

correct. Attached is an October 31, 2017 email from counsel to his secretary, Ms. Linda Hernandez, confirming that a copy of a Compact Disc (“CD”) had already been served on CTI. Unfortunately, DPW is not presently able to produce a receipted copy from Appellee. *See*, Exhibit “A”. Appellee’s motion also claims that DPW supplemented the Procurement Record on November 3, 2017, and “again failed to serve Appellant with a copy of the Supplemental filing.” This is not factually correct. Attached hereto as Exhibit “B” is a November 3, 2017, receipted copy by Ms. Arriola’s office of Mr. David Titzel’s CD. Also attached as Exhibit “C” is a receipted copy, also dated November 3, 2017, of Mr. Mike Hobbs Project documents. *See also*, Ms. Linda Hernandez’s, WP Secretary I, Office of the Attorney General of Guam, November 30, 2017 email to AAG Keeler attached hereto as Exhibit “D” and incorporated herein by this reference.

At a November 8, 2013, pre-hearing conference in this matter the Hearing Officer ordered DPW to produce the procurement record. Appellants records document that this was done on November 13, 2017, when it filed its Agency Report with the OPA and supplemented the record by filing three (3) hard copies of 1,491 pages. A CD was served on Appellee’s counsel’s office that same date. Attached hereto as Exhibit “E” is a receipted copy confirming receipt. The label on the receipted copy document that the Procurement Record was served on Appellee. In order to avoid any misunderstandings a second copy of the Procurement Record is contained in the CD filed with this response.

Separate and apart from documents filed with the OPA, on October 9, 2017, DPW responded in a timely manner to Ms. Arriola’s written FOIA Request seeking “seeking copies of documents relating to the Route1/Route 8 Intersection Improvements and Agana Bridges Replacement (Design-Build) Project No. GU-DAR-T101(001).” *See*, Exhibit “F”. DPW’s response was supplemented via an October 11, 2017 letter in which it provided Project records by DPW’s consultant WSP USA, Inc.

f/n/a Parsons Brinckerhoff. *See*, Exhibit "G". Appellee references its responses to Appellee's filings with the OPA and in response to Ms. Arriola's FOIA Request that Appellant has thousands of pages of Project documents.

DPW's filings are timely. Appellant's claim that it is severely prejudiced by not having Project documents is without merit. DPW's records document that Appellee was served copies of the filings in question. In addition to Appellant's frivolous claim of prejudice, its appeal is a breach of contract and not a procurement matter.

CONCLUSION

Appellee has served its filings on Appellant as required by law. Appellee is in possession of thousands of pages of Project documents. Appellee DPW respectfully submits that Appellant's motion for sanctions be denied.

Dated this 1st day of December, 2017.

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

EXHIBIT A

Linda Hernandez

To: Linda Hernandez (lhernandez@guamag.org)
Subject: FW: waiting on response re boxes you just delivered -2

-----Original Message-----

From: Tom Keeler
Sent: Tuesday, October 31, 2017 2:51 PM
To: Linda Hernandez <lhernandez@guamag.org>
Subject: RE: waiting on response re boxes you just delivered -2

Core Tech earlier provided copy. I have AG's copy. Tom

From: Linda Hernandez
Sent: Tuesday, October 31, 2017 2:49 PM
To: Tom Keeler
Subject: RE: waiting on response re boxes you just delivered

Is this part of Procurement Record for 17-010? There are only 3 sets for OPA, we don't have for AG copy or Opposing copy. No time to make extra copies.

