

While not required to file, Purchasing Agency also wishes to supplement the documents on file in this Appeal by filing its responses to Korando's four (4) Freedom of Information Act Requests, No. 3 to 6 below.

3. Bile and Pigua Bridge Replacement - Sunshine Act Request to DPW regarding DPW Federal Highway Funded Projects dated October 5, 2015.

4. Bile and Pigua Bridge Replacement - Sunshine Act Request to DPW regarding DPW Federal Highway Funding dated October 5, 2015.

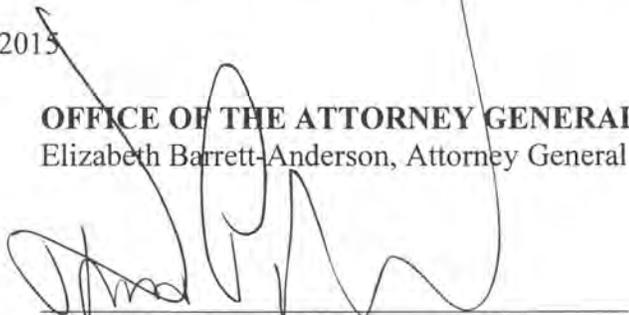
5. Bile and Pigua Bridge Replacement - Sunshine Act Request to DPW Re: Stanley Consultants, Inc. (IDIQ Basic Agreement for Professional Construction Management Services Project GU-NH-PCMS(002)) dated September 11, 2015.

6. Bile and Pigua Bridge Replacement - Sunshine Act Request to DPW regarding Korando Corporation's Contract to Construct the Replacement of Bile & Pigua Bridges, Project No. GU-NH-NBIS(007) dated August 8, 2015.

Dated this 23rd day of November, 2015

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

By:


THOMAS P. KEELER
Assistant Attorney General

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public works
DIPATTAMENTON CHE'CHO PUBBLEKO

Bile/Pigua Bridge Replacement
Project No. GU-NH-NBIS (007)



Project Information Emails
OPA-PA-15-009

CIVILLE & TANG, PLLC

www.civilletang.com

Sender's Direct E-Mail:
jtang@guamattorneys.com

October 5, 2015

VIA E-MAIL

Mr. Glenn Leon Guerrero
Director
GUAM DEPARTMENT OF PUBLIC WORKS
542 North Marine Corp Drive
Tamuning, Guam 96913

Re: *Sunshine Act Request to DPW regarding Federal Highway Funding*

Dear Mr. Leon Guerrero:

Korando Corporation requests, pursuant to the Guam Sunshine Act set forth at 5 G.C.A. §10101 *et seq.*, copies of the following documents related to DPW's use of Federal Highway Administration funding:

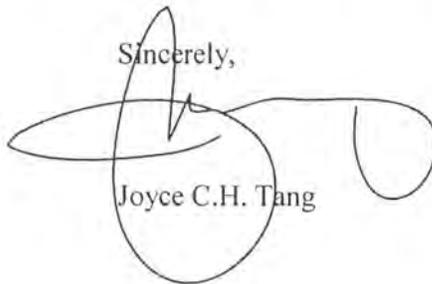
1. All written communication, including but not limited to electronic mails, reports, letters, and hand written notes in relation to the federal funding or reimbursement of funds for the Bile & Pigua Bridge Reconstruction Project, Project No. GU-NYH-NBIS(007) (the "Project").
2. All written communication, including but not limited to electronic mails, reports, letters, and hand written notes in relation to the expiration or renewal of funding for the Highway Trust Fund, the Moving Ahead for Progress in the 21st Century Act AP-21 between March 2014 and October 5, 2015, in relation to the Project or Guam DPW Federal Highway program
3. All written communication, including but not limited to electronic mails, reports, letters, and hand written notes in relation to the Guam Transportation Improvement Plan, from Fiscal Year 2012 to October 5, 2015.
4. All written communication, including but not limited to electronic mails, reports, letters, and hand written notes in relation to the Territorial Highway Plan.
5. Any documents reflecting correspondence with any third party related to the expiration, renewal or extension of federal funding for Guam highway programs from March 2014 to October 5, 2015.

