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RECHIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENTAPPEALS

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FILE NO OPA-PA:	17-010

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 WORK'S) AMENDED HEARING BRIEF
AND))
DEPARTMENT OF PUBLIC WORKS,)
Purchasing Agency.))

I. INTRODUCTION

This is an appeal by Core Tech International Corp.'s ("CTI") of two (2) decisions by the Department of Public Works' ("DPW") August 23, 2017 decision to: (a) terminate for breach of contract on the Route1/Route 8 Intersection Improvements and Agana Bridges Replacement (Design-Build) Project No. GU-DAR-T101(001); and (b) reject CTI's requests for time extensions and change orders.

On September 30, 2011, DPW and CTI signed a Design-Build contract ("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 Project No. GU-DAR-T101(001)),

("Project"). The Project required CTI to construct sidewalks, ramps and driveways that fully complied

with the Projects Plans and Specifications and the American with Disabilities ("ADA").

In connection with the Agreement, Zurich American Insurance Company, Fidelity and Deposit

Company of Maryland and Colonial American Casualty and Surety Company (collectively "Surety"),

as Surety issued Performance and Payment Bonds Number CMB 9060033 (the "Bond"), on behalf of

CTI, as principal, and in favor of DPW, as obligee, with a penal sum of Sixteen Million Three Hundred

and Eighty-Four Thousand Five Hundred Dollars & 00/100 (\$16,384,500.00), See, Exhibit "A".

On June 12, 2014 DPW issued a Non-Conformance Report ("NCR") to CTI on ADA

deficiencies for the Project's sidewalks. The survey conducted by DPW's project inspectors showed

that 83.1% of the sidewalk cross-slope as ADA non-compliant. See, Exhibit "B". On October 9, 2014,

CTI submitted its survey of the sidewalk cross-slopes that showed 58.2% of the Project's sidewalk

panels are non-compliant. See, Exhibit "C".

CTI's Contract with DPW was terminated on August 27, 2017, after it had failed to submit a

completion plan, as promised, to complete the ADA non-compliant work and to complete the final

punch list items.

CTI filled its notice of appeal with the Office of Public Accountability ("OPA"), regarding

DPW's termination of contract. In this appeal, CTI raised various issues including (1) whether DPW

wrongfully terminated CTI from performing work on the Project; (2) whether DPW breached the

Contract; (3) whether DPW's termination of the Contract was in retaliation of CTI's purportedly

successful appeals against DPW concerning the Simon Sanchez High School Invitation for Bids

("SSHS Bids"); (4) whether DPW's consultant, Parsons Transportation Group ("PTG") wrongfully

interfered with the Contract and (5) whether liquidated damages assessed by DPW should be barred

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In the Appeal of: Core Tech International Department of Public Works Hearing Brief

or significantly reduced.

II. ISSUES

A. Whether CTI breached the Contract?

B. Whether DPW's termination of CTI on the Project was made in good faith?

C. Has DPW fully complied with its obligations under the Contract?

D. Whether liquidated damages have been properly assessed on the Project?

III. DISCUSSION

A. DPW acted in good faith in terminating CTI

Following Substantial Completion DPW wrote CTI on October 26, 2016, concerning the status

of closeout issues. (e.g., ADA non-compliant sidewalks, etc.) See, Ex. D (does not include

attachments).

DPW never accepted the Project's ADA non-compliant sidewalks, nor has it fully paid CTI

for its work. DPW has retained \$572,745.86 to complete CTI's ADA non-compliant sidewalks and

remaining items. See, Ex. E, DPW Invoice No. 33.

That CTI defaulted on the Contract is not in dispute. CTI's own October 9, 2014 survey of the

Project's ADA non-compliant sidewalk work is direct evidence that it breached the Contract. While

DPW's survey shows over 83% of the Projects sidewalk work as ADA non-compliant, CTI's survey

documents that it acknowledges that in excess of 58% of its sidewalk work is ADA non-compliant.

Thus, CTI admits that it breached the Contract as its sidewalk fails to comply with the Contract, the

Plans and Specifications and Federal and local law.

On December 19, 2014 DPW issued its 13th NCR. See, Ex. F. The NCR, on page 2, states that

the following items are not conforming to the Contract plans and specifications:

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"Sheet C-17 of the Conceptual Drawings detailed a typical driveway cross-section that is in compliance with the American with Disabilities Act (ADA. CTI Provided an alternate design for the driveway shown on Detail B/Sheet PLN-5 of the

Approved Civil Drawings.

CTI deviated from both designs and installed driveways that are not compliant with ADA slope requirements in both the direction of travel and cross-slope. A copy of

the driveway slopes are attached.

CTI must survey and correct the driveways installed on Routes 1 and 8 that are non-

Compliant. CTI shall coordinate with the Designer of Record to develop a corrective

Procedure or replacement."

The ADA law requires a maximum sidewalk cross slopes of 2%. DPW does not have the

authority to waive ADA requirements. Further, funds issued by the Federal Highway Administration

("FHWA") and Defense Access Roads Program, which fund 100% of the Project, cannot be used for

work that is ADA non-compliant.

CTI is required to strictly comply with ADA requirements. In Long v. Coast Resorts, Inc., 267

F.3d 918 (9th Cir. 2001), the Appellate Court for the Ninth Circuit considered a lower court's decision

that found that construction work "may be considered a technical violation" of ADA standards. The

lower court refused to order defendants to correct the violation. The court stated that requiring

bathroom doorways to be widened would have no "appreciable benefit" for persons with disabilities

and would be a "meaningless gesture". In overturning the district court's decision the appellate court

noted that in refusing to order the defendant's to correct the non-complying work the effect of that

refusal was "to leave in place a clear violation of the statute." The court further noted that the District

Court's decision "places the burden of the owner's noncompliance on the individuals with disabilities,

rather than on the violator". Finally, the Appellate Court noted that undue burden is not a justification

for failing to comply with the obligation of accessibility. See, Kinney v. Yersalim, 9 F.3d 1067, 1071

(3rd Cir. 1993). Thus, as of October 2014 CTI was on actual notice that a) the Project's sidewalk work

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was ADA non-compliant, b) that DPW did not accept the work and c) that DPW withheld retention in

order to correct the ADA non-compliant work and other uncompleted Project items, in the event CTI

failed to do so. Notwithstanding CTI failed or otherwise refused to complete the Project resulting in

its termination.

On June 13, 2017, DPW made a Final Demand to Complete Project. DPW's letter, a copy of

which is attached hereto as Ex. G, provided a detailed history of the Project. Throughout the Project

CTI repeatedly promised to complete the non-compliant ADA and other outstanding work. In a June

23, 2917 letter from CTI's Conchita Bathan to DPW requesting a time extension to reply to DPW's

June 13, 2017 notice of default, a copy of which is attached hereto as Exhibit H, she wrote:

"..., CTI does agree with DPW that it is time to complete the project and wants to complete

it as soon as possible. Therefore, we have taken DPW/PTG's comments and forwarded them to the Designer of Record with the request of addressing all ADA issues and drainage issues so as to meet ADA standards and specifications. The engineers are currently evaluating

these documents. When they are done we will be able to provide a schedule for completion

of the project. We should have that schedule to you in 2 to 3 weeks."

(Emphasis added).

On June 30, 2017, DPW wrote CTI agreeing to its request for additional time to provide a

schedule for completion of the Project. See, Ex. I. DPW allowed CTI until Monday, July 24, 2017 to

respond. Id. Monday, July 24, 2017, extended deadline came and went without CTI submitting the

promised schedule for completion.

B. DPW's termination of the Contract was made in good faith

CTI bases its false assertion that the government terminated it in retaliation for the SSHS Bids

on argument only. Its argument is unfounded speculation. Appellant provides no affidavits, declaration

or document to support its false allegation.

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The sole "factual" basis in support of its false allegation is the argument that "The 'unusually

suggestive temporal proximity' - less than 24 hours - between the Notice of Termination/Default and

the Addendum in the third SSHS Bid is clear." DPW asserts that it is anything but clear. CTI's reliance

on a coincidence to support an allegation of retaliation borders on bad faith.

The Guam Transportation Group ("GTG") provides policy direction and overall guidance to

the goals and objectives of the DPW's 2030 Guam Transportation Program concerning the planning,

design, construction and repair of Guam's routed roads that are funded by the FHWA. The GTG is

currently composed of DPW's Director, Glenn Leon Guerrero, its Deputy Director, Andrew Leon

Guerrero; DPW's Acting Highway Administrator, Joaquin Blaz; FHWA's regional representative,

Richelle Takara, Parsons Transportation Group's ("PTG") Michael Lanning and John Moretto,

WSP's, fna Parsons Brinkerhoff, Brady Nadell and Lynden Kobayahsi and Assistant Attorney

General, Thomas Keeler.

Former DPW Deputy Director, and former member of the GTG, Felix Benavente, is familiar

with both the Project and SSHS Bids. Mr. Benavente can testify that the basis of DPW's Notice of

Termination/Default was due to CTI's breach of Contract and violation of the ADA. He also states

that Appellant's false allegation that the Termination was in retaliation for the SSHS Appeals is

"patently false". Mr. Benavente can also confirm that timing of CTI's Termination was out of a

concern that the Bonds might not be enforceable if DPW failed to terminate prior to the one year

anniversary (i.e., August 25, 2016) of CTI achieving "substantial completion". See, Ex. J, Benavente

Decl.

DPW's Joaquin Blaz mirrors the testimony of Mr. Benavente. He states that the timing of

DPW's Termination was based on counsel's advice 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

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In the Appeal of: Core Tech International Department of Public Works Hearing Brief Completion (i.e., August 25, 2016)." He also states that DPW was provided this advice "as early as

June, 2017. This would have been over two (2) months before the "unusually suggestive temporal

proximity" alleged by CTI. See, Ex. K, Blaz Decl. The declarations of Messrs. Benavente and Blaz

are consistent with that of PTG's John Moretto and other GTG members. Mr. Moretto can testify that

in late May or early June the GTG was advised that the "Project's Performance and Payment Bonds

may not be enforceable if [DPW] did not terminate Core Tech prior to the one year anniversary of

Substantial Completion." See, Ex. L, Moretto Decl. Mr. Moretto also states that DPW Notice of

Termination/Default was unrelated to the SSHS Appeals and was based solely on CTI's default on the

Project. Id.

CTI's unsubstantiated allegation that DPW's Notice of Termination/Default was retaliatory is

both offensive and false.

C. DPW complied with its obligations under the Contract

1. DPW/PTG approved a baseline schedule.

CTI alleges that DPW/PTG failed to provide a baseline schedule for the Project. This is untrue.

Attached hereto as **Exhibit "M"** is a copy of an approved baseline dated December 5, 2011.

2. CTI failed to provide information necessary to approve CTI's Time Extension Request.

Throughout the Project CTI has been remiss in making timely submissions. DPW has

repeatedly notified CTI of additional information and items needed to properly evaluate the requested

time extension. DPW's must recent letter, dated October 23, 2017, states, in part:

"As noted, until such time that CTI's request for time can be validated and the contract amended by Change Order, DPW is required to assess liquidated damage in accordance

with the terms and conditions of the contract. DPW's letter was part of a standard contract review process needed in order for DPW to properly document the use and expenditure

of Federal Highway Administration funds on the Project. Please refer to the second

paragraph of the letter in which CTI is requested to "provide backup data for these items

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to allow DPW to determine any other impacts to the schedule and cost review."

DPW's second letter reminds CTI that it is delinquent in submitting other documents that are required by the contract for processing and payment of invoices. ... DPW is waiting for CTI to provide additional information needed for it to complete contract close out. Until such time as CTI submits the additional information or states in writing that it refuses to do so, DPW is not able to make a final decision."

See, Ex. N.

Unless and until CTI submits proper documentation justifying an additional time extension(s), DPW is not able to process a Change Order.

D. PTG did not interfere with CTI's work on the Project

1. Neither DPW nor PTG interfered with CTI.

CTI cites a few instances when PTG allegedly interfered with work on the Project. It is up to DPW whether or not to accept Project work. If DPW directed that work be performed in a certain manner, as it did with the Bridge 2 cracks, CTI's obligation was to perform the work. If CTI believed that DPW's instructions required additional time or costs, the proper remedy under the Contract was to request a Change Order. There is no basis to argue, as CTI does, that DPW's instructions are tantamount to interference.

2. DPW is solely responsible for Project decisions.

As elsewhere in CTI's Notice of Appeal no facts or documentation is provided to support its false allegations that PTG usurped DPW's responsibilities on the Project. CTI references submittals being rejected but fails to state why they were allegedly wrongfully reject. During the Project PTG followed the standard procedure for submittal review, which is as follows:

The Contractor shall prepare and submit for the Department's review materials to be incorporated into the work and other items or work as required by the Standard Specifications or Special Contract Requirements. Each individual material being submitted to the Department shall be accompanied by a cover sheet. When more than one material is being submitted at one time, each material submitted shall have an individual cover sheet.

Upon review, the submittal will be returned to the contractor with comments as necessary and appropriately marked as follows:

- (a) If the submittal is returned to the Contractor marked "NO EXCEPTIONS TAKEN," a formal revision of the submittal will not be required.
- (b) If the submittal is returned to the Contractor marked "EXCEPTIONS AS NOTED," a formal revision of the submittal will not be required, but the Contractor shall provide the material with the exceptions noted by the Department on the returned submittal.
- (c) If the submittal is returned to the Contractor marked "REVISE/RESUBMIT" or "REJECTED/RESUBMIT," the Contractor shall revise the submittal and resubmit one original and two copies of the revised submittal to the Department.

Actions taken by the Department in the review of submittals do not waive, modify, or supersede the requirements of the contract, the Plans, the Standard Specifications, the Special Contract Requirements, orders, codes, or regulations, nor do they relieve the Contractor or suppliers from the responsibility for errors or omissions. If the contractor requests deviations, in any submittal, from the contract documents, the Contracting Officer shall be advised and a formal determination made. The formal determination of all deviations to the contract documents shall be made in writing from the Contracting Officer to the contractor.

DPW repeatedly followed up with CTI on required documents. For example, in a November 9, 2016, letter to CTI, DPW makes a fourth (4th) follow-up for CTI to provide an electronic schedule noting "Unfortunately, until DPW receives the electronic schedule files, DPW cannot complete its review." See, Ex. O (Emphasis added). See also, Ex. M (DPW follow-up on schedule and on-site review of punch list items). PTG did not interfere with CTI on the Project. Delays, such as CTI's failure and/or refusal to correct for close to a three (3) year period, admittedly non-compliant ADA work on the Project, is the fault of CTI, and CTI only.

E. DPW properly assessed liquidated damages on the Project

DPW properly assessed liquidated damages on the Project. CTI argues that liquated damages can't be assessed without an approved baseline schedule. However, as discussed earlier DPW did approve a baseline schedule. See, Ex. P, DPW Nov. 1, 2016 letter. The sum of \$3,300.00 was assessed in accordance with the Contract until Substantial Completion. Following Substantial Completion the amount of \$660 per day continues to be accessed until Final Completion. Id. See also, Contract Section 108.01 (Prosecution and Progress), Table 108-1, which provides for a charge of \$3,300 for liquidated damages for each day work is not substantially completed. Ex. Q.

As elsewhere in its Notice of Appeal CTI fails to support any legal basis to support its claim that there is no justification for liquidated damages.

DPW properly assessed liquidated damages in accordance with the Contract.

CONCLUSION

DPW requests that the Public Auditor find that CTI breached the Contract and that DPW's termination was made in good faith; that CTI's termination was not in retaliation of the SSHS Bids; that DPW did not interfere with CTI's work under the Contract; and that DPW properly assessed liquidated damages.

Dated this 26th day of January, 2018.

OFFICE OF THE ATTORNEY GENERAL

Elizabeth Barrett-Anderson, Attorney General

By:

THOMAS KEELER
Assistant Attorney General

In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT A

PERFORMANCE AND PAYMENT BONDS

KNOW ALL MEN BY THESE PRESENTS that

CORE TECH INTERNATIONAL CORPORATION

(Name of Design-Builder)

hereinafter called the "Design-Builder" and

FIDELITY AND DEPOSIT COMPANY OF MARYLAND AND ZURICH AMERICAN INSURANCE COMPANY

(Name of Surety)

Maryland and

a corporation duly organized under the laws of the State of New York and authorized to transact business in the Territory of Guam, as Surety, are held and firmly bound unto the Government of Guam, as obligee, hereinafter called the "Government" for use and benefit of claimants as herein below defined, in the amount of SIXTEEN MILLION THREE HUNDRED EIGHTY FOUR THOUSAND (\$16,384,500.00) for the payment whereof the Design-Builder and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Design-Builder has by written Agreement dated August 24, 20_11, entered into a Contract with the Government of Guam for the:

ROUTE 1/ROUTE 8 INTERSECTION IMPROVEMENTS AND AGANA BRIGES REPLACMENT PROJECT NO. GU-NH-0001(014) and PROJECT NO. GU-DAR-0001(014) (DESIGN-BUILD)

in accordance with drawings, specifications, and documents prepared by the Department of Public Works, which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if the Design-Builder shall promptly and faithfully perform said contract, and shall promptly make payment to all claimants as hereinafter defined for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect, subject, however, to the following conditions:

A. The Surety hereby waives notice of any alteration or extension of the time made by the Government provided the same is within the scope of the Contract.

- B. Whenever the Design-Builder shall be and is declared by the Government to be in default under the Contract, the Government having performed territorial obligations there under, the Surety may promptly remedy the default or shall promptly:
 - Complete the Contract in accordance with its terms and conditions; or
 - Obtain a Bid or Bids for completing the Contract in accordance with its 2. terms and conditions, and upon determination by the Government and the Surety of the lowest responsive, responsible bidder, arrange for a contract between such bidder and the Government, and make available as work progresses (even though there should be a default or a succession of defaults under the Contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less than the balance of the Contract price, but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof. The term "balance of the Contract price," as used in this paragraph, shall mean the total amount payable by the Government to the Design-Builder under the Contract and any amendments thereto, less the amount properly paid by the Government to the Design-Builder. No right of action shall accrue on the performance obligations of this bond to or for the use of any person or corporation other than the Government or successor of the Government.
- C. A claimant under the labor and material payment obligations of this bond is defined as one having a direct contract with the Design-Builder or with a subcontractor of the Design-Builder for labor, material, or both, used or reasonably required for use in the performance of the Contract, labor, and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service, or rental of equipment directly applicable to the Contract.
- D. The above-named Design-Builder and Surety hereby jointly and severally agree with the Government that every claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90) days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this bond for use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Government shall not be liable for the payment of any costs or expenses of any such suit.
- E. No suit or action shall be commenced hereunder by any claimant:
 - Unless claimant, other than one having a direct contract with the Design-Builder, shall have given written notice to any two of the following:

The Design-Builder, the Government, or the Surety above named, within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name

of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be personally served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Design-Builder at any place the principal maintains an office or conducts its business.

- 2. After the expiration of one (1) year following the date on which the last of the labor was performed or material was supplied by the party bringing suit.
- Other than in a court of competent jurisdiction in and for the Territory of Guam.
- F. The amount of the payment bond shall be reduced equivalent to the extent of any payment(s) made in good faith hereunder, inclusive of the payment by the Surety of mechanic's liens which may be filed on record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.

August , 20 11 A.D.
(Note: If the Principals are Partners, each must execute the Bond)
CORE TECH INTERNATIONAL CORPORATION (DESIGN-BUILDER) (SEAL) Ho S. Eun, President
FIDELITY AND DEPOSIT COMPANY OF MARYLAND (MAJOR OFFICER OF SURETY)
(VITLE) JOHN N. BUSTARD, ATTORNEY-IN-FACT FOR FRANK E. MARTIN, JR., VICE PRESIDENT
ZURICH AMERICAN INSURANCE COMPANY (TITLE) JOHN N. BUSTARD, ATTORNEY-IN-FACT, FRANK E. MARTIN, JR., VICE PRESIDENT

(RESIDENT GENERAL AGEN

In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT B



TRANSMITTAL No. 00928

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PROJECT: GU-DAR-TI01(001)Rte1-Rte8-Agana I

TO:

CoreTech

PROJECT ID#: GU-DAR-TI01(001)

500 Mariner Avenue

CONTRACT#: 68

Tiyan

REF: Rte1/8 Sidewalk Slope Survey

Resubmit

Barrigada, GUAM 96913

ATTN: Roberto O. Lee
WE ARE SENDING:

WE ARE SENDING:	SUBMITTED FOR:	ACTION TAKEN:
Shop Drawings	Approval	Approved as Submitted
Letter	Your Use	Approved as Noted
Prints	☐ As Requested	Returned After Loan
Change Order	Review and Comment	Resubmit
Plans		Submit
Samples	SENT VIA:	Returned
Specifications	X Attached X Hand-Delivered	Returned for Corrections
X Other: Ric1/8 Sidewalk Slope Survey .	Separate Cover Via:	Due Date;

PACKAGE SUBMITTAL REV.	ITEM NO.	COPIES	DATE	ITEM	DESCRIPTION	STATUS
	001	1	6/12/2014	NCN	Rte1/8 Sidewalk Slope Survey	R/R

Remarks: See attached Rte1/8 Sidewalk Slope Survey with comments from reviewer/engineer. Please resubmit.

