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FILE NO OPA-PA: 15-009

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

In the Appeal of

Korando Corporation,

Appellant.

DOCKET NO. OPA-PA-15-009

**KORANDO CORPORATION'S
SUPPLEMENTAL RESPONSE TO DPW'S
AGENCY STATEMENT AND
SUPPLEMENTAL AGENCY REPORT**

Korando Corporation filed *Korando Corporation's Response to DPW's Agency Statement and Supplemental Agency Report* on October 16, 2015 ("Korando's Response").

Korando hereby supplements Korando's Response as follows.

Section II.A of Korando's Response focuses on the argument that DPW's termination of Korando was pretextual and made in bad faith. *See Korando's Response* at 1-5. One of the stated basis for terminating Korando was that completion of the project "would exceed the completion date by more than one hundred and thirty two (132) days." *See Agency Report* at 2. Korando finally received additional information from DPW on 11/19/2015 (Sunshine Act

ORIGINAL

request sent on 10/5/2015). Marked and attached as **Exhibit A** is a *Time Extensions and Delays in DPW Projects 2010-2015* chart which summarizes the various DPW bridge and road projects funded by federal highway funds from 2010-2015. The average days of delays on the bridge projects was 363 days, and the average days of delays on all bridge and road projects was 422 days. Notably, DPW did not terminate any of the contractors on the bridge projects even though some of the delays were in excess of 1400 days.

To terminate Korando based on a 132 day delay (without considering other aspects of delay caused by Stanley (DPW)), was wrongful because Korando was entitled to extensions for DPW delays, and could and would have finished the project on time.

Dated: November 23, 2015

By: _____



JOYCE C.H. TANG
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Korando Corporation

EXHIBIT A

Time Extensions and Delays in DPW Projects 2010-2015

Project No.	Name	NTP	Original Length	Revised Length (Approved)	Total Length (Actual)	Total Extensions (Approved)	Total Delay (Actual)	Original Cost	Total Cost	Amt Paid for Time Extensions	Bridge Project	Completed
GU-NH-0006(011)	Masso River Bridge	5/12/2010	240	458	578	218	338	\$ 330,000.00	\$ 293,198.40	\$ (36,801.60)	Y	Y
GU-NH-0004(015)	Rehab of Rt 4 Bridges over Talofof and Togcha Rivers	12/23/2010	450	611	611	161	161	\$ 3,388,000.00	\$ 4,232,701.95	\$ -	Y	Y
GU-NH-0002(107)	Taleyfak Spanish Bridge Restoration	3/13/2012	270	343	405	73	135	\$ 872,750.00	\$ 828,956.22	\$ (60,217.21)	Y	Y
GU-NH-0004(104)	Ylig Bridge Replacement (Phase 2)	11/24/2010	330	666	1767	336	1437	\$ 7,997,604.00	\$ 7,865,239.55	\$ (132,364.45)	Y	Y
GU-NH-0001(126)	Rt 1 Asan & Aguada Bridges Rehabilitation	1/15/2014	300	300	290	0	-10	\$ 1,097,000.00	\$ 894,344.30	\$ -	Y	Y
GU-NH-0004(113)	Route 4 Agfayan Bridge Replacement	8/12/2013	500	523	617	23	117	\$ 4,658,583.00	\$ 4,755,870.91	\$ -	Y	Y
GQ-ER-0004(110)	Inarajan North Leg (As-Misa) Bridge Rehabilitation	5/27/2014	365	PENDING	PENDING	PENDING	PENDING	\$ 1,188,516.00	PENDING	PENDING	Y	N
GU-DAR-TI01(001)	Route 1/8 and Agana Bridges	10/4/2011	784	PENDING	PENDING	PENDING	PENDING (449 days as of last CO log update)	\$ 16,384,500.00	PENDING	PENDING	Y	N
GU-NH-NBIS(007)	Bile and Pigua Bridge Replacement	1/5/2015	450	TERM	TERM	TERM	TERM	\$ 6,787,000.00	TERM	TERM	Y	N
GU-NH-0001(122)	Skate Park Barrier/Iglesia Circle	2/27/2009	270	411	411	141	141	\$ 538,882.00	\$ 562,923.27	\$ 24,041.27	N	Y
GU-NH-0015(104)	Route 15 Restoration	3/21/2014	480	480	738	0	258	\$ 942,678.00	\$ 488,566.80	\$ -	N	Y
GU-NH-0002(104)	Route 2 Culverts and Slide Repair (IMCO)	6/2/2011	200	282	261	82	61	\$ 3,815,491.00	\$ 3,815,491.00	\$ -	N	Y
GU-NH-006A(102)	Route 6A (Murray Road)	1/24/2011	220	372	522	152	300	\$ 312,275.00	\$ 312,275.00	\$ -	N	Y
GU-NH-0001(124)	North Guam Signalization	8/24/2009	300	1042	1485	742	1185	\$ 796,600.00	\$ 985,296.67	\$ 261,918.66	N	Y
GU-NH-0025(101)	Route 25 Reconstruction and Widening	5/6/2010	340	854	854	514	514	\$ 6,787,000.00	\$ 7,641,137.54	\$ 185,338.51	N	Y
GU-NH00016(007)	Route 16 GMF(Post Office)/Guam Army	1/25/2010	300	777	777	477	477	\$ 1,448,000.00	\$ 1,443,366.83	\$ (29,137.54)	N	Y