Mr. Glenn Leon Guerrero
October 5, 2015
Page 2

If any of the foregoing documents or information are exempt from disclosure, please release the non-exempt portions. My client agrees to pay reasonable fees incurred in the copying of these documents. If you are able to provide the copies electronically, that would be greatly appreciated.

Please do not hesitate to contact me at 671-472-8868 if you have further questions or comments.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Joyce C.H. Tang

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public works
DIPATTAMENTON CHE'CHO PUPBLEKO
Bile Pigua Bridge Replacements
Project No. GU-NH-NBIS(007)

In Reference To:
Sunshine Act
Request to DPW Regarding Federal Highway Funding
(Dated Oct 05, 2015)

②

CIVILLE & TANG, PLLC

www.civilletang.com

Sender's Direct E-Mail:
jtang@guamattorneys.com

October 5, 2015

VIA E-MAIL

Mr. Glenn Leon Guerrero
Director
GUAM DEPARTMENT OF PUBLIC WORKS
542 North Marine Corp Drive
Tamuning, Guam 96913

Re: *Sunshine Act Request to DPW regarding DPW Federal
Highway Funded Projects*

Dear Glenn:

Korando Corporation requests, pursuant to the Guam Sunshine Act set forth at 5 G.C.A. §10101 *et seq.*, copies of the following:

1. The following documents for each federally-funded DPW highway project from 2010 to October 5, 2015:
 - a. Notice of Award
 - b. Contract, and any amendments or modifications to the Contract.
 - c. Notice to Proceed
 - d. Final or Last Payment Application
 - e. Any Notice of Completion
 - f. Final or Last Submittal Log
 - g. Any DPW reports relating to progress on each of these projects.
2. All documents in the Sharepoint server for Project No. GU-NH-NBIS(007).
3. All minutes, records, or documents related to the May 6, 2015 meeting referenced in Tom Keeler's May 7, 2015 email to Glenn Leon Guerrero, Joaquin Blaz, Joy Jean Mantanona, Michael Lanning, Anderson Butler, Joseph Pecht, and Jack Marlowe.
4. All minutes, records, or documents related to the May 15, 2015 meeting between representatives of DPW, Parsons Transportation Group, Korando, and Stanley Consultants.

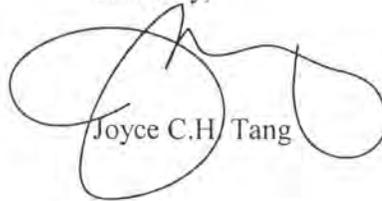
Mr. Glenn Leon Guerrero
October 5, 2015
Page 2

5. All written communication, including but not limited to electronic mails, reports, pleadings, appraisals, letters, and hand written notes related to any property condemned in connection with the Bile & Pigua Bridge Reconstruction Project, Project No. GU-NYH-NBIS(007) .

If any of the foregoing documents or information are exempt from disclosure, please release the non-exempt portions. My client agrees to pay reasonable fees incurred in the copying of these documents. If you are able to provide the copies electronically, that would be greatly appreciated.

Please do not hesitate to contact me at 671-472-8868 if you have further questions or comments.

Sincerely,



Joyce C.H. Tang

Lanning, Michael

From: Tom Keeler [tpkeeler@gmail.com]
Sent: Wednesday, November 04, 2015 10:12 AM
To: Lanning, Michael
Cc: Glenn LeonGuerrero; Felix Benavente; joaquin.blaz; Richelle.TAKARA@dot.gov
Subject: DPW & Korando's OPA Appeal

Mike,

Ms. Tang has FINALLY agreed to narrow the scope of her 4th FOIA Request. Below is her email. Please touch base when you are able to provide a new time estimate for responding to the request.

