

MAR 04 2011

TIME: _____

REC'D BY: _____

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OFFICE OF THE PUBLIC AUDITOR

**Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL**

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

MAR 04 2011

TIME: 3:00

BY: *[Handwritten initials]*

FILE NO. OPA-PA: 11-005

PART I- To be completed by OPA

In the Appeal of _____)

NOTICE OF APPEAL

(Name of Company), APPELLANT)

Docket No. OPA-PA 11-005

PART II- Appellant Information

Name: Juan C. Tenorio, P.E.

Mailing Address: 197 Hernan Cortez Ave. A3
Hagatna, Guam 96910

Business Address: Same as mailing address

Daytime Contact No: 479-8888/98 office; 486-3311 cell

PART III- Appeal Information

A) Purchasing Agency: GUAM INTERNATIONAL AIRPORT AUTHORITY

Construction Management Services for

B) Identification/Number of Procurement, Solicitation, or Contract: Runway 6L ILS

C) Decision being appealed was made on _____ (date) by: No response to protest letter dated Feb. 18, 2011

___ Chief Procurement Officer ___ Director of Public Works ___ Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

D) Appeal is made from:

(Please select one and attach a copy of the Decision to this form)

Decision on Protest of Method, Solicitation or Award

Decision on Debarment or Suspension

Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)

Determination on Award not Stayed Pending Protest or Appeal
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including **BUT NOT LIMITED TO:**

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

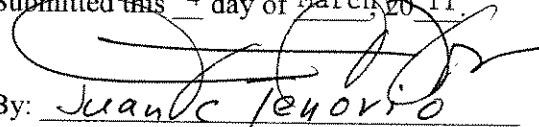
Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

PART V- Declaration Re Court Action

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

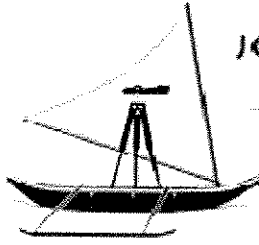
The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 4 day of March, 2011.

By: 
APPELLANT

or

By: _____
Appellant's Duly Authorized Representative
(Address)
(Phone No.)



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Tel: (671) 479-8888/98 • Fax: (671) 477-3277

Email: tenorioengineers1@guam.net • Website: www.juancetenorio-engineers.com



March 4, 2011

Mrs. Doris Flores Brooks
Public Auditor of Guam
Office of Public Accountability
Suite 401 DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

Subject: Procurement Appeal
Appendix A Part IV Items 1, 2, and 3.

Item 1. A concise, logically arranged, and direct statement of the grounds for appeal.

Summary:

It is the position of Juan C. Tenorio that his firm has an existing contract with GIAA to perform Construction Management (CM) Services for the Installation of the New ILS and Glide Slope Shelves for Runway 6L.

This project was the fourth project on a list of five projects that Tenorio's firm was to perform for GIAA. Tenorio performed and completed the first three projects without issue and has been waiting for GIAA to bring a contractor on board in order to continue its Construction Management efforts for the fourth project.

Despite several efforts to engage GIAA in a discussion to settle this issue and to continue work on this project, GIAA has remained unresponsive and has not even acknowledged receipt of letters from Mr. Tenorio on the subject.

It appears to Tenorio and his firm, that GIAA intends to breach its contract with Tenorio because GIAA re-announced/advertised an RFP for CM Service for the same work (see RFP-005-FY11).

Tenorio now seeks the assistance of the Public Auditor of Guam to compel GIAA to honor its contract with Tenorio.

Item 2. A statement specifying the ruling requested.

Juan C. Tenorio, P.E., desires that the Public Auditor of Guam declare that Tenorio and his firm is entitled to perform the CM Services for balance of the projects listed on the original list of five; namely the Installation of the New ILS and Glide Slope Shelves for Runway 6L as well as CM Services for the Construction and Rehabilitation of Runway 6L.