CC:

Signed: _______ David Titzel

Construction Manager, PTG for DPW

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

RTE 1 NB Side

*Driveway slope details to follow.

8ft width SW slopes Bridges Replacement

Sidewalk Slope Survey (%)

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RTE 1 NB Side

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

Sidewalk Slope Survey (%)

					
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	2.4 2.5 2.4			RTE 8 EB	
	2.6 2.4 2.6			Sidewalk	
	2.7 2.6 2.7				-
!	2.7 2.7 2.8		i	RTE 8 EB	
	2.7 : 2.5 2.7			Sidewalk	
	2.3 2.3 2.3				
237+00	2.2 1.8 2.2	ļ* .		RTE 8 EB Sidewalk	
	1.9 2.0 1.8			STORMSTK	
1.	1.8 1.5 1.7			RTE 8 EB	
	1.7 1.6 1.8		l i	Sidewalk	
	1.8 1.2 1.7				
	2.0 · 1.4 2.0 1.9 · 1.3 1.8		i	RTE 8 EB	
	1.9 \ 1.3 \ 1.8 \ 1.9 \ 2.0			Sidewalk	
	The state of the s				
	1.9 2.0 2.0 2.1 1.8 2.2			RTE 8 EB	
	2.0 2.0 2.0	, d		Sidewalk	
i	1.8 2.0 2.0		l i		
ė.	1.8 2.0 2.2		ď.	RTE 8 EB	
ROUTE 1	1.8 · 1.7 2.2		ROUTE 1	Sidewalk	
	2.0 1.5 1.9			DTE 0 CD	
	1.9 2.0 2.0			RTE 8 EB Sidewalk	
	2.1 1.0 1.3			OTHEMSTY	
	1.7 1.3 1.9			RTE 8 EB	
l	1.7 1.6 1.7			Sidewalk	
	2.0 1.8 2.0				
	2.2 1.9 2.3		1	RTE 8 EB	
	2.8 2.2 2.6 2.0 2.4 2.4		1	Sidewalk	
]	2.2 2.4 2.4	1			
!	2.2 2.9 2.7		!	RTE 8 EB	
i	2.3 2.5 2.5		•	Sidewalk	
l i	2.8 3.0 2.7		1		
i	2.4 2.6 2.4			RTE 8 EB	
1	2.6 2.9 2.8		1	Sidewalk	
l l	2.7 3.0			1.9 2.5	2.6
236+00	2.9 3.2 3.0		2 4400 2 4000 2 4000	3.0 3.2	
	2.7 ' 2.9 2.7			3.5 3.9	
ľ	2.5 : 2.7 2.7 2.2 · 2.2 2.4		i	3.4 3.1	
	2.2 2.2 2.4		i	3.3 . 2.8	3.3
1	2.4 2.3 2.7	i.		3.3 2.5	
1	1.9 2.0 2.1		ļ	2.8 1.9	
]	1.6 1.3 1.7		!	2.7 2.7	
	1.7 1.4 1.6 atch Line E			2.7 2.5	2.4Match Line E

^{*}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

Sidewalk Slope Survey (%)

RTE 1 SB Side

			2271			
Match Line C	1988 B	i		Match Line D	Driveway	
					-235+06	1
	Driveway	1				0.5
	-233+52					2.5
					2.4 2.6	
					2.0 . 2.3	
	1.1 1.6	1.3				2.3
	2.7 1.6	2.1			2.5 2.2	
	2.9 1.2				2.3 2.4	2.5
		1.7				
	1.7 2.2					-
	1.4 2.4	1.3				
	1.0 2.5	1				
	1.3 2.0		r i		1334	
	1.4 1.6				Driveway	
	2.0 1.9				~234+54	
	1.9 1.8					
	1.9 2.4					
	2.0 : 2.3	9				
	1.6 . 2.7	• • •				
	1.4 2.4					
		1.7 i	i i		1.4 1.9	1.2
	2.3 2.4					l Č. l
	1.9 2.0	2.2 ROUTE 1			1.5 1.6	0.9 ROUTE 1
	2.1 2.1	20			1.3 1.9	1.4
	2.0 2.7	2.1			1.3 2.0	1.7
	1.9 2.0	i . 1			1.2 1.6	0.9
	1.7 2.0				0.6 1.3	1.1
	2.5 1.9				2.7 1.7	1.5
	1.8 2.0	1 1			1.4 2.0	1.4
	1.8 2.5	d 1 1			2.0 1.6	1.5
	1.7 1.6	·} ' !			1.5 1.3	1294+00
	1.6 1.9				2.1 1.5	1.9
	1.9 2.8				2.1 1.8	1.9
	2.2 2.2	1.6		5	1.7 1.9]1.7
	2.1 1.5	114			2.1 1.4]1.6
	1.9 2.0	*9			2.8 1.9]1.7 i
	2.0 2.0				2.2 2.2	2.0
	1.6 2.9				1.5 1.2	
· · · · · · · · · · · · · · · · · · ·	1.7 : 3.1			4	1.5 1.3	1.4
	1.4 2.2				1.5 1.6	1.9
	2.2 2.2				2.9 1.9	2.0
	21 25	2.5			4000] []
	2.1 2.5					
	1.4 2.7	1.8			Driveway	
		**			-239+52	
	1.2 1.8	11.0				; ;
	1.7 . 1.7	1,7		Match Line C		
Match Line B	1.1.1.1	11.1				

^{*}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**

Sidewalk Slope Survey (%)

END		
LND	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 2239+00 3.0 3.1 2.8 2.5 3.6 3.1	
	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 6	³ lm y
	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	
	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 1258+00	
	2.0 1.9 1288+00 1.1 2.0 1.5 1.7 2.3 1.5	
atch Line F	1.6 2.0 1.6 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.

RTE 8 WB Side

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

Sidewalk Slope Survey (%)

	- The course of			t basses
END	Existing Sidewalk			
	Existing Sidewalk			
	Existing Sidewalk			
	Existing Sidewalk		The state of the s	
	Existing Sidewalk			
	Existing Sidewalk			
	Existing Sidewalk			
	Existing Sidewalk	ROUT	! TE 8	
	1.6 5.3 7.4	1.6 5.6 6.6		
		4+00		
	Driveway -3+95			
Match Line B				
			4	

^{*}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

Sidewalk Slope Survey (%)

	Existing Sidewalk	END	Į.
	Existing Sidewalk		-
	Existing Sidewalk		
	Existing Sidewalk		
1	Existing Sidewalk		
	Existing Sidewalk		
	Existing Sidewalk		
! E ROUTE 8	Existing Sidewalk		
l	Existing Sidewalk		
	1.7	1.6 1.3	
3 1 1 1	1.1	1.4 0.4 Match Line B	
	L		

^{*}Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.

^{*}Driveway slope details to follow.

In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

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: <u>P/</u>	ARSON				DATE	9-Oct-1		REF: 253
Pa	rson Transpor	tation Group Inc.		_	ATTENT	TON: Da	ivid \	′ao
59	0 South Marin	e Corps Drive, ITC B	ldg. Suite 403		THRU:			
]	Route 8, Rou Bridges Rep Project No. (laceme	
WE ARE S	SENDING YOU	X Enclosed	Unders	separate	e cover v	ia	· <u>-</u>	the following items:
	Shop draw	ings Ca	lculations		Addend	Um		Erection drawings
	Letter	Ch	ange Order		Specific	ations		Product Literature
Х	Data as list	led Pla	ıns		Sample	s		
COPIES	DATE	NO.				DESCR	IPTI0	N
1	10/09/14	1	Rt.1/8 sidewalk	slopes				
·		<u> </u>	Note: CTI results	r et elor	or for the	a ridovalle		
			Note. Cirresult	s uj siuļ	ies jui u	ie sioewaik	opposi	te yours.
TR	ANSMITTED A	AS CHECKED BELO	W:					
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IF E	NCLOSURES	ARE NOT AS NOT	ED, PLEASE NO	TIFY U	S AT ON	ICE		254
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RTE 1 NB Side

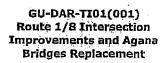


GU-DAR-TI01(001) Route 1/8 Intersection Improvements and Agana Bridges Replacement

Sidewalk Slope Survey (%)

1	2.2 1.8	1.9Match Line C	w I	1			1.4 atch	Lins D
1	2.2 2.0	2.2	10 Mary 11 Mar	1		1.8 1.5	1.8	
	1.7 1.9	1.9		i		2.7 2.3	2.4	
i	1.1 1.8	1.6		1	ļ	2.7 1.2	1.5	
234+00	1.5 1.9	1.8		i		1.5 0.6	1.5	
	1.5 1.9	1.6		į	j	2.0 1.8	2.0	
		1.6		1				
!		1.8		1				
		1.8		1				
		2.0		i i				
•		2.0		i		_		
1		1.9				Diveway		
<u> </u>	I	2.1		1		-235÷33		
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;		2.3		i				
1	4 1-	1.6		1				
		2.2		1		194		
		2.7		l I			n a	
	1 1,	2.6		ļ		0.2 1.1	0.4	
		3.0		į		2.6 0.1 2.8 0.9		
		2.3		ŕ			2.1	
1	1 7	2.2		1	235+00	2.7 1.8	2.1	
		2.2		1	233700	2.5 2.3	ł	
		2.2		L.		2.7 2.5	2.5	
Ē.		2.3		₽ ROUT		2.4 . 2.5	2,4	
ROUTE 1		2.3		11001	- '	2.5 2.4	1	
			S			2.0 2.1	2.2	
:	1.7 1.8 2.2 2.3			i		2.6 1.7	2.7	
İ		2.2 2.6	Chium 2	į		2.2 1.8	1	
		2.8		i	,	2.3 2.1	2.2	
]	3.1		r I		2.0 1.8	i .	
	5 344 5 1			į		1.7 1.2	f : * * ·	•
!		3.0		l i		1.9 1.0	4	
i	, , ,	J.U		ļ		1.7 1.8	1.8	
i	1 1	2.9		į		2.2 2.0		
		2.8		1		2.5 2.6	2.6	
! 233+00	2.1	2.0		1		1.9 . 2.0		
200700	1 1	2.2		i		1.5 1.8	1.4	
l 	1.9 2.3			l		1.9 1.3		
	1 1	2.0		ì		2.4 1.1	3	
		2.2		i	ļ	2.4 1.0	I	
		2.1		1		1.4 1.4	4	
Ì	1 1	2.4				1.3 1.3	1.4	
1	2.3 2.6			Ī		1.6 1.6		
	2.0 2.0	2.0		l		1.6 1.6		
	Driveway						1.8	
!	-232-58	Match Line B			i i	2.2 1.7	2.Match	Line C
, 1			1991					

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



Sidewalk Slope Survey (%)

Match Line E	3.0 1.2 2.2		Match Line F	1.8 1.0	1.3
	2.4 . 1.8 1.8			2.0 1.5	1.7
	2.3 1.6 1.4			1.8 1.5	1.2
	2.1 1.3 1.8			1.4 : 1.4	
	2.5 2.1 2.2			2.1 0.9	18
	3.2 2.2 2.3			1.4	1.3
					!
	對中心類似				i i
	1 20 4 5 7 5 1				} ;
	I will be a second			A. E	
					1
	135			k visit	
	236+00				
	Driveway			Driveway	
	-235+97			-237+56	}
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				;	
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	ا أ أ				đ.
	ROUTE 1			1 1	ROUTE 1
	0.2 1.1 0.2			2.2 1.8	
				1.7 1.3	
	0.2 0.1 0.1			1.9 0.9	1.2
	0.8 1.1 0.9			1	
	0.6 0.9 0.8				237+00
	1.8 1.7 1.5		ĺ	-	
	0.6 1.4 1.6				
	1.6 1.2 1.9				
	1.7 1.6 1.6				1
	1.8 2.5 1.8	髓		B. 17. 15.	
	2.1 1.7 1.7				! !
	2.4 2.2 2.3			Driveway	1
	2.3 2.5 2.1			-236+88	i
	2.4 2.3 2.4				
	1.8 1.9 1.8			· .	1
	2.6 - 1.6 1.7			l	
	1.9 1.9 1.5		İ	1 ,	
	1.6 1.5 1.5 1.7 1.8 1.8				1
					į l
		ă	1		
	Driveway			*11.5	! !
	-285+06		Ī	1.6 1.8	1.2 j
	235+00			2.8 1.7	2.0
Match Line D	(中国 4000)		Match Line E	2.8 0.6	1.5
	·	-			

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

RTE 1 SB Side





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

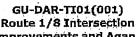
Match Line A 1.9 1.6 1.9 1.6 1.9 1.6 1.2 2.0 2.2 1.6 1.8 2.5 1.6 1.8 1.5 2.1 1.2 1.2 1.2 1.2 1.2 1.2 1.2 1.2 1.2	RTE 1 SB Side	8ft width SW slopes	Improvements and Agana Bridges Replacement	Sidewalk Slope Survey (%)
(" " " " " [] 1 1 1 1 1 1 1 1 1	Match Line A	1.6 1.2 2.0 2.2 1.6 1.8 2.5 1.6 1.8 1.6 1.4 1.5 2.2 2.4 1.7 1.9 2.1 1.8 1.5 2.1 1.2 2.0 2.5 2.2 1.9 2.2 1.6 1.8 2.5 1.6 1.3 2.1 1.6 1.2 1.8 1.8 1.2 1.9 2.0 1.1 1.2 1.7 1.7 2.4 1.9 2.0 2.8 1.7 2.1 2.8 1.8 1.8 1.7 1.4 1.1 1.9 1.2 2.2 1.7 1.6 1.1 1.6 1230+00 1.7 2.2 1.4 1.2 2.3 1.2 2.2 1.7 1.6 1.1 1.6 1230+00 1.7 2.2 1.4 1.2 2.3 1.2 2.2 1.7 1.6 1.1 1.9 1.2 2.1 1.4 1.2 1.3 1.4 1.2 1.5 1.3 0.6 1.3 1.5 0.5 1.5 1.3 0.8 1.5 0.5 1.1 0.5 1.2 0.5 1.0 0.4 0.8 0.9 2.6 2.7 1.8 2.0 2.0 1.8 1.4 0.8 0.9 2.6 2.7 1.8 2.0 2.0 1.8 1.4 0.8 0.9		1.2 1.2 1.3 0.9 0.5 0.5 232+00 232+00 0.1 0.2 0.2 1.0 0.9 0.6 1.3 1.4 1.5 2.2 1.7 1.3 1.8 1.8 1.6 1.6 1.8 1.7 2.0 2.2 2.1 2.0 2.1 1.6 ROUTE 1 2.4 2.3 1.9 2.2 2.4 2.4 2.2 2.6 2.5 2.4 3.0 2.3 2.6 2.7 2.4 2.2 2.6 2.5 2.4 3.0 2.3 2.6 2.5 2.3 2.1 1.4 1.4 1.6 0.7 0.7 0.6 0.5 0.6 0.3 1.0 0.9 0221+00 0.8 0.2 0.4 0.0 0.1 0.2 0.4 0.3 0.2 0.9 0.2 0.6

Match Line A

1.5

START

^{*}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
8ft width SW slopes Improvements and Agana
Bridges Replacement

Sidewalk Slope Survey (%)

Match Line A 3.5 3.2 2.2 Match Line B	
Match Line A 3.5 3.2 2 2 ! Match Line B 1 1	
	1
2.9 3.2 2.5	1
2.7 2.9 2.7	[
2.4 3.1 2.9	l
	1
	· ·
1.8 2.8 2.6 Driveway	1
3.0 2.2 2.6	1
1.4 1.9 1.9	1
1.4 1.9 1.9 2.0 2.6 2.5	
leather than 1 mm leather 1 M	1
	1
1.6 1.1 2.3	1
Driveway 1.8 2.2 1.3+00	
-1+28 1.4 2.6 2.4	ĺ
1	
1.5 2.5 1.4	1
	ļ
1.8 2.2 1.8	
1.4 1.7 1.8	1
1.4 2.7 1.6	
1.5 12	
2.0 2.2 1.8+00	
1.5 2.5 1.9 Driveway	
1.7 2.4 1.6 使 0.5 2.8 2.4 ROUTE 8	
0.5 2.8 2.4 ROUTE 8 ROUTI	
3.2 3.0	
1.1 2.7 1.9	
1.7 1.7	1
1.8 2.7 1.8	
0.7 , 2.3 1.7	1
0.8 2.2 2.0	1
3.1 1.7 1.8 2.3 2.5 2.3	
3.1 1.7 1.8 2.3 2.5 2.3 1 3.3 3.2 2.8 3.0 2.0 2.5	
3.3 3.2 2.8 3.0 2.0 2.5 3.4 3.2 2.5 3.4 3.2 2.5	
3.8 3.3	1
1.6 1.4 1.3	
1.9 2.5 1.8	Ī
2.5 2.3 2.2	İ
2.2 1.8 2.1	1
17 10	[
0.7 3.2 2.400	
2.5 2.5 2.6 1.4 2.0 T	.]
2.5 1.8 2.1 1.4 2.2 1.8 1.6	
2.1 1.4 2.2	
1.7 1.7 1.6	
11.4:1.3 1.6	1
1.5 1.4 1.4	
START 0.8 1.0 1.0 Match Line A 2.2 2.0 1.8	

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

RTE 8 WB Side



RTE 8 WB Side



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

Sidewalk Slope Survey (%)

			Bridges	Kepi
END	Existing Sidewalk			THE REPORT OF
	Existing Sidewalk			
	Existing Sidewalk	1		
	Existing Sidewalk			
	Existing Sidewalk			
	Existing Sidewalk			
	Existing Sidewalk	1		
	Existing Sidewalk	EOUTI	E 8	MILE STREET
	1.6 5.3 7.4	1.6 5.6 6.6		
	42			
		4+00		THE STATE OF THE S
	Driveway -3+95			AND THE PERSON NAMED IN

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





RTE 8 EB Side

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

Sidewalk Slope Survey (%)

1	Existing Sidewalk	END	. K
	Existing Sidewalk		
1 1 1 1 1	Existing Sidewalk		
	Existing Sidewalk		
	Existing Sidewalk		
	Existing Sidewalk		
	Existing Sidewalk		
Ų € ROUTE 8	Existing Sidewalk		
ļ ļ	Existing Sidewalk		
	1.7	1.6 1.3	
	0.6	1.4 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)

RTE 8 EB Side

Route 1/8 Intersection
Improvements and Agana
8ft width SW slopes Bridges Replacement

Sidewalk Slope Survey (%)

	W Olopou Bilages Replac			
	·	1		- Match Line B
2.22.3	Z.Match Line A		1.5	2.0
2.1; 2.5 2.0; 2.6	2.3	1 1		1.6
2.3 : 2.4	2.1		1.4	1.4
2.6 2.8	2.7		2.7	2.4
2.5 2.7	2.7		2.0 2.5	
2.7 2.8	2.8	1	1.3 1.8	2.0
3.1 3.0	28	3+00	2.1 1.2	2.2
3.0 3.4	3.0		2.8 1.7	
	2.Match Line A 2.3 2.7 2.1 2.7 2.7 2.8 2.8 3.0 3.4 3.2 2.4 2.3 1.6			2.5
2.8 3.2	3.2		2.5 2.3	
2.2 2.7	2.4		1.3 1.8	-1
2.4 2.5	2.3		2.7 0.8	
2.2 2.3	11.6		2.6 1.4	20
1.7 1.9	」7./	i	2.6 1.0	
	1.3	1	2.1 2.0	
	1.4		1.6 2.1	
	1.2		1.4 1.8	
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	1.5	ROUTE 8	2.3 1.8	
	1.7		2.7 2.3	12.5
2.2 2.3	1.9	:		
		1 i		
	」 1.7		1. \$ 30.0	
1.6 1.9	1.7			
1 1 7 7 1 7 7		1	Driveway	
	1.9		-2+20	
	2.3			
2.4 2.1		1		
2.3 2.0		i		
1.8 - 0.6	1361			
1 73.7	1.8		1 4 1	
	190		1.6 2.2	2.0
3.0 : 3.0	· i 189	2+00	2.4 2.3	2.2
3.5 1.3	3.3		1.8 2.0	2.0
1.8	3.3 2.7 2.5 2.6 4.1.5 4.2.2 3.2.0 START			1.8
3.0	2.7 2.5 2.6		1.8 1.5	11.8
2.7 2.2	2 2.6			<u> </u>
: 2.4	1.5		1.9 2.0	1.7
	2.2	1 1	2.0 2.1	2.0
1 1.1	2.0 START		2.2 2.1	2.Match Line A