Saina Ma'ase,
Si Linda Hernandez
Word Processing Secretary 1
Contact No.: 671-475-3324
Email: lhernandez@guamag.org

Ufisinan Hinirat Abugao
Office of the Attorney General
Solicitor Division
590 S. Marine Corps Drive
Suite 802, ITC Bldg.
Tamuning, Guam 96913

URL: www.guamag.org

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

Docket No. OPA-PA-17-010

EXHIBIT B



RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 11/03/17

TIME: 4:34 PM BY: C. RORIC

FILE NO: OPA-PA-17-010

Law Office
ARRIOLA, COWAN, ARRIOLA
NOV 03 2017
RECEIVED
By: KOSI Times 4:44

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

Docket No. OPA-PA-17-010

EXHIBIT C



RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS
DATE: 11/03/17
TIME: 4:34 AM PM BY: C. Roque
FILE NO OPA-PA: 17-010

Case Offices
ARRIOLA, COWAN, ARRIOLA
NOV 03 2017
RECEIVED
By: KOSI Time: 4:44

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

Docket No. OPA-PA-17-010

EXHIBIT D

- Mail
- Calendar
- Contacts
- Deleted Items (571)
- Drafts [230]
- Inbox (101)
- Junk E-Mail
- Sent Items
- Click to view all folders
- Manage Folders...

Reply
 Reply All
 Forward
 Move
 Delete
 Junk
 Close

OPA-PA-17-010 Supplemental to Procurement Record CD
Linda Hernandez

Sent: Thursday, November 30, 2017 10:49 AM
To: Tom Keeler

Tom,

Just viewed contents of the cd you handed me yesterday. It's the same cd content as the one we had already filed. Compared the pages of each and its identical to what we had filed. F-82 (labeled on the cd as 17-1960) is 803 pages. 17-1961 labeled on the cd is 688 pages. Pls advise.

Saina Ma'ase,
Si Linda Hernández
Word Processing Secretary I
Solicitor Division
590 South Marine Corps Drive
Suite 802, International Trade Center (ITC)
Tamuning, Guam 96913
Contact No.: 671-475-3324 x3245
Email: lhernandez@guamag.org



Ufisinan Hinirat Abugao
Office of the Attorney General
Solicitor Division
590 S. Marine Corps Drive
Suite 802, ITC Bldg.
Tamuning, Guam 96913

URL: www.guamag.org

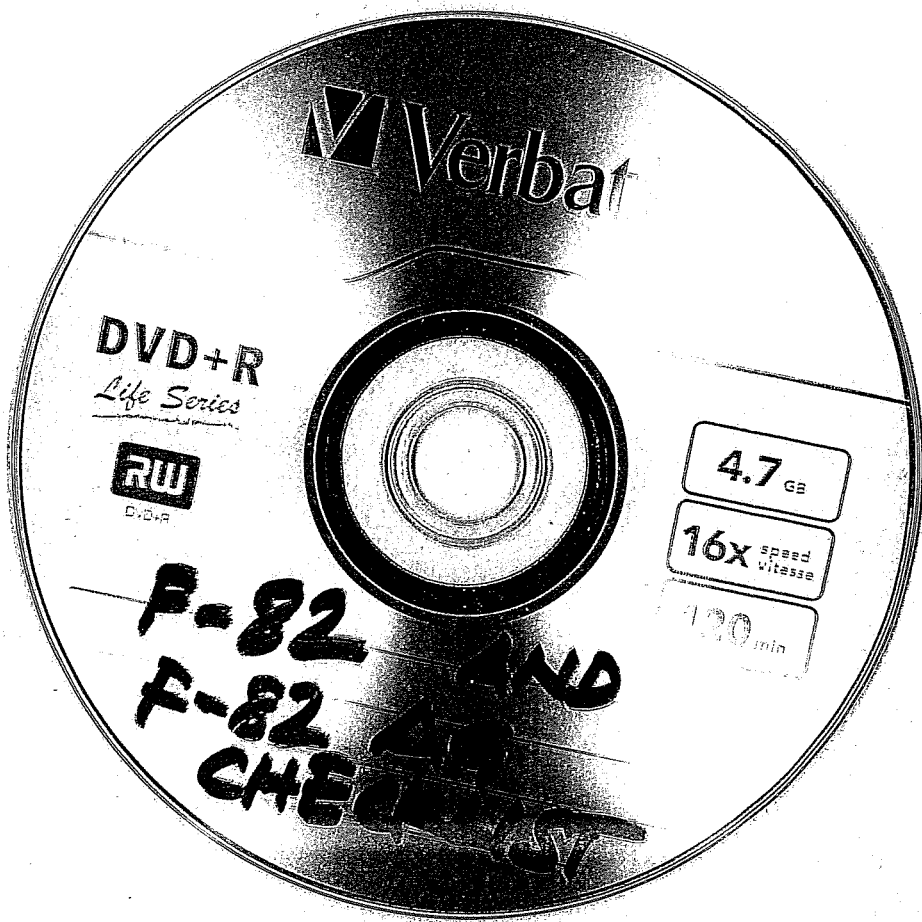
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In the Appeal of: Core Tech International Corp. and DPW

