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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
 DATE: 11/22/17
 TIME: 1:50 AM PM BY: JJ
 FILE NO OPA-PA: 17-010

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL**

| | | |
|---------------------------------------|---|---------------------------------|
| IN THE APPEAL OF: |) | DOCKET NO. OPA-PA-17-010 |
| CORE TECH INTERNATIONAL CORP., |) | |
| |) | |
| Appellant. |) | |
| |) | PURCHASING AGENCY'S |
| And |) | EXHIBIT LIST |
| |) | |
| DEPARTMENT OF PUBLIC WORKS, |) | |
| |) | |
| Purchasing Agency. |) | |
| |) | |

COMES NOW, Department of Public Work ("DPW"), by and through its undersigned counsel, herein files the Exhibit List in the above-captioned matter, as follows:

| <u>Exhibit</u> | <u>Date:</u> | <u>To:</u> | <u>Re:</u> |
|----------------|--------------|--------------------------------|-------------------------------|
| A | 08-24-11 | Surety | Performance and Payment Bonds |
| B | 06-12-14 | DPW | Sidewalk Slope Survey |
| C | 12-19-14 | CTI | Non Compliance Report |
| D | 05-08-15 | Mr. Si Kim CTI Project Mgr. | Bridge 2 |

ORIGINAL

| <u>Exhibit</u> | <u>Date:</u> | <u>To:</u> | <u>Re:</u> |
|-----------------------|---------------------|----------------------------|--|
| E | 05-26-16 | Ms. Conchita Bathan CTI | Project Status |
| F | 09-06-16 | Invoice No. 33 | Project Invoice – Period of 04-01-16 to 09-06-16 |
| G | 09-26-16 | Robert Marks | Final Inspection and Bridge 2 Partial Acceptance Inspection Punch List |
| H | 10-26-16 | Ms. Conchita Bathan CTI | Status of Closeout Issues |
| I | 11-09-16 | Ms. Conchita Bathan CTI | Request for Elect. Schedule File |
| J | 5-26-17 | Robert Marks CTI | Max. Cross Slope & Resubmittal No. 398 |
| K | 06-13-17 | Ms. Conchita Bathan CTI | Final Demand to Complete Project |
| L | 06-23-17 | DPW | CTI response to Final Demand |
| M | 06-30-17 | Ms. Conchita Bathan CTI | DPW agreeing to CTI Requested Extension |
| N | 08-23-17 | Ms. Conchita Bathan CTI | Notice of Termination/Default of Contract |
| O | 08-23-17 | Takagi & Assoc. | Tender of Contract to Surety |
| P | 09-22-17 | AAG Keeler | Inquiry as to Final Decisions |
| Q | 10-30-17 | Joaquin Blaz | Declaration |

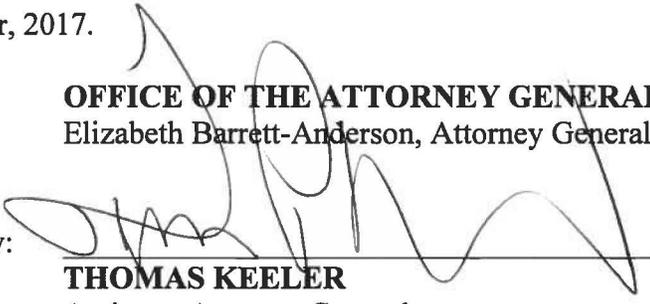
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Dated this 22nd day of November, 2017.

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

PERFORMANCE AND PAYMENT BONDS

KNOW ALL MEN BY THESE PRESENTS that

CORE TECH INTERNATIONAL CORPORATION

(Name of Design-Builder)

hereinafter called the "Design-Builder" and

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
AND
ZURICH AMERICAN INSURANCE COMPANY

(Name of Surety)

a corporation duly organized under the laws of the State of ^{Maryland} ~~New York~~ ^{and} and authorized to transact business in the Territory of Guam, as Surety, are held and firmly bound unto the Government of Guam, as obligee, hereinafter called the "Government" for use and benefit of claimants as herein below defined, in the amount of SIXTEEN MILLION THREE HUNDRED EIGHTY FOUR THOUSAND FIVE HUNDRED AND NO/100THS DOLLARS (\$16,384,500.00) for the payment whereof the Design-Builder and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Design-Builder has by written Agreement dated August 24, 20 11, entered into a Contract with the Government of Guam for the:

**ROUTE 1/ROUTE 8 INTERSECTION IMPROVEMENTS
AND AGANA BRIGES REPLACEMENT
PROJECT NO. GU-NH-0001(014) and PROJECT NO. GU-DAR-0001(014)
(DESIGN-BUILD)**

in accordance with drawings, specifications, and documents prepared by the Department of Public Works, which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if the Design-Builder shall promptly and faithfully perform said contract, and shall promptly make payment to all claimants as hereinafter defined for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect, subject, however, to the following conditions:

- A. The Surety hereby waives notice of any alteration or extension of the time made by the Government provided the same is within the scope of the Contract.

