. More than 60 deficiencies identified during the Final Inspection of the Route 1, Route 8 and Bridge 1 portion of the Project.

- November 8, 2016: CTI submitted its proposed plan to grind the 4-inch thick sidewalk to bring all non-compliant cross-slope into compliance. The proposed plan indicated that 52.6% of the sidewalk panels are non-compliant.

- December 12, 2016: DPW completed its review and rejected the proposed plan for the following reasons:
 - Proposed resolution required grinding more than 2 inches in some areas to bring the 4-inch thick sidewalk cross-slope into compliance. This effectively reduces the strength and durability of the sidewalk. Maximum allowed grinding is 1/2-inch deep. For an 8-foot wide sidewalk, grinding would only be allowed for non-compliant cross-slopes up to 2.5%.
 - Non-compliant sidewalk panels on the bridge contains epoxy coated reinforcing steel. Reinforcing steel was installed with the minimum required concrete cover. Grinding would reduce the concrete cover to less than the minimum required, thereby creating an additional non-compliance.
 - Numerous non-compliant sidewalk panels abut a vertical concrete surface such as the bridge parapet wall or concrete curb. The proposed resolution does not address grinding of the panel sections immediately adjacent to the vertical concrete surface due to the limitations of the grinding equipment.
 - Numerous panels identified to be non-compliant in CTI's sidewalk survey submitted on October 9, 2015 were not identified as non-compliant in the proposed resolution.
 - Proposed resolution does not address sidewalk continuity with adjacent surfaces and ride smoothness and surface texture in the direction of travel after grinding.

- December 2016: CTI conducted a second on-site meeting with DISID Director Servino in December 2016. Neither DPW nor PTG was notified of the meeting. During the December 19, 2016 Construction Progress Meeting, CTI informed PTG that Director Servino will perform a review of the sidewalk cross-slope and issue a findings report. CTI also reported that during this site meeting, Director Servino measured and determined that the transition ramp from the sidewalk to the driveway crossing as installed was acceptable.

DPW doubts whether Director Servino ever made such a statement. His responsibility with DISID is to enforce ADA compliance, and not to issue waivers.

- January 13, 2017: CTI conducted a third on-site meeting with DISID Director Servino with DPW and PTG. The purpose of the meeting was for Director Servino to review and verify the measurements for the non-compliant cross-slopes. Director Servino informed the group that he would provide recommendations to DPW based on his findings. Director Servino indicated that the project is Federally funded and compliance with Federal regulation is required.
- March 27, 2017: CTI issued a letter to DPW including, among other items, a February 23, 2017 written opinion from DISID Director Servino. CTI relied on Mr. Servino's opinion in resubmitting a revised proposed resolution to address the non-compliant ADA cross-slopes. DPW responded by a May 26, 2017 letter noting that Director Servino's opinion was irrelevant in determining the acceptance of the sidewalk cross-slopes in conformance with the contract requirements and ADA. DPW once again informed CTI that all sidewalk panels must meet ADA Standards for Accessible Design issued by the Department of Justice.
- May 26, 2017: CTI held a demonstration to determine the feasibility of using portable grinding/scarifier tools to correct sidewalk cross slope. These tools were to remove a specified depth of concrete from a test slab at one of CTI's satellite locations. The demonstration showed that the proposed method is not viable, with little to no control of the grinding depth and produced a smooth finish that does not provide a slip resistant surface similar to the broom finish required for sidewalk surfaces. In addition, the machines were not able to grind the entire panel surface (approximate 5' wide X 5' long) over the 2.5-hour test period. From the results of this demonstration, it appears that grinding continues to not be a feasible option.

DPW wants to reiterate that the Project is fully funded by the Department of Defense and overseen by the Federal Highway Administration ("FHWA") who is not authorized to pay for work that does not meet contract requirements, including the ADA. DPW does not have the authority to waive ADA requirements and cannot accept CTI's non-conforming sidewalk work.. Further, the FHWA has informed DPW that it will not waive ADA requirements and requires CTI to comply with their contractual obligations.

Although the ADA non-compliant sidewalks and sidewalk ramps are listed on the Final Inspection Punch List, DPW considers them defective work, not a closeout item. CTI has been on formal notice of the need to correct the defective concrete work since June 12, 2014. Since that time CTI has failed or otherwise refused to take corrective action needed to bring it in compliance with contract terms and ADA requirements mandated by Federal Law. It appears CTI's efforts have been more focused on attempting to obtain a waiver than correcting the non-compliant sidewalks.

This serves to notify CTI that they have 10 days from receipt of this letter to submit a plan acceptable to DPW and the FHWA to 1) correct all drainage issues; and 2) bring all Project sidewalks, driveways and pedestrian ramps into full compliance with its contractual obligations and ADA requirements. CTI's proposal shall also include a deadline to complete all remaining punch list work, understanding that liquidated damages continues to be incurred.

CTI should contact DPW *immediately* if they believe additional time is needed or to coordinate a meeting on the subject.

If CTI fails or otherwise elects to not submit an acceptable proposal as discussed herein, DPW will review the options and contact CTI shortly thereafter.

Please contact my office if you have any questions.

Sincerely,



FELIX C. BENAVENTE

Cc Elizabeth Barrett-Anderson, Guam Attorney General (*via email only*)
Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
John Moretto, PTG
David Yao, PTG
Eun Ho, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks

ld
6/07/17
Duarosan/TK/Blaz

EXHIBIT B



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

TN17-7124

JUN 30 2017

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, Guam 96913

**Re: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-T101(001)
Response to June 23, 2017 CTI letter**

Dear Ms. Bathan:

This serves to confirm the Department of Public Works ("DPW") receipt of Core Tech International Corporation's ("CTI") response letter regarding the subject project and the Department of Public Works ("DPW") June 16th, 2017 Final Demand letter.

