

**ORIGINAL**

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OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

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FILE NO OPA-PA: 15-009

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY  
HAGATNA GUAM**

In the Appeal of

**DOCKET NO. OPA-PA-15-009**

Korando Corporation,  
  
Appellant.

**DECLARATION OF KEITH L. FARRELL  
IN SUPPORT OF KORANDO  
CORPORATION'S OPPOSITION TO  
DEPARTMENT OF PUBLIC WORKS'  
MOTION FOR SUMMARY JUDGMENT**

I, **KEITH FARRELL**, hereby declare that:

1. I am President of Construction Consulting Guam, LLC. I have experience in preconstruction services, estimating, project management, contract management, claims, and general management.

2. Generally on a civil construction contract, significant work does not begin until after the Notice to Proceed is issued. If a contractor begins working before the NTP is issued and the government cancels the project, the contractor does not get reimbursed for any work done. It is typical for a contractor to be working on getting agency comments and conditions attached to the permit sign off after the NTP is issued.

3. In bridge construction projects especially, it is normal for there to be a long lead time of preparation before permanent construction work begins at the

construction site.

4. I am familiar with the Bile and Pigua Bridge Replacement Project, GU-NH-0026(005). I have reviewed relevant documents and have an understanding of both the Original Phasing Plan and the Revised Phasing and Electrical Plans. I visited the site of the Bile and Pigua bridges on November 12, 2015.

5. In my opinion, based on the documents I have reviewed and my visit to the construction site, Korando's proposed changes to the Phasing Plan and Electrical Plan were not only reasonable but necessary. It is my opinion that the Government's Original Phasing Plan was flawed to the point that it could not be constructed.

6. Under the Original Phasing Plan, there was not sufficient clearance for the crane boom to move the piles during pile driving. The proposed positioning of the crane would result in the boom striking the high voltage power lines at both bridges and violating the OSHA requirements regarding 10 foot setback from existing high voltage power lines.

7. I am aware that Korando submitted its Revised Phasing Plan on October 27, 2015 and that Stanley initially reviewed the submittal on November 4, 2015. I am also aware that Stanley changed the submittal status on March 1, 2015. In my professional opinion a four month delay in review and notification of a submittal is excessive, and should be treated as a government delay.

8. I have reviewed the the updates and deletions to submittal logs on the Bile and Pigua Bridge Replacement Project. In my professional opinion, it is not acceptable practice to delete the previous status of submittals from a submittal log. If a submittal undergoes a change in status, the logs must be updated to reflect the original review as

well as the new review status. This is necessary to preserve the record of events during the course of the project. Under the laws of Guam that the foregoing is true and correct.

9. In changing the status on 10/27/2015 of "EAN" to "Revise/Resubmit" on March 1, 2015, Stanley was instructing Korando to stop all work on the phasing work – the primary driver of the work on the project at that time, unless and until the 13 items comments were fully addressed and approved by Stanley. The four (4) month delay in review and notification to Korando was unreasonable and exceeded the required review period allowed to the CM.

10. The constructability issues relating to the phasing plan, and Stanley's delays in reviewing the 10/27 APP, caused a four month delay to the Project.

Executed at Hagatna, Guam on November 13, 2015.

  
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**KEITH FARRELL**