- B. Whenever the Design-Builder shall be and is declared by the Government to be in default under the Contract, the Government having performed territorial obligations there under, the Surety may promptly remedy the default or shall promptly:
1. Complete the Contract in accordance with its terms and conditions; or
 2. Obtain a Bid or Bids for completing the Contract in accordance with its terms and conditions, and upon determination by the Government and the Surety of the lowest responsive, responsible bidder, arrange for a contract between such bidder and the Government, and make available as work progresses (even though there should be a default or a succession of defaults under the Contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less than the balance of the Contract price, but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof. The term "balance of the Contract price," as used in this paragraph, shall mean the total amount payable by the Government to the Design-Builder under the Contract and any amendments thereto, less the amount properly paid by the Government to the Design-Builder. No right of action shall accrue on the performance obligations of this bond to or for the use of any person or corporation other than the Government or successor of the Government.
- C. A claimant under the labor and material payment obligations of this bond is defined as one having a direct contract with the Design-Builder or with a subcontractor of the Design-Builder for labor, material, or both, used or reasonably required for use in the performance of the Contract, labor, and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service, or rental of equipment directly applicable to the Contract.
- D. The above-named Design-Builder and Surety hereby jointly and severally agree with the Government that every claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90) days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this bond for use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Government shall not be liable for the payment of any costs or expenses of any such suit.
- E. No suit or action shall be commenced hereunder by any claimant:
1. Unless claimant, other than one having a direct contract with the Design-Builder, shall have given written notice to any two of the following:

The Design-Builder, the Government, or the Surety above named, within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name

of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be personally served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Design-Builder at any place the principal maintains an office or conducts its business.

2. After the expiration of one (1) year following the date on which the last of the labor was performed or material was supplied by the party bringing suit.
3. Other than in a court of competent jurisdiction in and for the Territory of Guam.

F. The amount of the payment bond shall be reduced equivalent to the extent of any payment(s) made in good faith hereunder, inclusive of the payment by the Surety of mechanic's liens which may be filed on record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.

SIGNED AND SEALED THIS 24th day of August, 20 11 A.D.

IN THE PRESENCE OF:

(Note: If the Principals are Partners, each must execute the Bond)

(WITNESS)

(TITLE)

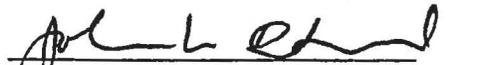

CORE TECH INTERNATIONAL CORPORATION
(DESIGN-BUILDER) (SEAL)
Ho S. Eun, President

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

(MAJOR OFFICER OF SURETY)


(TITLE) JOHN N. BUSTARD,
ATTORNEY-IN-FACT FOR ERIC D. BARNES,
ASSISTANT VICE SECRETARY

ZURICH AMERICAN INSURANCE COMPANY


(TITLE) JOHN N. BUSTARD,
ATTORNEY-IN-FACT FOR GREGORY E. MURRAY,
SECRETARY

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

(MAJOR OFFICER OF SURETY)


(TITLE) JOHN N. BUSTARD,
ATTORNEY-IN-FACT FOR FRANK E. MARTIN, JR.,
VICE PRESIDENT

ZURICH AMERICAN INSURANCE COMPANY


(TITLE) JOHN N. BUSTARD,
ATTORNEY-IN-FACT, FRANK E. MARTIN, JR.,
VICE PRESIDENT

Takagi & Associates, Inc.

(RESIDENT GENERAL AGENT)

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

Docket No. OPA-PA-17-010

EXHIBIT B



TRANSMITTAL

No. 00928

Page 1 of 1

DATE: 11/18/2014

PROJECT: GU-DAR-TI01(001)Rte1-Rte8-Agana I

TO: CoreTech
500 Mariner Avenue
Tiyán
Barrigada, GUAM 96913

PROJECT ID#: GU-DAR-TI01(001)

CONTRACT #: 68

REF: Rte1/8 Sidewalk Slope Survey
Resubmit

ATTN: Roberto O. Lee

| WE ARE SENDING: | SUBMITTED FOR: | ACTION TAKEN: |
|---|---|---|
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Approval | <input type="checkbox"/> Approved as Submitted |
| <input type="checkbox"/> Letter | <input type="checkbox"/> Your Use | <input type="checkbox"/> Approved as Noted |
| <input type="checkbox"/> Prints | <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned After Loan |
| <input type="checkbox"/> Change Order | <input type="checkbox"/> Review and Comment | <input type="checkbox"/> Resubmit |
| <input type="checkbox"/> Plans | | <input type="checkbox"/> Submit |
| <input type="checkbox"/> Samples | SENT VIA: | <input type="checkbox"/> Returned |
| <input type="checkbox"/> Specifications | <input checked="" type="checkbox"/> Attached <input checked="" type="checkbox"/> Hand-Delivered | <input type="checkbox"/> Returned for Corrections |
| <input checked="" type="checkbox"/> Other: Rte1/8 Sidewalk Slope Survey | <input type="checkbox"/> Separate Cover Via: | <input type="checkbox"/> Due Date: |

| PACKAGE | SUBMITTAL REV. | ITEM NO. | COPIES | DATE | ITEM DESCRIPTION | STATUS |
|---------|----------------|----------|--------|-----------|----------------------------------|--------|
| | | 001 | 1 | 6/12/2014 | NCN Rte1/8 Sidewalk Slope Survey | R/R |

Remarks: See attached Rte1/8 Sidewalk Slope Survey with comments from reviewer/engineer. Please resubmit.

