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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS

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Attorneys for the Government of Guam

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

IN THE APPEAL OF:

Korando Corporation,
 Appellant,

) DOCKET NO. OPA-PA-18-02
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**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.

ORIGINAL

2. I serve as a PTG representative for the Guam Transportation Group (“GTG”), which provides policy recommendations and overall guidance to the goals and objectives of 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 Korando Corporation’s (“Korando”) March 25, 2014, Contract for construction of the Bile/Pigua Bridge Replacement (Project No. GU-NH-NBIS(007) (the “Contract”). I am also familiar with the parties December 16, 2015 Stipulation and Order (“Stipulation and Order”), a copy of which is attached hereto as Exhibit A.

6. On or about October 18, 2016, over ten (10) months after the Stipulation and Order, DPW provided PTG a copy of Korando’s change order request claiming expenses and costs for demobilization, remobilization costs, and other expenses (“Korando’s

10/18/16 Change Order”) related to the Bile/Pigua Bridges Replacement project (the “Project”).

7. I was asked by DPW to review Korando’s 10/18/16 Change Order. I reviewed the 10/18/16 Change Order and prepared a draft response for DPW’s approval to request that Korando provide backup documents and/or clarifications for certain items needed for the department to complete its review. DPW responded to Korando via a December 28, 2016 letter.

8. DPW subsequently provided me a copy of Korando’s January 24, 2017 written response, with enclosures (“Korando’s 01/24/17 Corrected Claim”). I was asked by DPW to review Korando’s 01/24/17 Corrected Claim.

9. I prepared a number of draft responses for DPW’s review to Korando’s 01/24/17 Corrected Claim. The draft responses, copies of which were provided to DPW for approval prior to filing with the OPA as part of the Procurement Record, were discussed and analyzed by PTG personnel, DPW management and the FHWA’s representative, and Ms. Richelle Takara, through a series of telephone conversations and meetings. These calls and meetings took place over a number of months.

10. On or about October 17, 2017 Korando provided DPW an updated Change Order (“Korando’s 10/17/17 Change Order”). Again I was asked by DPW to review Korando’s 10/17/17 Change Order. Following additional telephone conference calls and meetings with PTG personnel, DPW management and FHWA’s Richelle Takara, I provided a draft response to the 10/17/17 Change Order for final review and approval by DPW. DPW’s Director signed the department’s response on November 15, 2017.

11. I was also asked by DPW to review the Procurement Record in Korando's Appeal to the Office of Public Accountability (OPA-PA-18-02) ("OPA") with regards to PTG's Project related materials. To the best of my knowledge, PTG has produced all document, emails, drawings, and communications between DPW and the Contractor related to the Project to DPW.

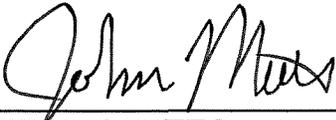
12. DPW provided me with a copy of Korando's March 19, 2018 Appellant Korando Corporation's Motion to Compel, Extend the Time to File Comments to Agency Report and Other Dates and for Sanctions ("Korando's Motion to Compel"). Korando's Motion to Compel claims that DPW has "failed to produce any material related to DPW's decision-making process, its analysis of Korando's claim, or communications regarding how to respond to the claim". As noted herein PTG provided DPW all of its Project related documents for filing with the OPA in this matter.

13. PTG, DPW and FHWA reviewed and analyzed Korando's three (3) claims discussed herein extensively in numerous telephone calls and meetings. Any PTG materials related to these meetings are contained in the materials provided to DPW for filing with the OPA. The vast majority of PTG's involvement with the analysis of Korando's 10/18/16 Change Order, 01/24/17 Corrected Claim and its 10/17/17 Change Order was verbal, and not written.

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

Submitted this 30 day of March, 2018.

By:



JOHN MORETTO