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Project No.	Name	NTP	Original Length	Revised Length (Approved)	Total Length (Actual)	Total Extensions (Approved)	Total Delay (Actual)	Original Cost	Total Cost	Amt Paid for Time Extensions	Bridge Project	Completed
GU-NH-0008(003)	Route 8/10/16 Tri-Intersection	3/1/2010	360	849	849	489	489	\$ 4,502,542.33	\$ 5,757,688.80	\$ 837,452.13	N	Y
GU-NH-007A(001)	Route 7A Pavement Rehabilitation	9/12/2011	270	464	456	194	186	\$ 4,746,000.00	\$ 5,700,456.43	\$ 742,832.92	N	Y
GU-NH-004(010)	Route 4 McDonalds to Route 10	8/24/2009	420	1186	1168	766	748	\$ 14,900,495.00	\$ 15,079,154.42	\$ 1,301,915.47	N	Y
GU-NH-0017(102)	Route 17 Rehabilitation & Widening	11/8/2010	300	841	841	541	541	\$ 5,419,982.50	\$ 6,543,085.54	\$ -	N	Y
GU-DAR-0011(008)	Route 11 and Traffic Enforcement Screening Station	9/28/2011	365	582	582	217	217	\$ 15,365,000.00	\$ 16,569,205.89	\$ 1,760,254.00	N	Y
GQ-ER-098(018) & GU-TI-0011(001)	Route 11 Shore Protection	1/18/2010	240	1191	1191	951	951	\$ 4,780,000.00	\$ 4,923,243.62	\$ 371,416.19	N	Y
GU-NH-0004(012)	Route 5 Widening (Ylig Br to Pago Bay)	9/24/2010	270	1106	1106	836	1106	\$ 3,850,000.00	\$ 5,997,807.03	\$ 1,870,155.09	N	Y
GU-NH-004(013)	Route 4, Togcha to Ipan Beach Park	2/24/2014	90	90	202	0	112	\$ 699,983.10	\$ 835,158.38	\$ -	N	Y
GU-NH-00TP(002)	Tiyan Parkway, Phase 1	4/1/2014	365	449	449	84	84	\$ 7,341,558.25	\$ 7,611,716.60	\$ -	N	Y
GU-NH-NBIS(007)	Route 1 Resurfacing (Yigo and Asan-Piti)	2/2/2015	120	120	277	0	157	\$ 630,825.00	PENDING	\$ -	N	Y
GU-NH-017(107)	Route 17 Rehabilitation & Widening	3/10/2014	365	PENDING	PENDING	PENDING	PENDING (171 days as of last CO log update)	\$ 2,556,000.00	PENDING	PENDING	N	N
GU-PAG-001(004)	Replacement of Welded Steel Petroleum Distribution Pipeline	5/5/2014	300	PENDING	PENDING	PENDING	PENDING	\$1,538,819.00	PENDING	PENDING	N	N
GU-NH-0026(005)	Route 26/Route 25 Intersection Improvements	6/16/2014	240	PENDING	PENDING	PENDING	PENDING	\$2,462,000	PENDING	PENDING	N	N
GU-NH-002(104)B	Route 2 Culverts and Slide Repair	?	?	TERM	TERM	TERM	TERM	?	TERM	TERM	N	N
GU-NH-0014(001)	Route 14 Resurfacing	6/22/2010	270	TERM	TERM	TERM	TERM	\$ 9,227,465.00	TERM	TERM	N	N
Average (Completed Bridge Projects):			348			135	363					

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Time Extensions and Delays in DPW Projects 2010-2015

Project No.	Name	NTP	Original Length	Revised Length (Approved)	Total Length (Actual)	Total Extensions (Approved)	Total Delay (Actual)	Original Cost	Total Cost	Amt Paid for Time Extensions	Bridge Project	Completed
Average (All Completed Projects):			304			304	422					