CC:

Signed: _____

David Titzel
Construction Manager, PTG for DPW

**GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement**

RTE 1 SB Side

Sidewalk Slope Survey (%)

| Match Line C | Driveway -233+52 | | |
|--------------|---------------------|-----|-----|
| | 1.1 | 1.6 | 1.3 |
| | 2.7 | 1.6 | 2.1 |
| | 2.9 | 1.2 | 2.0 |
| | 1.8 | 2.0 | 1.7 |
| | 1.7 | 2.2 | 1.9 |
| | 1.4 | 2.4 | 1.3 |
| | 1.0 | 2.5 | 1.4 |
| | 1.3 | 2.0 | 1.5 |
| | 1.4 | 1.6 | 1.8 |
| | 2.0 | 1.9 | 1.7 |
| | 1.9 | 1.8 | 1.9 |
| | 1.9 | 2.4 | 1.6 |
| | 2.0 | 2.3 | 1.7 |
| | 1.6 | 2.7 | 2.3 |
| | 1.4 | 2.4 | 1.8 |
| | 1.3 | 2.6 | 1.7 |
| | 2.3 | 2.4 | 2.1 |
| | 1.9 | 2.0 | 2.2 |
| | 2.1 | 2.1 | 2.0 |
| | 2.0 | 2.7 | 2.1 |
| | 1.9 | 2.0 | 1.7 |
| | 1.7 | 2.0 | 1.6 |
| | 2.5 | 1.9 | 1.7 |
| | 1.8 | 2.0 | 1.7 |
| | 1.8 | 2.5 | 1.5 |
| | 1.7 | 1.6 | 1.9 |
| | 1.6 | 1.9 | 1.7 |
| | 1.9 | 2.8 | 1.9 |
| | 2.2 | 2.2 | 1.6 |
| | 2.1 | 1.5 | 1.4 |
| | 1.9 | 2.0 | 1.7 |
| | 2.0 | 2.0 | 1.8 |
| | 1.6 | 2.9 | 1.8 |
| | 1.7 | 3.1 | 1.9 |
| | 1.4 | 2.2 | 1.9 |
| | 2.2 | 2.2 | 2.0 |
| | 2.1 | 2.5 | 2.5 |
| | 1.4 | 2.7 | 1.8 |
| | 1.2 | 1.8 | 1.9 |
| Match Line B | 1.7 | 1.7 | 1.7 |

| Match Line D | Driveway -235+06 | | |
|--------------|---------------------|-----|-----|
| | 1.9 | 2.7 | 2.5 |
| | 2.4 | 2.6 | 2.6 |
| | 2.0 | 2.3 | 2.2 |
| | 2.4 | 1.8 | 2.3 |
| | 2.5 | 2.2 | 2.6 |
| | 2.3 | 2.4 | 2.5 |
| | Driveway -234+54 | | |
| | 1.4 | 1.9 | 1.2 |
| | 1.5 | 1.6 | 0.9 |
| | 1.3 | 1.9 | 1.4 |
| | 1.3 | 2.0 | 1.7 |
| | 1.2 | 1.6 | 0.9 |
| | 0.6 | 1.3 | 1.1 |
| | 2.7 | 1.7 | 1.5 |
| | 1.4 | 2.0 | 1.4 |
| | 2.0 | 1.6 | 1.5 |
| | 1.5 | 1.3 | 1.3 |
| | 2.1 | 1.5 | 1.9 |
| | 2.1 | 1.8 | 1.9 |
| | 1.7 | 1.9 | 1.7 |
| | 2.1 | 1.4 | 1.6 |
| | 2.8 | 1.9 | 1.7 |
| | 2.2 | 2.2 | 2.0 |
| | 1.5 | 1.2 | 2.0 |
| | 1.5 | 1.3 | 1.4 |
| | 1.5 | 1.6 | 1.9 |
| | 2.9 | 1.9 | 2.0 |
| | Driveway -233+52 | | |
| Match Line C | | | |

*Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.
*Driveway slope details to follow.

GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement

RTE 1 SB Side

Sidewalk Slope Survey (%)

| | | | |
|--------------|-------------------|----------|-------------|
| END | Existing Sidewalk | | |
| | Existing Sidewalk | | |
| | 1.8 | 1.9 | 1.4 |
| | 1.9 | 1.8 | 1.6 |
| | 1.8 | 1.9 | 1.5 |
| | 1.8 | 1.6 | 1.6 |
| | 2.0 | 1.4 | 1.7 |
| | 1.3 | 1.7 | 1.7 |
| | 1.5 | 2.1 | 1.4 |
| | 2.4 | 2.1 | 2.39+00 |
| | 3.0 | 3.1 | 2.8 |
| | 2.5 | 3.6 | 3.1 |
| | 2.3 | 2.6 | 2.1 |
| | 2.2 | 3.0 | 2.3 |
| | 2.8 | 2.5 | 2.8 |
| | 0.2 | 0.3 | 0.1 |
| | 0.7 | 0.6 | 0.9 |
| | 1.3 | 2.0 | 2.1 |
| | 2.8 | 3.1 | 3.2 |
| | 1.5 | 2.2 | 2.5 ROUTE 1 |
| | 1.9 | 1.9 | 1.6 |
| | 1.4 | 2.0 | 2.1 |
| | 1.8 | 2.0 | 1.8 |
| | 1.6 | 1.9 | 2.0 |
| | 2.0 | 1.7 | 1.9 |
| | 2.2 | 1.9 | 2.4 |
| | 2.7 | 2.0 | 2.1 |
| | 2.7 | 2.2 | 2.3 |
| | -- | 3.3 | 3.2 |
| | 2.3 | 2.7 | 2.1 |
| 2.2 | 1.8 | 1.9 | |
| 2.0 | 2.7 | 1.9 | |
| 1.7 | 2.5 | 2.8 | |
| 2.2 | 3.1 | 3.0 | |
| 2.0 | 2.6 | 2.0 | |
| 2.0 | 2.5 | 2.4 | |
| 2.2 | 2.3 | 2.2 | |
| 1.2 | 2.0 | 2.1 | |
| 1.0 | 2.0 | 1.6 | |
| 2.0 | 1.9 | 1.238+00 | |
| 1.1 | 2.0 | 1.5 | |
| 1.7 | 2.3 | 1.5 | |
| 1.6 | 2.0 | 1.6 | |
| Match Line F | 1.6 | 1.0 | 1.6 |

*Driveway stationing provided is approximate centerline of driveway based on CTI's as-built drawings.
 *Driveway slope details to follow.

**GU-DAR-TI01(001)
Route 1/8 Intersection
Improvements and Agana
Bridges Replacement**

RTE 8 WB Side

Sidewalk Slope Survey (%)

| | | |
|-------------------|-------------------|---------|
| END | Existing Sidewalk | ROUTE 8 |
| | Existing Sidewalk | |
| -- 1.6 | 1.6 | |
| -- 5.3 | 5.6 | |
| -- 7.4 | 6.6 | |
| Driveway -3+95 | 4+00 | |
| | | |
| Match Line B | | |

*Driveway stationing provided is approximate centerline of driveway based on CTT's as-built drawings.
*Driveway slope details to follow.

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

Docket No. OPA-PA-17-010

EXHIBIT C



TRANSMITTAL

No. 00939

Page 1 of 1

DATE: 12/19/2014

PROJECT: GU-DAR-TI01(001)Rte1-Rte8-Agana I

TO: CoreTech
500 Mariner Avenue
Tiyán
Barrigada, GUAM 96913

PROJECT ID#: GU-DAR-TI01(001)

CONTRACT #: 68

REF: NCR #13 ADA Walkway Slopes
at Driveway

ATTN: Roberto O. Lee

| WE ARE SENDING: | SUBMITTED FOR: | ACTION TAKEN: |
|---|---|---|
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Approval | <input type="checkbox"/> Approved as Submitted |
| <input type="checkbox"/> Letter | <input type="checkbox"/> Your Use | <input type="checkbox"/> Approved as Noted |
| <input type="checkbox"/> Prints | <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned After Loan |
| <input type="checkbox"/> Change Order | <input type="checkbox"/> Review and Comment | <input type="checkbox"/> Resubmit |
| <input type="checkbox"/> Plans | | <input type="checkbox"/> Submit |
| <input type="checkbox"/> Samples | SENT VIA: | <input type="checkbox"/> Returned |
| <input type="checkbox"/> Specifications | <input checked="" type="checkbox"/> Attached <input checked="" type="checkbox"/> Hand-Delivered | <input type="checkbox"/> Returned for Corrections |
| <input checked="" type="checkbox"/> Other: NCR #13 ADA Walkway Slopes at Driveway | <input type="checkbox"/> Separate Cover Via: | <input type="checkbox"/> Due Date: |

| PACKAGE | SUBMITTAL REV. | ITEM NO. | COPIES | DATE | ITEM DESCRIPTION | STATUS |
|---------|----------------|----------|--------|------------|--|--------|
| | | 001 | 1 | 12/19/2014 | NCR #13 ADA Walkway Slopes at Driveway | NEW |

Remarks: The attached NCR #13 ADA Walkway Slopes at Driveway is for your action and response.