Item 3. Supporting exhibits, evidence, or documents to substantiate any claims and grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

- A. On or about March 11 or 13, 2002 Juan C. Tenorio received a letter from GIAA Executive Manager Mr. Gerald P. Yingling. The subject of the letter was of Notice of Intent to Award a contract for Construction Management Services for the Construction of Parallel Taxiway – Project No. GIAA-FY98-08-02.
- B. Juan C. Tenorio received a second letter from Mr. Yingling dated August 29, 2002. The subject of the letter was Notice of Award for the same project noted above in A and a request to submit a fee proposal based on the Scope of Work.
- C. On September 6, 2002 Juan C. Tenorio submitted a fee proposal based on the original Scope of Work for the project.
- D. In January 2004 Tenorio receives verbal communications from GIAA that in addition to the Phase I CM Services for the Parallel Taxiway, the firm was being given several additional projects:
- Phase II CM Services for Parallel Taxiway
 - CM Service for the Installation of the New ILS and Glide Slope Shelves for Runway 6R
 - CM Services for the Installation of the New ILS and Glide Slope Shelves for Runway 6L
 - CM Services for the Construction and Rehabilitation of Runway 6L

Tenorio was also requested to submit a revised fee proposal based on the original Scope of Work and to also include Pre-Construction (PRECON) tasks.

- E. January 30, 2004 Tenorio submitted a revised fee proposal as requested by GIAA.
- F. On March 2, 2004 a meeting was held with representatives of the Tenorio firm and representatives of GIAA (Frank R. Santos and Victor J. Cruz) to negotiate the fees submitted by Tenorio.
- G. October 5, 20010 Letter to Mary Torres, GIAA Gen. Manager requesting a meeting.

- H. November 19, 2010 follow up letter to Mary Torres, GIAA Gen. Manager requesting a meeting to discuss CM Services Contract.
- I. October or November 2010 Letter from Mary Torres, GIAA Gen. Manager to the Federal Aviation Administration requesting guidance regarding CM Services Contract for AIP Project No. 3-66-0001-74 Runway 6L ILS. (We are waiting for GIAA to provide us this document as it should be included as part of our FOIA/Sunshine Act request sent to GIAA on February 14, 2011).
- J. December 9, 2010 Letter from FAA responding to Mary Torres's letter requesting guidance regarding CM Services. (Please note that in Carissa Umpingco, FAA Program Manager's response, she cites Mary Torres's referral to a contract with Juan C. Tenorio dated August 29, 2002)
- K. Protest Letter to GIAA dated February 18, 2011

End of Appendix A Part IV

RFP/10

EXHIBIT "A"



A. B. WON PAT
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
GUAM INTERNATIONAL AIRPORT AUTHORITY

MAR 13 2002

March 11, 2002

Mr. Juan C. Tenorio, P.C.
Principal-in-Charge
Juan C. Tenorio, P.C.
197 Hernan Cortez Avenue
Hagåtña, Guam 96910-5037

**Subject: Notice of Intent to Award
Request For Proposal - Construction Management Services
Construct Parallel Taxiway
Project No. GIAA-FY98-08-02**

Dear Mr. Tenorio:

The A.B. Won Pat Guam International Airport Authority (GIAA) has completed its evaluation of your bid submission for the above subject Request For Proposal. As a result, the Authority hereby issues you this "Notice of Intent to Award" for professional services as outlined in the Scope of Work for the above Request For Proposal.

Submit your fee proposal based on the Scope of Work to the Executive Manager no later than March 15, 2002. Upon review and approval of your fee proposal, the Authority will consummate a contract for professional services.

Should you have any questions, please contact Ms. Linda G. Castro, Supply Management Administrator at 642-5149.

Respectfully,

Gerald P. Yingling
Executive Manager

cc: Evaluation Committee
Procurement File





A. B. WON PAT

ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
 GUAM INTERNATIONAL AIRPORT AUTHORITY

August 29, 2002

Mr. Juan C. Tenorio, P.C.
 President-in-Charge
Juan C. Tenorio
 197 Hernan Cortez Avenue
 Hagåtña, Guam 96910-5037

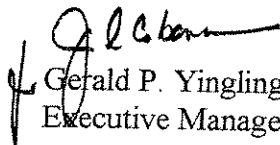
Subject: Notice of Award
Request for Proposal - Construction Management Services
Construct Parallel Taxiway
Project No. GIAA-FY98-08-02

Dear Mr. Tenorio:

The A. B. Won Pat Guam International Airport (GIAA) hereby issues you this "Notice of Award" for professional services as outlined in the Request for Proposal. Please submit your fee proposal based on the Scope of Work to the Executive Manager no later than September 6, 2002. Upon review and approval of your fee proposal, the Authority will consummate a contract for professional services.

Should you have any questions, please contact Ms. Linda G. Castro, Supply Management Administrator at (671) 642-5149.