Thank you for your letter. The 10 day period for responding was established by DPW with the thought that for the last three years CTI has been on notice that the above-referenced Route 1/8 Intersection project's (the "Project") sidewalks and other items fail to comply with the Americans with Disability Act ("ADA"), as well as the contract plans and specifications. Although on notice that it's work failed to comply with both federal law and the DPW's plans and specifications, it is well documented that CTI's remediation efforts have primarily focused on attempting to convince DPW and the Federal Highway Administration ("FHWA") that its admittedly non-compliant work (i.e., CTI has acknowledged that 58% of the project sidewalks are non-compliant) were of nominal significance and, as such, should be either waived or subject to some minor deduction in cost. As such, DPW does not consider the proposed 10 day period for CTI to respond as "artificial" or "self-imposed". In any event, this serves to confirm that DPW agrees to extend the deadline for CTI to submit a comprehensive plan and schedule to complete the Project until Monday, July 24, 2017.

In its response, CTI references a number of alleged issues with the Project. As these items are not new and have been addressed a number of times in earlier correspondences we don't consider it necessary to readdress herein. What I do care to address is CTI's decision not to meet to discuss the outstanding issues with the project. While we appreciate that major issues exist between the parties, I want to reiterate the offer to meet with CTI, with or without department consultants, to discuss any and all aspects of the Project.

In closing, despite the parties' disputes to date, our objective remains to close out the project and settle any outstanding disputes with CTI in a timely manner, at least to the greatest extent possible. Please let me know if CTI wants to reconsider its position on not meeting with me.

Please contact my office if you have any questions.

Sincerely,



FELIX C. BENAVENTE

Cc: Elizabeth Barrett-Anderson, Guam Attorney General (*via email only*)
Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
John Moretto, PTG
David Yao, PTG
Eun Ho, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks



IDuarosan/Keeler/JBlaz

TN17-1124

EXHIBIT C



CORE TECH INTERNATIONAL CORPORATION

General Contractor
388 South Marine Corps Drive, Suite 400, Tamuning, Guam 96913
Phone: (671) 473-5000 . Fax: (671) 473-5500
Email: main@coretechintl.com

Letter of Transmittal

TO: PARSON
Parson Transportation Group Inc.
590 South Marine Corps Drive, ITC Bldg. Suite 403

DATE	9-Oct-14	REF:	253
ATTENTION:	David Yao		
THRU:			
RE:	Route 8, Route 1 Intersection Improvements and Agaña Bridges Replacement Project No. GU-DAR-TI01(001)		

WE ARE SENDING YOU Enclosed Under separate cover via _____ the following items:

- | | | | |
|--|---------------------------------------|---|---|
| <input type="checkbox"/> Shop drawings | <input type="checkbox"/> Calculations | <input type="checkbox"/> Addendum | <input type="checkbox"/> Erection drawings |
| <input type="checkbox"/> Letter | <input type="checkbox"/> Change Order | <input type="checkbox"/> Specifications | <input type="checkbox"/> Product Literature |
| <input checked="" type="checkbox"/> Data as listed | <input type="checkbox"/> Plans | <input type="checkbox"/> Samples | <input type="checkbox"/> |

COPIES	DATE	NO.	DESCRIPTION
1	10/09/14	1	Rt.1/8 sidewalk slopes
			<i>Note: CTI results of slopes for the sidewalk opposite yours.</i>

TRANSMITTED AS CHECKED BELOW:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> FOR YOUR RECORD | <input type="checkbox"/> APPROVED AS NOTED | <input type="checkbox"/> FOR BIDS DUE |
| <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> RESUBMIT | <input type="checkbox"/> COPIES FOR DISTRIBUTION |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> RETURN _____ COPY STAMPED RECEIVED | |

REMARKS:

COPY TO

IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE

SENT BY:

RL

Sign Name Here

Roberto O. Lee
PRINT NAME / TITLE

RECEIVED BY:

OCT 09 2014 3:09 PM

Sign Name Here

PRINT NAME / TITLE

GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement

RTE 1 NB Side

Sidewalk Slope Survey (%)

		2.2	1.8	1.9	Match Line C
		2.2	2.0	2.2	
		1.7	1.9	1.9	
	234+00	1.1	1.8	1.6	
		1.5	1.9	1.8	
		1.1	1.8	1.6	
		0.9	2.0	1.6	
		1.3	1.7	1.8	
		1.3	2.1	1.8	
		1.8	2.0	2.0	
		1.8	1.6	2.0	
		1.8	1.9	1.9	
		2.0	2.2	2.1	
		1.9	1.8	2.0	
		2.6	1.7	2.3	
		2.5	1.5	1.6	
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		Driveway -232+58			Match Line B

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		2.7	1.2	1.5	
		1.5	0.6	1.5	
		2.0	1.8	2.0	
		Diveway -235+33			
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		2.6	0.1	0.4	
		2.8	0.9	1.2	
		2.7	1.8	2.1	
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		2.7	2.5	2.5	
		2.4	2.5	2.4	
		2.5	2.4	2.5	
		2.0	2.1	2.2	
		2.6	1.7	2.7	
		2.2	1.8	2.4	
		2.3	2.1	2.2	
		2.0	1.8	1.7	
		1.7	1.2	1.6	
		1.9	1.0	1.7	
		1.7	1.8	1.8	
		2.2	2.0	2.3	
		2.5	2.6	2.6	
		1.9	2.0	2.0	
		1.5	1.8	1.4	
		1.9	1.3	1.4	
		2.4	1.1	1.2	
		2.4	1.0	1.2	
		1.4	1.4	1.5	
		1.3	1.3	1.4	
		1.6	1.6	1.6	
		1.6	1.6	1.5	
		1.7	1.8	1.8	
		2.2	1.7	2.2	Match Line C

*Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.
 *Driveway slope details to follow.

GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement

RTE 1 SB Side

Sidewalk Slope Survey (%)

Match Line E	3.0	1.2	2.2
	2.4	1.8	1.8
	2.3	1.6	1.4
	2.1	1.3	1.8
	2.5	2.1	2.2
	3.2	2.2	2.3
	Driveway -235+97		
	236+00		
ROUTE 1			
	0.2	1.1	0.2
	0.2	0.1	0.1
	0.8	1.1	0.9
	0.6	0.9	0.8
	1.8	1.7	1.5
	0.6	1.4	1.6
	1.6	1.2	1.9
	1.7	1.6	1.6
	1.8	2.5	1.8
	2.1	1.7	1.7
	2.4	2.2	2.3
	2.3	2.5	2.1
	2.4	2.3	2.4
	1.8	1.9	1.8
	2.6	1.6	1.7
	1.6	1.3	1.5
	1.7	1.8	1.8
Driveway -235+06			
235+00			
Match Line D			

Match Line F	1.8	1.0	1.3
	2.0	1.5	1.7
	1.8	1.5	1.2
	1.4	1.4	1.2
	2.1	0.9	1.8
		1.4	1.3
Driveway -237+56			
ROUTE 1			
	2.2	1.8	2.0
	1.7	1.3	1.6
	1.9	0.9	1.2
237+00			
Driveway -236+88			
ROUTE 1			
	1.6	1.8	1.2
	2.8	1.7	2.0
Match Line E	2.8	0.6	1.5

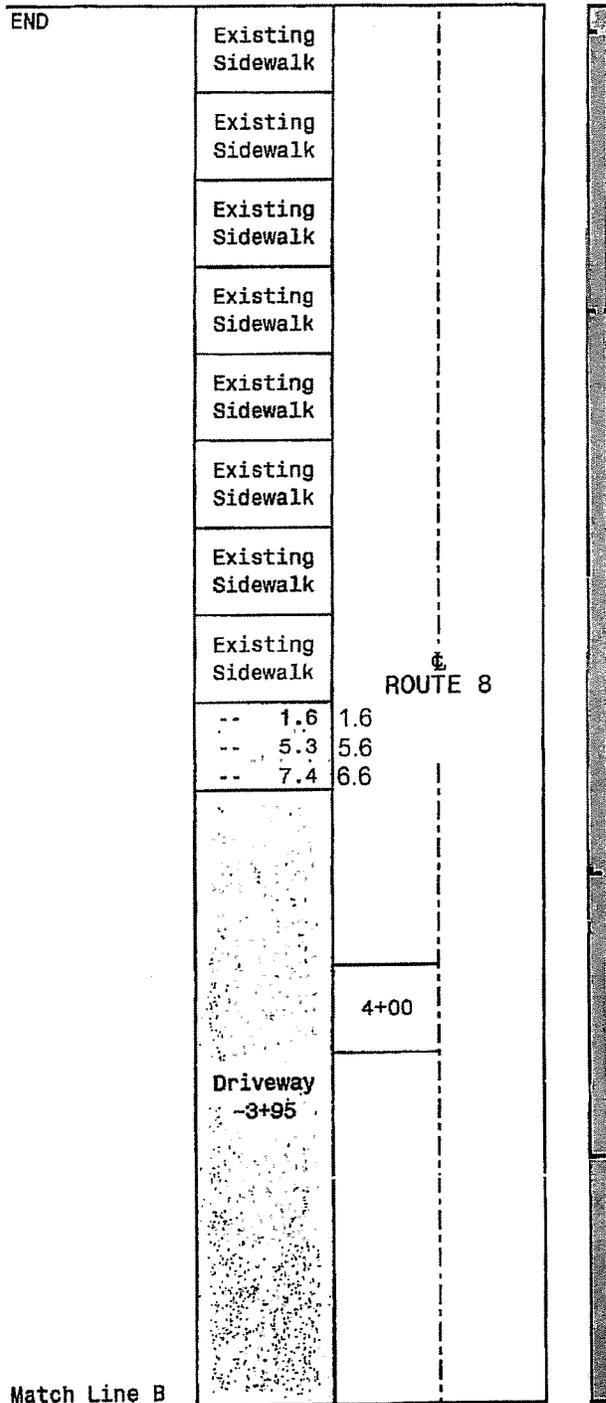
*Driveway stationing provided is approximate centerline of driveway based on CTT's as-built drawings.

*Driveway slope details to follow.

**GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement**

RTE 8 WB Side

Sidewalk Slope Survey (%)



*Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.
*Driveway slope details to follow.

**GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement**

RTE 8 EB Side

Sidewalk Slope Survey (%)

<p>ROUTE 8</p>	Existing Sidewalk	END
	Existing Sidewalk	
1.7	1.6	
1.1	1.3	
1.1	1.4	
0.6	0.4	
--	Match Line B	

*Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.
*Driveway slope details to follow.

GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement

RTE 8 EB Side

8ft width SW slopes

Sidewalk Slope Survey (%)

	2.2	2.3	2.2	Match Line A
	2.1	2.5	2.3	
	2.0	2.6	2.7	
	2.3	2.4	2.1	
	2.6	2.8	2.7	
	2.5	2.7	2.7	
	2.7	2.8	2.8	
	3.1	3.0	2.8	
	3.0	3.4	3.0	
	3.5	3.4	3.4	
	2.8	3.2	3.2	
	2.2	2.7	2.4	
	2.4	2.5	2.3	
	2.2	2.3	1.6	
	1.7	1.9	1.7	
	1.5	1.6	1.3	
	1.8	1.4	1.4	
	1.8	1.2	1.2	
	1.3	1.0	1.1	
	1.6	1.5	1.8	
	2.2	2.1	1.7	
1+00	2.7	1.5	1.9	
	3.2	--	3.1	
	2.0	2.1	2.0	
ROUTE 8	2.1	2.2	1.9	
	1.8	1.6	1.5	
	1.7	1.7	1.7	
	2.2	2.3	1.9	
	--	--		
	1.4	1.6	1.7	
	1.6	1.9	1.7	
	--	--		
	1.9	1.9	1.9	
	2.1	2.4	2.3	
	2.4	2.1	2.3	
	2.3	2.0	2.1	
	1.8	0.6	1.7	
	--	--		
	1.6	1.8	1.8	
	3.0	3.0	2.6	
	--	--		
	3.5	1.3	3.3	
	1.8	--	2.7	
	3.0	--	2.5	
	2.7	2.2	2.6	
	--	2.4	1.5	
	--	2.4	2.2	
	--	1.8	2.0	START

	--	--	Match Line B
	1.5		2.0
	--		1.6
	1.4		1.4
	2.7		2.4
	2.0	2.5	2.5
3+00	1.3	1.8	2.0
	2.1	1.2	2.2
	2.8	1.7	1.5
	2.2	2.5	2.5
	2.5	2.3	2.4
	1.3	1.8	1.6
	2.7	0.8	1.6
	2.6	1.4	1.6
	2.0	2.4	2.0
	2.6	1.0	2.4
	2.1	2.0	2.2
	1.6	2.1	1.6
	1.4	1.8	1.5
	1.7	0.9	1.6
	2.4	1.0	2.4
	2.4	1.4	1.4
	2.4	1.6	2.0
	2.0	2.2	1.9
	2.2	2.3	2.2
	2.3	1.8	2.0
	2.7	2.3	2.5
	Driveway -2+20		
2+00	1.6	2.2	2.0
	2.4	2.3	2.2
	1.8	2.0	2.0
	1.6	2.3	1.8
	1.8	1.5	1.8
	1.8	1.8	1.5
	1.9	2.0	1.7
	2.0	2.1	2.0
	2.2	2.1	2.0
			Match Line A

*Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.
 *Driveway slope details to follow.

GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement

RTE 1 SB Side

Sidewalk Slope Survey (%)

END	Existing Sidewalk		
	Existing Sidewalk		
	1.8	1.9	1.4
	1.9	1.8	1.6
	1.8	1.9	1.5
	1.8	1.6	1.6
	2.0	1.4	1.7
	1.3	1.7	1.7
	1.5	2.1	1.4
	2.4	2.1	2.29+00
	3.0	3.1	2.8
	2.5	3.6	3.1
	2.3	2.6	2.1
	2.2	3.0	2.3
	2.8	2.5	2.8
	0.2	0.3	0.1
	0.7	0.6	0.9
	1.3	2.0	2.1
	2.8	3.1	3.2
	1.5	2.2	2.5 ROUTE 1
	1.9	1.9	1.6
	1.4	2.0	2.1
	1.8	2.0	1.8
	1.6	1.9	2.0
	2.0	1.7	1.9
	2.2	1.9	2.4
	2.7	2.0	2.1
	2.7	2.2	2.3
		3.3	3.2
	2.3	2.7	2.1
	2.2	1.8	1.9
	2.0	2.7	1.9
	1.7	2.5	2.8
	2.2	3.1	3.0
	2.0	2.6	2.0
	2.0	2.5	2.4
	2.2	2.3	2.2
	1.2	2.0	2.1
	1.0	2.0	1.6
	2.0	1.9	2.28+00
	1.1	2.0	1.5
	1.7	2.3	1.5
	1.6	2.0	1.6
Match Line F	1.6	1.0	1.6

*Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.
 *Driveway slope details to follow.

EXHIBIT D



Office of the Attorney General
Elizabeth Barrett-Anderson
 Attorney General of Guam
Solicitor Division
 590 S. Marine Corps Drive
 ITC Bldg., Ste. 706
 Tamuning, Guam 96913 • USA
 Tel. (671) 475-3324 Fax. (671) 472-2493
 www.guamag.org

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 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
 DATE: 10/21/17
 TIME: 3:00 AM PM BY: EMD
 FILE NO OPA-PA: 17-009

Attorneys for the Government of Guam

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL**

IN THE APPEAL OF:) DOCKET NO. OPA-PA-17-009
)
)
CORE TECH INTERNATIONAL CORP.,) **DECLARATION**
)
 Appellant.)
)
)

JOAQUIN BLAZ makes this declaration under penalty of perjury under the laws of Guam and states:

- I am employed by Guam Department of Public Works (“DPW”), Division of Highways, as its Acting Highway Administrator.
- I am also a member of the Guam Transportation Group (“GTG”) that was formed in early 2008 to provide policy direction and overall guidance related to the vision, goals and objectives of Guam’s 2030 Guam Transportation Plan (“GTP”). The GTP defines Guam’s long-term transportation improvement strategy, including the Route 1/ 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-T101(001) (“Route 1/8 Project”).
- The Route 1/8 Project is with the U.S. Department of Transportation through the Federal Highway Administration. Its management is independent of that responsible for the Simon Sanchez High School Project No. 730-5-1057-L-YIG (“SSHS Project”). The SSHS

Civille & Tang, PLLC

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 TIME: 4:11 PM
 BY: [Signature]

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Project, as I understand, is governed by representatives of the Guam Department of Education, Department of Land Management, Guam Economic Development Authority, Guam Environmental Protection Agency and DPW, under the Division of Capital Improvements Projects (CIP).

4. I am not involved in the daily operations of CIP nor am I aware of any of their procurement projects.

5. I am not aware of any animosity between DPW and Core Tech Internal Corp. ("Core Tech"). The numerous time extensions granted Core Tech on the Route 1/8 Project contradict any such belief.

6. Substantial Completion on the Route 1/8 Project was achieved on August 25, 2016.

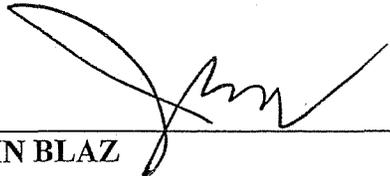
7. Notwithstanding numerous promises to complete the Route 1/8 Project, as of August 23, 2017, Core Tech failed to complete outstanding items, including but not limited to the need to correct sidewalks that Core Tech itself agree failed to comply with the American with Disabilities Act (ADA), the parties Contract and the Plans and Specifications.

8. The timing of DPW August 23, 2017 Notice of Termination/Default was based on the advice of counsel who informed DPW that the Route 1/8 Project's Surety's Bond might not be enforceable if DPW failed to terminate prior to the one year anniversary of Substantial Completion (i.e., August 25, 2016). DPW's counsel provided this advice as early as June, 2017.

I declare under penalty of perjury that the aforementioned is true.

Submitted this 30th day of October, 2017.

By:



JOAQUIN BLAZ
Acting Highways Administrator
Department of Public Works

EXHIBIT E

COPY



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

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05/25/16

[Signature]
Core Tech Int. Corp.



Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director
TN16-957

MAY 25 2016

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, GU 96913

Ref: **Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-TI01(001)
Response to Core Tech International, Inc's May 6, 2016 Letter**

Dear Ms. Bathan,

The Department of Public Works (DPW) acknowledges receipt of Core Tech International, Inc.'s (CTI) letter dated May 6, 2016. DPW would like to take this opportunity to give an update to items in the letter and to clarify CTI's interpretation of items contained in the letter.