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





RTE 1 NB Side

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

Sidewalk Slope Survey (%)

	2.6 2.3 2.4 atch Line E 2.7 2.3 2.2			RTE 8 EB END Sidewalk
!	2.6 2.1 2.3			Strewalk
	2.3 2.4 2.4			RTE 8 EB
	2.4 2.5 2.4 2.6 2.4 2.6			Sidewalk
	2.7 2.6 2.7			
i	2.7 · 2.7 2.8			RTE 8 EB Sidewalk
	2.7 · 2.5 2.7		İ	02001111
007+00	2.3 2.3 2.3		İ	RTE 8 EB
237+00	2.2 · 1.8 2.2 1.9 · 2.0 1.8		l i	Sidewalk
	1.8: 1.5 1.7		į	RTE 8 EB
1	1.7 1.6 1.8		İ	Sidewalk
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	1.8 1.9 2.0		1	Sidewalk
	10 20 20			RTE 8 EB
	2.1 1.8 2.2			Sidewalk
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!	1.8 2.0 2.0 1.8 2.0 2.2		i i	RTE 8 EB
HOUTE 1	1.8		ROUTE 1	Sidewalk
	2.0 : 1.5 1.9			RTE 8 EB
	1.9 2.0 2.0		,	Sidewalk
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	1.7 1.3 1.9 1.7 1.6 1.7			RTE 8 EB
	2.0 1.8 2.0			Sidewalk
	2.2 . 1.9 2.3			RTE 8 EB
	2.8 2.2 2.6			Sidewalk
i	2.0 2.4 2.4		!	
i	2.2 : 2.4 2.4 2.2 : 2.9 2.7			RTE 8 EB
	2.3 : 2.5 2.5			Sidewalk
1	2.8 · 3.0 2.7			RTE 8 EB
	2.4 2.6 2.4			Sidewalk
	2.6 ' 2.9 2.8			1.9 2.5 2.6
236+00	2.9 3.2 3.0			3.0 3.2 3.0
200700	2.9 <u>3.2</u> 3.0 2.7 2.9 2.7		1	3.5 3.9 3.5
	2.5 2.7 2.7			3.4 3.1 3.5
	2.2 2.2 2.4 2.3 2.7			3.3 2.8 3.3
				3.3 · 2.5 2.8 2.8 1.9 2.4
	1.9: 2.0 2.1 1.6 1.3 1.7			2.7 · 2.7 2.7
	1.7 - 1.4 1. Match Line D			2.7 2.5 2.4 atch Line E

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

Page 3

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

Sidewalk Slope Survey (%)

RTE 1 SB Side

			piluge	
END	Existing Sidewalk			
	Existing Sidewalk			
	1.9 1.8	1.4 1.6 1.5		
	1.8 1.6 2.0 1.4	1.6 1.7		
	1.5 2.1 2.4 2.1	1.7 1.4 2239+00		
	3.0 3.1 2.5 3.6 2.3 2.6	2.8 3.1 2.1		
	2.2 3.0 2.8 2.5 0.2 0.3	2.3 2.8		
	0.7 0.6 1.3 2.0	0.9 2.1		activity of the
	1.5 2.2	2.5 ROU	TE 1	
	1.4 2.0 1.8 2.0	2.1		No. of the Control of
	2.0 1.7 2.2 1.9	1.9 2.4		Property of the Pa
. •	2.7 2.2	2.1 2.3 3.2		
	2.2 1.8	2.1 1.9 1.9	i	Boundary of the Control
	1.7 2.5 2.2 3.1 2.0 2.6	2.8 3.0		
	2.0 2.5 2.2 2.3	2.4 2.2	1	
	1.2 2.0 1.0 2.0 2.0 1.9	2.1 1.6 1288+00		
	1.1 2.0 1.7 2.3 1.6 2.0	1.5 1.5 1.6	1	
Match Line F	1.6 1.0	1.6	1	

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

In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT D





OCT 2 6 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)

Status of Closeout Issues

Dear Ms. Bathan,

The Department of Public Works (DPW) acknowledges receipt of Core Tech International Corporation's (CTI) letter dated August 22, 2016 responding to DPW's letter dated June 21, 2016 on the project closeout status. The email dated June 28, 2016 referenced in your letter was a snapshot of the project closeout status as discussed during June 23, 2016 Construction Progress Meeting and will not be addressed in this letter. The project closeout issues will be addressed in the same order as contained in both letters.

1. Substantial Completion

The traffic signal loop sensors at the Route 1/4 intersection, interconnect system testing, and repair of the friction course are completed. Substantial completion was achieved on August 25, 2016 and documented by DPW's letter dated August 30, 2016.

2. Final Acceptance

Final Inspection for the Route 1, Route 8 and Bridge 1 portion of the contract was completed on August 29, 2016 and a copy of the Final Inspection and the current status of Bridge 2 Partial Acceptance Punch Lists were provided to CTI by email on September 14, 2016 (Attachment 1) and by DPW letter dated September 26, 2016 (Attachment 2).

CTI can achieve Final Acceptance once the items on both punch lists are completed and the corrective or deficient items are accepted by DPW. As stated in attached DPW's letter dated September 26, 2016, to help expedite completion of items DPW recommends an on-site review of both punch lists between CTI and PTG so there is no misunderstanding regarding any punch list item. To date, CTI has not scheduled this on-site review with PTG. DPW requests CTI schedule this on-site review within 7 days from receipt of this letter as necessary.

Open Issues List

Outstanding construction items on the open issues list provided to CTI during the March 12, 2015 meeting between Parsons Transportation Group (PTG) and CTI's senior management have been compiled into the Final Inspection Punch List.

Status on the outstanding items will be addressed under the Open Issues/Deficiencies List section of the letter.

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

Open Issues/Deficiencies List

The items which CTI had not corrected from the Open Issues/Deficiencies List which was initially provided to CTI in December 2013 and updated periodically during the course of the project are now compiled into the Final Inspection Punch List.

DPW has received some submittals and emails from CTI, however not all issues contained in the Open Issues/Deficiencies List have been resolved or have a proposed resolution including reconstruction, repair, explanation, or deductive change as stated in your letter. Per the September 21, 2016 Construction Progress Meeting Minutes (Attachment 3), unresolved issues from the Open Issues/Deficiencies List include but are not limited to the following:

- Accessibility Issues Meeting Minute Item 5.5.30, page 9 (Open Issues/Deficiencies List Items 39 and 48): RP (Robert Patawaran) reported drawings (for the proposal package) are still in progress by GS (Grato Singco, CTI's alternate QC Manager);
- Deductive credit for trees Meeting Minute Item 5.6.2, page 10 (Open Issues/Deficiencies
 List Items 23 and 24): RM (Robert Marks) reported that the deductive cost proposal will be
 submitted by next meeting;
- Deductive credit for top soil Meeting Minute Item 5.7.4, page 10 (Open Issues/Deficiencies
 List Items 20 22): RM (Robert Marks) reported that the deductive cost proposal will be
 submitted by next meeting.

To date, CTI have not submitted the complete proposed resolution package for the accessibility issues or any deductive cost proposals. Further, Final Inspection was not contingent on completion of all items contained on the Open Issues or Open Issues/Deficiencies Lists. The final inspection was held since CTI had never requested an inspection of the Route 1, Route 8 and Bridge 1 portion of the contract.

DPW's June 21, 2016 letter requested that CTI provide advance notification and make arrangements to schedule a Final Inspection of the Route 1/8 portion of the project to occur immediately following the completion of the interconnect system testing. The expectation was that CTI would expedite the development of the testing plan for approval and complete the test by mid-July. However, due to CTI's delay on the interconnect system testing, DPW, FHWA, and PTG agreed during the August 3, 2016 Construction Progress Meeting to work with CTI to perform Final Inspection on August 17, 2016, prior to the completion of the interconnect system testing. This date was contingent on CTI submitting a written confirmation of the inspection date and time with sufficient notice (two weeks) for DPW to issue invitation to other agencies.

On August 10, 2016, DPW received an email request from Mr. Robert Marks to proceed with the Final Inspection on August 17, 2016 at 9:00 AM.

Accessibility Issues

DPW disagrees with your statement that CTI has submitted resolutions to all ADA issues on Route 1 including the Route 1 intersections with Route 4 and Route 8. To date, CTI has only submitted the proposed resolution for the driveways and the temporary traffic control plans to perform work at the pedestrian ramps. As previously discussed, CTI is still working on finalizing the proposed plans for the pedestrian ramps and sidewalk slopes as of the September 21, 2016 Construction Progress Meeting (Attachment 3).

Please provide a schedule within 7 days after receipt of this letter of when CTI will provide the proposed resolution for the pedestrian ramps and sidewalk slopes for DPW to perform a full and complete review of the ADA issues.

Bridge 2 Partial Acceptance Punch List

DPW concurs that numerous items have been signed off as completed; however, the items still outstanding are not limited to landscaping and the underside of the deck beams. Please refer to the progressed Bridge 2 Partial Acceptance Punch List that was provided to CTI by email on September 14, 2016 (Attachment 1) and by DPW letter dated September 26, 2016 (Attachment 2).

Bridge 2 Cracks

DPW's May 12, 2016 letter provided a Memorandum dated April 29, 2016 from Parsons Brinkerhoff, Inc. (PB) which discussed the type of cracks that were physically observed and recommendations regarding the cracks along with suggested procedures to repair the cracks which are unacceptable.

DPW acknowledges that CTI will perform the repair work in accordance with the suggested procedure. CTI is requested to provide a schedule within 7 days of receipt of this letter of when CTI plans to perform the repair work. Also, please note that this work must be performed in full compliance with the contract and permit requirements which includes but are not limited to product data submittal and daily water quality monitoring.

Drainage

Your letter dated August 22, 2016 only addressed one (Senator McCreadie office building) of seven drainage/ponding issues. Status of all drainage/ponding issues are discussed below:

 Ponding in front of Senator McCreadie's office building (Final Inspection Punch List Item 103)

Although EC Development has approved CTI's proposed resolution to the drainage issue in front of the Senator McCreadie building, this issue was caused by CTI's deviation from the construction drawings. As such, the proposed resolution must comply with the contract requirements and falls under DPW's jurisdiction for review and final approval.

CTI submitted revised plans on September 21, 2016 at 4:59 PM for the drainage issue in front of the Senator McCreadie office building. An advanced copy of the review comments was emailed to CTI on September 26, 2016 and the official response was picked up by Mr. Robert Patawaran on September 28, 2016.

As the work to correct the ponding at Senator McCreadie's office is not entirely within the Government's Right-of-Way, DPW is requesting that CTI provide a signed copy of the Right to Enter/Temporary Construction Easement agreement between EC Development and CTI to perform the corrective work in front of the Senator McCreadie office building.

 Ponding at the Auto Spot dealership at the southwest corner of Route 1/8 intersection (Final Inspection Punch List Item 37)

Review comments on the drainage issue at the Auto Spot dealership was returned to CTI on August 9, 2016. To date, DPW has not received the revised plans.

• Ponding at pedestrian ramps (Final Inspection Punch List Items 14, 65. 69, 79, and 114)

Ponding at the pedestrian ramps were not discussed in DPW's letter dated June 21, 2016. These items were listed as Item 17 on the Open Issues/Deficiencies List. To date, DPW has not received any proposed resolutions to correct the ponding at the pedestrian ramps. These drainage/ponding issues at the ramps can and should be addressed as part of the resolution to the accessibility issues for the pedestrian ramps.

Please provide a schedule within 7 days after receipt of this letter of when CTI will provide the proposed resolution and other required submittals/documents for all of the drainage issues for DPW to perform a full and complete review.

May 11 and May 18, 2014 HMA Friction Course Production Paving

DPW received the signed Change Order No. 10 from CTI on September 15, 2016 at 4:36 PM. This change order modifies the Contract Specification Sections 106 and 402 to allow acceptance of the Hot Mix Asphalt (HMA) friction course production paving installed on May 11, 2014 and May 18, 2014.

DPW is currently processing the change order.

3. <u>Time Extension Analysis</u>

DPW received CTI's request for time extension and change to contract price on September 16, 2016 at 4:36 PM. CTI's request is currently under review.

Now that CTI has received the punch list for the Route 1, Route 8 and Bridge 1 portion of the contract to include all outstanding issues and progressed punch list for the Bridge 2 portion of the contract, please provide a completion schedule for all items within 7 days after receipt of this letter. Include in the schedule all submittal activities that are required to start the work. To help expedite completion of items, it is again recommend that an on-site review of both punch lists be held between CTI's field team and PTG so there are no misunderstandings regarding any punch list item.

Should you have any questions or need additional information, please contact Mr. Crispin Bensan, 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

Attachments: Attachment I - EML_PTG-CTI_Punch List_14SEP2016.pdf

Attachment 2 - LTR_DPW-CTI_Final Inspection and Bridge 2 Partial Acceptance Inspection Punch Lists_26SEP2016.pdf

Attachment 3 - MIN_129 Agana Bridges_21SEP2016 Progress Weekly Meeting.pdf

Cc:

Crispin Bensan, 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

rosan/JBlaz

In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT E

Route 1/8 Intersection Improvements and Agana Bridges Replacement GU-DAR-T101(001) Invoice 33

invoice Period: April 1, 2016 to September 6, 2016

	A PAGE		FHWA	TOTAL	Explanation/Comment
Original Contract Amount	11,239	11,239,813.92 \$	5,144,686.08	\$ 16,384,500.00	
Change Orders	249	249,999.00 \$	1,428.55	\$ 251,427.55	
Current Contract Amount	11,489	11,489,812.92 \$	5,146,114,63	\$ 16,635,927.55	
Less: Test Frequencies	(45	(49,786,88)	<	(49.786.88)	
Less: HMA Paving	. 4	(47,930.79) \$	*	\$ (47,930,79)	
Less: Unused Portlon of Change Order 02	146	(146,343,93) \$	•	(146,343,93)	•
Revised Contract Amount	11,245	11,245,751.32 \$	5,146,114,63	\$ 16,391,865.95	16,391,865.95 DAR = 68.8% of Total Contract; FHWA - 31,2% of Total Contract
Less: Loop Sensor Connection at Route 4 Intersection		•		•	Done-\$1.315.14
Less: Copper Interconnect Cable	ar 20.	ě	*	. 4/3	Done = \$1.250.00
Less: Removal of painted pavement makings, arrow head, pedestria	4.55	(112,50)		\$ (112.50	
Less: Removal of painted Pavement Marking, Line Striping 4"	ur ditt	(417.26)	ŝ	\$ (417.26)	
Less: New Pavement Markings	3	(4,450.00)	ŧ	\$ (4,450,00)	
Less: Cracked Deck Beam Repair			(25,000,00)	\$ (25,000,00)	
Less: Sidewalk Concrete	36.	+673	(4,965.31)	(4,965,31)	
Less: Permanent Signage	a fis.	1	(1,042,23)	\$ (1,042,23)	
Amount Payable	3 11,240	11,240,771.56 \$	5,115,107.09	\$ 16,355,878,65	
Less: Schedule Withholding	TO C			SOURCE CANADARA	(\$30,000,001 unit 2013 to March 2018 6 35 months x 510,000 be months seasonally
Less: Liquidated Damage	£55) <	\$ (6090 4 263) \$	(00°007'007'2)	\$ 42,359,500,00	(2.359.500.00) 4/17/2014 to 3/31/2016 = 715 calendar days x 53.300 per day = \$2.359.500
Revised Payable	\$ 40,92 6	10,929,371,56- \$	2,737,007.09	\$ 13,676,378,61	
Less Previously Paid (Thru May 31, 2014)	\$ (9,833	(9,835,309,41) \$	(2,462,122.75)	\$ (12,297,432.16)	
Less: Retention	164) ×	\$ (33-549-564) \$	(02,082,589)-	\${616,381,35	《传法传》是张·德多》 \$750,000 to be paid as per DPW Letter dated April 28, 2016.
Invoice Amount	5	801,230.00 \$	151,515.14	\$ 752,985.14	
3	2	3	7		
This invoice is submitted as a progress payment only and Core Tech					
International Corporation (CT) specifically reserves the right to submit and recover claims at a future	and recover	claims at a ful	ure	,	

date. CTI disagrees with any deductions for liquidated damages and reserves the right to file and recover any claim for amounts deducted for liquidated damages.

Core Tech International Corporation Jana S

\$16,355,878.65

\$5,115,107.09

\$2,359,500.00 Liquidated Damages: Previous

4/1/2016 to 5/19/2016 = 49 CD x \$3,300/day = \$161,700.00 6/6/2016 to 8/25/2016 = 81 CD x \$3,300/day = \$267,300.00 8/26/2016 to 9/6/2016 = 49 CD x \$3,300/day = \$7,920.00 Total Liquidated Damage = \$2,796,420.00

(\$2,796,420.00) (\$2,796,420.00) \$13,229,458.65 (\$12,297,432.16) \$359,080.63 (\$2,169,415.14) \$2,735,691.95 (\$2,462,122.75) (\$273,569.20) \$0.00 (\$210,000.00) **\$11,240,771.56** (\$120,000.00) (\$299,376.66) \$359,080.63 (\$627,004.86) (\$9,835,309.41) \$10,493,766.70

Less Previously Paid (Thru May 31, 2014)

Revised Payable

Less: Retention:

Invoice Amount

Less: Schedule Withholding Less: Liquidated Damage

Amount Payable

In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT F



TRANSMITTAL No. 00939

Page 1 of 1

DATE: 12/19/2014	DATE:	12/19/2014
------------------	-------	------------

PROJECT: GU-DAR-TI01(001)Rte1-Rte8-Agana I

TO:

CoreTech

PROJECT ID#: GU-DAR-TI01(001)

500 Mariner Avenue

CONTRACT #: 68

Tiyan

REF: NCR #13 ADA Walkway Slopes

at Driveway

Barrigada, GUAM 96913

ATTN: Roberto O. Lee

WE ARE SENDING:	SUBMITTED FOR:	ACTION TAKEN:
Shop Drawings	Approval	Approved as Submitted
Letter	Your Use	Approved as Noted
Prints	As Requested	Returned After Loan
Change Order	Review and Comment	☐ Resubmit
☐ Plans		Submit
☐ Samples	SENT VIA:	Returned
Specifications	X Attached X H	land-Delivered Returned for Corrections
X Other: NCR #13 ADA Walkway Slope	s at Drivew Separate Cover Via:	Due Dato:

PACKAGE SUBMITTAL REV. ITEM NO. COPIES DATE

ITEM DESCRIPTION

STATUS

001

12/19/2014

NCR #13 ADA Walkway Slopes at

NEW

Driveway

Remarks: The attached NCR #13 ADA Walkway Slopes at Driveway is for your action and response.

CC:

David Titzel

Construction Manager, PTG for DPW

Department of Public Works Division of Highways



CONSTRUCTION NON-CONFORMANCE REPORT

To: Core Tech International, Inc. (CTI)	Date: <u>12/19/14</u>
(Contractor)	
Non-Conformance Report Number: 013	Time: 8:00 AM
Project Number: GU-DAR-TI01 (001)	
Project Name: Route 1/Route 8 Intersection Improvements an	nd Agana Bridges Replacment
Specification Section: SOW-5 Drawing Number	r: PLN-1 thru 5, TYP-2 thru 3, XS-1 thru 11
The following listed item(s) are not in conformance with the coreasons stated below (attach additional sheets as necessary):	ontract plans and specifications for the
Sheet C-17 of the Conceptual Drawings detailed a typical dwith the American with Disabilities Act (ADA). CTI provided on Detail B/Sheet PLN-5 of the Approved Civil Drawings.	riveway cross-section that is in compliance an alternate design for the driveway shown
CTI deviated from both designs and installed driveways that requirements in both the direction of travel and cross-slope. driveway slopes are attached.	t are not compliant with ADA slope A copy of DPW/PTG survey of the
CTI must survey and correct the driveways installed on Rou shall coordinate with the Designer of Record to develop a co	ntes 1 and 8 that are non-compliant. CTI orrective procedure or replacement.
By: David Yao, Construction Contract Administrator (Name, Initials and Title)	id yaw Date: 12/19/14
Reviewed by: David Titzel, Construction Manager (Name, Initials and Title)	Date: 12/18/14
Acknowledgement of receipt by: (Name & Initials of Contractor or D	Date: P44
This section to be completed only after the non-conformance is corrected and RESOLUTION:	d/or resolved. Date:
The above noted construction non-conformance has been con (attach additional sheets as necessary):	rrected and/or resolved as indicated below
By:	Date:
(Name, Initials and Title)	
Reviewed by:(Name, Initials and Title)	Date:
(name, made and mo)	

Send copy of completed form to the Department for permanent project records.