Respectfully,


 Gerald P. Yingling
 Executive Manager

Attachment

cc: Evaluation Committee
 Procurement File

GUAM: 197 Hernan Cortes Ave. Hagatña, Guam 96910-5037
Tel: (671) 479-8888/98 · Fax: (671) 477-3277
E-mail: juantenorio@juantenorio-engineers.com

Mr. P. Thompson
Manager
Guam International Airport Authority

Construction Management Services for the:

- Construction of the Parallel Taxiway, Phase 1: STA 23+00 to STA 88+36.11
- Construction of the Parallel Taxiway, Phase 2: STA 23_00 to STA (-)0+85
- Installation of the New and ILS Glided Slope Shelves for Runway 6R and 6L
- Construction and Rehabilitation of Runway 6L

As requested we are submitting herewith-revised proposals of the above projects as follows.

- 1 Exhibit A: Scope of Work for Construction Management Services for all four projects.
- 2 Exhibit B: Basis of Fee Determination and Summary of Fees for the Construction of the Parallel Taxiway, Phase 1: STA 23+00 to STA 88+36.11.
- 3 Exhibit C: Spreadsheet showing tasks and efforts, and fee calculations for Phase 1.

It is understood that the fees for the Phase 2 (the other three projects) will be negotiated at a later date.

We thank you for the opportunity. We are prepared to negotiate, execute the contract, and mobilize to

EXECUTIVE SUMMARY OF NEGOTIATIONS
FOR CONSTRUCTION MANAGEMENT SERVICES
In conjunction with the
CONSTRUCT PARALLEL TAXIWAY PROJECT
Project No.:GIAA-FY98-08-02

Background:

On March 13, 2002 Juan C. Tenorio, P.C., Consulting Engineers (JCT), received a Notice of Intent to Award letter (dated March 11, 2002) from the Guam International Airport Authority (GIAA) for JCT to perform Construction Management (CM) services in conjunction with the CONSTRUCT PARALLEL TAXIWAY PROJECT. The letter also requested JCT to submit a fee proposal for the services. The Statement of Work (SOW) accompanied the letter. Subsequent to the receipt of the letter in our office, we were advised not to submit the fee proposal.

On August 29, 2002, JCT received a second letter again notifying us of our selection, and requesting fee proposals again. On September 6, 2002 JCT submitted a detailed fee proposal, including task descriptions, personnel and manpower requirements, support personnel and services, and other items. The total fee requested was \$1,350,000.

In January 2004, we received verbal communication from GIAA confirming the selection of JCT to perform CM services for the parallel project in accordance with the original SOW and requesting fee proposals. JCT was advised that construction would be handled in two phases. The fee has to be submitted in accordance to the following:

Phase 1: Construct Parallel Taxiway, Phase 1: STA 23+00 to STA 88+36.11

- Phase 2: (1) Construct Parallel Taxiway, Phase 2: STA 23+00 to STA (-)0+85
(2) Installation of the New ILS and Glided Slope Shelves for Runway 6R and 6L
(3) Construction and Rehabilitation of Runway 6L

The communication also instructed JCT to submit a revised fee proposal based on the original SOW but to include Pre-construction (PRECON) tasks. On January 30, 2004 JCT submitted a revised fee proposal. See Enclosure 'A'.

Negotiations:

On March 2, 2004 at 10:00 a.m. negotiations sessions were convened, GIAA was represented by Frank R. Santos, Consultant, and Victor J. Cruz, Engineering Supervisor. It was pointed out that Mr. Marc Gagarin, Chief Engineer has been detailed to DPW and will not be attending the negotiations.

REPORT

Representing JCT were: Juan C. Tenorio, P.E., President and Principal Engineer, Mr. Dante M. Sabino, Senior Engineering Designer, and Mr. Joseph P. Perez, General Manager.

Tenorio opened the meeting by thanking GIAA's representatives for GIAA's confidence in JCT. He explained the rationale used in developing the revised fee structure (January 30, 2004 revisions) as follows:

- The original GIAA SOW was modified to include Pre-construction tasks in the Scope of Work (SCOPE). This is marked as Exhibit A.
- Development of the Basis of Fee Determination and Summary of Fees, using the following assumptions:
 - ❖ Period of construction: 12 months
 - ❖ CM period: 12 months + 2 months for PRECON + 1 month for Post construction.
 - ❖ The hourly charges for Direct Cost based on rates used in the Earthquake Repair project.
 - ❖ The overhead percentage of 135%, also used in the Earthquake Repair project.
 - ❖ The need for Support personnel and services.
 - ❖ The need to purchase 2 vehicles to be used in the project.

The result of the fee proposal is \$1,298,357.