I would also appreciate your revisiting item #2 of Ms. Tang's message. Please confirm that there are no documents between DPW and third parties regarding funding for federal highway programs for the stated period. Thanks.

Tom

Tom,

1. 10/5/2015 SUNSHINE ACT REQUEST REGARDING FEDERAL HIGHWAY FUNDED PROJECT STATUS AND REPORTS:

On Korando's behalf, we are amending Item No. 1 of Korando's Sunshine Act Request dated 10/5/2015. 5 GCA §10103 provides that "(e)very person has the right to inspect and take a copy of any

public document on Guam, except as otherwise expressly prohibited in law, and except as provided in § 10108 of this Chapter." There is nothing in the statute which requires Korando to limit the scope or withdraw its Sunshine Act requests.

In order to avoid further delays to production and reduce the burden on DPW, Korando will accept the following reports, in lieu of the seven categories of documents requested in Item 1 of the attached 10/5/2015 Sunshine Requests for all federally funded DPW construction projects from January 2010 (excluding "islandwide" projects such as the "Islandwide LED Signal Light Upgrade") to the present time:

- a. Construction Change Order Log
- b. Final Acceptance Checklist
- c. Final Change Order

2. 10/5/2015 SUNSHINE ACT REQUEST REGARDING FEDERAL HIGHWAY FUNDING AND COMMUNICATION:

In Item No. 5, Korando asked for "Any documents reflecting correspondence with any third party related to the expiration, renewal or extension of federal funding for Guam highway programs from March 2014 to October 5, 2015."

We received a response on 10/23/2015 stating that there are no documents relating to this request. I ask that you check DPW's records and confirm there are there are no communications (emails, letters, documents) between DPW and third parties regarding the expiration, renewal, or extension of funding for federal highway programs between March 2014 – October 2015.