1. **Progress Payment for \$2,077,596.68**

DPW is processing CTI's invoice for a progress payment of \$2,077,596.68, received on Friday, May 13, 2016, for the undisputed work performed during the period June 1, 2014 thru March 31, 2016. The invoice had two errors, specifically the completion date and the time elapsed which were incorrectly shown. Instead of returning the invoice for corrections by CTI, the errors were redlined with the correct information and the invoice processed for payment. Your Project Manager, Mr. Robert Marks was advised of the corrections to the invoice via email on Tuesday, May 17, 2016.

On future invoices, only the items listed on the attached Contractor's Invoice Check Sheet are required. These include but are not limited to Certified Payrolls, Contractor's Daily Inspection Reports, Traffic and Safety Supervisor's weekly reports and Apprenticeship Reports. Future invoices will be processed without the requirement for complete certified payrolls for the invoice period if CTI can demonstrate, to DPW's satisfaction, that a substantial effort is being made to address all of the missing and deficient Certified Payrolls. A list of the missing and deficient Certified Payrolls was provided via email to Mr. Robert Marks and Ms. Kristele Mendrano on May 10, 2016 and was also provided in a separate letter dated May 20, 2016 to Mr. Marks.

2. **Substantial Completion**

Your letter correctly states that Substantial Completion is contingent on the completion of the traffic signal interconnect cable between the Route 8 and Route 4 intersections and the traffic sensor loop homeruns at the Route 1/4 intersection. This includes the final connection to the traffic signal control panel and verification testing that the systems are operational.

It is unfortunate that Substantial Competition is also now contingent on full repair of the roadway, including the friction course pavement, which had to be removed by CTI to complete the conduit run for the traffic sensor loop homerun at the Route 1/4 intersection. The removal of the pavement would not have been necessary had CTI completed the conduit run when the road was under construction in October 2014.

DPW requests that CTI provide advance notice and make arrangements to schedule a Substantial Completion Inspection once CTI determines the date when the items necessary for Substantial Completion will be completed. This advance notice would provide DPW with the time necessary to make proper notification/coordination with other utilities and agencies of the inspection date and time.

3. Reducing the Amount of Retained Payments

CTI is correct that upon Substantial Completion, \$750,000.00 in retained payment can be processed. Processing of this payment will require CTI to submit an invoice for the amount and complete all of document requirements listed on the attached Contractor's Invoice Check Sheet.

ADA Requirements:

CTI was first notified of the Americans with Disability Act (ADA) deficiencies on June 12, 2014.

On November 14, 2014, a meeting was held between DPW, CTI, and Parsons Transportation Group (PTG) to discuss the non-compliance. DPW requested CTI submit a proposed procedure to correct the non-compliant slope issues by December 1, 2014 for DPW's review prior to proceeding with any corrective work. To date, DPW has not received any proposed resolution to the ADA deficiencies.

After numerous changes in CTI's field management, a site review was held on April 29, 2016 between PTG and CTI at CTI's request. The intent of the site review was to clarify the non-compliance to Mr. Robert Marks, CTI's new Project Manager, and Mr. Seung Hwan Kim, CTI's Director of Project Operations, who is assisting Mr. Marks in the completion of outstanding items. No agreement was made during the site review "that there was no need to remove or replace the sidewalks, driveways, and pedestrian ramps" as stated in your letter. Discussions held during the site review are as follows:

(a) Sidewalks:

Based on CTI's assessment of the sidewalk cross-slopes submitted on October 9, 2014, 58.2% of the sidewalk panels as installed are non-compliant. This is significantly less than the 83.1% as determined by PTG. None-the-less, by CTI's own review more than half of the sidewalk cross-slopes are out of compliance with ADA requirements. A copy of the information submitted by CTI on October 9, 2014 is attached for your reference.

Mr. Marks mentioned that CTI is considering grinding the non-compliant areas to bring the sidewalk into conformance. Grinding may be a potential solution; however, PTG and CTI agreed that the grinding may create a non-compliant surface for slip resistance and visual appearance. If CTI wishes to pursue grinding as a proposed solution, it is suggested that a test area be ground for DPW's review and approval. This suggestion is not an agreement that removal or replacement of the non-compliant sidewalk panels would not be necessary.

(b) Driveways:

Mr. Marks indicated that per the ADA requirements, a minimum four (4) foot wide accessible path is required at the driveways. If CTI is able to demonstrate that the driveways as installed contains a minimum four foot wide path as measured from the back of sidewalk that meets the ADA requirements of 2.0% maximum cross-slope, 5.0% maximum running slope, and 8.3% maximum ramp slope, removal or replacement is not necessary. A meandering path or four foot section that varies from driveway to driveway is not acceptable.

If CTI cannot demonstrate that the ADA requirements are met as indicated above, a proposed resolution is required for DPW's review and approval. The proposed solution may require removal or replacement of the driveways.

During the site review, Mr. Mark indicated CTI will survey all driveways as installed to determine non-compliance and develop a corrective action plan.

(c) Pedestrian Ramps:

All pedestrian curb ramps do not comply with ADA requirements and also do not conform to the design that was prepared by CTI's Designer of Record (DOR). CTI is requested to propose a corrective action to bring the curb ramps into compliance for review and approval by DPW. This corrective action may ultimately need to include removal and replacement of all or portions of the curb ramps.

The pedestrian curb ramp at the southeast corner of the Route 1 and Route 4 intersection may need to be reviewed by the DOR to provide a physical solution to bring the curb ramp into compliance with ADA.

Work during Festival of Pacific Arts:

CTI is not restricted from performing work during the Festival of Pacific Arts (FestPac). During the March 4, 2016 bi-weekly meeting, CTI was informed that lane closures will not be allowed during FestPac from May 22, 2016 thru June 4, 2016. Additionally, DPW informed CTI that any construction activity requiring demolition will need to be completed prior to FestPac.

DPW believes CTI would agree that due to the projected number of visitors attending the event, safety of the workers and event attendees is a top priority. Heavy equipment operating near or around pedestrians and open demolition/trenches are potential safety hazards.

Mr. Marks agreed work progress during the event could be hindered due to vehicular and pedestrian congestion. Further, CTI is still working on finalizing the proposed resolutions of the outstanding work for submission to DPW for review and approval.

