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 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:

) DOCKET NO. OPA-PA-18-02

Korando Corporation,

Appellant,

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**DECLARATION OF
 GLENN LEON GUERRERO**

GLENN LEON GUERRERO makes this declaration under penalty of perjury under the laws of Guam and states:

1. I am employed by the Government of Guam as Director of the Department of Public Works (“DPW”). DPW’s offices are located in Upper Tumon, Guam.

2. I serve as a DPW representative for the Guam Transportation Group (“GTG”), which provides policy direction and overall guidance to the goals and objectives of the Department of Public Works (“DPW”) 2030 Guam Transportation Program.

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3. Among other responsibilities, I oversee construction on Federal Highway Administration (“FHWA”) funded projects. In performing this task I regularly meet and communicate with DPW’s Deputy Director, Andrew Leon Guerrero; DPW’s Acting Highway Administrator, Joaquin Blaz; and members of Parsons Transportation Group (“PTG”), a consultant that provides compliance management assistance, augments the forward planning and execution effort by DPW, and provides advice to DPW. I also regularly meet and communicate with WSP USA, Inc., which also provides consultant work for DPW on FHWA funded projects, and others.

4. 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.

5. On or about October 18, 2016, Korando submitted a 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”).

6. Upon receipt I tasked PTG’s John Moretto with reviewing Korando’s 10/18/16 Change Order on behalf of DPW. Mr. Moretto subsequently prepared a draft response for DPW to request that Korando provide backup documents and/or clarifications for certain items needed for the department to complete its review. The draft response was reviewed by and discussed among members of the GTG. DPW responded to Korando via my December 28, 2015 letter.

7. Korando responded to my referenced letter via a January 24, 2017 letter, with enclosures (“Korando’s 01/24/17 Corrected Claim”). I again tasked PTG’s John Moretto with reviewing Korando’s 01/24/17 Corrected Claim.

8. Mr. Moretto prepared a number of draft responses to Korando’s 01/24/17 Corrected Claim. The draft responses were reviewed and discussed in detail by members of the GTG. During this review process I met with and telephoned PTG personnel, DPW’s Deputy Director and Acting Highway Administrator, as well as FHWA’s regional representative, Ms. Richelle Takara, a number of times. These calls and meetings took place over a number of months.

9. On or about October 17, 2017 Korando provided DPW an updated Change Order (“Korando’s 10/17/17 Change Order”). Once again I tasked PTG’s John Moretto with reviewing Korando’s 10/17/17 Change Order. PTG’s John Moretto subsequently provided DPW with a draft response to said Change Order. Following additional telephone conference calls and meetings with Mr. Moretto and other PTG personnel, other members of DPW’s management team and FHWA’s Richelle Takara, DPW responded to Korando’s 10/17/17 Change Order by my letter dated November 15, 2017.

10. During the course of DPW, PTG and FHWA’s review and analysis of Korando’s 10/18/16 Change Order, 01/24/17 Corrected Claim and its 10/17/17 Change Order, I do not recall having ever been provided a written analysis by PTG’s John Moretto or anyone else. While Korando’s three (3) claims were thoroughly reviewed and discussed any number of times, it is my recollection that all such discussions took place in person, or via telephone. I also don’t recall making any written notes or memos during any of these meetings or telephone calls.

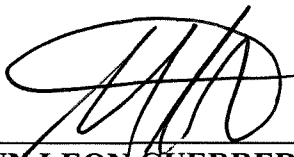
11. I have reviewed Korando's March 19, 2018 Appellant Korando Corporation's Motion to Compel, Extend the Time to File Comments to Agency Report and Other Dates and for Sanctions ("Korando's Motion to Compel"). Korando's Motion to Compel claims that DPW has "failed to produce any material related to DPW's decision-making process, its analysis of Korando's claim, or communications regarding how to respond to the claim". Korando's claim is false. I am informed that DPW has produced around ten thousand (10,000) pages of materials related to the Project. To the best of my knowledge, DPW has produced all non-privileged materials on the Project. Korando's Motion to Compel seeks documents that don't exist.

12. This Declaration is made to replace one I signed on Thursday, March 29, 2018, which I am informed was misplaced.

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

Submitted this 2th day of April, 2018.

By:



GLENN LEON GUERRERO