Summary

GU-DAR-TI01(001) Route 1/8 Intersection Improvements and Agana Bridges Replacement DPW/PTG Driveway Slope Survey

Driveway

Route 1 Southbound

Driveway		Width		
(Sta.)	Planned	Actual	Actual + Transition	Comments
231+15	36	0	0	Deleted per request of property owner, Jones and Guerrero
232+00	36	36	43.75	
233+52	26	24	32.25	
234+54	0	32	40	Added per negotiations with property owner, Moylan
235+06	40	26	34	
235+97	44	≟a36.5	50	
236+88	. 48	48:5	65	
237+56	32	30	40	
Sub-Total	262	231	295	

Route 1 Northbound

	Driveway		Width	(ft)*	
	(Sta.)	Planned	Actual	Actual + Transition	Comments
<u> </u>	231+13	36	22	30,25	Reduction to 24' approved per RFI 028
\vdash		36	32		Reduction to 32' approved per RFI 028
ļ	232+58			43.5	
L.	235+33	32	32		
- 1	Sub-Total	104	86	114	

Route 8 Eastbound

1	Driveway		Width	(ft)*	
ļ	(Sta.)	Planned	Actual	Actual + Transition	Comments
	2+20	32	32.5	40.75	
į	Sub-Total	32	32.5	40.75	

Route 8 Westbound

Driveway		Width	(ft)*	
(Sta.)	Planned	Actual	Actual + Transition	Comments
1+28	18	17.25	29.75	
2+64	32	31	42	
3+28	22		39,5	
3+95		60	79.5	Portions of driveway rejected due to placement during rain.
Sub-Total		130.75	190.75	

* Planned and Actual Widths are based on driveway opening.
Highlighted widths exceeds the maximum driveway width per DPW Standard of 36'.

Survey Notes:

- 1. Values shown on survey sheets are magnitudes of slope in percent.
- 2. Arrows show typical down slope directions.

GU-DAR-TI01(001)

Route 1/8 Intersection Improvements and Agana Bridges Replacment DPW/PTG Driveway Slope Survey

Width of accessible path as measured from back of sidewalk and determined by the grade break between accessible path and driveway slope as shown on Typical Driveway As Installed by CTI.

Driveway

Route 1 Southbound

Driveway	Actual Accessible Path
(Sta.)	Width (ft)
231+15	Deleted
232+00	8
233+52	5.75
234+54	4.75
235+06*	4
235+97	8
236+88	4
237+56	8

^{*} Accessible path for driveway at Sta. 235+06 is on street side of driveway due to drain inlet at back of driveway.

Route 1 Northbound

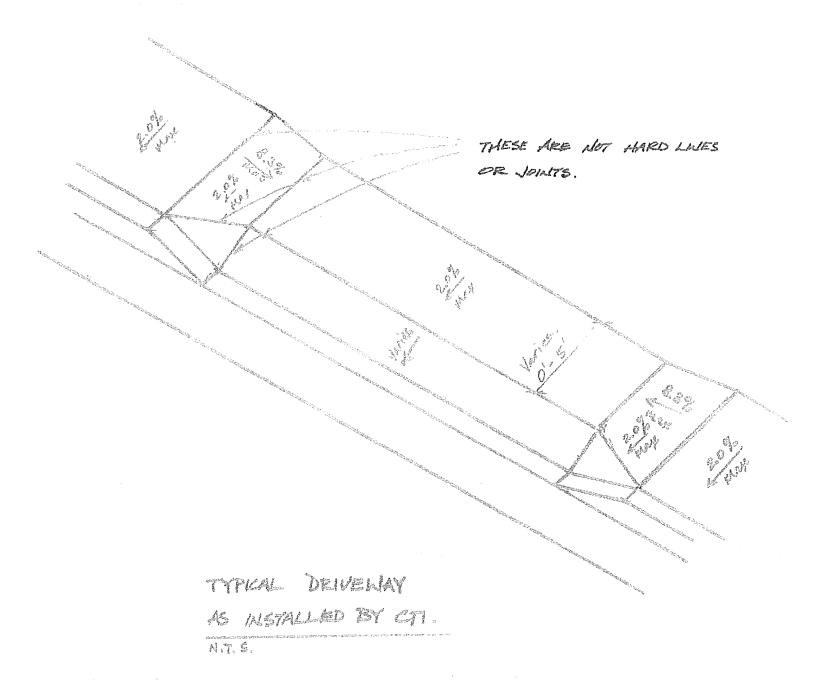
Driveway	Actual Accessible Path
(Sta.)	Width (ft)
231+13	4
232+58	5
235+33	4

Route 8 Eastbound

Driveway	Actual Accessible Path
(Sta.)	Width (ft)
2+20	3.25

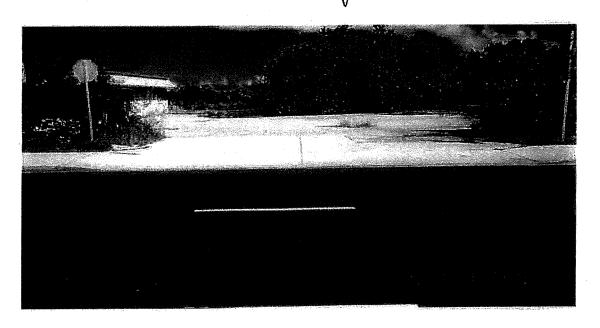
Route 8 Westbound

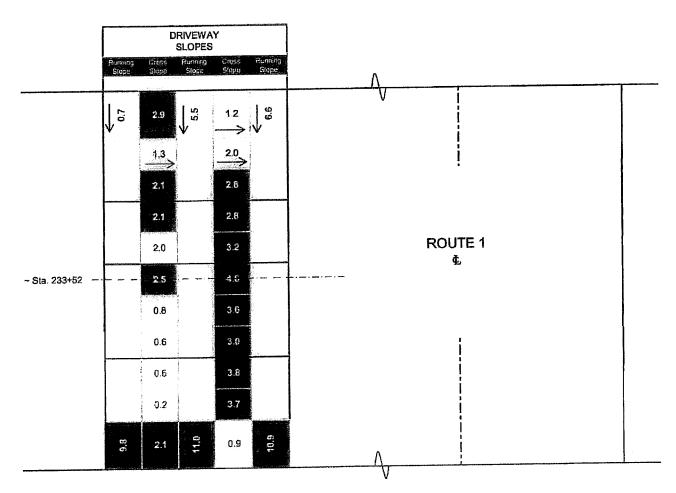
Driveway	Actual Accessible Path
(Sta.)	Width (ft)
1+28	4
2+64	5
3+28	. 0
3+95	Varies 0 - 4

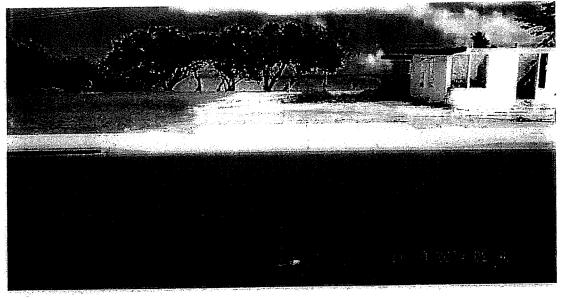


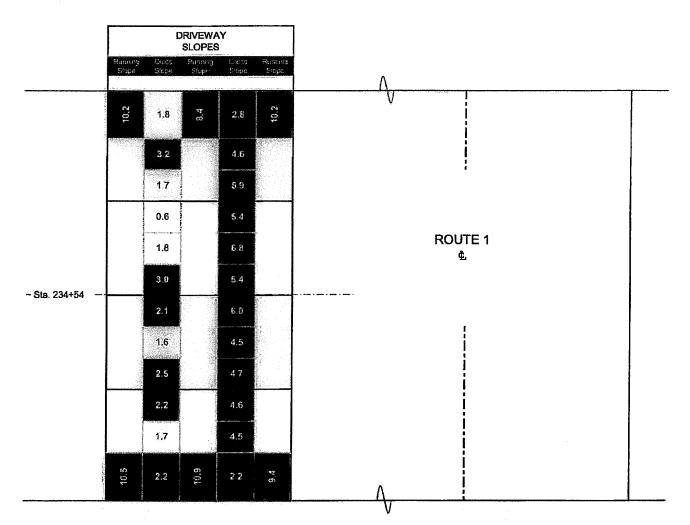
Note: Max slopes shown are per ADA requirements.

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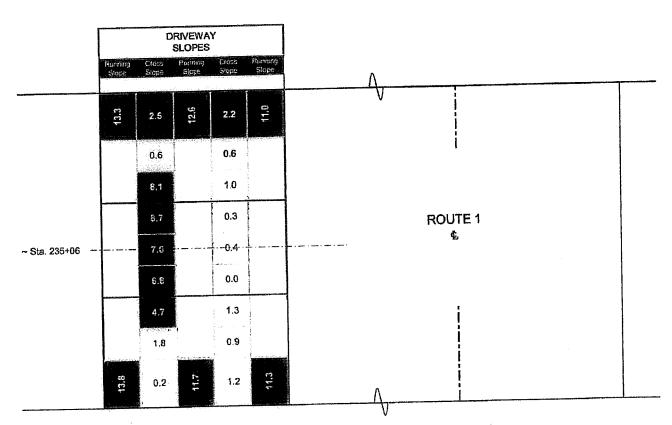


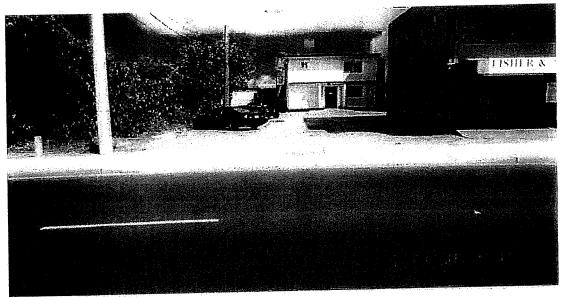


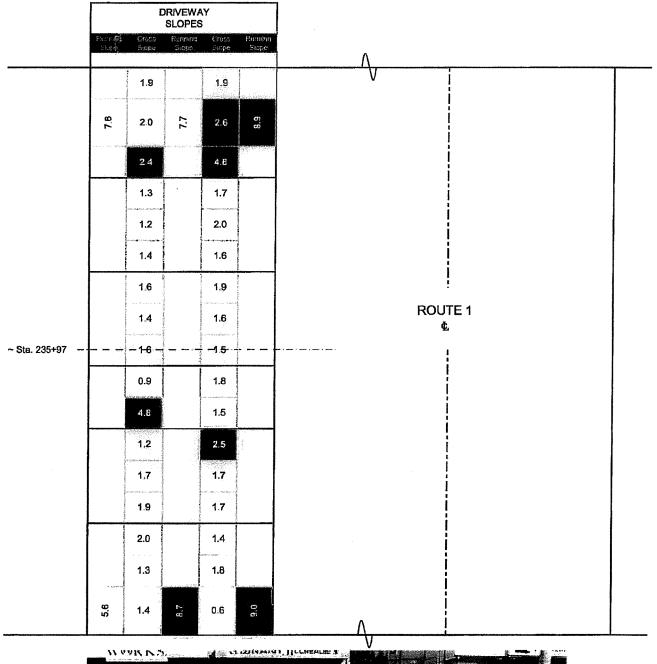


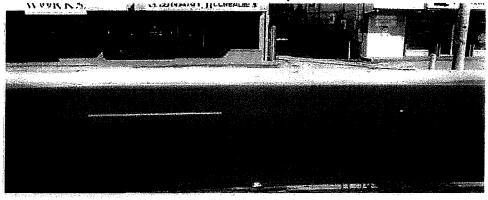


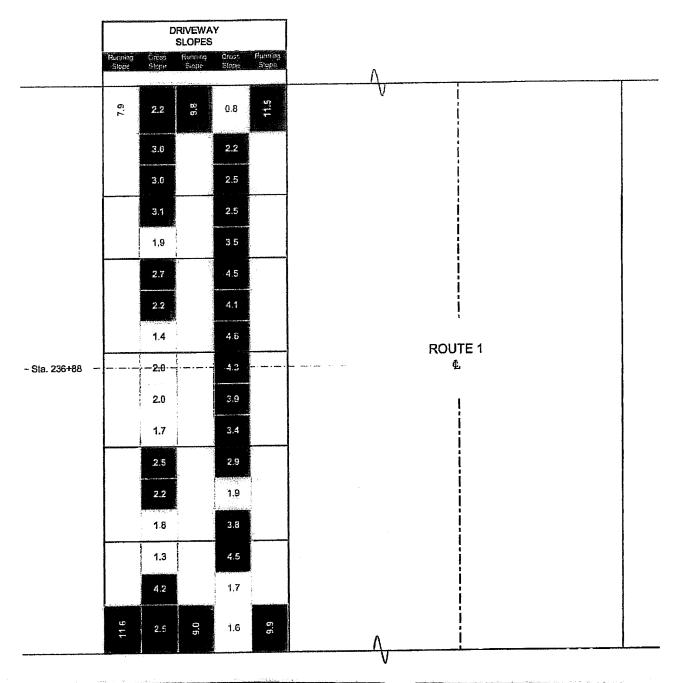


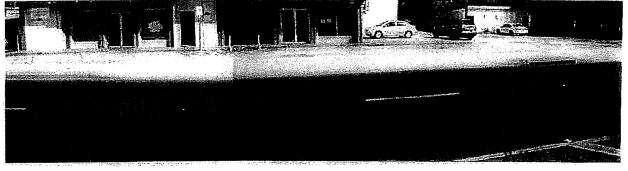


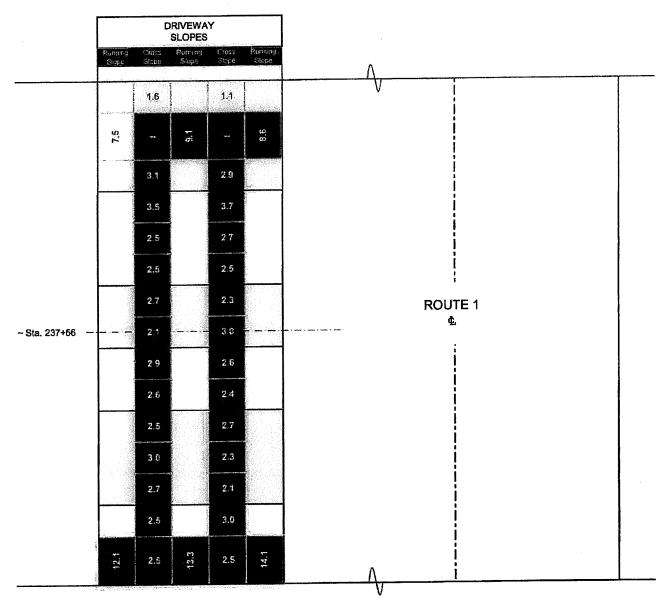


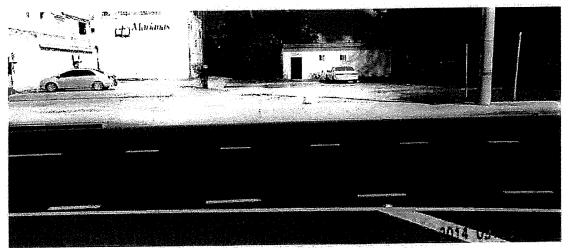




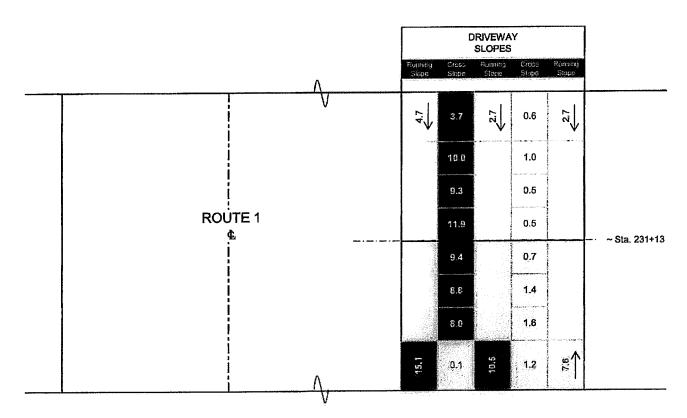


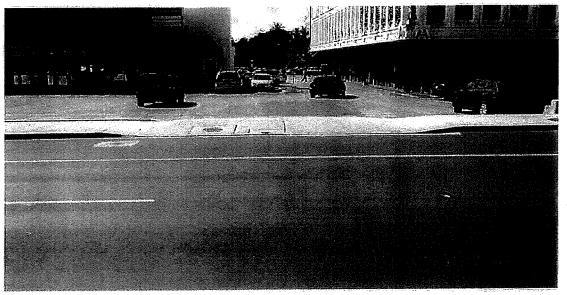




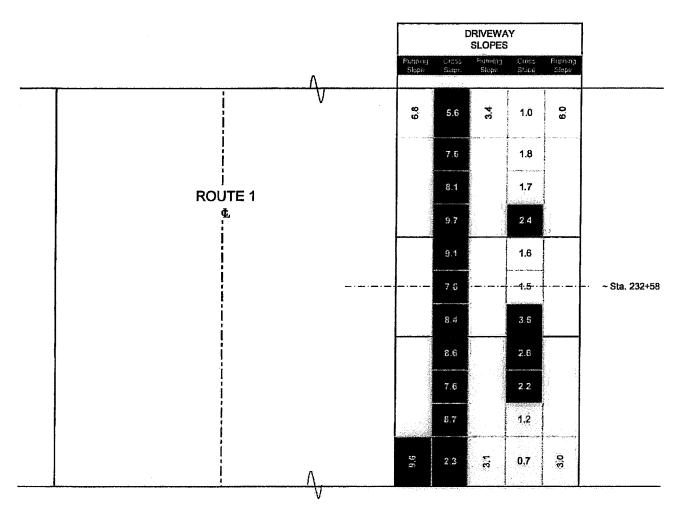


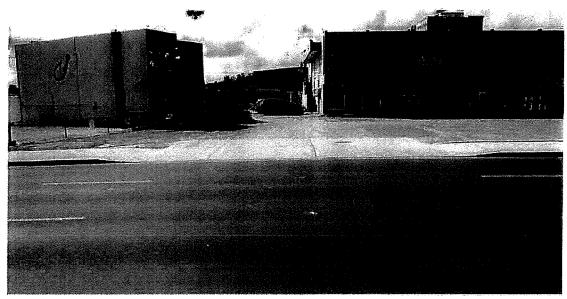
RTE 1 NB Side





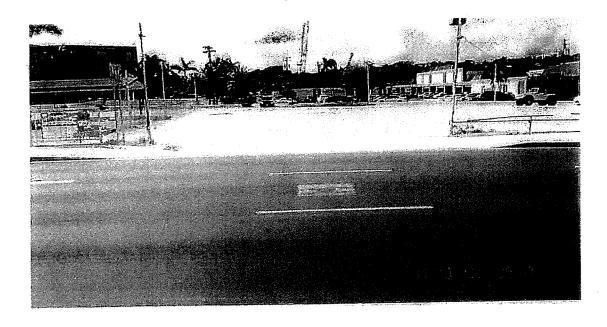
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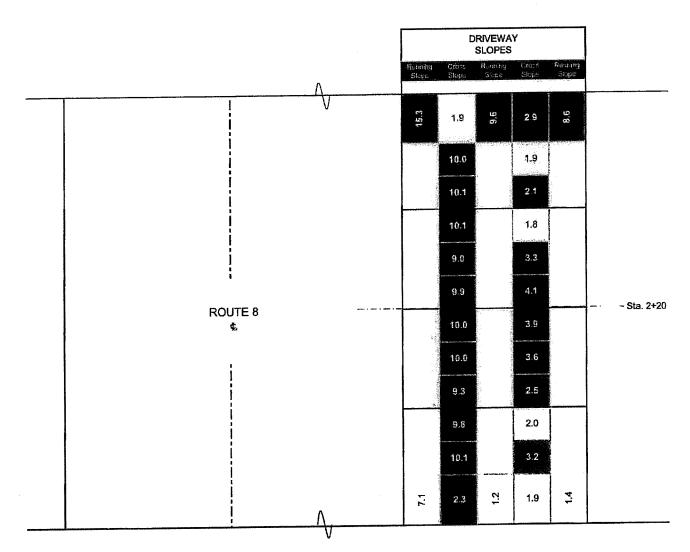