Docket No. OPA-PA-17-010

EXHIBIT E

11/14/17
CB



Lynn Offices
ARRIOLA, COWAN, ARRIOLA
NOV 13 2017
RECEIVED
By KASSI Time: 4:20

FILE COPY

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

Docket No. OPA-PA-17-010

EXHIBIT F



The Honorable
EDDIE BAZA CALVO
 Governor

The Honorable
RAY S. TENORIO
 Lieutenant Governor

FILE COPY



GLENN LEON GUERRERO
 Director
ARLEEN U. PIERCE
 Acting Deputy Director

17-1765

October 9, 2017

Via Hand Delivery

Anita Arriola, Esq.
 Arriola Cowan & Arriola
 259 Martyr Street, Suite 201
 Hagatna, Guam 96910

Re: Freedom of Information Act 1999 (FOIA) Request dated September 25, 2017

Ms. Arriola:

This letter serves to respond to your September 25, 2017 letter concerning the above referenced Sunshine Reform Act of 1999 (FOIA) seeking copies of documents relating to the Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement (Design-Build) Project No. GU-DAR-T101(001). The requested documents are enclosed herein.

Should you require any further information, please contact Mr. Joaquin Blaz at the Division of Highways at 649-3121.

Sincerely,

[Handwritten Signature]
 for: ARLEEN U. PIERCE
 Acting Deputy Director

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

Law Offices
 ARRIOLA, COWAN, ARRIOLA
 OCT 09 2017
 RECEIVED
 By: *Kassi* Time: *3:44*

received (8) CD's

ACKNOWLEDGMENT RECEIPT:
 NAME:
 DEPT/COMPANY:
 DATE: TIME:
 SIGNATURE:

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

Docket No. OPA-PA-17-010

EXHIBIT G



The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY S. TENORIO
Lieutenant Governor



GLENN LEON GUERRERO
Director
Arleen U. Pierce
Acting Deputy Director

17-1798

FILE COPY

October 11, 2017

Via Hand Delivery

Anita Arriola, Esq.
Arriola Cowan & Arriola
259 Martyr Street, Suite 201
Hagatna, Guam 96910

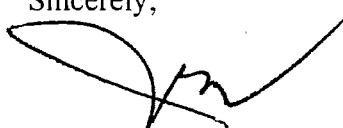
Re: Freedom of Information Act 1999 (FOIA) Request dated September 25, 2017

Ms. Arriola:

This letter serves to supplement the Department of Public Works (DPW) earlier response to your September 25, 2017 letter concerning the above referenced Sunshine Reform Act of 1999 (FOIA) request. Enclosed are copies of additional documents provided by DPW consultant WSP USA, fna Parsons Brinckerhoff.

Please contact my office if you have any questions.

Sincerely,


ARLEEN U. PIERCE
Acting Deputy Director

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

received
CD +
email
copies

Law Offices
ARRIOLA, COWAN, ARRIOLA
OCT 12 2017
RECEIVED
By: <i>KASSI</i> Time: <i>2:12</i>