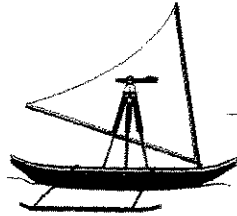
GIAA's representatives indicated that the total is not commensurate with the efforts required by the new scope of construction. The Engineers Estimate for Phase 1 is now pegged at \$9,000,000 (+/-). GIAA that not all the tasks listed by JCT in the PRECON will be necessary. Discussion ensued on the PRECON tasks required.

JCT then introduced a revised fee proposal, prepared prior to the meeting to be submitted as a substitute for the January 30 fee proposal. The total for the revised version comes out to \$874,090. See Enclosure 'B'.

When compared with the Engineer's Estimates the fee is 9.7%. The percentage is considered reasonable in light of the need to perform several key PRECON tasks. It was noted that this fee is a 32.7% reduction from the January 30 figure of \$1,298,357.50.

Agreement was made to include the purchase of the two utility vehicles at a total cost of \$51,500.00. It was also agreed to list the Support Personnel and Services, with the hourly or daily rates. The revised fee was formalized and resubmitted on March 3, 2004. See Enclosure 'C'.

Negotiations were completed at 11:00 a.m.



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October 5, 2010

Mrs. Mary C. Torres
Executive Manager
Guam International Airport Authority
355 Chalan Pasaheru
Tamuning, Guam 96911

Subject: Construction Management Services for the Construction of ILS 6L

Hafa Adai, Mrs. Camacho,

I am bringing to your attention a matter of grave importance to this firm and its loyal employees. Appended to this letter are the following documents:

1. Letter from Guam International Airport Authority (GIAA), dated March 11, 2002, signed by Mr. Gerald P. Yingling, Subject: Notice of Intent to Award, Request for Proposal – Construction Management Services, Construct Parallel Taxiway, Project No. GIAA-FY98-08-02. (marked as Exhibit "A").
2. Letter from GIAA, dated September 29, 2002, signed by Mr. Gerald P. Yingling. Subject: Notice of Award Request for Proposal – Construction Management Services Construct Parallel Taxiway Project NO. GIAA-FY98-08-02. (marked as Exhibit "B")
3. Draft of a letter, addressed to Mr. William R. Thompson, Executive Manager, GIAA, dated January 30, 2004; appended to this letter in the original SCOPE OF WORK. (marked Exhibit "C")
4. A two-page document entitled, "EXECUTIVE SUMMARY of Negotiations for Construction Management Services in conjunction with the Construct Parallel Taxiway Project, Project No.: GIAA-FY98-08-02", dated on or about March 2, 2004. (marked as Exhibit "D")
5. LETTER OF TRANSMITTAL, from Juan C. Tenorio, P.C. (forerunner of this firm), dated 02-03-04, transmitting the following: REVISED Scope of Work and Fee Proposal for the above mentioned subject, which is, Construction of Parallel Taxiway Phase I. (marked as Exhibit "E")
6. A seven-page document plus a two-page exhibit, entitled, **REVISED SCOPE OF WORK CONSTRUCTION MANAGEMENT SERVICES (mentioned in 5. Above) for the:**
 - Construction of the Parallel Taxiway, Phase 1: STA 23+00 to STA 88+36.11.
 - Construction of the Parallel Taxiway, Phase 2: STA 23+00 TO STA (-)0+85.
 - Installation of the New ILS and Glided Slope Shelves for Runway 6R and 6L.
 - Construction and Rehabilitation of Runway 6L. (exhibit "F")

Please note that Item 6 above was Exhibit A and Exhibit B to the LETTER OF TRANSMITTAL in Item 5.

I am bringing this matter to your attention because we understand that construction bids have been received for the construction of the ILS 6L (short name). It is our strong opinion that the construction management (CM) services for this project should be performed by our firm, J C Tenorio Engineers & Associates, Inc. the successor of Juan C Tenorio, P.C., Consulting Engineers.

I cite the following rationale for arriving at this conclusion:

The first letter (Exhibit "A") from Mr. Yingling states that there was **Notice of Intent to Award** CM services to our firm. The second letter (Exhibit "B") states a **Notice of Award** for the same project.

Item 3 (Exhibit "C") both the draft letter and the Scope of Work listed the four projects as shown in Item 6 (Exhibit "F").