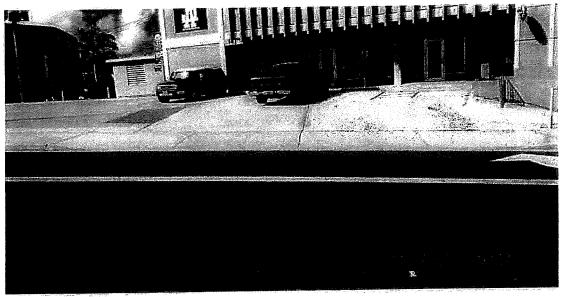
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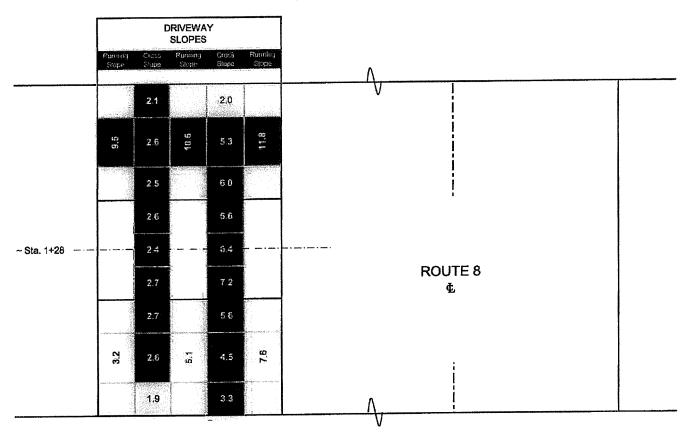
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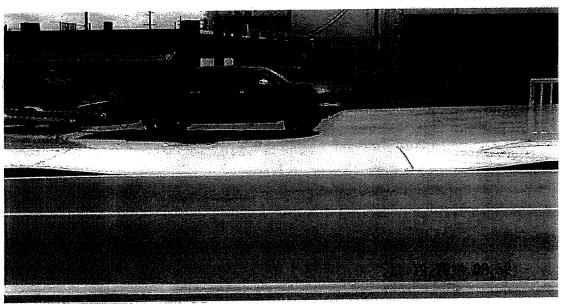


RTE 8 EB Side

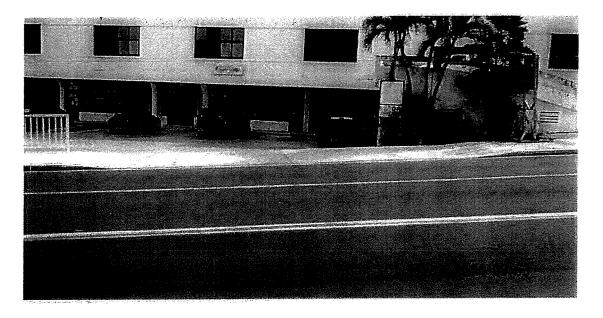


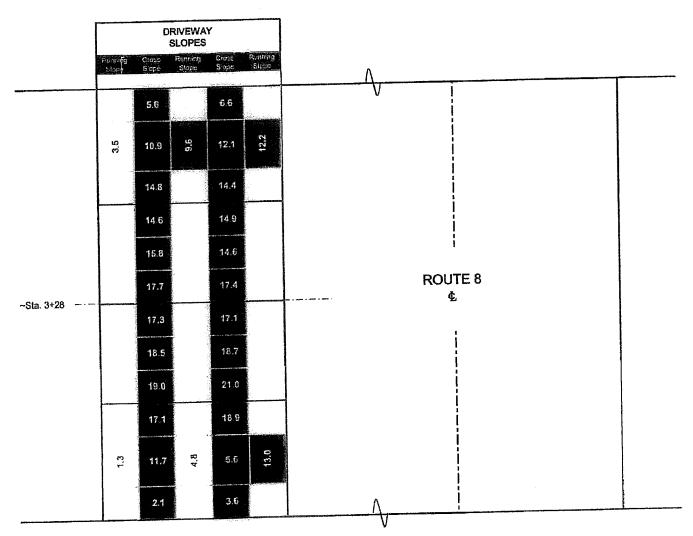


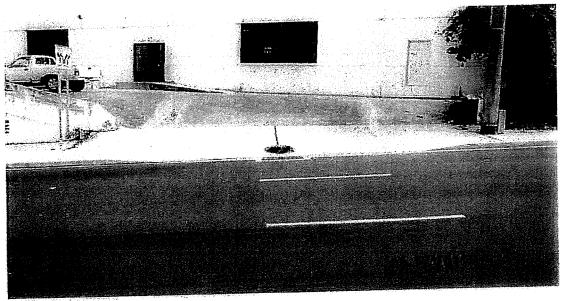


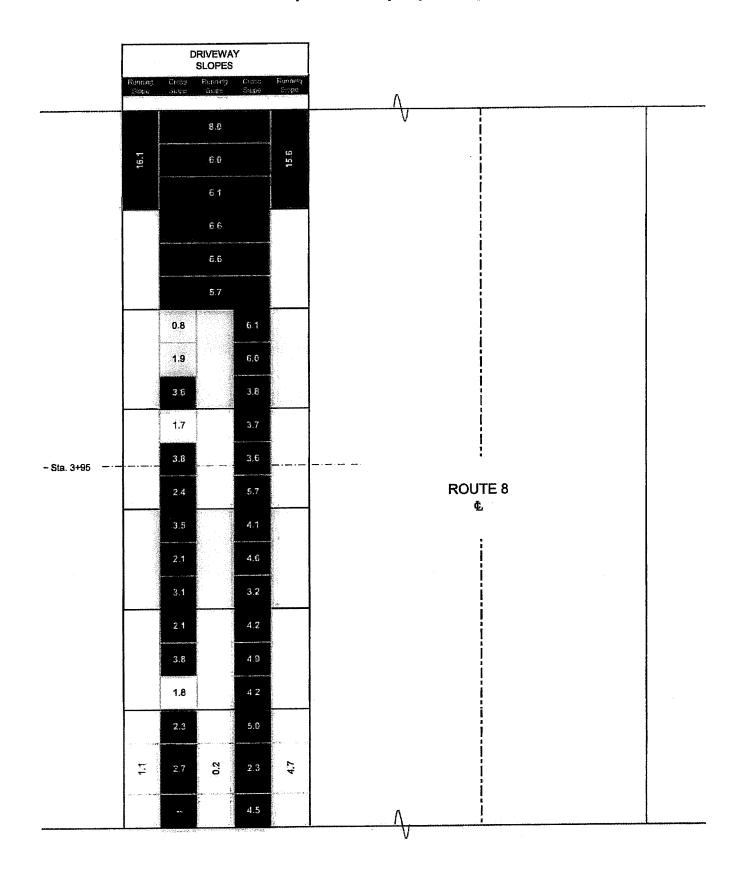


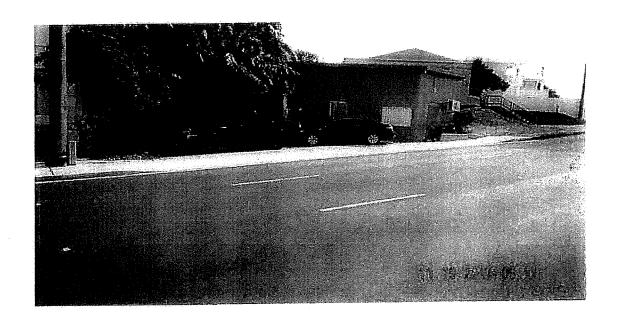
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In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT G







JUN 1 5 2017

01 10:44

Public works
DIDATTAMENTON CHE'CHO PUPBLERO

Glenn Leon Guerrero
Director
Felix C. Benavente

Deputy Director

JUN 13 2017

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

JUN 15 2017

RELEISEB Wa

Time: 10:16

Re:

Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement

Mas a alk

Project No. GU-DAR-T101(001)

<u>Final Demand to Complete Project</u>

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:
 - O 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%.
 - O 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.
 - O 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.
 - O 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.
 - o 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.

Route I/Route 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-T101(001) FINAL DEMAND TO COMPLETE PROJECT Page 5 of 5

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

CcElizabeth Barrett-Anderson, Guam Attorney General (via email only)

Crispin Bensan, 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

In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT H



JUN 2 7 2017
PARSONS

June 23, 2017

Department of Public Works 542 North Marine Corps Drive Tamuning, Guam 96913

Attention: Felix C. Benavente, Deputy Director

Re: Rout

Route 1/Route 8 Intersection Improvements & Agana Bridge Replacement

Project No. GU-DAR-T101(001)
Final Demand to Complete Project

Your June 16, 2017 Letter

Dear Mr. Benavente.

Core Tech International (CTI) is in receipt of the Guam Department of Public Works (DPW) letter referencing the above mentioned project entitled <u>Final Demand to Complete Project</u>. CTI received this letter on June 16, 2017. In this letter DPW instructs that CTI has 10 days from the receipt of this letter to submit a plan to "1-correct all drainage issues; and 2-Bring all Project sidewalks, driveways, and pedestrian ramps into full compliance with its contractual obligation and ADA requirements." This is to inform you that it will require longer than 10 days to prepare the plan requested by DPW. The reasons for the delay are explained in this letter.

CTI appreciates the listing of past events and corresspondances mentioned in you letter. However, as usual, your list and descriptions are incomplete and one-sided. They do not mention the many past submittals and communications between DPW/PTG regarding the development of these various solutions, now rejected, in which DPW/PTG did not reject the solutions but only give minor comments on the procedures. But most importantly, the letter does not mention that the last 3 communications from DPW, including 2 that are not even mentioned in this letter, were only received by CTI May 26, 2017 and June 9, 2017 and June 16, 2017. With the lengthy delays caused by DPW/PTG's responses to CTI submittals, (for example, it took over 2 months to respond to Mr. Servino's letter), it is unrealistic to expect CTI to respond to this letter in your artificial, self-imposed deadline of 10 days. Please remember that DPW/PTG has been reviewing the as-builts for over one year, a ridiculous amount of time.

For DPW to insinuate that CTI has not made a concerted effort to complete this project is absurd and unprofessional. Especially with the delays caused by DPW/PTG and how CTI was misled during the

construction process. Another example of this can be seen in the June 9, 2017 rejection of 18 submittals. These were 2nd or 3rd generation submittals for the same task. On the original submittals DPW/PTG had a few comments which were addressed in the responses. On the 18 rejected submittals received on June 9th it was mostly new comments never seen before. Why weren't they called out in the first submittals? These type of actions can only be coming from an organization with an agenda of delaying the project and damaging CTI.

Notwithstanding all of the above, CTI does agree with DPW that it is time to complete this project and wants to complete it as soon as possible. Therefore we have taken DPW/PTG's comments and forwarded them to the Designer of Record with the request of addressing all ADA issues and drainage issues so as to meet ADA standards and the specifications. The engineers are currently evaluating these documents. When they are done we will be able to provide a schedule for the completion of the project. We should have that schedule completed in 2 to 3 weeks.

At the conclusion of your letter you mention a coordination meeting. Based on our experience nothing is gained by having these meetings as your PMT only provides mis-information which is different than what we receive later in writing, such as with the June 9th letter. Therefore, in an effort to minimize the interference of DPW/PTG and expedite the completion of this project we do not see the need for meetings at this time and we will provide you the revised submittals s soon as possible.

Sincerely,

Chit Bathan

Chief Executive Officer

Core Tech International

Cc:

Elizabeth Barrett-Anderson, Guam Attorney General (via email)

Crispen Bensan, DPW Kin Blaz, DPW Tom Keeler, GAG Richelle Takara, FHWA Michael Lanning, PTG John Moretto, PTG David Yao, PTG Eun Ho, CTI

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Ed Ching, CTI Anita Ariola, AC&A Henry Taitano, CTI

Robert Marks

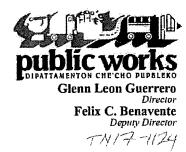
In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

Department of Public Work's Amended Hearing Brief

EXHIBIT I





JUN 3 0 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.





Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-TI01(001) Response to June 23, 2017 CTI letter Page 2of 2

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 Bensan, 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

TN17-1124

Department of Public Work's Amended Hearing Brief

EXHIBIT J



Office of the Attorney General
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ITC Bldg., Ste. 706
Tamuning, Guam 96913 • USA
Tel. (671) 475-3324 Fax. (671) 472-2493
www.guamag.org

Attorneys for the Government of Guam

IN THE OFFICE OF PUBLIC ACCOUNTABILITY PROCUREMENT APPEAL

IN THE APPEAL OF:) DOCKET NO. OPA-PA-17-10
CORE TECH INTERNATIONAL CORP., Appellant.	DECLARATION OF FELIX C. BENAVENTE

FELIX C. BENAVENTE makes this declaration under penalty of perjury under the laws of Guam and states:

- 1. I am retired from the Government of Guam.
- 2. From the period of February 2, 2015 to September 30, 2017, I was employed by Guam Department of Public Works ("DPW") as its Deputy Director.
- 3. During my employ with DPW I served as the procurement officer for the DPW and CTI's Design-Build Contract, dated September 30, 2011, (the "Contract"), pursuant to which Core Tech International Corp. ("Core Tech") agreed to build and perform construction work on the Route 1/8 Intersections Improvements and Agana Bridges Replacement Project No. GU-DAR-T101(001) (the "Route 1/8 Project").

Page 1 of 3

Declaration
In the Appeal of: Core Tech International Corp.
Docket No. OPA-PA-17-10

- 4. During this same period I served as the Procurement Officer for two (2) separate procurements for the Simon Sanchez High School Project ("SSHS Project"), both of which resulted in appeals by Core Tech International Corp. ("Core Tech") to the Office of Public Accountability ("OPA"). These appeals were *In the Appeal of Core Tech International Corp.*, OPA-16-007/OPA-PA-16-011 and *In the Appeal of Core Tech International Corp.*, OPA-PA-17-001.
- 5. I also served as a member of the Guam Transportation Group ("GTG"), which serves 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 Project.
- 6. The GTG regularly meets on Friday's to review and discuss, among other items, the status of proposed and existing or open Federal Highway Administration ("FHWA") funded projects, such as the Route 1/8 Project.
- 7. Core Tech achieved substantial completion on the Route 1/8 Project on August 25, 2016 ("Substantial Completion").
- 8. Following Substantial Completion Core Tech regularly promised to complete the Route 1/8 Project.
- 9. Notwithstanding Core Tech's numerous promises to complete the Route 1/8 Project, on August 23, 2017 DPW issued a Notice of Termination/Default ("Termination") to Core Tech on said project.
- 10. As of the date of Termination a number of items need to complete the Route 1/8 Project were outstanding, including but not limited to, the need to correct project sidewalk panels that Core Tech itself agreed were at least 58.2% non-compliant with the American with Disabilities Act ("ADA"), the parties Contract and the Plans and Specifications.
- 11. The timing of DPW's Termination was based on Core Tech's breach of Contract, violation of the ADA and the advice of counsel who informed the GTG and me that the Route 1/8 Project's Surety's Performance and Payment Bonds 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.
- 12. I recall discussing the Substantial Completion deadline with Assistant Attorney General Thomas Keeler any number of times.

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- 13. The GTG is not responsible for, nor is it involved with, the SSHS Project.
- 14. I do not recall any GTG discussions involving the SSHS Project. Certainly the SSHS Project was never discussed with regards to discussions concerning Core Tech's ongoing default and possible termination on the Route 1/8 Project.
- 15. I am advised that Core Tech alleges that DPW's decision to terminate it on the Route 1/8 Project was in retaliation to its appeals to the OPA on the SSHS Project.
- 16. In addition to being offensive, Core Tech's allegation of retaliation is patently false.

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

Submitted this 6th day of December, 2017.

Bv:

FELIX C BENAVENTI

Department of Public Work's Amended Hearing Brief

EXHIBIT K



Office of the Attorney General
Elizabeth Barrett-Anderson
Attorney General of Guam
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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., Appellant.)) DECLARATION)))

JOAQUIN BLAZ makes this declaration under penalty of perjury under the laws of

Guam and states:

- 1. I am employed by Guam Department of Public Works ("DPW"), Division of Highways, as its Acting Highway Administrator.
- 2. 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").
- 3. 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 1/2 timon Sanchez High School Project No. 730-5-1057-L-YIG ("SSHS Project"). The SSHS



eal of Core Tech International Corp. OPA-PA-17-0030 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

Page 2 p. 2 Declaration In the Appeal of Core Tech International Corp. Docket No. OPA-PA-17-0090

Department of Public Work's Amended Hearing Brief

EXHIBIT L



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IN THE OFFICE OF PUBLIC ACCOUNTABILITY PROCUREMENT APPEAL

IN THE APPEAL OF:) DOCKET NO. OPA-PA-17-10)
CORE TECH INTERNATIONAL CORP., Appellant,) DECLARATION OF) JOHN MORETTO)

JOHN MORETTO makes this declaration under penalty of perjury under the laws of Guam and states:

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 located at the ITC Building, 590 South Marine Corps Drive, Suite 403, Tamuning, Guam, 96913.

2. I serve as a PTG representative for the Guam Transportation Group

("GTG"), which provides policy direction and guidance to the Department of Public Works

("DPW") 2030 Guam Transportation Program. PTG provides compliance management

assistance, augments the forward planning and execution effort by DPW, and provides

advice to DPW.

3. PTG's sole client on Guam is DPW. PTG and its staff provide assistance to

DPW with respect to the planning, design, construction and repair of Guam's routed roads

that are funded by the Federal Highway Administration ("FHWA").

4. I serve as Construction Manager for PTG. In this role, I provide

construction monitoring on FHWA funded projects and meet and communicate with

DPW's Director, Glenn Leon Guerrero, its Deputy Director, Andrew Leon Guerrero;

DPW's Acting Highway Administrator, Joaquin Blaz; and Assistant Attorney General,

Thomas Keeler. I also communicate and meet with DPW's Director, Deputy Director,

Acting Highway Administrator and other DPW staff members throughout the work day and

week.

5. I am familiar with DPW and CTI's Design-Build Contract, dated September

30, 2011, (the "Contract"), pursuant to which Core Tech International Corp. ("Core Tech")

agreed to build and perform construction work on the Route 1/8 Intersections Improvements

and Agana Bridges Replacement Project No. GU-DAR-T101(001) (the "Project").

6. Core Tech achieved substantial completion on the Project on August 25,

2016 ("Substantial Completion"). In late May or early June 2017 DPW and the FHWA

discussed terminating Core Tech on the Project due to its ongoing failure or refusal to

Page 2 of 3

correct work that DPW and FHWA stated was non-compliant work and otherwise perform

the construction work needed to complete the Project.

7. In late May or early June 2017, I recall Assistant Attorney General Thomas

Keeler verbally advising the GTG that it was possible that the Project's Performance and

Payment Bonds may not be enforceable if did not terminate Core Tech prior to the one year

anniversary of Substantial Completion. I recall Assistant Attorney General Thomas Keeler

providing this advice during one of the GTG's weekly Friday meetings.

8. I am not familiar with the Simon Sanchez High School procurement ("SSHS

Procurement"), nor any procurement appeals filed by Core Tech or others with the Office

of Public Accountability. The GTG is not responsible, nor is it involved, with the SSHS

Procurement. I do not recall any member of the GTG, in or out of its regular Friday

meetings, ever stating DPW's decision to terminate Core Tech was related to anything other

than Core Tech's default on the Project.

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

Submitted this 6th day of December, 2017.

Bv:

JOHN MORETTO

Department of Public Work's Amended Hearing Brief

EXHIBIT M



TRANSMITTAL No. 00012

Page 1 of 1

DATE: 12/5/2011

TO:

CoreTech

500 Mariner St.

Tiyan

ATTN: George Estrada

Barrigada, GUAM 96913

PROJECT: GU-DAR-T101(001)Rte1-Rte8-Agana

PROJECT ID#: GU-DAR-T101(001)

CONTRACT#: 68

REF: (2) Submittal Signed by DPW

Chief Engineer

WE ARE SENDING:	SUBMITTED FOR:	ACTION TAKEN:
Shop Drawings	Approval	Approved as Submitted
Letter	Your Use	Approved as Noted
Prints	X As Requested	Returned After Loan
Change Order	Review and Comment	Resubmit
Plans		Submit
Samples .	SENT VIA:	Returned
Specifications	X Attached 1	and-Delivered Returned for Corrections
X Other: (2) Submittal Signed by DPW	Chief Engin Separate Cover Via: Mail	Due Date:

PACE	AGE SUBMITTAL	REV.	ITEM NO.	COPIES	DATE	ITEM	DESCRIPTION	STATUS
107	107.002	001	001	01	12/5/2011	SUT	107.002-01 Activity Hazard Analysis	NET
155	155,001	001	002	01	12/5/2011	SUT	155,001-01 Baseline Schedule	NET
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Remarks: Please see attached (2) Submittal Signed by DPW Chief Engineer.