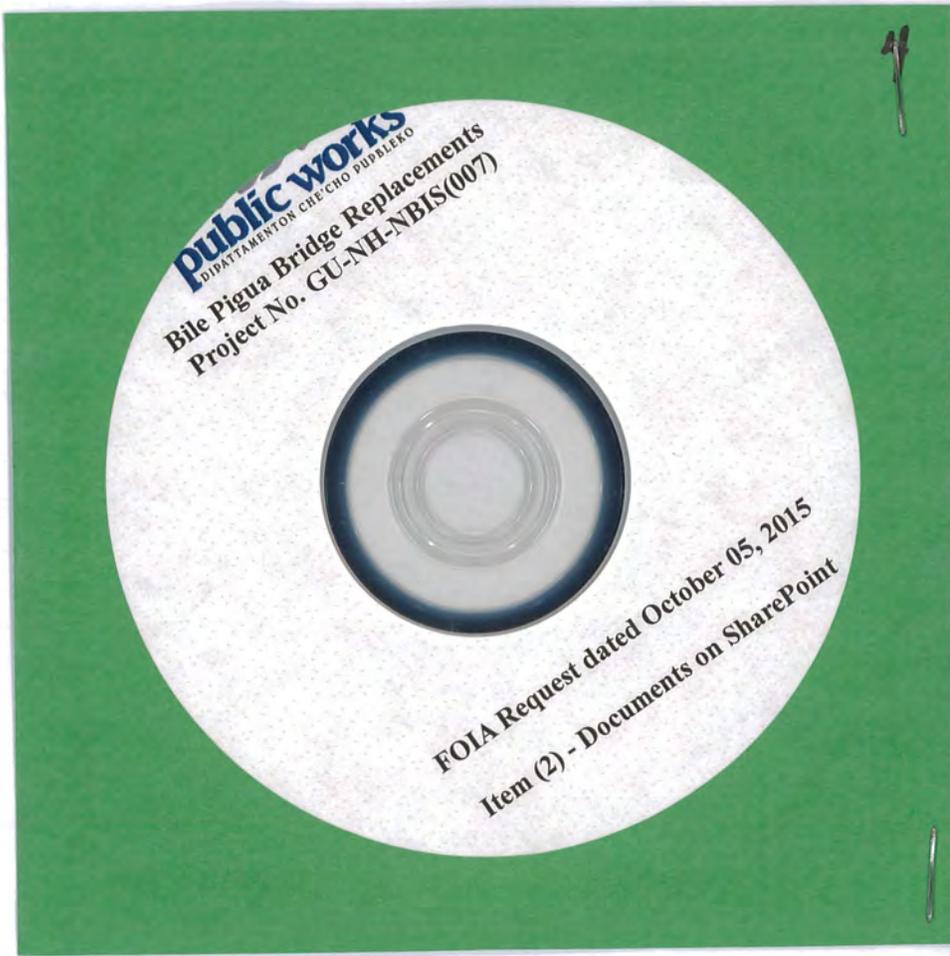
3. 8/10/2015 SUNSHINE ACT REQUEST

During the meet an confer, we asked DPW to confirm that there are no communications between: (1) DPW and Stanley; and (2) DPW and third parties, which have not already been produced in the Parsons emails. Please confirm by tomorrow 10:00 a.m. that no such communication (emails, letters, documents) exists.

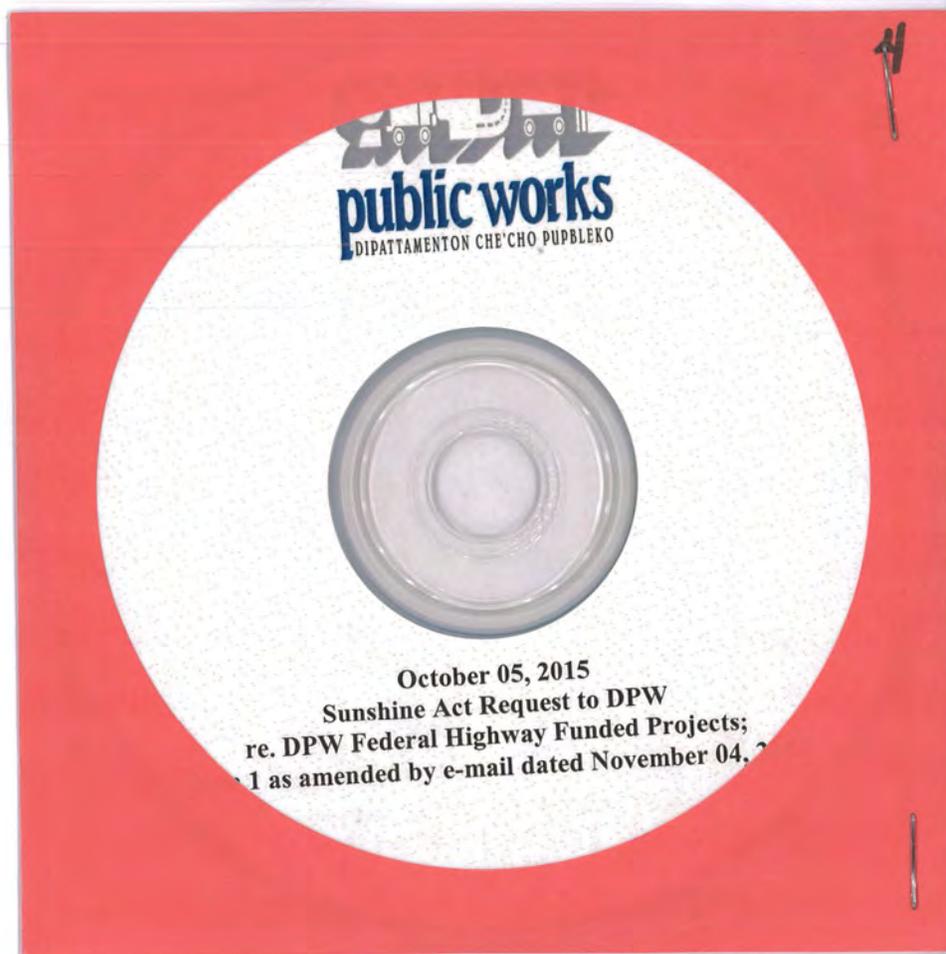
I look forward to your response.