Due to the safety concerns and providing the free flow of traffic on Route 1 and Chalan Santo Papa Juan Pablo Dos, DPW will be providing CTI with a Change Order that will suspend work on the project beginning Friday, May 20, 2016 and ending Sunday, June 5, 2016. This suspension of work will not extend contract time, but liquidated damages will not be assessed during this period.

4. Liquidated Damages

The assessment of the liquidated damage based on the current Contract Completion Date of April 16, 2014 as amended by Change Order 07. Until a time extension, if any, can be determined,

DPW is required to assess liquidated damage starting April 17, 2014 in accordance with the terms and conditions of the contract.

Baseline Schedule

CTI's Revised Baseline Schedule was approved on July 21, 2013. Due to CTI's inability to submit an acceptable time extension analysis, DPW performed its own analysis for time extension analysis dated November 6, 2013. A copy of DPW's analysis was provided to you via email on December 10, 2013. This analysis provided CTI with a 60 calendar day extension (Change Order 07) and reserved CTI's rights to claim for additional days if CTI can demonstrate delays to the critical path or near critical path activities in accordance with the contract documents.

Due to CTI's inability to submit an acceptable time extension analysis showing additional delays beyond the 60 days, a teleconference call was held between PTG and CTI on January 16, 2015 to discuss the requirements for an acceptable analysis. During this meeting, CTI indicated that before a schedule update through April 16, 2012, the date prior to the start of any archaeological activities, can be performed, minor corrections to the functionality/schedule mechanics must be made to the Revised Baseline Schedule. This is 18 months after the Revised Baseline Schedule was approved.

CTI's Corrected Baseline Schedule, Revision 1 submitted on October 12, 2015 was returned on May 13, 2016, "Exceptions as Noted".

DPW will review and analyze all time extension requests submitted in accordance with the contract requirement.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

Attachment: Contractor's Invoice Check Sheet
CTI's October 9, 2014 Review of ADA

Cc: Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Ho S. Eun, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks


5/24/16

EXHIBIT F

JOAQUIN C. ARRIOLA MARK E. COWAN
ANITA P. ARRIOLA JOAQUIN C. ARRIOLA, JR.

**Law Office of
ARRIOLA COWAN & ARRIOLA**

Calvo-Arriola Building
259 Martyr Street, Suite 201
Hagatna, Guam 96910
Mailing Address:
PO Box X Hagatna, Guam 96932

Telephone: 671-477-9730/33
Facsimile: 671-477-9734
E-Mail:
arriolalaw@arriolascowan.com

September 22, 2017

**VIA FACSIMILE: 649-6178 and
VIA EMAIL: tkeeler@guamag.org**

Thomas P. Keeler
Legal Counsel
Department of Public Works
Government of Guam
542 N. Marine Corps Drive
Tamuning, Guam 96913

**RE: Route 1/Route 8 Intersection Improvements and Agana Bridges
Replacement (Design-Build) Project No. GU-DAR-T101(001)**

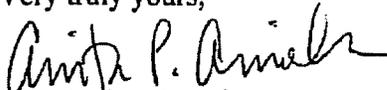
Dear Tom:

I am in receipt of two letters from your client Department of Public Works dated August 23, 2017 and addressed to Ms. Conchita Bathan, Chief Executive Officer of Core Tech International Corporation ("CTI") concerning the above-referenced project. The first letter is entitled "Notice of Termination/Default of Contract" (hereafter "Notice") and the second letter is a rejection of CTI's request for extension and request for change order to contract price submitted on September 17, 2016, as supplemented on November 10, 2016 ("Rejection").

This is to assert CTI's position that the Notice and Rejection were wrongful and in bad faith. In addition, neither of the letters inform CTI of its right to judicial or administrative review as required by 5 G.C.A. § 5427(c). CTI requests confirmation from you that the Notice and Rejection constitute final agency decisions under said statute. If you fail to provide such confirmation, CTI will proceed as if the Notice and Rejection are final agency decisions.

Nothing contained herein constitutes a waiver of any of CTI's rights or remedies, all of which are expressly reserved.

Very truly yours,


ANITA P. ARRIOLA

cc: Mr. Ho Eun
Ms. Conchita Bathan
Edwin K.W. Ching, Esq.
Mr. Robert Marks
Mr. Henry Taitano

EXHIBIT G



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

MAY 08 2015

FILE COPY



Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

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MAY 08 2015

BY: [Signature]
CORE TECH INTERNATIONAL

Mr. Si Hyung Kim
Project Manager
Core Tech International Corporation
500 Mariner Avenue
Barrigada, GU 96913

Ref: **Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement**
Project No. GU-DAR-TI01(001)
Designer of Record's Assessment of the Cracks on the Underside of Bridge 2, Deck
Beam 2C

Dear Mr. Kim,

The Department of Public Works (DPW) has completed its review of the Designer of Record's (DOR) assessment of the cracks on the underside of Bridge 2, Deck Beam 2C, which was submitted by Core Tech International, Inc. (CTI) on April 9, 2015.

The DOR determined the cracks are acceptable "crazing cracks", as referenced to the Illinois Department of Transportation's (IDOT) "Manual of Fabrication of Precast Concrete Products", attributable to shrinkage of the surface layer due to:

- Poor or inadequate curing
- Finishing while bleed water is present on the surface
- Too wet a mix
- Other causes

DPW disagrees with the DOR's assessment for the following reasons:

- As the cracks occurred on the underside of the deck beam, bleed water and finishing are not contributing factors;
- Based on the attached batch ticket, a "wet mix" was not used. The water-cement ratio is less than 25% by weight. See attached concrete batch ticket;
- CTI placed concrete that exceed the target temperature range for bridge deck of 50 to 80 °F as required by FP-03, Section 552.10;
- CTI failed to implement methods to control evaporation (expected evaporation rate exceeding 0.1 pounds per square foot per hour as determined by Figure 552-1) as required by FP-03, Section 552.10 (c);
- CTI failed to provide continuous wet curing in accordance with FP-03, Section 552.15 (b);
- These cracks are in excess of what would normally be observed and are definitely beyond what would be acceptable per FP-03 subsection 725.11(g) for a precast concrete unit;

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

THIS-0606

- Cracks that is acceptable in Illinois climate may not be acceptable in Guam's aggressive corrosive environment;
- These cracks allow a greater potential for chloride intrusion into the member.