CC: Rigolberto Diaz, Acting Supervisor, DPW

Michael Sadowski, PE

Deputy Const. Manager, PTG for DPW

m



CONSTINUTE TRAINONAL

General Contractor: disa Sun Woo Corporation
Physicial Address: 500 Natriner Ass., Tryon Berdyada, Guarn 96813
Rating, Address: 1900 Army Drive, Sulla 107, Dejedo, Guarn 96829-6517
Phone: (87) 473-5000 | Fax (87) 1473-5500 | Email: main@coretechnid.com

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A1060	Cut & Fit & Sub-Grade Properation	R	07-Jun-12	10-304-12	07-Jun-12	18-Jul-12				ł	Cur 8 Fil is Sup-Grade Preparation	rade Preparatori		÷		
A1090	Place 8" thick Sub-Bean Course	8	06-Jul-12	16-Aug-12	00-Jul-12	16-Aug-12					Flace of the	Race of the Sub-Buretteura				
A1180	Place & thek Base Course	æ	20-Jul-12	05-Sep-12	28-Jul-12	05-Sap-12					Puser	Paper 8" Histor Bases Counts				
Antso	Dispress of Excess Excessive Makeries	*	17-Aug-12	05-Sep-12	22-Aug-12	10-Sep-12					Depose	Disposar of Externa Excensived Movements	od Movencis			
Drainage,	Drainage, Sewer & Ciliar Utility Works		11 11 11	21. (day-11)	21 (6/2) 12		<u> </u>	1 · · · · · · · · · · · · · · · · · · ·	1	1	₩ 07: Aug-52				,	
A1120	Notice of Rebealan to Agencies (GTA, GPA, GWA, NAVFAC)	1.2	17-Apr-12	15 May-12	31-May-12	28-Jun-12	32		đ	Per Notice of Re	ncation to Agree	(1999) Notice of Reficemen to Agencies (GTA, GPA, GWA, NAVERC)	A NAVERC)			
A1020	Returnion of Utilias, Trench Essay ann and Laying of Poes	42	11-Jun-12	07.Aug.12	20-Jun-12	16-Aug-12	7				Paracriton of	Diskins, Trends Exc	CONTROL RESCUESOR OF DIMENS, Trench Excercism and Layer, of Falsa	N.		
Rendway	Roativay Pavaniant Warts		17 Aug 12	21:11:0:11	21.0	10.00					Ī	11.0cl/12				
A1470	Construct Divamays	3.	17-Aug-12	06-Sep-12	17-Aug-12	08-Sep-12	D				Cdraftu	Construct Divieways				
A1160	Construct Bickwalk and Rashna	16	06-Sep-12	27-Sap-12	61-Del-12	22-Oct-12	17			•	Co.	FED. Construct Sitteman and Rollings	Rollings			
A1110	Prepare and Piece Hol MacArphal/Privencent	.	11-Sap-12	01-Dct-12	11-Sep-12	01-Oct-12					a	pare and Place Hot	Prepare and Place Hot Mar Asphale Pavement			
A1280	Place Signs and Pavament Markings	23	02-Oct-12	11-Oct-12	23-Oct-12	01-Nov-12	\$. 0	D Place Signs and Pavernani Merkings:	entern Merkings:			
Reute 1: Pt	Route 1: Phase 1; Median		* 01:00:12 . 1.FZ0.Puc13 _ 01:06:72 .	20-Pat-13	Z1-190:10	Belling.				*****	Ţ		7 20-Feb-13		•	2.7
A2960	Public Outratch - Works on Middle Lane	-	The second second second	01.Oct-12		91-0et-12	0				♦	Public Outreacti - Works on Middle Lana	s on Middle Lavin			
A2950	Install Temporary Traffic Devices	21	02-Oct-12	03-Oct-12	Ø-0ct-12	03-0cl-12	0				S U	I install Temporary Traffic Devices	Devees			
A2970	Install Dirt and Dust Control		04-Oct-12	08-Oct-12	04-Oct-12	08-Oct-12	0				. .	Install Dark and Dust Control	potivo	* * * * * * * * * * * * * * * * * * * *		: 4
A2960	Clearing and Grubbing	, 45	09-Oct-12	15-DeF-12	08-Oct-12	15-Oct-12	•					Clearing and Grubbing		• •		
A2990	Removal and Disposal of Overgrowth Vegelation	*	18-Oct-12	19-Oct 12	02-Nov-12	07-Nav-12	13	2 - 2 d	- /	****		Removal and Dispo	Removal and Disposal of Overgrowth Vepelation	A Dr.		
A3000	Removal of Tress and Transfer to GTI Nursecy	۲.	22-04-12	23-Oct-12	08-Nov-12	D9-Nov-12	£			*****		Removal of Trees.	Removal of Trees, and Transfer to CTI Nursery			•
Damel Ilon Works	1 Works		a non	30.00							L	₹ 30-Oct-12				
V2850	Demotion of Remaining Median	e	16-Dcl-12	18-Oct-12	16-Oct-12	18-Oct-12	0				=	Demokson of Remishing Medien	navg Medien			
A2870	Temporary Paving	w	19-Oct-12	25-Dcl-12	19-Oct-12	25-Oct-12	•			••••		Temporary Paverg		* .		
A2680	Pavement Markings for 4 Lands, Two-Way Traffic		28-04-12	7	28-04-12	30-0ct-12						Povement Markings for 4 Lanes.	gs for 4 Lanes, Two-Way Tradie	Traffe		•
Enrillsweith	Earthworks & Road Base Preparations		10.01				 [6]					Ĭ	7 15-Jan-13			
	Cutting and Removal of Paverners / Demotion Works	21	31.00t2	26-Nov-12	31-00-12	28-Nov-12	0		the second secon	***************************************		Culting and	Cutting and Removal of Payament / Demolton Wishe	Ээткжийн Мохия		
٠.	Out & Fill & Sub-Grade Preparation	5	12-Mov-12	10:Dec-12	12-Nov-12	10-Dec-12	c	• •	••••			Se & F	Cut & FP & Sich-Griede Pieparation			-
	Place S' Thick Sub-Base Course	2	11.Dec-12			Q8-Jan-13	6					Ž	Place 6: thick: Sub-Base Course			
	Place of their sese Course	Ę	18-Dec-12	15-Jan-13	18-Dec-12	15-Jan-13	o					Æ	Place B" thick Besig Course			
A3010	Die posal of Engasa Excavated Materials	2	27-Dec-12	15-Jen-13	01-Jan-73	18-Jan-13	en .					ő []	Disposal of Excest, Excavated Metericis	ed Meterials		
Drainage, E	Drainage, Sewer & Other Uthity Works			THE STATE OF	21, 305, 47								10-Jan-13			
42860	Relocation of Lifelies, Trench Excessition and Laying of Pipes	42	14-NOV-12	10-Jan-13	26-Dec-12	21-Feb-13	8					R. R.	Reposition of Univiles, Tranch Exampleon and Laying of Proces	Gravation mod Laying	of Pipes	
Readway P	Raadway Paysment Warks	: :	15 Jan 45	11.0	21,480,13	th sea	I	••••				1	▼:20-Feb-13			
A5020	Construct Sidewalk and Railings	18	16-Jan-13	05-Feb-13	31-Jen-13	21 Feb-13						0	Construct Sidewalls and Hollange	Hollenge		
A2930	Propers and Pace Hot Vike Asphal/Pavement	12	21-Jan-13	08-Feb-13	21-Jan-13	06-Feb-13							Prepare and Place Hot Mx.Asphalt/Ps verner	Wax Asphald/Psysoneni		
A3030	Var kings	\$ 0	11-Fab-13	20-Feb-13	22-Feb-13	05-Mar-13	6						☐ Pace Signs and Preement Markings	pment Markings		į
Route f; Ph		8	DE-Pad-10"	21.08415	Series to	191	h	• • • • •						7.21-Jun-13		
A3786	Public Oulvesch - Works on North Bound	6	0	08-Feb-13		08-Feb-13						X .	+ Plake Outrainh - Workston North Bound	ajon North Bound		
Rem	Remaining Level of Effort (Essentis): Remaining Work Adual Level of Effort (Essentis): Orkios (Remaining Work	I	S.	toute	l, Rot	ite 8 Ir	Route I, Route 8 Intersection Improvements and Agaña	ion Imp	roveme	ints and	Agaña		START DATE: 17-Aug-11 COMPLETION DATE: 26-Nov-13	39-11 09-13		
Adu	Actual Work 💠 👫 Mitations					Bridg	Bridges Replacement Project	acemen	t Projec	ų.				:		

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	3		13·19·42	(2*Ca)-[:]	こんきんご	Treation	=							T UNITED	INDIA THE DESIGNATION TO SHEED BELLEGIES		
A) 66		-	D-88-13	15-60-13	FLF-181-13	134Feb-13							•	insul ji	If Install Dat and Dust Control		
ELS	Cheering and Counting	47	13.540-13	22.5en.(1	19. Fab. 13	13 (Sal. 17	-	3. 						100	E. Cleaning Grabbing		
ALCE	Removed and Disposal of Guangstouts Voyeschas	¥	25 (581-1)	CI-HEZ-M.	18-5-415-17	O7-K837-10	anna anna	,						£	fitting Variation Decorated of Contraction	Amende Vessiates	
Actro	Ramoval of Tracs and Traisier's CTI Aurzery	7	01.165/-13	U4.664-13	CJ:1879:30	13. A.M. C.			-					Ū.	T. Shermanning Trakes soon Tennesters in Contraction	for the Contraction	
MILLER STRING	Earthworks & Road Baas Preparations					THE STATE OF THE S		٠,							2	fire common so	
A3080	1 (Custing and Removed of Paulonaut / Demistra Volum		(14.40m. 44			A3 6.00 13								į l	C1 -4-00-00-12		
CTAN						e la con		• •							Coling and Removal of Paveners / Dampleon Work	Faveners Damois	on Works
197	- {		T-JON-CI	TI-MACI	13-40X-13	The Market	-							 E1	ESTE Currentes Sub-Grade Preparation	to Preparation	
2	- 1	7	13-Apr-13	(3-KGy-1)	16.A.M17	14-86ap-13								-	THE Place O' HICH Sub-Bace Course	Sub-Beet: Coursie	
ADT#U	-	7	22-4pr-13	20-May-13	23-40x-13	21-May-13									Trend Place 8" Itich Base Colinse	Ses Course	
A3200	Disposal of Extens Excovated Materials	2	01-Key-13	284409-13	15-Klay-13	C1-nut-E0	٤			• • • •					Disposal of Excess Encavated	NOBES ENCANDED NA	erick
Drailin	Distings, Sower & Other Utility Werks		th contract	FILM TO THE	Shari's	1	ę.							l	15.Mey-13		
A3130	Notice of Relocation to Agencies (GTA, GPA, GWA, NAVFAC)	- C)	flk-Feb-13	18-Mar-13	27-May-13	24-Apr-13	27	•	-		- 1			0	Molicus of Relocation to Agencias (GTA, GRA, GWA, NAVFAC)	encias (GTA, GIRA, C	WAY NAVEAC
A3050	Rehooslan of Usides, Trench Ecovation and Lump of Paes	£ 42	10-RAst-13	15-May-13	18-401-13	T2-Jun-13	R								Telecolos of United Care Excellent Property	Mines. Treach Exces	Step and agen
		THE RESIDENCE AND ADDRESS OF THE PERSON NAMED IN	COLUMN TO PRODUCE TO SECOND	2			1										
MBHEN	3						r	• • • •							21-Jun-13	-13	
A 110		10	14-May-13	23-Mby-13	03-Jun-13	12Jun-13	R		**						E Remove/Rem	C Restore/Reconstruct Division by	
A3270		9	21-May-13	11-Jun-13	22-May-13	12-Jun-13	-								Construct	Construct Sidewalk and Relarge	
A3120	Prepare and Place Hot Mix Asphott/Privament	£	24-May-13	13-Jun-13	04-Jun-13	24-Jun-13	_				ş				Prepare:	Frepare and Place Hol Kox Asphat/Povemen	shatt/Povement
A3220	Place Signs and Pavement Markings	•	12-Jun-13	21-Jun-13	13-Jun-13	24-Jun-13	/-								S BOOK	E. J. Placer Storic and Playerman Markings	acking.
Final Su	Final Burischip Residention Works	F	** 8CBO3H	SCHOOL S	SHEORES.	PACTOR CHANGE TO BOOM TO CA										24-0ct-12	0.13
A4130	1" Asphal Overlay - Friction Course		15-0ct-13"	29-04:13	15-Oct-13	28-Dci-13	-	4-									T. At at to Mark Charles
Route B	Route 8: Sta 00:24 - Sta: 4+10; Lane from Route 1	- 20	212 2012			STATE STATE			•••	1							15,8lber 13
Route E	Posts E. Bla. 06-24 - Sta. 4+10. Lans (rom Bouts 1-1		X.A.v.17	25. Ame 12 11. Det. 12	ARANA ARA	C) Way	·										
01430	Bulle Culturest, Morte per Court Desired							•			***		Ti-mo-le				
43520		> 1		21-104-02		71-10-10	= [•	Public Outebon - World on South Bound	Nous ou o	Suit Bound				
	CONTRACT CONTRACT AND ADDRESS OF THE PARTY O	:	71-Jdy-07	71-JÓV-/7	21-4034-17	22-May-12	= 1			<u>.</u> .	Install Tensporary Troffic Devices	ry Traffic Devic	8		-		
A3540	Install Did and Dust Control	e	30-Apr-12	02-Moy-12	23-May-12	25-May 12	₽				Install Dirt and Dust Control	Dust Control					* * * * * * * * * * * * * * * * * * * *
A3550	Chearing and Grubbing	uo	03-May-12	09-May-12	28-May-12	07-Jun-12	Þ			.	D. Cleansy and Grubbing	Grubbing					
A3860	Removal and Disposed of Overgrowth Vegeleiton	*	10-May-12	15-Way-12	08-Jun-12	13-Jun-12					D Hemovolan	Deposol of 0	D. Hemoval and Disposal of Overgrowth Vegetation	paten	***************************************		
A3570	Removal of Trees and Transfer to CTI Nursary	7	18-May-12	17-May-12	14-Jun-12	15-Jun-12	75				Removal of	Trees and Than	Removal of Trees and Transfer to CTI Nursery				
Demail	Domolifien Works			21500		REFERENCE	į.				20-310-12	12					
A3420	Demotion of Median	. 10	10-May-12	23-14gw-12	Ob. Lun-12	15-11st-17	4			 	[1] Demilian of Made	A Marketon		• • • •			
A3440	7		24.Adm.12	OS. line. 13	18. km. 13	20 100 43	: [1										
A3450			07. km.12	20. box 12	02.44.62	13. 54.43	-										-
Entitive	Earlitearis & Frest Bean Presentant									****		effert seem transit	Services, 198	Switch (State)			• •
A3480	Colling and Removal of Descended Described Marks		1									71-090-00	<u> </u>				
3	- 4		Z1-Jun-12	19-30-12	1	13-Aug-12	4					Cutting and Re	Cutting and Removel of Paveniers / Demotton Works	ent / Demokton	Vorks		
2			03-304-12	tvi .			<u>_</u>					CHAPPE	Curt Fir & Sub-Grade Preparation	CONC.			• • • •
A3480			01-Aug-12	29-Aug-12	24-Aug-12		<u></u>		•			Pace !	Place 8" thek Sub-Base Course	Course.			
A3490	Proce of Link Bees Course	5.	08-Aug-12	05-Sep-12	31-Aug-12	25-Sap-12	12			Secretary of		F .	Free Phice 6" thick Base Course	dsino			
5 8	Remaining Level of Effort (MARKE) Remaining Work Adual Level of Effort Critical Remaining Work	l	₹ S	Route	I, Rot	rte 8 lı	ters	te I, Route 8 Intersection Improvements and Agaña	Impro	vemei	its and	1 Agai		START DATE:	START DATE: 17-Aug-11		
8	•					Bridge	0	Bridges Benjacement Drainet				ŀ	-	COMPLETION	DATE: 26-Nov-13		

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Ol virio	Actually Nistre	Organal	Blan	Fersett	Luie Start	Leve Fronts	Flore	Sanfort	1	East War	Av (Ray)	2) (2)	San for	Actor (Open Jay (Fee)	2016 See for the first two fact that hat the fac	a Section (Rec	304 Jan (5.8)
ATSAR	Depoted of Excels Excelsively Makenals	2	17-Aug-12	05-Sep-12	14-Sep-12	U-04-12	35		2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		2		Capara	Chiparatol Cares Caravard farmis	and:		
Drainage	Drainage Sewer & Other Utility Works		-			2		•					4 ON Sep. 12			• •	
A3510	A3510 (Notice of Rehaption in Agracies (GTA, GPA, GWA, NAVEAC)	21	21-Jun-12	18-101-12	08-Aug-12	05-342-12	₹,					2	can't Raben	POST (1982) POST (1984) POST (1984) (1984) (1984)	R GWA RAINED		
8	Redoctation of Usebier, Trends Extro Mest, Leying of ProtestConduist, Verves & Bosen	42	11-346-12	06-Sap-12	28-A-40-12	24-000-12	25					To comp	Helixian	n of Lithing, Tressus Ex	TEXESTER FLOORING LIBRES, TOWN ELEVENY LEGIN OF PROFICE CONFIG. VALUES & HOMES	s, Waves & Boxes	
	tondony Pavenient Works	3	70000	EL POOI	2121 (1)		Ġ	\$ ·	1000			***	Ī	11.0342			1
V3590	Construct Blanuais and Rusings	16 0	08-Sep-12	27-8ep-12	03-Det-12	74-Oct-12	ç			•			5	EEE CONSTIUCT SAIRWARE WATTERWAYS	est to		
A3500	Prepare and Place Hot Mix AsphaluPavoment	tb 1	11-Sop-12	01-Del-12	94-Dct-12	24-061-12	<u></u>						£ 1	CELL Propert and Place His Marksubset/Decorner	Saling@Payenmil		
A3600	Place Signa and Pavement Merkings		02-Onl-12	11-0:4-12	25-000-12	05-Nov-12	14						19	D Floor Signs and Placement Markage.	W. Harbergs.		
Route B.	Raule B. Sta. 00-24 - Sta. 4+10, Median	\$1.50.00% 18		G-Feb-15	2 De 12	(28 Feb. 13.							ļ	20	▼ 07.Feb:13		
62750	Public Culteach - Works on South Bound	0	4	03-Oct-12	03-0ct-12 22-0ct-12	22-0ci-12	<u>-</u>	 -					.¥ .`•	 Puber Outreach - Works on South Board 	South Boond		<u>.</u>
A3740	Install Temporary Traffic Devices	٥	04-0ct-12	05-Oct-72	23-Dcf-12	24-004-12	2						. Tu	I maint Termorray Traffic Devices	WORS		
A3730	Install Dirt and Dust Cantrol	o c	08-Oct-12	10-Oct-12	25-061-12	29-Oct-12	£					•	. 	1 Install Cirt and Dust Control			
A3740	Clearing and Grubbing	.	11-Oct-12	17-Dcf-12	30-Det-12	05-Nov-12	₽						•	Cleaning and Grubbing			
Earthway	Earthworks, & Road Base Preparations	- 	dien T	02-Jan 13	21 (10) (2)	1 77.7%							L	02-Jan-13			
A3650	Culling and Removal of Pavement / Demotion Works	21 1	18-Oct-12	15-Nov-12	06-Nev-12	04-Dec-12	E2						10	Culling and Remo	[First] Colling and Removal of Pavement / Demotion Work	5	
A3860	Cut & Fit & Sub-Grade Preparation		30-Oct-12	27-Nov-12	16-Nov-12	14-Dac-12	2		• • •		,			Cut & Fill Sub-Grade Preparation	Gradb Preparation		
A3670	Place 6" Blick Sub-Base Course	21	28-Nov-12	26-Dec-12	17-Dec-12	14-Jan-13	٤	• • •						Cara Place 5" (f)	(FEEE) Place 8" (Bick Sob-Base Course		
A3680	Place 8" thek Bose Course	72	05-Dec-12	02-Jan-13	24-Dec-12	21-Jan-13	F)							Playe (5)	Place of thick Base Course		
A3770	Disposal of Excess Excavated Meterals	7	14-Dec-12	02-Jan-13	07-Jan-13	24-Jan-13	9							Disposal	Disposatof Excess Excavaled Molenats		
Rasdvay	Randway Payament Wesky	9.	11-481-13	error ta	A-100-13	St. Colonia			: <u>:</u>			о, м		Ì	7 07-Feb-13		
A3780	Construct Sidewalk and Relange	16 00	03-Jan-13	24-Jan-13	24-Jan-13	14-Feb-13	1 2							Soo Com	Construct Schwink and Refings		
A3990	Prepare and Prace Hot Min Asphalithavement	5	08-Jun-13	28-Jan-13	25-Jan-13	14-Feb-13	=							Property Pro	Frepare and Phice Hol Max AsphalePave	- Justina	- 1
A3790	Place Signs and Pavement Markings	ac)		07-Feb-13	15-Fab-13	28-Feb-13	5							B	Disce Signe and Payamont Markings		
Route 9, 2	Route 8: Sta. 00:24 - Sta. 4+18; Lans to Route 1;		12-Feb-13	19-Jun-13	12-Feb-13	25-Jun-13								1	18-July 13		
A3340	Public Outreach - Works on South Bound	0		12-Feb-13		12-Feb-13	0				-			•	 Public Dukeach - Works on Sputh Bound 	Bound	
A3330	Install Temporary Traffic Devices	.2	13-Feb-13	14-Feb-13	13-Feb-13	14-Fob-13	•							-	Install Temphrary Traffic Davices		
A3350	Install Dirt and Dust Control	ř	15.Feb-13	19-Feb-13	15-Feb-13	19-Feb-13	. 0								I Install Diri and Dust Control		
ASSEO	Clearing and Grubbing	ا لا ده	20-Feb-13	26-Feb-13	20-Feb-13	26-Feb-13	0								Cleding and Grubbing		
A3370	Removal and Disposal of Overgrowth Vegetation	4	27-Feb-13	04-Mar-13	10-May-13	15-May-13	53								D. Removetend Disposal of Overgowith Vegetation	gowih Vegetation	***
A3350	Removal of Trees and Transfer to CTI Nursery	8	05-Mar-13	06-Nar-13	18-May-13	17-May-13	23								Removal of Trees and Transfer to CTI Nursery	r to CTI Nursery	
Eadlinea	Earthworks & Road Boso Proparations	63	27.6.0.10	of Contract	27 Feb. 13	12 (5.14.2)					•••				14-1469-13		
A3270	Cutting and Remoyal of Pavament / Denotition Works	23 27	27-Feb-13	27-Mer-13	27-Feb-13	27-Mar-13	0								Cuting and Removal of Pavement: Demolition World	wement? Demoillion	Vorise
A3280	Cut & Fit & Sub-Grade Preparation	23	11-Nar-13	08-Apr-13	11-Mar-13	08-Apr-13	c								Cult Filt Sub-Grade Properation	reparation	
A3250	Place 8" (hick Sub-Base Course	7.	09-Apr-13	07-May-13	09-Apr-13	07-May-13									Place 8" Infck Sub-Base Course	Rase Course	
A3300	Place 8" thick Base Courso	71	18-Apr-13	14-Kay-13	16-Apr-13	14-May-13	0								Mare Pace () the Base Course	en Courso	
A3390	Disposat of Excess Excevated Materials	14 35	25-Apr-13	14-May-13 30-Apr-13		17-May-13	. e								Disposal of Exce	Disposal of Excess Encalused Materials	
Drainage	Oranage: Sewer & Other Ulliny Works.		13 6 7 13		to Highest	10.0								L	V 09-May(13		
	AMERICAN PROPERTY AND AND AND AND AND AND AND AND AND AND														***************************************		
P. P. P. P. P. P. P. P. P. P. P. P. P. P	evel of Effort of Effort	I S.		oute	Route I, Route 8 Intersection Improvements and Agaña	ite 8	nters	ection	dwl (roven	nents	and,	Agaña		START DATE: 17-Aug-11 COMPLETION DATE: 26-Now-13		
Agu	Active Work		-			•	1			1				_			