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

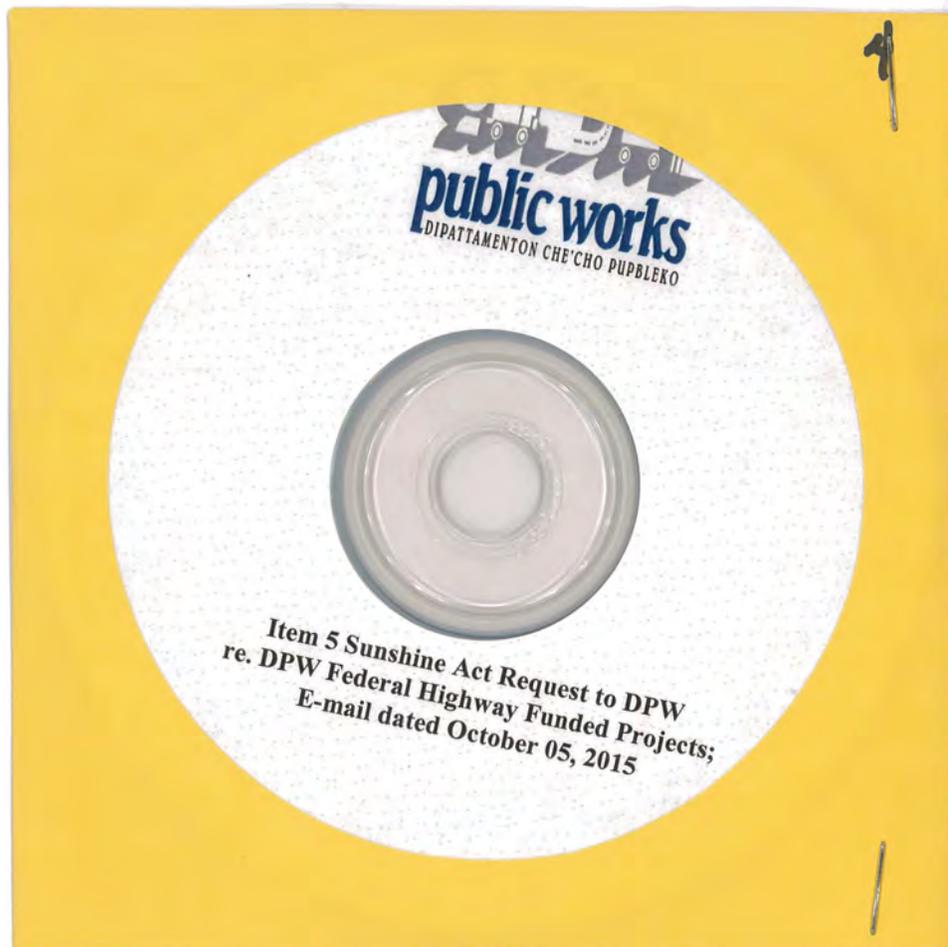
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CIVILLE & TANG, PLLC

www.civilletang.com

Sender's Direct E-Mail:
jtang@civilletang.com

September 11, 2015

VIA HAND DELIVER AND E-MAIL

Mr. Glenn Leon Guerrero
Director
GUAM DEPARTMENT OF PUBLIC WORKS
542 North Marine Corp Drive
Tamuning, Guam 96913

**Re: Sunshine Act Request to DPW Re: Stanley Consultants, Inc.
(IDIQ Basic Agreement for Professional Construction
Management Services Project GU-NH-PCMS(002))**

Dear Mr. Leon Guerrero:

Korando Corporation requests, pursuant to the Guam Sunshine Act set forth at 5 G.C.A. §10101 *et seq.*, copies of the following documents related to the *Indefinite Delivery Indefinite Quantity Basic Agreement between Stanley Consultants, Inc. and the Department of Public Works dated June 4, 2013 (GU-NH-PCMS(002))* ("IDIQ Contract"):

1. All invoices together with any detailed time sheets with description of services provided by Stanley Consultants, Inc. ("Stanley") for each of the Task Orders listed below issued pursuant to the IDIQ Contract for:
 - a. Task Order No. 1 (GU-NH-PCMS(002)-STANLEY-01
 - b. Task Order No. 2 (GU-NH-PCMS(002)-STANLEY-02
 - c. Task Order No. 2, Amendment No. 1 (GU-NH-PCMS(002)-STANLEY-02
 - d. Task Order No. 3 (GU-NH-PCMS(002)-STANLEY-03
 - e. Task Order No. 4 (GU-NH-PCMS(002)-STANLEY-04
 - f. Task Order No. 5 (GU-NH-PCMS(002)-STANLEY-05 for period of May 1, 2015 to September 11, 2015 (date of termination).
 - f. Task Order No. 5 Amendment No. 1 (GU-NH-PCMS(002)-STANLEY-05) for the sum of \$27,137.32.
 - g. Task Order No. 5 Amendment No. 2 (GU-NH-PCMS(002)-STANLEY-05) for the sum of \$215,221.49.
2. All payments made to Stanley for any and all invoices on each of the foregoing Task Orders.
3. All communications, including emails, letters, documents, relating to the request, approval, negotiation, and/or discussions relating to:

Mr. Glenn Leon Guerrero
August 10, 2015
Page 2

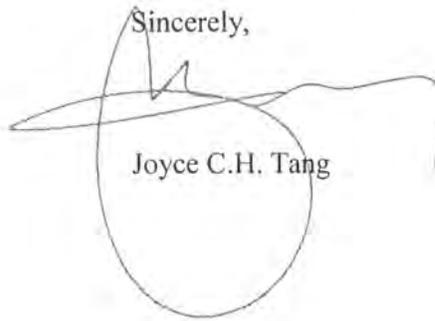
a. Task Order No. 5 Amendment No. 1 (GU-NH-PCMS(002)-STANLEY-05) for the sum of \$27,137.32.

b. Task Order No. 5 Amendment No. 2 (GU-NH-PCMS(002)-STANLEY-05) for the sum of \$215,221.49.

4. Copies of all contracts, modifications or amendments relating to the Task Orders in Section 1.

If you deny any of these requests, please cite each specific exemption justifying the refusal to release the information. We look forward to your prompt and expeditious response.