CC:

Signed:

for 

David Titzel
Construction Manager, PTG for DPW

CONSTRUCTION NON-CONFORMANCE REPORT

To: Core Tech International, Inc. (CTI) Date: 12/19/14
(Contractor)

Non-Conformance Report Number: 013 Time: 8:00 AM

Project Number: GU-DAR-TI01 (001)

Project Name: Route 1/Route 8 Intersection Improvements and Aqana Bridges Replacment

Specification Section: SOW-5 Drawing Number: PLN-1 thru 5, TYP-2 thru 3, XS-1 thru 11

The following listed item(s) are not in conformance with the contract plans and specifications for the reasons stated below (attach additional sheets as necessary):

Sheet C-17 of the Conceptual Drawings detailed a typical driveway cross-section that is in compliance with the American with Disabilities Act (ADA). CTI provided an alternate design for the driveway shown on Detail B/Sheet PLN-5 of the Approved Civil Drawings.

CTI deviated from both designs and installed driveways that are not compliant with ADA slope requirements in both the direction of travel and cross-slope. A copy of DPW/PTG survey of the driveway slopes are attached.

CTI must survey and correct the driveways installed on Routes 1 and 8 that are non-compliant. CTI shall coordinate with the Designer of Record to develop a corrective procedure or replacement.

By: David Yao, Construction Contract Administrator Date: 12/19/14
(Name, Initials and Title)

Reviewed by: David Titzel, Construction Manager Date: 12/18/14
(Name, Initials and Title)

Acknowledgement of receipt by: _____ Date: 12/21/14
(Name & Initials of Contractor or Designee)

This section to be completed only after the non-conformance is corrected and/or resolved.
RESOLUTION: _____ Date: _____

The above noted construction non-conformance has been corrected and/or resolved as indicated below (attach additional sheets as necessary):

By: _____ Date: _____
(Name, Initials and Title)

Reviewed by: _____ Date: _____
(Name, Initials and Title)

Send copy of completed form to the Department for permanent project records.

CONSTRUCTION NON-CONFORMANCE REPORT

To: Core Tech International, Inc. (CTI) Date: 12/19/14
(Contractor)

Non-Conformance Report Number: 013 Time: 8:00 AM

Project Number: GU-DAR-TI01 (001)

Project Name: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacment

Specification Section: SOW-5 Drawing Number: PLN-1 thru 5, TYP-2 thru 3, XS-1 thru 11

The following listed item(s) are not in conformance with the contract plans and specifications for the reasons stated below (attach additional sheets as necessary):

Sheet C-17 of the Conceptual Drawings detailed a typical driveway cross-section that is in compliance with the American with Disabilities Act (ADA). CTI provided an alternate design for the driveway shown on Detail B/Sheet PLN-5 of the Approved Civil Drawings.

CTI deviated from both designs and installed driveways that are not compliant with ADA slope requirements in both the direction of travel and cross-slope. A copy of DPW/PTG survey of the driveway slopes are attached.

CTI must survey and correct the driveways installed on Routes 1 and 8 that are non-compliant. CTI shall coordinate with the Designer of Record to develop a corrective procedure or replacement.

By: David Yao, Construction Contract Administrator Date: 12/19/14
(Name, Initials and Title)

Reviewed by: David Titzel, Construction Manager Date: 12/19/14
(Name, Initials and Title)

Acknowledgement of receipt by: _____ Date: _____
(Name & Initials of Contractor or Designee)

This section to be completed only after the non-conformance is corrected and/or resolved.
RESOLUTION: _____ Date: _____

The above noted construction non-conformance has been corrected and/or resolved as indicated below (attach additional sheets as necessary):

By: _____ Date: _____
(Name, Initials and Title)

Reviewed by: _____ Date: _____
(Name, Initials and Title)

Send copy of completed form to the Department for permanent project records.

Summary

**GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey**

Driveway

Route 1 Southbound

| Driveway (Sta.) | Width (ft)* | | | Comments |
|------------------|-------------|------------|---------------------|---|
| | Planned | Actual | Actual + Transition | |
| 231+15 | 36 | 0 | 0 | Deleted per request of property owner, Jones and Guerrero |
| 232+00 | 36 | 36 | 43.75 | |
| 233+52 | 26 | 24 | 32.25 | |
| 234+54 | 0 | 32 | 40 | Added per negotiations with property owner, Moylan |
| 235+06 | 40 | 28 | 34 | |
| 235+97 | 44 | 36.5 | 60 | |
| 236+88 | 48 | 46.5 | 65 | |
| 237+56 | 32 | 30 | 40 | |
| Sub-Total | 262 | 231 | 295 | |

Route 1 Northbound

| Driveway (Sta.) | Width (ft)* | | | Comments |
|------------------|-------------|-----------|---------------------|---------------------------------------|
| | Planned | Actual | Actual + Transition | |
| 231+13 | 36 | 22 | 30.25 | Reduction to 24' approved per RFI 028 |
| 232+58 | 36 | 32 | 40.25 | Reduction to 32' approved per RFI 028 |
| 235+33 | 32 | 32 | 43.5 | |
| Sub-Total | 104 | 86 | 114 | |

Route 8 Eastbound

| Driveway (Sta.) | Width (ft)* | | | Comments |
|------------------|-------------|-------------|---------------------|----------|
| | Planned | Actual | Actual + Transition | |
| 2+20 | 32 | 32.5 | 40.75 | |
| Sub-Total | 32 | 32.5 | 40.75 | |