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obesty IS	Athersy Plante	Suprair Genéral	200	Febru	Substant)	Cate Farm.	Par C	Table 1 (See) See See See See See See See See S			स्थल				15	t		THE T
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A3247	Refeculton of Utilities, Tranch Excessions, Laping of	₽	(J. fare-f.)	123-4234-121	J.B. Rene-T.		÷					• •				Company of the Compan		The second secon
Roadwo	Printed Caracta, May 88 Bases Readway Pavement Works	i.					100			ne aya	· •]	Ì		The Carlotte	
A3400	Conserved Sidewalk, and Raskygo	æ	(5-4 /49 -13	CE-con-CD	2	1	F									The Charles of the same and Children	The Paris Comment	
A3310	Propore and Place Hot May Asphall Pauement	E	70 4Kby-13	07-Jun-FD		1	-								£.	Propagation Place for this Assumption	THE THIS MENTER	Throwenen!
Azero	Place Signs and Pevernerik Marsings	. 63	10-Jan-13	(9-Jun-13	[4-Just-13	23-dist-173	4	• •					- - -	*	ġ	D Place Sens and Physman Markings	Paruement Me	tines
Final Su		0.	30-06-13	12-3404-13	C1 25 Oct 13	42-Mov.13	-0.1										ļ	12.Now-13
A41230	- december	1	30-0:3-13	12-Nov-13	35-Gc/13	(Z-Nox-13	10		5.2 			i	7					1" Aspried Overlay - Fris
Agana B	Agana Bridge #1 Construction, Sta 229+38 + 280+91	C P	21 -07 50	Elements	2012	10 may 1	l.		ŀ		1				1	1	-98	D6-140w-13
Fra-Cass	Fra Cest Fabrication	X	03-Jan-12	09-348-12	Z3-899-23	29-4m9-12	ħ					(St-Jut-12						
A1130	Febrication of Reinforced Pre-Coat Test Filts	8	II3NBH-12	09-Feb-12	02-Mer-12	10-4px-17	5			Falticulation of Residenced Fractions Time Free	MANCHE PART	and Tops Ples						
A1140	Februarion of Retrocted Pre-Cost Pless	¥	08-Moy-12		08-May-12	(the list 12	=					vication of Rain	Foorcation of Rainforced Pro-Cuer Ples					
A1390	Patriceton of Precost Planks	Ą	08-Moy-12	÷	26-Jun-12	C)-Try-Q.	4					PERS Februarion of Process Piches	cost Picnes	de la company				
Agens B	Agana Bitiga ti - Eoulh Bound Section	147	23-Feb-12	17-Sep-12	23-560-12	17-Sep-12	ø					1	17-Sep-12					
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A1280		0		23-Feb-12		23-feb-12	G			Public Outre	Public Querach - Works on South Bound	South Bound						
A1270	1	~	29-feb-12	01-Mar-12	29-Feb-12	OT-16ar-12	0			I Includ Temp	I Incibil Temporety Tradio Deluces	5000						-
A1400	histell Dirt and Dust Confroi	ണ	02-May-12	08-Mar-12	02-May-12	06-Mer-12	0	manger and construction		St Incial Det	I Install Dirt and Dust Control				\$	maden jen	o - Transp	
A1410	Chering and Grubbing	~	07-Mer-12	08-Mar-12	.07-Mar-12	08-Mar-12	6			9 Chering and Gruzzing	d Grubbing		• • • • • • • • • • • • • • • • • • • •					
A1420	Removed and Disposal of Overgrowth Vegetation	4	09-Mar-12	14-Mar-12	20-Mar-12	02-Apr-12	E			Removal.	Il Removal and Disposat of Overgrowin Vegetation	Overprowin Ve	History					
A1430	Remove Two (2) Existing Trees and Transfer to CTI Nursery	rv ~	15-May-12	18-May-12	03.Apr-12	04-Apr-12	£			3 Remove	Wo (2) Existing	Trees and fra	1 Remove Two (2) Existing Trees and Transfer to CT1 Narsery	La				
Demoliii	Demolition and Disposal Works		0.0 mm 12	1 4 W 11		e e				10-Apr-12	4.12							
A1210	Installation of Debria Control Patform Including Dust Protection	lon 8	08-Mar-12	20-Mer-12	09-Mar-12	20-Mbx-12	o			Insterior	Instellation of Debris Control Platform including Disc	Hos Planform n	Juding Diest Pro	uo#ou		· · · · · · · · · · · · · · · · · · ·	Service Services	
A1220	Sewcul skip from Existing Bridge		21-Mar-12	22-Mar-12	21-Mar-12	22-Mar-12				Sawcas	Special ship from Briston Briton	o Bridge						
A1230	Drift Holes for Expensive Grout		23-Mer-12	27-Mar-12	23-Mer-12	27-Mar-12	6			Drafto	Drie Holes for Expensive Group	S.Ou			• •			
A1240	Place Expensive Grout and Albow Selling	. es	28-Mar-12	30-Mer-12	28-Mm-12	30-Mer-12		•		# Pincle E	Piece Expansive Grout and William Selbring	and Wiles Selb						
A1250	Demoksh Existing Bridge Ihrough achieved Cracks	e	02-Apr-12	04-Apr-12	02-Apr-12	04-Apr. 12	0			T Demo	Demoksh Existing Bridge Ihrough achieved Grecks	age through ach	invest Crecks					
A1280	Cher and Dispose of any Dabrib	4	05-Apr-12	10-Apr-12	05-Apr-12	10-Apr-12	0	***************************************	***************************************	OF C	Clear and Dispose of any Debris	(any Debrie					***************************************	
Päing Works	0148		31 de 11	the state of	1		F			1	1	27.3(4.12						
A1200	Test Pile Driving by Specialized Subconfeator	5	11-Apr-12	17-Apr-12	11.Apr-12	17-Apr-12	0			\$£	Test Pie Driving by Spaniskzed Subdommertor	Specialized Sul	commercion			-		
A1170	Test File Report by Geolechnical Engineering	*	18-Apr-12	07-May-12	18-Apr-12	07-May-12					Test Pile Report by Geolectnical Environment	t by Geolechaic	of Engineering					
A1180	Ple Driving	\$	19-Jun-12	12-Jul-12	19-Jun-12	12-304-12	0					Pin Draine	4					
A1190	Pile Head Cuthing	.5	28-Jun-12	27-Jul-12	28-Jun-12	27-Jul-12		***************************************		-		Pite Head Cuttons					4	
Bridge St	Bridge Superstructure		distribut.	17.55		4	e e				1	17.500.12	,		• • •			
A1300		æ	18-54-12	30-344-12	19-Jul-12	30-Jul-12	٥					Fabricate and	Februare and Pane Steel Co. Coorn Beans	oping Beams				
A1310	Fairloate and Place Formworks for Coping Beams	•	31-744-12	07-Aug-12	31-Jul-12	07-Aug-12	-					Fabricale are	Place Formus	Fabricals and Place Formworks for Cooks Branch	 			
A1320	Place Shuctural Concrete Met for Coping Beams	23	08-Aug-12	09-Aug-12	08-Aug-12	09-Aug-12	0					Pace Shuck	wal Concrete Mo	Place Shuckval Copering May for Coping Bosms				
A1330	Ceping Beams Curing Period	4	10-Aug-12	29-Aug-12		29-Aug-12	0					Coping B	Coping Béans Curing Pariod	20			· in and it is a	
2 4	Remeising Level of Effort (Remeising Work		s.	Route	- Ro	ute 8	Inters	Route I. Route 8 Intersection Improvements and Agaña	Impro	vemen	ts and	Avañ		ART DATE.	17-Aug.1			
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ATH.			31-Aug-12	C1-Sap-17	-30-4wy-12	113 (341)-12						E KE	SALVE CATA BYC ASSESSED	63		
A1340	Devely and Bracast of President Paries	E)	Justy-12	OH-Sep-12	36-341-12	(H-544-(1	2.5					ANNO T	Calvary and Manton of the Control Lakes	Plankers		
(A(1)A)	That a City The Greeks	, en	07-566-12	13-540-12	T1-00-1D	13.590-17						E. H.C.	Constitution of the second		-	
A143	Constitution to the second sec		1.1	17.844.73	0.0	17 04.0										
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	98				30 244		0					Š.	75-36-36-12			
V2480		ø		17-Sep-12	-	17-8ep-12	0					- Publi	Public Gurdaett - Works on Middle Lane	de Lane		
A2450	Install Temporary Tradic Devices	7	18-Sep-12	19-Sep-12	19-Sep-12	19-Sep-12	•	***				1 Insta	Install Temporary Troffic Devices			
A2580	Intra Oct and Our Control		20-Sep-12	24-500-12	20-Sep-12	24-3ep-12	•					- M	Install Der and Dust Connor			
A2570	Clearing and Grubbing		25-Sep-12	26-Sep-12	25-Sep-12	26-Sep-12	-				***	3	Ceating and Grubbing			
a Damalill	Dimalillan and Dispared Warks			Thermon		STATE OF STREET				-		ļ	# #8.0cl.17			
A2390	Installation of Dathis Control Platform Including Dust Protection	2	27-Seo-12	28.550-12	77.Sop.42	28-9an-12							And the fell and the first of the fell of	Control of the second		
A2400	Second strip from Boston Bridge	2	01-Oct-12	02-Oct-12	01-041-12	02-Oct. 25	3			• • •			Control of the form Cule ton Bodos	A COLOR MANAGEMENT AND A COLOR MANAGEMENT AND		
A2410	Dell Holes for Extransive Gravit		64.00	04.00.45	M.O. 173	200						•	A Property of the second	-		
A2420	Place Farantains (Joseph and Albus Saston		(A. Chet. 12)	1 7000	*	* O O *	1					-	Unit notes for expansive Grout	1		
42430	Derrotter British Chicken through schliesed Control		4 0 10 10	200	71-170-00	71-120-01	- 1					•	BICO EXPANSIVE LIFOUR BAID	Alaka Setting		
40.00			2 - 10 - 10 - 10 - 10 - 10 - 10 - 10 - 1	21-100-01	5	1200112	-				• • • • •		Demoish Existing Bridge Inrough achieved Crack	rough achieved Cracks		
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swo. Tu	6/83						ъ						T4-Nov-12			
A2360	Plan Driving	\$	22-Oct-12	08-Nov-12	22-Oct-12	09-Nov-12	-						Prin Driving			
A2370	Pile Head Cutting	<u>. </u>	24-Oct-12		24-Oct-12	14-Nov-12	0				: : : :	; 	Pile Head Culting			***************************************
Bridge S	Bridge Superatruckure		E TON GO	und and	1 1								01-Jan-13			
A2470	Fabricate and Place Steel for Coping Beams	9 8	09-Nov-12	20-Nav-12	12-Nov-12	21-Nov-12	-						Tebridate and Place Steel for Coparig Bearins	Steel for Coping Beams		
A2480	Fabricale and Place Formworks for Coping Beams		15-Nov-12	22-Nov-12	15-Nov-12	22-Nov-12							Fabricate and Place	Fabricate and Place Formworks for Coping Bourns	Beturns	
A2480	Place Structural Concrete Mer for Coping Beams	, N	23-Nov-12	26-Nov-12	23-Nov-12	28-Nov-12			**				Place Structural Co	Place Structural Concrete New for Coping Bearins	Metins	
A2500	Coping Beams Curing Period	41	27-Nov-12	14-Doc-12	27-Nov-12	14-Dec-12							Coping Bearing	Coping Bearts Culing Period		
A2620	Place Bearing Pads and Accessories	n	17.Dec-12	19-Dec-12	17-Dac-12	19-Dec-12	-						Place Bearing	Place Bearing Pade and Accessories		
A2510	Dewery and Erection of Pre-Cest Planks	°7	20-Dec-12	24-Dec-12	20-Dec-12	24-Dec-12	-			****			Delviny add	Delviny and Erection of Pre-Cast Planks	· · ·	
A2530	Place CIP To Beams	co co	25-Dec-12	31-Dec-12	25-Dec-12	31-Dec-12							Phode CIP Tie Beams	э Вевта		
A2540	Construct Bridge Median	en en	28-Dec-12	01-Jan-13	28-Dec-12	01-Jen-13				•			Construct Bridge Medien	nage Median		
Agana Brit	Agana Bridge #1 - North Bound Bettlon-1	0 PL	03-Jan-13	15-Apr-13	03-Jan-13	16.Apr.13	0	***************************************			e de la companya de l	***************************************		V 16-Apr-13		
Spanner.	Talik Gentral and General Bite Work		THE S				ŀ			••••			18-Jan-13			
A2710	Public Dutreach - Works on North Bound	0		03-Jan-13		03-Jen-13	0						Public Outre	Public Outreach - Works on North Bound	Ornd	
A2700	Install Temporary Traffic Devices	2	04-Jan-13	07-Jan-13	04-Jan-13	07-Jan-13							mer Bester	instell Temporary Traffic Devices		
A2810	fratal Diri and Dust Control	, r	08-Jan-13	10-Jan-13		10-Jan-13	-						TO POINT	Analog Det and Dust Control		
A2820	Chering and Grubbing	2 1		14-Jan-13	11-Jan-13	14-Jen-13							Cloarida	Clearing and Grutbing		
A2830	Removal and Disposal of Overgrowth Vegelation	4	15-Jan-13	18-Jan-13	24-Jan-13	29-Jan-13		** /					B Removal	B Removal and Disposal of Overgrowin Vegetality	wer Vegetalton	
Gemeil 6	Demotition and Dispusal Works		THE STATE OF	to mining	11 100 11	13 (14)	-	****					31-Jan-13			
	Installation of Dabris Control Platform including Dust Protection	2	11-Jan-13	8	11-Jan-13	14-Jan-13	-						installation	installation of Debrie Cooltol Platform including Dust Protection	m including Dust Protec	ugp
A2850	Sawcut artip from Existing Bridge	7	15-Jan-19	16-Jan-13	15-Jan-13	16-Jan-13	0						■ Sawc¥s	Sawcyt strip from Exhibig Bridge		
Rem	ffort (February		S	loute	Roll	te A L	There	Route 1. Route 8 Intersection Improvements and Agaña	aprox.	a dual	pue	Agañ	T	47.000		
Actu	Actual Level of Effort Critical Remaining Work Actual Work) ; ;	•		•				2	764		COMPLETION DATE: 26-Nov-13		
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CHAN, ED	Activity Name	Ongrue) Jack	Frankr	Late sizer	CECENTERS BOSE						ग्राद			-	2003	SYLE
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A3860	_	-	17-141-13	21-187-13	17-1m1-73	C-19-15	<u></u>								140	Child tradem that Consumerical Control	
A2870	_	87	22-Jan-13	24-181-13	Transfer	74.1.W. (3	_		,			-			THE .	Control Consumer Control and Man School	
A2860	Cemotish Existing Bridge through schiewed Cracks	n	25-Jan-13	23,186-13	Stant.	20 Car. Ch	1								3	Contractificating the agetheraphy cinesed Courts	35
A2880	Clear and Dispose of any Debns	7	30-Jan-13	31-Jan-13	13-14-CE	Medar-12	U								ਰ	CIGAL PROTUNE OF AN IDEAN	
Piling Warks	Yarks		THE STATE	11111111111	011-0-0-110										ļ	▼ 07-48 年15	
A2610	Pile DitWing	15	01-Feb-13	21-Feb-13	88. ·	21-Eeb-12	0		, -						1		
A2820	Pie Keed Cuffing	18	08-Feb-13	01-444-13	U7-F-0-13	04428-13	-									Parity County	
Bildge	Bilitin Superstructure			11 15 1		11.0									•	11.00	•
A2720	Fabricate and Place Steel for Coping Beams		22-Feb-13	(54 4er -13	22.Feb-13	(13-46a-13	9									Fubrications Tax and Extra Conferent	
A2730	ŧ	g	27-Feb-13	06-Mar-13	27.Feb-13	05-44303		•••	,							# Fathcraft and Place Comfacility for Cooking Breat	c Brems
A2740	-	. ~	07-Mar-13	06-Mar-13	07-40x-13	106-Ren-13	9							+	1 1	a Dice Structure Courtett (forter Courte Beans	Beauti
A2750		#	11-Mer-13	28-Mar-13	11-May-13	18 Har-13	•	-	• • •							Coons Briens Curice Perbit	
A2770			29-Mar-13	02-Apr-13	29-Mar-13	02-Apr-13	С									M Place Bearing Pads and Accessories	
A2760	Defivery and Eraction of Pre-Cest Planks	en	03-Apr-13	05-Apr-13	03-Apr-13	CT-424-13	0	• • • •			.,					Deveryand Secretary Of Pre-Cost Plents	erits
A2780		40	08-Apr-13	12-Apr-13	08-Apr-13	12-Apr-13	a									E Pace CIP Lie Bearla	
A2780	Construct Sidewalk and Railings	7	08-Apr-13	16-Apr-13	08-4pr-13	18-Apr-13	0		· · ·				••••			Construct Science and Resings	
Embank	Embrantment & Stone Mesonry	C. COSTON OF THE COSTON	762	16-401-13	TENON THE PERSON NICHARD	TOTAL ST										15 April 2	
A4200	Construct Approach Stab	8	*	02-Apr-13	13-Feb-13	05-Apr-13	F									Construct Approach Stab	
A4210	Grouted Stone Mesonry	4	13-Feb-13	16-Apr-13	30-Aug-13	31-Oct-13	ţ					•			e	TOTAL STOUTED State Mesoning	
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A1440	Concrete Encased Santary Sewer & SMH	15	28-Aug-12	17-Sup-12	.05-Sep-12	25-Sep-12	•						Q Q	norele Enca	KELL Concrete Encased Sankory Sweer & SKRP	おなどのめ おきを	
A1460	Water Lines	4	27-Mar-13	16-Apr-13	11-DcF-13	31-Oct-13	Ē									() Water Lines	
A1450	Communication Lines	ħ	16-Apr-13	08-May-13	24-Apr-13	14-May-13	Φ									Commission Lines	
First SE	748	ħ:	18-Sep-12 06-Nev-13 03-0c+12	06-Nev-13	03-00:-12	Tannor 13 (778)	2.0						ŀ				V 06-Nov-13
A1380	Waterproofing Membrane and Temporary Asphalt Ov South Bound	7	18-Sap-12	19-Sep-12	03-Dct-12	04-Oct-12	=	•					3	авоомрав	Mambraria an	Weterproofing Mainbrarie and Temporary, Asphak Overlay - South Bound	
A2550	Waterproofing Membrane and Temporary Asphall Overlay-	7	02-Jan-13	03-Jan-13 02-Jan-13		03-Jan-13	0			j					3 Welterpr	3 Waterproofing Membrane and Temporiery Aspinal Overlay - Kitche Lane	rlay - Kathle Lane
A2800	Waterproofing Membrane and Temporary Asphalt Overlay	7	07-May-13	08-May-13	08-May-13 15-May-13 16-May-13	18-May-13	190									* Waterproofing Membrane and Temporary Applications and Temporary	Temporary Applied Dve
A7840	North Board		04 0-10	70 th 40 104 61 40	01.01				· · · ·					-1			
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galla El	Agana Bridge # 2 Construction																1B-Nov-13 :
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			CO-MODI-13	Manageria	11-040-12 Control 2015	22-UGI-13	8									- Legalica	ph of the cast Hayks
A3930	Public Outheasts - Works on Chiefen Sauto Pare		Control of the contro	16-Ape-13	. Cradean	18 Ans. 13	\$ { <									Disher Outream Works on Chales Sector Dans	Santy Done
A3920	Tracket Proportion Traffic Devices		17-Aor-13		17-Apr-13	18-Anr- 13										1 Detail Terrescond Traffic Davides	
A4040	hetal Diri and Dust Control	-	-	τ.	-	23-Apr-13	. 0									# :Install Det and Dost Confrol	
A4050	Clearing and Gniching	5 2		30-Apr-13	2	30-Apr-13	0	~~~		,						Chapting and Grubbing	
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Action of the Action of the Action of Action o	panal Works 22, 33, 32, 30, 30, 30, 30, 30, 30, 30, 30, 30, 30	7	UT-MAN-TO	G146.39-13	US-Aux J-13	CP-tysk-ti	30									=	errovor or TA	LOG BALL TOWNS	If Herroych or Trans, and Transler to CTI Russey
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and the state of t	I OCCUPATE CARBON PARADO REPABLIÇARES CONTRIBUES IND REM EMERÎND SOME.					Bir.											i salah in		
	Angs forem Emerging Bestupe		DI-WON-10	III-MENN-III	E1-4694-111	11429-11	~									<i>≨</i> ■,	is refusion of	Detries Coulypil	 Installation of Detrict County Platform including Digit Protect
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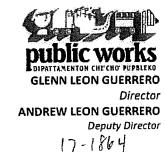
Department of Public Work's Amended Hearing Brief

