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 PROCUREMENT APPEALS

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FILE NO OPA-PA: 15-009

**THE OFFICE OF PUBLIC ACCOUNTABILITY
 HAGATNA, GUAM**

IN THE APPEAL OF:)
)
 KORANDO CORPORATION,)
)
 Appellant.)
)
 and)
)
 GUAM DEPARTMENT OF PUBLIC)
 WORKS,)
)
 Purchasing Agency)

DOCKET NO. OPA-PA-15-009

**ERRATA TO
 DECLARATION OF MICHAEL
 LANNING AND SUBMISSION OF
 DECLARATION OF JOE PECHT**

This Errata references the Department of Public Works Motion for Summary Judgment filed on November 16, 2015.

Purchasing Agency hereby amends Exhibit B, Declaration of Michael Lanning, and submission of Exhibit C, Declaration Joe Pecht, in the above case mentioned.

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ORIGINAL

Dated this 10th day of November, 2015.

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

By:



THOMAS P. KEELER
Assistant Attorney General

EXHIBIT B

Declaration of Michael Lanning

DECLARATION OF MICHAEL LANNING OF PARSONS TRANSPORTATION GROUP IN SUPPORT OF DPW'S MOTION FOR SUMMARY JUDGMENT IN OPA-PA-15-009

1. I am employed by **Parsons Transportation Group** ("PTG"), an Illinois corporation, authorized to conduct business on Guam, with offices for the practice of professional engineering and construction management services are located at the ITC Building, 590 South Marine Corps Drive, Suite 403, Tamuning, Guam, 96913. I have been a licensed professional engineer for thirty-one (31) years and have worked on or overseen approximately seventy-five (75) road and transportation projects. I am a duly licensed engineer and a member in good standing with the Guam Professional Engineers Architects and Land Surveyors Board.
2. I submit this Declaration to address **Korando Corporation's** ("Korando") post **Bile/Pigua Bridge Reconstruction Project** (the "**Bile/Pigua Project**") termination on the grounds that there was something improper with **Jack Marlowe, Stanley Consultants, Inc.** ("Stanley") revising, correcting and updating of the **Bile/Pigua Project's** the submittal log (the "**Submittal Log**").
3. While revising, correcting and updating the Submittal Log due to a change in submittal status is not a regular practice it is neither uncommon. There are any number of reasons for revising and updating the status of a submittal ranging from a subsequent review by another reviewer at a later time, additional information that was discovered which was not available at the time the submittal was originally reviewed, or subsequent reviews by third parties who may not accept or take exceptions to some particular item of a submittal. All of the forgoing would result in a change to the status of a submittal. Once the status of the submittal is changed, it is proper and necessary to also update the Submittal Log to accurately reflect the submittal's status.
4. Based on my experience, there was nothing improper with Stanley's revising, correcting and updating the Submittal Log to show the current status of submittals on the Bile/Pigua Project.

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

Dated: November 9, 2015


Michael Lanning

C

EXHIBIT C

Declaration of Joe Pecht

DECLARATION OF JOSEPH PECHT OF PARSONS TRANSPORTATION GROUP IN SUPPORT OF DPW's MOTION FOR SUMMARY JUDGMENT IN OPA-PA-15-009

1. I am employed by **Parsons Transportation Group** ("PTG"), an Illinois corporation, authorized to conduct business on Guam, with offices for the practice of professional engineering and construction management services are located at the ITC Building, 590 South Marine Corps Drive, Suite 403, Tamuning, Guam, 96913. I have worked on or overseen approximately seventy-two (72) road and transportation projects.
2. My responsibilities with PTG including serving in the role of Program Management support for the Department of Public Works on various projects including the **Bile/Pigua Bridge Reconstruction Project** (the "**Bile/Pigua Project**").
3. One of my responsibilities on the Bile/Pigua Project was coordinating with **Korando Corporation** ("**Korando**"), the project contractor, and **Jack Marlowe, Chief Resident Project Representative of Stanley Consultants, Inc.** ("**Stanley**"). One of my primary tasks was to attend weekly meetings with Korando and Stanley to review progress on the Bile/Pigua Project, outstanding issues, the status of submittals and required change orders ("CO").
4. During the weekly meetings the parties reviewed the submittal log (the "**Submittal Log**"), the Request for Information log, Invoice Tracking, construction progress status and other matters.
5. The corrections and updating of the Submittal Log was known to both me (i.e., PTG) and Korando. Korando never voiced a concern over Stanley's corrections to the Submittal Log. I also didn't voice any concerns because the practice is not uncommon and I found the updates useful as the Submittal Log shows the current status of the construction project without having to re-review a number of documents.
6. I didn't consider Korando's **October 27, 2014 Alternate Phasing Plan** (the "**Alternate Phasing Plan**") to be anything more than a Concept because the details, plans, and methods to perform the work were not fully submitted. Further, as Stanley and I (i.e., PTG) advised Korando any number of times during the weekly meetings, as the Alternate Phasing Plan substantially deviated from the Bile/Pigua Contract requirements, it was obligated to submit a written change order ("CO") to DPW's Director for review and consideration.
7. I am not aware of Korando having ever filed a formal CO for the Alternate Phasing Plan.

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

Dated: November 9, 2015



Joseph Pecht