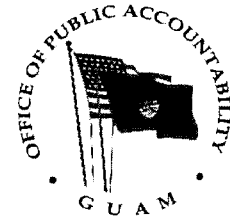


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 238 Archbishop Flores St.
 Hagåtña, Guam 96910



FAX

To:	Mr. Glenn Leon Guerrero Director Department of Public Works 542 North Marine Corps Drive Upper Tumon, Guam 96913 Phone: (671)646-3121/3232 Fax: (671) 649-6178	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
	Mr. Thomas Keeler Ms. Shannon Taitano Assistant Attorney Generals Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493	Pages:	6 (including cover page)
CC:	Joyce C.H. Tang, Esq. (Attorney for Appellant Core Tech) Civile & Tang, PLLC 330 Hernan Cortez Avenue Suite 200 Hagatna, Guam 96910 Phone: (671) 472-8868/9 Fax: (671) 477-2511	Date:	October 15, 2018
		Phone: Fax:	(671) 475-0390 x. 204 (671) 472-7951

Re: OPA-PA-17-009 Signed Stipulation and Order RE: Appeal

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jhernandez@guamopa.com

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FILE NO OPA-PA: 17-009

PROCUREMENT APPEAL

IN THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Appeal of

Core Tech International Corp.,

Appellant.

and

Guam Department of Public Works,

Purchasing Agency.

DOCKET NO. OPA-PA-17-009

STIPULATION AND ORDER RE: APPEAL

The Department of Public Works, Government of Guam (“DPW”) and Core Tech International Corporation (“CTI”) (collectively “the Parties”), by and through their respective undersigned counsel, hereby jointly submit this Stipulation and Order resolving CTI’s appeal of DPW’s decision denying CTI’s protest of the July 7, 2017 Invitation for Bids for the Lease Financing for Design, Renovation, Rehabilitation, Construction and Maintenance of Simon Sanchez High School, Project No. 730-5-1057-L-YIG (the “IFB”).

The Parties stipulate as follows:

1. In related appeal OPA-PA-17-010, the Parties entered into a Stipulation and Order to

1 Rescind Termination of Contract with Core Tech International Corp. on Route 1/Route 8
2 Intersection Improvements and Agana Bridges Replacement Project (GU-DAR-
3 TI01(001)), approved by the Public Auditor on June 8, 2018 (“6/8/2018 Stipulation”).
4 Pursuant to the 6/8/2018 Stipulation, DPW rescinded the August 23, 2017 Notice of
5 Termination/Default of Contract (“8/23/2017 Notice of Default”), statements and
6 documents issued to CTI concerning the Route 1/Route 8 project, and all prior notice of
7 default, complaints, objections or concerns issued by DPW relating to the 8/23/2017
8 Notice of Default. In the 6/8/2018 Stipulation, DPW also accepted and approved all of
9 CTI’s work on the Route 1/Route 8 project, and except for certain warranty claims and
10 electronic CADD files of all construction drawings and as-builts approved by DPW
11 provided and to be provided by CTI, released and discharged CTI from any and all claims,
12 damages or losses arising under the Route 1/Route 8 contract and project.
13
14

15 2. DPW agrees that because the 8/23/2018 Notice of Default, statements and documents
16 issued to CTI concerning the Route 1/Route 8 project have been withdrawn and rescinded
17 together with all prior notice of default, complaints, objections or concerns issued by
18 DPW relating to the 8/23/2018 Notice of Default, the 8/23/2018 Notice of Default shall
19 not be considered, construed or deemed a Record of Default for any Government of Guam
20 project where DPW is the procuring agency.
21

22 3. Except for its right to enforce this Stipulation and Order and as provided in Paragraph ^{7 of} of
23 this Stipulation, CTI releases and discharges DPW, DPW’s Agents and Representatives on
24 the Project as well as the Government of Guam, and Felix Benavente, in his personal
25 capacity, from any and all claims, damages or losses asserted or that could have been
26 asserted concerning this appeal – including but not limited to claims based on retaliation
27 and violation of CTI’s constitutional and civil rights, and associated Attorney’s fees and
28

1 charges arising from this IFB.

- 2 4. CTI does not waive, and expressly reserves the right to protest and appeal future
3 procurements in the event CTI is subjected to further action or failure to act by
4 government agencies, employees, agents, or consultants that may affect consideration of
5 CTI for future procurements. Nothing in this Stipulation shall be construed as a waiver of
6 CTI's right to protest and appeal future procurements involving the same or similar
7 interpretation of Record of Default or the Government rescinding of the 8/23/2017 Notice
8 of Default as it may apply to CTI at that time.
- 9
- 10 5. DPW does not waive, and expressly reserves the right to enforce its rights under the
11 6/8/2018 Stipulation, which enforcement shall be brought in the OPA PA-17-10 appeal.
- 12
- 13 6. In light of the foregoing, the parties stipulate to vacate the formal hearing in this matter on
14 October 22, 2018, and dismiss all claims in this Appeal. Each party shall bear its own
15 costs and fees.
- 16 7. The Parties are informed of their right to appeal from a Decision by the Public Auditor to
17 the Superior Court of Guam, in accordance with Part D of Article 9 of 5 GCA§5481(a).
18 The Parties intend and agree for this Stipulation and Order to be a final, binding resolution
19 of the disputes between them, and accordingly, the Parties agree that they shall not appeal,
20 and hereby waive their right to appeal, this Stipulation and Order under Part D of Article 9
21 of 5 GCA §5481(a) or any other applicable statute. The Office of Public Auditor shall
22 retain jurisdiction of this matter solely for the purpose of enforcing the terms and
23 conditions of this Stipulation and Order. Nothing contained herein constitutes an
24 admission of liability by either of the Parties.

25
26 //
27 //

1 SO STIPULATED on this 12th day of October, 2018.

2
3 **CIVILLE & TANG, PLLC**

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

4
5 By: 

6 **JOYCE C.H. TANG**
7 Attorneys for Core Tech
International Corporation

8
9 By: 

10 **THOMAS P. KEELER**
11 Assistant Attorney General

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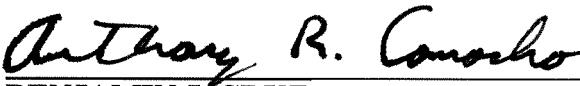
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ORDER

Pursuant to the foregoing Stipulation made by the Parties, it is hereby ORDERED that this matter is dismissed by mutual stipulation by the Parties, and the formal hearing in this matter, scheduled to commence on October 22, 2018, is vacated. The Public Auditor's approval of this Stipulation and Order is a Final Administrative Decision. As acknowledged in the Stipulation above, the Parties are hereby informed of their right to appeal from a Decision by the Public Auditor to the Superior Court of Guam, in accordance with Part D of Article 9 of 5 GCA §5481(a). The Parties have agreed not to appeal this order, and knowingly waive said right to appeal.

A copy of this Stipulation and Order shall be provided to the Parties and their respective attorneys in accordance with 5 GCA § 5702, and shall be made available for review on the OPA Website at www.opaguam.org.

SO ORDERED this 12th day of October, 2018.

For 
BENJAMIN J. CRUZ
Public Auditor

Broadcast Report

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Jerrick Hernandez

Auditor

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