Item 4 (Exhibit "D") is quoted in part, "The fee has to be submitted in accordance to the following:

Phase 1: Construct Parallel Taxiway, Phase 1: STA 23+00 to STA 88+36.11

Phase 2: (1) Construct Parallel Taxiway Phase 2: STA 23+00 to STA (-)0+85
(2) Installation of the New ILS and Guided Slope Shelves for Runway 6R and 6L
(3) Construction and Rehabilitation of Runway 6L.

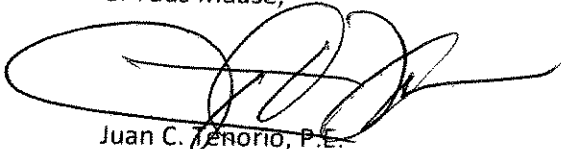
Please note that the same projects are repeatedly listed in all documents where any project is mentioned.

Next, it was clear that during the negotiation sessions, that the above projects were part of the Award. In Item 5 (Exhibit "E"), the Revised Scope of Works, was negotiated as a result of the scope of work submitted in the January 30, 2004 draft letter, and to be performed as part of the award include all four (4) projects listed in the EXECUTIVE SUMMARY.

We have performed CM services for Phase 1 and Phase 2, Parallel Taxiway, and also the ILS 6R based on the decision made back in 2002 and 2004. As you may know, no separate letter(s) of award was issued by GIAA for the projects listed in Phase 2: Taxiway Phase 2 and ILS 6R. By the same token, fairness, and logic, the CM for ILS 6L should be performed by our firm.

We still have the same competent CM team available to execute the required services. We would like very much to sit down and discuss this matter with you and your key staff members.

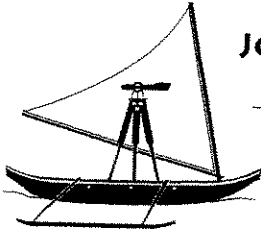
Si Yuus Maase,



Juan C. Teronio, P.E.
President

Attachments: as noted

CC: Mr. Frank Santos, GIAA



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November 19, 2010

Mrs. Mary C. Torres
Executive Manager
Guam International Airport Authority
355 Chalan Pasaheru
Tamuning, Guam 96911

Subject: Follow up to letter from J C Tenorio Engineers & Associates, Inc., dated October 5, 2010, Subject: Construction Management Services for the Construction of ILS 6L

Hafa Adai, Mrs. Torres,

First, please allow me to apologize for the salutation error in my letter to you dated October 5, 2010. Old habits die hard sometimes, as I recall you being the pretty little daughter of Gov. Dr. Carlos G. Camacho, who was my boss, residing in the Government House. Suffice it to say, there is no excuse for my oversight and I apologize for the mistake.

I am sure you can appreciate that in running a small consulting engineering firm, doing design and construction management services, such as mine, planning and timing of contracts are critical to continued survival. In my letter to you I made the case for our being the Construction Management Provider for the construction of ILS 6L (short name). With my letter I included numerous supporting documents from the previous airport management confirming our selection. We believe that these representations of commitment from the previous management are proper and continue to be binding on all parties.

I ask that you please likewise reassure us of our assumptions and reconfirm our selection, and advise us as to the approximate timeframe when we can negotiate the fees and receive the issuance of the Notice to Proceed (NTP) for this project.

We look forward to continuing our good working relationship with GIAA and we are eager to start on this exciting project.

Looking forward to hearing from you soon.

Si Yuus Maase,


JUAN C. TENORIO, P.E.
President

Cc: F. Santos



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports District Office

300 Ala Moana Blvd., Rm. 7-128
Honolulu, HI 96850
Box 50244
Honolulu, HI 96850-0001
T (808) 541-1232
F (808) 541-3566

December 9, 2010

Ms. Mary C. Torres
Acting Executive Manager
A.B. Won Pat Guam International
Airport Authority (GIAA)
PO Box 8770
Tamuning, GU 96931

**Guam International Airport
AIP Project No. 3-66-0001-74
Runway 6L ILS
Construction Management Services**

Dear Ms. Torres:

Our office has been in discussions with Guam International Airport Authority (GIAA) representatives regarding the Construction Management (CM) Services for the subject project. GIAA requested for guidance on proper procurement actions for such services. GIAA proposed the following options:

- Advertise for CM Services.
- Award CM Services to Juan C. Tenorio, Consulting Engineers under existing contract dated August 29, 2002.
- Award CM Services to GMP Guam, Inc. under the Settlement Agreement and Release dated May 5, 2005.
- GIAA to provide personnel to perform CM services.