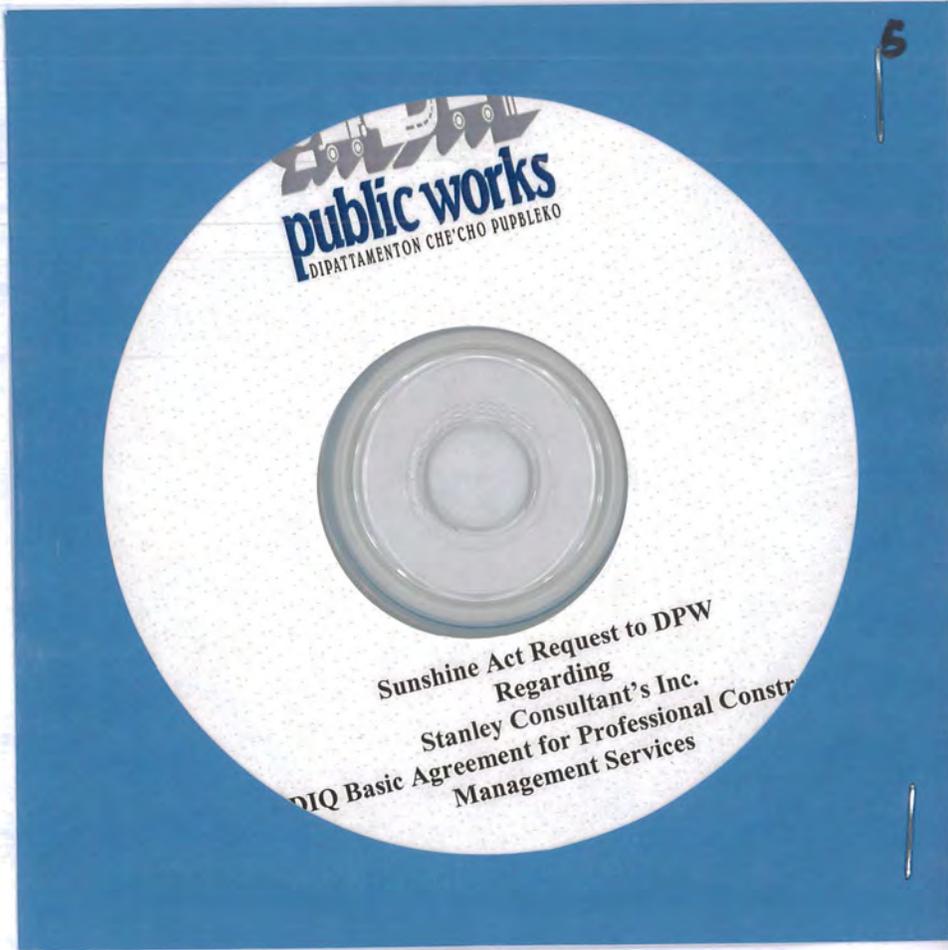
Sincerely,

A handwritten signature in black ink, appearing to read "Joyce C.H. Tang", is written over the printed name. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Joyce C.H. Tang

cc: Tom Keeler, Esq.

#5



CIVILLE & TANG, PLLC

~~FR~~
8/21/15
8/14/15

www.civilletang.com

Sender's Direct E-Mail:
jtang@civilletang.com

August 10, 2015

VIA HAND DELIVER AND E-MAIL

Mr. Glenn Leon Guerrero
Director
GUAM DEPARTMENT OF PUBLIC WORKS
542 North Marine Corp Drive
Tamuning, Guam 96913

Re: *Sunshine Act Request to DPW regarding Korando Corporation's Contract to Construct the Replacement of Bile & Pigua Bridges, Project No. GU-NH-NBIS(007)*

Dear Mr. Leon Guerrero:

Korando Corporation requests, pursuant to the Guam Sunshine Act set forth at 5 G.C.A. §10101 *et seq.*, copies of the following documents related to Korando Corporation's contract to construct the Replacement of Bile & Pigua Bridges:

1. All invoices together with description of services provided by Stanley Consultants, Inc. ("Stanley") in relation to Task Order No. GU-NH-PCMS (002) - STANLEY05 BILE/PIGUA BRIDGE REPL PJCT# GUNHNBIS007 and any amendments to the Task Order ("Task Order") or the Replacement of Bile & Pigua Bridges (the "Project").
2. All payments made to Stanley for its invoices on the Project and Task Order.
3. All documents, emails, and correspondence between DPW, Stanley, and/or Parson's Transportation Group relating to:
 - a. The Revised Phasing Plan (Submittal 562.001-02)
 - b. The October 27, 2014 approval of Submittal 562.001-02
 - c. The November 4, 2014 comments to Submittal 562.001-02
 - d. The March 1, 2015 comments to Submittal 562.001-02
 - e. The deletion of or removal of the reference to the October 27, 2014 approval of Submittal 562.001-02 from the Submittal Logs.
4. Any contract and modifications or amendments to the contract, between DPW and Stanley Consultants relating to the Task Order and the Project.