Route 8 Westbound

| Driveway (Sta.) | Width (ft)* | | | Comments |
|------------------|-------------|---------------|---------------------|---|
| | Planned | Actual | Actual + Transition | |
| 1+28 | 18 | 17.25 | 29.75 | |
| 2+64 | 32 | 31 | 42 | |
| 3+28 | 22 | 22.5 | 39.5 | |
| 3+95 | 60 | 60 | 79.5 | Portions of driveway rejected due to placement during rain. |
| Sub-Total | 132 | 130.75 | 190.75 | |

* Planned and Actual Widths are based on driveway opening.
Highlighted widths exceeds the maximum driveway width per DPW Standard of 36'.

Survey Notes:

1. Values shown on survey sheets are magnitudes of slope in percent.
2. Arrows show typical down slope directions.

GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacment
DPW/PTG Driveway Slope Survey

Width of accessible path as measured from back of sidewalk and determined by the grade break between accessible path and driveway slope as shown on Typical Driveway As Installed by CTI.

Driveway

Route 1 Southbound

| Driveway (Sta.) | Actual Accessible Path Width (ft) |
|-----------------|-----------------------------------|
| 231+15 | Deleted |
| 232+00 | 8 |
| 233+52 | 5.75 |
| 234+54 | 4.75 |
| 235+06* | 4 |
| 235+97 | 8 |
| 236+88 | 4 |
| 237+56 | 8 |

* Accessible path for driveway at Sta. 235+06 is on street side of driveway due to drain inlet at back of driveway.

Route 1 Northbound

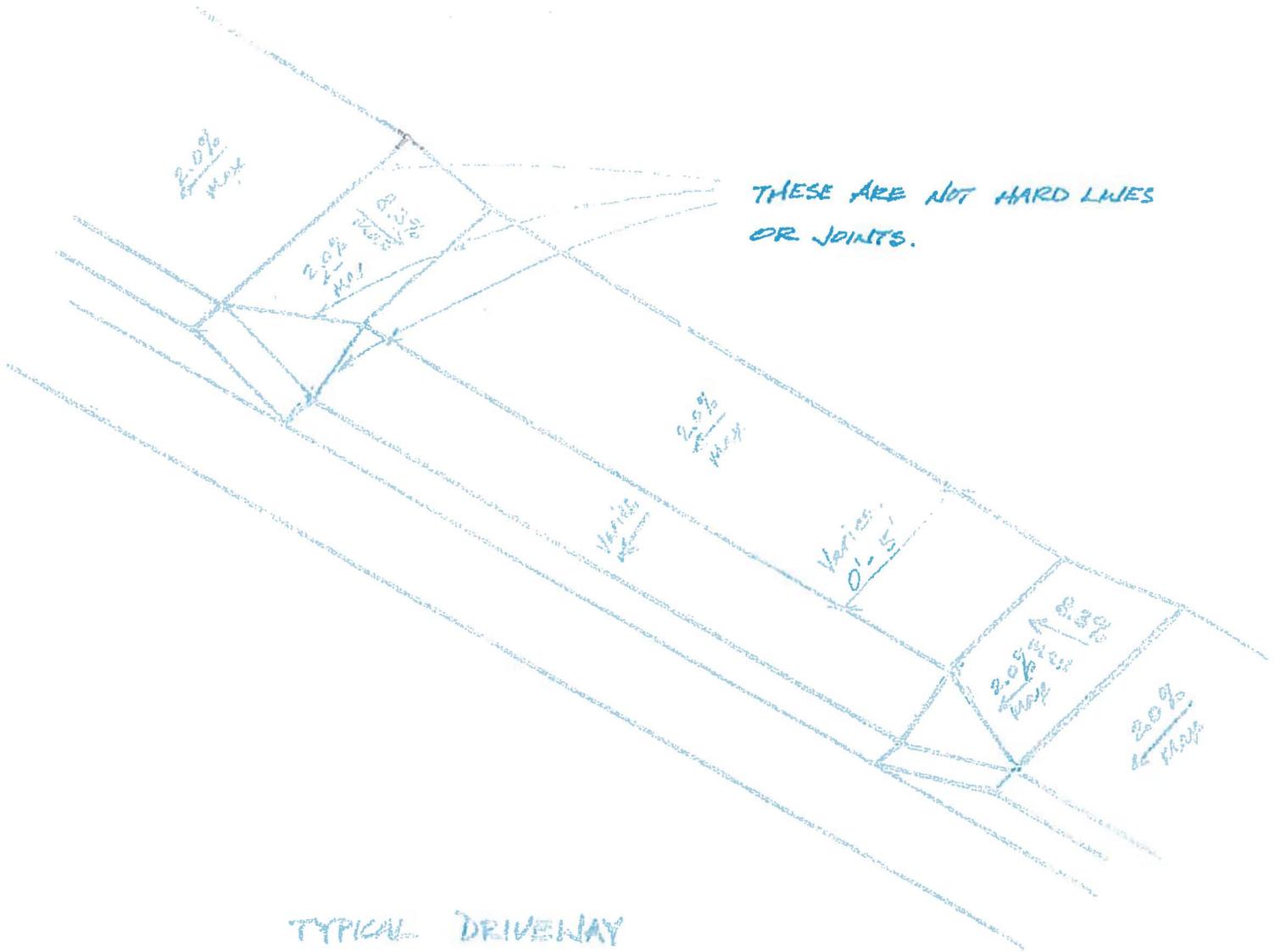
| Driveway (Sta.) | Actual Accessible Path Width (ft) |
|-----------------|-----------------------------------|
| 231+13 | 4 |
| 232+58 | 5 |
| 235+33 | 4 |