Federal Aviation Administration (FAA) policies states that the selection of CM Services must "ensure maximum open and free competition"¹. Additionally, "services are limited to those projects that can reasonably be expected to be initiated within five (5) years of the date the contract is signed by the consultant."²

The Settlement Agreement and Release (1) reinstated GMP Guam, Inc. design services for the Parallel Taxiway Phase 1 and Extension of Runway 6R/24L, (2) awarded the design of the Ground Water Remediation to GMP, and (3) agreed to Juan C. Tenorio, Consulting Engineers subcontracting GMP Guam, Inc. for CM Services for Parallel Taxiway. The Settlement Agreement and Release does not include CM Services for the subject project. Therefore, the Settlement Agreement and Release does not apply to CM Services performed for the Runway 6L ILS project.

¹ FAA Advisory Circular 150/5100-14D, ARCHITECTURAL, ENGINEERING, AND PLANNING CONSULTANT SERVICES FOR AIRPORT GRANT PROJECTS, Chapter 2, Paragraph 2-2.

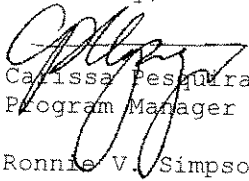
² FAA Advisory Circular 150/5100-14D, Chapter 2, Paragraph 2-6d.

The installation of the Instrument Landing System is a complex project that requires specialized knowledge of the work involved. "Consultants must be engaged on the basis of their qualifications and experience"³. Therefore, personnel performing this service must have the expertise and knowledge of FAA navigational aids.

Cognizant of the aforementioned, we have determined that the selection of CM services must comply with FAA policies and must go through the proper procurement process by advertisement for such services.

Should you have any questions, please call me at (808)541-1242.

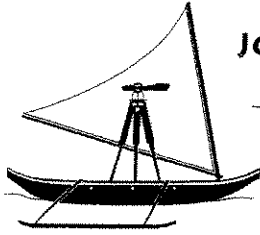
Sincerely,



Carlissa Pesquera Unpingco
Program Manager

Ronnie V. Simpson
Manager, Airports District Office

³ FAA Advisory Circular 150/5100-14D, Chapter 2, Paragraph 2-3.



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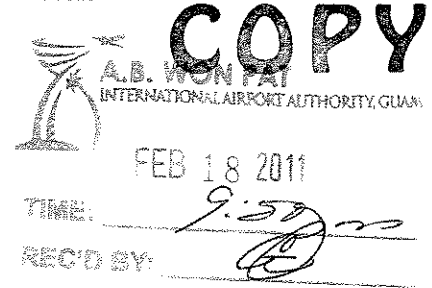
Tel: (671) 479-8888/98 • Fax: (671) 477-3277

Email: tenorioengineers1@guam.net • Website: www.juancitenorio-engineers.com



February 18, 2011

Mrs. Mary C. Torres, Executive Manager
Antonio B. Won Pat Int'l Airport Guam (GIAA)
P.O. 8770
Tamuning, Guam 96931



Re: LETTER OF PROTEST for RFP No. RFP-005-FY11;
Project No. GIAA-FY98-08-02; AIP No. 3-66-0001-74 & 78
Construction Management Services for Runway 6L-24R New Glide Slope Facilities, New
Localizer Facilities and New PAPI System.

Hafa Adai Mrs. Torres:

The purpose of this letter is to Officially Protest the awarding the project for the above referenced RFP issued by GIAA. It is my firm's intention to seek all administrative and legal remedies to preserve and assert our right to perform the Construction Management Service for the above captioned GIAA RFP.

Our resolve to assert our rights hinges on our absolute believe that this project was awarded to us by previous GIAA management dating back to 2002. This CM Services Project was included in a list of five projects that we were to perform for GIAA. We performed and completed the first three projects on the list and the CM Services for Runway 6L would have been the next project. Because of delays by GIAA to move forward on this project, no further work or services were performed.

I have made several attempted to resolve this problem with GIAA, however my efforts have not yielded the results I was seeking. I have written to you several times to hopefully engage GIAA in a discussion to resolve this issue. We also sought resolution by meeting your Deputy General Manager, Mr. Peter Roy Martinez; unfortunately that too did not yield a satisfactory result. Now that GIAA has decided to re-announce the RFP, I feel I am left with no other remedy but to seek satisfaction administratively via a formal protest. It is our continued desire to resolve this without having to resort to administrative and legal processes.

Thank you for your consideration and help.

Si Yuuos Maase,

JUAN C. TENORIO, P.E.
President, CEO