Failure to comply with the concrete placement and curing requirements of FP-03 Section 552 and exceeding maximum tolerance for cracks on a precast concrete unit of FP-03 Section 725 are causes for rejection.

Additionally, the characteristics of the cracks on the underside of Deck Beams 3C, 6L, 2R, and 5R are different from those of Deck Beam 2C and were not addressed in the DOR's assessment.

DPW is rejecting Deck Beams 2C, 3C, 6L, 2R, and 5R and recommends that CTI start the fabrication of replacement deck beams to prevent additional delays to the project.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

for:

Attachment: July 24, 4014 Concrete Batch Ticket
July 24, 2014 Historical Weather Information

Cc: Crispin Bensen, DPW
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Conchita Bathan, CTI
Henry Taitano, CTI
Robert Marks



IDuarosan/JBlaz

REC'D BEAM - 22

Hawaiian Rock

Padian 601

Date: 24Jul14

Time: 10:45AM

Customer: CORE TECH INT'L CORP.

Job #: PO CII-2014-0868

Order #: 725485

Job Name: PO CII-2014-0868 (RMC) ROUTE 1/8

Volume: 8.0

Mix ID: C319F4DC

Mix Desc: 6500;K-0.75 W/ DCI-S; 6"

Truck: 2/2

Load Id: 52778

W/C Ratio: 0.2498

Truck #: 337

Drvr: CAMACHO, TIMO Slump: 7.00

Ideal W/C: 0.2706

Actual W/C: 0.2499

Moisture Wtr: 69.48 Allowable Wtr: 17.52

Material	Target		Actual	Status	Mst%
3/4 BR	9229.44	lb	9200.00	In Tol	1.20%
GRNT	13777.92	lb	13920.00	In Tol	3.50%
Cement Site 7	7032.00	lb	7030.00	In Tol	
Water	158.52	gal	141.00	In Tol	
SA	224.00	oz	226.00	In Tol	
Para 100	580.00	oz	564.00	In Tol	
DCI-S	5120.00	oz	5085.00	In Tol	

BASE SLUMP: TEMP: 59°F

SLUMP - 7.0"

TEMP - 90°F

W/C - 2.17%

MOIST. WTR - 14.7%

* FINISH: TOURING: 11:41 AM

Weather History for PGUM

Thursday, July 24, 2014

Daily ()

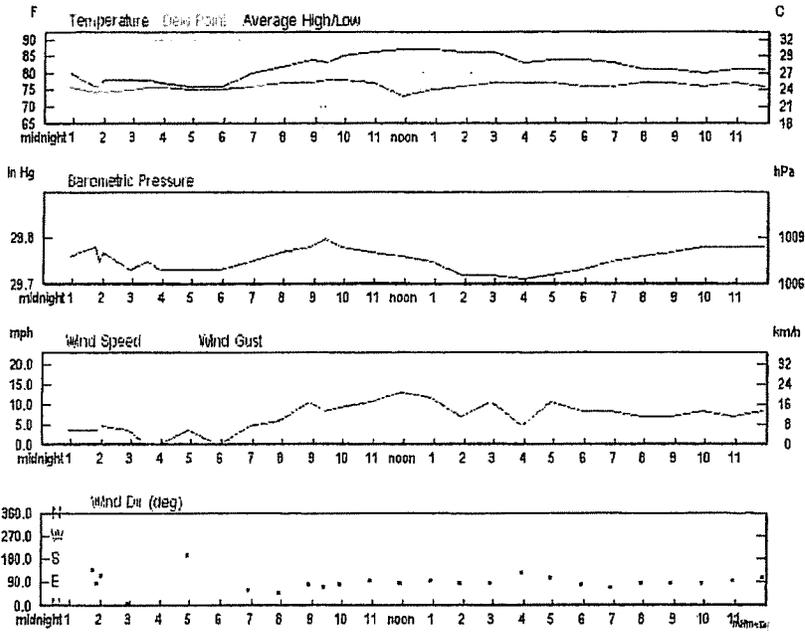
	Actual	Average	Record
Temperature			
Mean Temperature	82 °F	-	
Max Temperature	89 °F	85 °F	91 °F (2013)
Min Temperature	75 °F	75 °F	75 °F (1998)
Cooling Degree Days	17		
Growing Degree Days	32 (Base 50)		
Moisture			
Dew Point	77 °F		
Average Humidity	84		
Maximum Humidity	96		
Minimum Humidity	63		
Precipitation			
Precipitation	0.12 in	-	- ()
Sea Level Pressure			
Sea Level Pressure	29.75 in		
Wind			
Wind Speed	5 mph (East)		
Max Wind Speed	13 mph		
Max Gust Speed	-		
Visibility	10 miles		
Events	Rain , Thunderstorm		

Averages and records for this station are not official NWS values.

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

Daily Weather History Graph



Search for Another Location

Airport or City:

PGUM

Submit

Trip Planner

Search our weather history database for the weather conditions in past years. The results will help you decide how hot, cold, wet, or windy it might be!

Date:

Astronomy

Jul. 24, 2014	Rise	Set
Actual Time	6:03 AM ChST	6:50 PM ChST
Civil Twilight	5:40 AM ChST	7:13 PM ChST
Nautical Twilight	5:13 AM ChST	7:40 PM ChST
Astronomical Twilight	4:46 AM ChST	8:07 PM ChST
Moon	3:36 AM ChST (7/24)	4:39 PM ChST (7/24)
Length of Visible Light	13h 32m	
Length of Day	12h 47m	

Waning Crescent, 7% of the Moon is Illuminated

Jul 24	Jul 27	Aug 4	Aug 11	Aug 17
Waning Crescent	New	First Quarter	Full	Last Quarter