Route 8 Eastbound

| Driveway (Sta.) | Actual Accessible Path Width (ft) |
|-----------------|-----------------------------------|
| 2+20 | 3.25 |

Route 8 Westbound

| Driveway (Sta.) | Actual Accessible Path Width (ft) |
|-----------------|-----------------------------------|
| 1+28 | 4 |
| 2+64 | 5 |
| 3+28 | 0 |
| 3+95 | Varies 0 - 4 |



THESE ARE NOT HARD LINES
OR JOINTS.

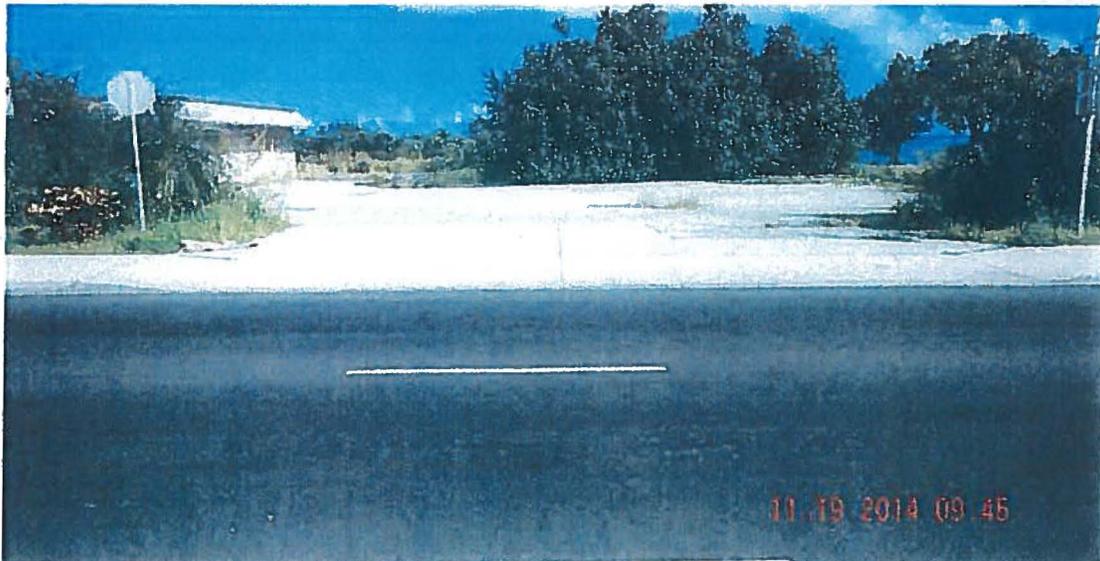
TYPICAL DRIVEWAY
AS INSTALLED BY CTT.
N.T.S.