330 Hernan Cortez Avenue, Suite 200 • Hagatña, Guam 96910
T: (671) 472-8868/9 • F: (671) 477-2511

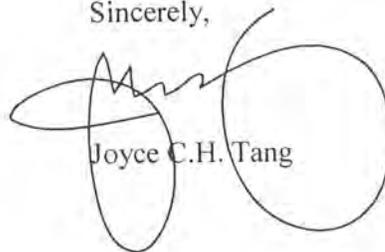
COPY

Mr. Glenn Leon Guerrero
August 10, 2015
Page 2

5. Any and all documents related to the extension and/or changes to the completion date of the Project.
6. Any and all documents, emails and correspondence regarding the termination of the Korando on the Project.
7. Any and all documents, emails and correspondence submitted to the Federal Highway Administration regarding the Project.

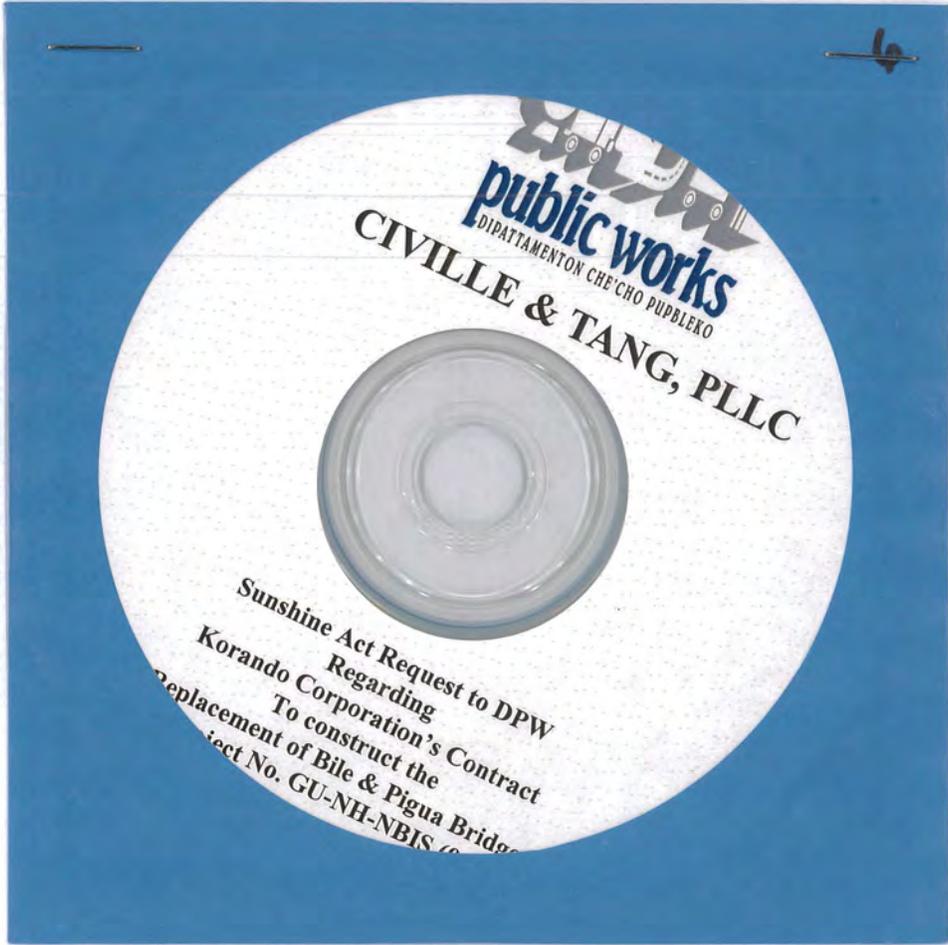
If you deny any of these requests, please cite each specific exemption justifying the refusal to release the information. We look forward to your prompt and expeditious response.

Sincerely,



Joyce C.H. Tang

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public works
DIPATTAMTON CHE'CHO PUPBLERO

Bile Pigua Bridge Replacements
Project No. GU-NH-NBIS(007)

DPW Documentation in Response to FOIA Request

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