Hourly Weather History & Observations

Time (ChST)	Temp.	Heat Index	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	Events	Conditions
12:54 AM	81.0 °F	87.9 °F	77.0 °F	88%	29.76 in	10.0 mi	ESE	3.5 mph	-	N/A		Partly Cloudy
1:44 AM	77.0 °F	-	75.2 °F	94%	29.78 in	10.0 mi	SE	3.5 mph	-	N/A	Rain, Thunderstorm	Light Thunderstorms and Rain
1:54 AM	78.1 °F	-	75.9 °F	93%	29.75 in	10.0 mi	East	3.5 mph	-	N/A		Mostly Cloudy
2:02 AM	78.8 °F	-	75.2 °F	89%	29.77 in	10.0 mi	ESE	4.6 mph	-	N/A		Scattered Clouds
2:54 AM	79.0 °F	-	75.9 °F	90%	29.73 in	10.0 mi	North	3.5 mph	-	N/A		Partly Cloudy
3:32 AM	78.8 °F	-	77.0 °F	94%	29.75 in	10.0 mi	Calm	Calm	-	N/A		Mostly Cloudy
3:54 AM	78.1 °F	-	77.0 °F	96%	29.73 in	10.0 mi	Calm	Calm	-	N/A		Scattered Clouds
4:54 AM	77.0 °F	-	75.9 °F	96%	29.73 in	10.0 mi	SSW	3.5 mph	-	N/A		Clear
5:54 AM	77.0 °F	-	75.9 °F	96%	29.73 in	10.0 mi	Calm	Calm	-	N/A		Clear
6:54 AM	81.0 °F	87.9 °F	77.0 °F	88%	29.75 in	10.0 mi	ENE	4.6 mph	-	0.01 in		Mostly Cloudy
7:54 AM	82.9 °F	92.8 °F	78.1 °F	85%	29.77 in	10.0 mi	NE	5.8 mph	-	N/A		Mostly Cloudy
8:54 AM	84.9 °F	96.6 °F	78.1 °F	80%	29.78 in	10.0 mi	East	10.4 mph	-	N/A		Scattered Clouds
9:22 AM	84.2 °F	96.1 °F	78.8 °F	84%	29.80 in	7.0 mi	ENE	8.1 mph	-	0.10 in		Mostly Cloudy
9:54 AM	86.0 °F	99.3 °F	79.0 °F	79%	29.78 in	10.0 mi	East	9.2 mph	-	0.12 in		Scattered Clouds
10:54 AM	87.1 °F	99.8 °F	78.1 °F	74%	29.77 in	10.0 mi	East	10.4 mph	-	N/A		Mostly Cloudy
11:54 AM	88.0 °F	96.5 °F	73.9 °F	63%	29.76 in	10.0 mi	East	12.7 mph	-	N/A		Clear
12:54 PM	88.0 °F	98.5 °F	75.9 °F	67%	29.75 in	10.0 mi	East	11.5 mph	-	N/A		Partly Cloudy
1:54 PM	87.1 °F	98.8 °F	77.0 °F	72%	29.72 in	10.0 mi	East	6.9 mph	-	N/A		Scattered Clouds
2:54 PM	87.1 °F	99.8 °F	78.1 °F	74%	29.72 in	10.0 mi	East	10.4 mph	-	0.00 in		Mostly Cloudy
3:54 PM	84.0 °F	94.8 °F	78.1 °F	82%	29.71 in	8.0 mi	SE	4.6 mph	-	0.00 in	Rain	Light Rain
4:54 PM	84.9 °F	96.6 °F	78.1 °F	80%	29.72 in	10.0 mi	ESE	10.4 mph	-	0.00 in		Clear
5:54 PM	84.9 °F	95.3 °F	77.0 °F	77%	29.73 in	10.0 mi	East	8.1 mph	-	N/A		Clear
6:54 PM	84.0 °F	93.7 °F	77.0 °F	79%	29.75 in	10.0 mi	ENE	8.1 mph	-	N/A		Clear

Time (ChST)	Temp.	Heat Index	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	Events	Conditions
7:54 PM	82.0 °F	91.0 °F	78.1 °F	88%	29.76 in	10.0 mi	East	6.9 mph	-	N/A		Clear
8:54 PM	82.0 °F	91.0 °F	78.1 °F	88%	29.77 in	10.0 mi	East	6.9 mph	-	0.01 in		Scattered Clouds
9:54 PM	81.0 °F	87.9 °F	77.0 °F	88%	29.78 in	10.0 mi	East	8.1 mph	-	0.03 in		Mostly Cloudy
10:54 PM	82.0 °F	91.0 °F	78.1 °F	88%	29.78 in	10.0 mi	East	6.9 mph	-	N/A		Scattered Clouds
11:54 PM	82.0 °F	90.2 °F	77.0 °F	85%	29.78 in	10.0 mi	ESE	8.1 mph	-	N/A		Clear

11

EXHIBIT H

COPY



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



DIPATTAMENTON CHE'CHO PUPBLERO
Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

TN16-1456

Core Tech Intl. Corp.
RECEIVED
08/30/16
[Signature]

AUG 30 2016
Mr. Robert Marks
Project Manager
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, GU 96913

**Ref: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-TI01(001)
Notice of Substantial Completion**

Dear Mr. Marks,

This letter will serve as the Department of Public Work's (DPW) acknowledgement that Core Tech International Corporation (CTI) has Substantial Completion of the above referenced project on August 25, 2016.

Per DPW letters dated April 28, 2016 to the Law Office of Arriola Cowan & Arriola and May 25, 2016 to CTI, CTI can receive Substantial Completion once the following two items are completed:

- Completion of the traffic signal loop sensors at the Route 1/Route 4 intersection, including installation of the homerun cables, final connection, verification testing that the system is operational, and the full repair of the roadway, including the friction course pavement;
- Complete the traffic signal interconnect system, including final connections and verification testing that the system is operational.

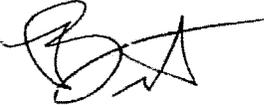
The traffic signal loop sensors at the Route 1/Route 4 intersection were completed on July 8, 2016 and the traffic signal interconnect system verification test was successfully completed on August 25, 2016.

Per the DPW letters referenced above, liquidated damages will be reduced to \$660 per day starting August 26, 2016 until CTI achieves final completion and acceptance.

Final Inspection for the Route 1, Route 8 and Bridge 1 portion of the project was held on August 17, 2016 and scheduled to be completed by August 27, 2016. A final punch list is expected to be ready for issuance by the week of September 5, 2016.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

Cc: Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Ho S. Eun, CTI
Conchita Bathan, CTI


IDuarosan/JBlaz
8/26/16