EXHIBIT N



The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor



OCT 2 3 2017

Mr. Eun Ho President 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)

Dear Mr. Ho,

This letter responds to Ms. Anita Arriola's September 22, 2017 letter to Assistant Attorney General Tom Keeler concerning the status of the Department of Public Works ("DPW") August 23, 2017 letters to Core Tech International Corporation ("CTI"). I currently serve as Acting Procurement Officer on the Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement Project, Project No. GU-DAR-T101(001) ("Project). Starting Monday, October 23, 2017, Mr. Andrew Leon Guerrero will be DPW's new Deputy Director. From that date moving forward he will be responsible for the Project. I will update him on the status of the Project as soon as practical, however, the DPW wanted to write you as it may take some time for him to get acclimated and up to date on the Project.

Following DPW's August 23, 2017 Notice of Termination/Default of Contract ("Notice"), CTI immediately contacted me representing that it was willing to complete the punch list items, including its non-compliant work on the Project concerning the Americans with Disabilities Act ("ADA"). A copy of DPW's Notice is attached hereto and incorporated herein by this reference. CTI represented that it would submit plans for DPW to review within a one week period. At that time DPW decided not to take any action on CTI's request that the department rescind the Notice until it had an opportunity to review its submittal.

On Friday, September 15, 2017, CTI provided DPW with a set of drawings and a proposed schedule. DPW reviewed CTI's September 15, 2017 submittal in good faith. Unfortunately, the submittal was consistent with CTI's work on the Project, that is, it is woefully incomplete and unacceptable. First, DPW was hoping for "As-built" drawings. As-built drawings would identify specific problems with the existing construction work and how CTI proposes to correct said work. Instead CTI provided plans that show how the completed work will look. The plans were dated from 2012 and weren't signed. DPW did not find the plans to be of much value.

Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-T101(001)
Response to Ms. Anita Arriola letter dated September 22, 2017
Page 3

The plans provided also failed to show how the sidewalk repair work would be performed. Concerns also existed with CTI's proposed schedule. CTI's own October 9, 2014 survey shows 58% of its sidewalk work as non ADA compliant. Notwithstanding this, its proposed schedule showed only 5,672 square feet of concrete being removed and replaced. This is 3,688 square feet less (i.e., 9,360 – 5672 sq. ft.) than what CTI itself agreed needed done to bring the sidewalks into compliance with ADA. For the record, DPW's estimate is that a minimum of 11,700 square feet (i.e., 78%) of the existing concrete is non ADA compliant. In any event, DPW fails to comprehend how CTI can in good faith submit a schedule to fully address that portion of the existing concrete that its own survey acknowledged is non ADA compliant.

An additional problem with CTI's September 15, 2017 submittal is that it shows it completing the project in eleven weeks. Unfortunately no detail is provided just how this will be accomplished. If CTI were earnest in hoping to be reinstated to complete the Project it was incumbent upon CTI to provide substantially more information. For example, the submittal did not identify the proposed project manager, how many groups of workers would be used, the number of shifts to perform the work, etc.

For the reasons stated herein, DPW decided that CTI's September 15, 2017 submittals were not acceptable to warrant it considering reinstating CTI on the Project. This is a final decision of the Acting Contracting Officer that CTI was rightfully terminated for the reasons set forth in the Notice and that no reasonable grounds exist for DPW to entertain rescinding the Notice. DPW hereby advises CTI that it has the right to seek any administrative or judicial review authorized by law.

DPW's second letter dated August 23, 2017 addressing CTI's request for extension and request for change order to contract price submitted on September 17, 2016, as supplemented on November 10, 2016, is not a final decision of the DPW.

As noted, until such time that CTI's request for time can be validated and the contract amended by Change Order, DPW is required to assess liquidated damages in accordance with the terms and conditions of the contract. DPW's letter was part of a standard contract review process needed in order for DPW to properly document the use and expenditure of Federal Highway Administration funds on the Project. Please refer to the second paragraph of the letter in which CTI is requested to "provide backup data for these items to allow DPW to determine any other impacts to the schedule and cost review."

DPW's second letter also reminds CTI that it is delinquent in submitting other documents that are required by the contract for processing and payment of invoices. Thus, DPW's August 23, 2017 letter to CTI concerning a request for extension and request for change order is not a final decision. DPW is waiting for CTI to provide additional information needed for it to complete contract close out. Until such time as CTI submits the additional information or states in writing that it refuses to do so, DPW is not able to make a final decision.

Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-T101(001)
Response to Ms. Anita Arriola letter dated September 22, 2017
Page 3

In closing, DPW continues to wait for CTI to fully comply with all of the document submittal requirements of the contract, in order for it to close out the contract.

A copy of this letter is being provided to Ms. Arriola via email. Please contact my office if you have any questions.

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JOAQUIN BLAZ

Acting Procurement Officer

Cc: Elizabeth Barrett-Anderson, Guam Attorney General (via email only)
Anita Arriola, Esq. (via email only)



FILE COPY



Felix C. Benavente
Deputy Director

17-1415

AUG 2 3 2017

VIA HAND DELIVERY AND CERTIFIED MAIL
Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, Guam 96913

ACKNO	OHLEDGMENT RECEIPT:	
NAME:	Arsonia Proculla	
DEPTIC	OMPANY: Core Tech	
DATE	8-13-17 TIME: 4:30	pm
SIGNAT	ure: Breaks	أحسر

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

Notice of Termination/Default of Contract

Surety: Fidelity and Deposit Company of Maryland and Zurich American Insurance Company

Bond No.: 9060033

Amount of Bond: \$ 16,384,500.00

Ms. Bathan:

It is the finding of the Government of Guam that Core Tech International Corporation (CTI) has breached its contractual obligations with respect to the Route 1/Route 8 Intersection Improvements and Agana Bridges Replacements Contract dated September 30, 2011, by performing those obligations negligently, in violation of Federal and Guam law, and in failing to timely prosecute the construction work and correct deficiencies in the work. This includes, but is not limited to, evidence of the following:

- 1. Section 108.01 Commencement, Prosecution and Completion of Work obligates contractor to "(a) commence work immediately after the issuance of the Notice to Proceed; (b) prosecute the Work diligently; and (c) complete the entire Work and make Work ready for use within the Contract time specified in Subsection 108.04, including all design, construction, final clean-up of the premises, and final acceptance."
- 2. Formal Contract Article 1 (a) Contract Time.
- 3. FP-03 Subsection 107.01 Laws to be observed, including the American with Disabilities Act (ADA).
- 4. FP-03 Subsection 155.01/FAR Sections 52.236-15 Schedules for Construction Contracts.
- 5. FAR subsection 52.249-10 Default, (Construction); 5 GCA, Chapter 5, § 5501
- 6. Article I.3 of the Required Contract Provisions (RCP) Federal-Aid Construction Contract.
- 7. Plans and Specifications, Project No. GU-DAR-T101(001)

Since August 25, 2016, the date CTI achieved substantial completion, DPW has requested completion of the final punch list items constructed out of project specifications (work that is in nonconformance with the requirements of the contract). Despite numerous meetings and requests for remedy, CTI has shown no substantial progress on a design plan for these deficiencies, and absolutely no progress regarding the physical correction of the project nonconforming elements.

These deficiencies include but are not limited to the nonconforming sidewalk, driveway, and pedestrian ramp slopes. CTI was made aware of these deficiencies formally via a Non-Conformance Report dated June 12, 2014. CTI has made numerous attempts to minimize the corrective work required for the

Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-Ti01(001)
Notice of Termination/Default of Contract Page 2of 2

sidewalk, driveway, and pedestrian ramps, which as of the date of this letter do not comply with the plans, specifications and ADA requirements.

On June 16, 2017 CTI received a Final Demand letter from DPW instructing them to submit a plan and timeline to correct the project deficiencies, and proposed a joint meeting. CTI's June 23, 2017 response requested an additional two (2) to three (3) weeks to provide the requested plan and timeline. DPW then notified CTI via letter that they had until July 24, 2017 to provide the requested information. DPW's contract officer offered to meet once again with CTI in hopes of a resolution. However, CTI has failed to respond and provide the promised plan and timeline, nor have they agreed to a meeting.

Therefore, effective upon receipt of this Notice of Termination, and pursuant to its rights under the Contract and the laws of Guam, the Government does hereby TERMINATE the same, together with CTI's right to proceed with said Contract and the work thereunder. The Government is notifying the surety who issued CTI's Performance and Payment Bond of this termination and default of the Contract.

DPW is preparing a final assessment regarding CTI's project time extension and change order request. A letter regarding the results of this review will be sent to CTI within the week.

CTI is hereby ordered to peacefully surrender and leave the Project site. In addition, CTI is further ordered to protect and preserve any property in its possession in which the Government has an interest, and to transfer title and deliver to the Government, who shall take possession of and shall utilize such materials, appliances, and plants as may be on the site of the work, or CTI's yard and which are necessary to its eventual completion. This includes any completed construction and any such information, and contract rights (Construction Materials) as CTI has specifically produced or specifically acquired for the performance of the terminated part of the Contract. DPW inspectors shall be on the premises to ensure the thorough transfer of Construction Materials and the safe removal of all CTI personnel/equipment.

Any attempt to act or perform otherwise than as ordered herein shall be construed as being intentionally hostile, and may subject CTI to criminal prosecution.

Thank you for your cooperation.

DEPARTMENT OF PUBLIC WORKS,

FELIX C. BENAVENTE

Elizabeth Barrett-Anderson, Guam Attorney General Richelle Takara, FHWA

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Cc

Department of Public Work's Amended Hearing Brief

EXHIBIT O

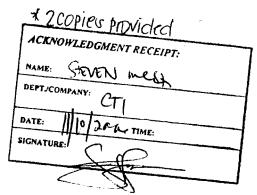


Lieutenant Governor

NOV 0 9 2016

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

FILE COPY



Glenn Leon Guerrero Felix C. Benavente Deputy Director TN10-1830

Ref:

Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-TI01(001) Request for Electronic Schedule File

Dear Ms. Bathan,

The Department of Public Works (DPW) is reviewing the Request for Time Extension and Request for Change Order to Contract Price submitted by Core Tech International Corporation (CTI) on September 16, 2016. The electronic Primavera 6 schedule files (*.prx format) for the schedule analysis submitted were not provided as part of the submittal.

DPW through its construction management consultant, Parsons Transportation Group (PTG), has requested for the files on three separate occasions:

- Via email to Mr. Robert Marks on October 12, 2016
- Verbal request to Mr. Marks during informal meeting held on October 17, 2016 between PTG and CTI to clarify CTI's proposed resolution for the ADA ramps at the Route 1/ Route 8 intersection.
- Discussion during the October 19, 2016 Construction Progress Meeting.

To date, DPW has not yet received the requested files. Unfortunately, until DPW receives the electronic schedule files, DPW cannot complete its review.

Please provide the electronic schedule file within five (5) business days of receiving this letter.

Should you have any questions or need additional information, please contact Mr. Crispin Bensan, 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

Crispin Bensan, DPW Tom Keeler, GAG Richelle Takara, FHWA Michael Lanning, PTG Houston Anderson, PTG Ho S. Eun, CTI Robert Marks, CTI

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

Department of Public Work's Amended Hearing Brief

EXHIBIT P



The Honorable Eddie Baza Calvo Governor

The Honorable Ray Tenorio Licutenant Governor



FILE COPY



DOV 0 1 2016

Mr. Eun Ho President 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)

Invoice 33 – Period Ending September 6, 2016

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Dear Mr. Ho,

The Department of Public Works (DPW) has reviewed Core Tech International Corporation's (CTI) Invoice 33 (period ending September 6, 2016) requesting \$752,565.14 which was submitted on September 7, 2016. CTI stated in the invoice cover letter, that CTI does not agree with the deductions for liquidated damages and is reserving its right to claim and recover amounts deducted for liquidated damage. DPW and its consultants are currently reviewing the request for time extension and request for change in contract price that CTI submitted on September 16, 2016. Until such time that the request for time extension can be validated and the contract amended by Change Order, DPW is required to assess liquidated damages in accordance with the terms and conditions of the contract. In accordance with the contract as amended through Change Order No. 9, Liquidated Damaged started on April 17, 2014, the day after the current Contract Completion Date of April 16, 2014.

CTI achieved Substantial Completion on August 25, 2016 which decreased the liquidated damage daily charge to \$660 starting August 26, 2016. Attached to this letter is the backup documentation that will need to be submitted along with Invoice 33. This backup documentation provides an invoice amount of \$359,080.63 which includes the following deductions/releases:

- Liquidated damage assessment for the period April 17, 2014 through August 25, 2016, a
 period of 845 calendar days, at \$3,300 per day. This 845 days does not include the 17
 calendar days where work was suspended during the period May 20, 2016 through
 June 5, 2016 as detailed in Change Order No. 8.
- Liquidated damage assessment for the period August 26, 2016 through September 6, 2016, a period of 12 calendar days, at \$660 per day.
- Payment for withheld amounts for the loop sensor connection at the Route 4 intersection
- Payment for withheld amounts for the traffic signal interconnect cable
- Release of retention in the amount of \$750,000 as previously stated in DPW's letter dated April 28, 2016

DPW also reminds CTI that CTI is delinquent in submitting other documents that are required by the contract for processing and payment of invoices. For example, CTI has not submitted Certified Payrolls since the week ending May 1, 2016; CTI has not submited daily reports since the end of

Route 1/Route 8 Intersection Improvements and Aguna Bridges Replacement Project No. GU-DAR-T101(001) Invoice 33 - Period Ending September 6, 2016 Page 2of 2

March 2016; and CTI has not submitted traffic control reports since the end of February 2016. DPW specifically reserves the right not to process future invoices until CTI fully complies with all of the document submittal requirements of the contract.

Should you have any questions or need additional information, please contact Mr. Crispin Bensan, 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: CTI Invoice 33 Estimate for the Period 4/1/2016 - 9/6/2016

Cc:

Crispin Bensan, DRW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lonning, PTG
Houston Anderson, PTG
Ho S. Eun, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks

IDyarosan/JBlaz

Department of Public Work's Amended Hearing Brief

EXHIBIT Q

Section 108. — PROSECUTION AND PROGRESS

108.01 Commencement, Prosecution, and Completion of Work. Follow the requirements of FAR Clause 52.211-10 Commencement, Prosecution, and Completion of Work.

A preconstruction conference will be held after the contract is awarded and before beginning work. Seven days before the preconstruction conference, furnish three copies of the preliminary construction schedule according to Section 155.

108.02 Subcontracting. Follow the requirements of FAR Clauses 52.219-14 Limitations on Subcontracting, 52.222-11 — Subcontracts (Labor Standards), and 52.236-1 Performance of Work by the Contractor.

Subcontracting does not relieve the Contractor of liability and responsibility under the contract and does not create any contractual relation between subcontractors and the Government. The Contractor is liable and responsible for any action or lack of action of subcontractors.

Within 14 days of subcontract award, submit an SF 1413 with Part I completed. Complete other forms that may be provided by the Government to clearly show the work subcontracted and the total dollar amount of the subcontract. For subcontracts involving on-site labor, require the subcontractor to complete Part II of the SF 1413 and complete other forms that may be provided by the Government. Submit a separate statement documenting the cumulative amount of all on-site subcontracts to date as a percentage of the original contract amount. Furnish this information on all subcontracts at lower tiers.

In FAR Clauses 52.219-8 Utilization of Small Business Concerns and 52.232-27 Prompt Payment for Construction Contracts, the subcontracts include both on-site and off-site work and supply contracts. In FAR Clause 52.219-14 Limitations on Subcontracting or in FAR Clause 52.236-1 Performance of Work by the Contractor, the percentage of work performed on-site by the Contractor will be computed as 100 percent less the combined initial dollar amount of all subcontracts involving on-site labor as a percent of the original dollar amount of the contract.

108.03 Determination and Extension of Contract Time. Follow the requirements of FAR Clause 52.211-10 Commencement, Prosecution, and Completion of Work.

Only delays or modifications that affect critical activities or cause noncritical activities to become critical will be considered for time extensions.

When Critical Path Method schedules are used, no time extension will be made for delays or modifications that use available float time as shown in the current construction schedule required by Section 155.

Section 108. — PROSECUTION AND PROGRESS

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When Critical Path Method schedules are used, no time extension will be made for delays or modifications that use available float time as shown in the current construction schedule required by Section 155.

(d) Periods of time when all work is complete but acceptance is delayed pending the plant establishment period or similar warranty period.

Table 108-1 Charge for Liquidated Damages for Each Day Work Is Not Substantially Completed

Original Cor	itract Price	Daily
From More Than —	To and Including —	Charge
\$ 0	\$ 1,000,000	\$ 500
1,000,000	2,000,000	1,100
2,000,000	5,000,000	2,200
5,000,000	10,000,000	2,700
10,000,000	and more	3,300

108.05 Stop Order. The CO may order the performance of the work to be stopped, either in whole or in part, for such periods deemed necessary due to the following:

- (a) Weather or soil conditions considered unsuitable for prosecution of the work; or
- **(b)** Failure of the Contractor to:
 - (1) Correct conditions unsafe for the workers or the general public;
 - (2) Carry out written orders given by the CO; or
 - (3) Perform any provision of the contract.

No adjustment in contract time or amount will be made for stop orders issued under (a) or (b) above except an adjustment in contract time, as provided by FAR Clause 52.249-10 Default (Fixed-Price Construction), may be made when the Contractor is able to demonstrate that the weather was unusually severe based on the most recent 10 years of historical data.