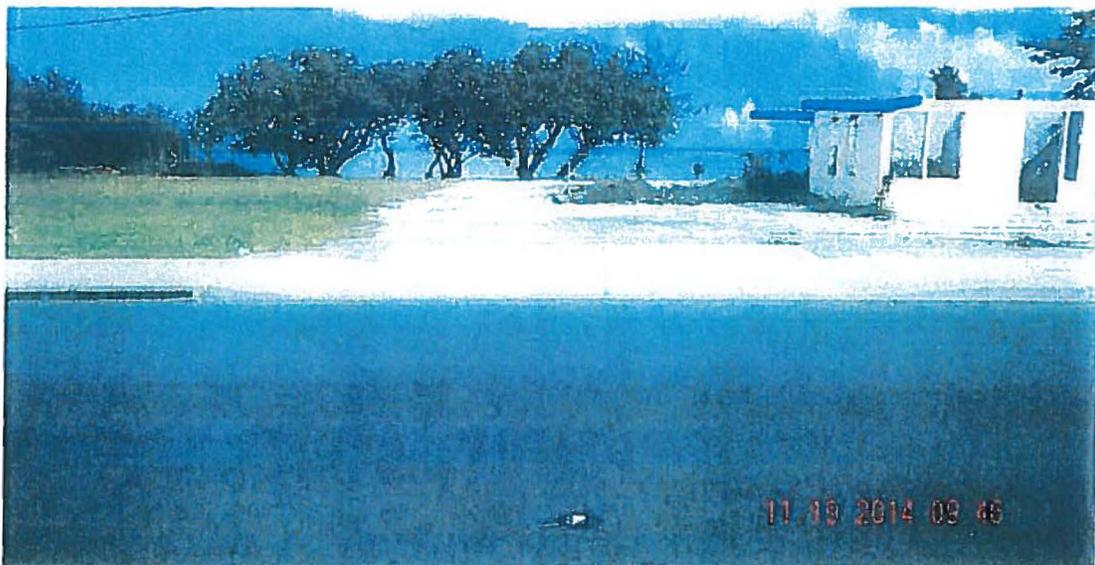
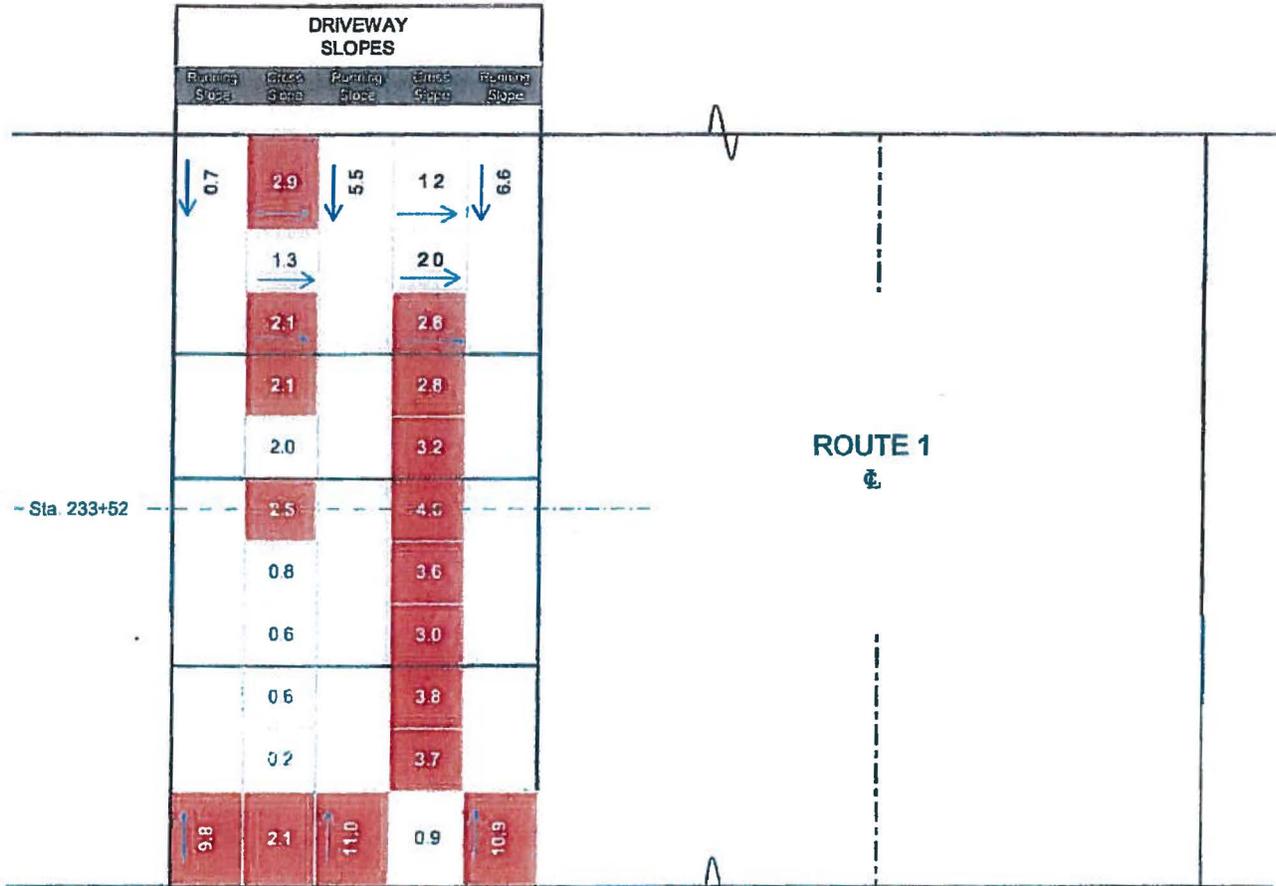
Note: Max slopes shown are per ADA requirements.

| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|---------------|-------------|----------------|
| Righting Slope | Cross Slope | Flaring Slope | Cross Slope | Righting Slope |
| 12.4 | 0.2 | 12.6 | 1.1 | 11.6 |
| | 0.4 | | 1.0 | |
| | 1.1 | | 1.8 | |
| | 1.2 | | 0.5 | |
| | 0.8 | | 1.2 | |
| | 1.8 | | 1.1 | |
| | 1.3 | | 1.7 | |
| | 1.5 | | 2.4 | |
| | 1.8 | | 1.5 | |
| | 1.9 | | 1.2 | |
| | 1.8 | | 1.4 | |
| | 1.4 | | 1.3 | |
| 9.1 | 1.3 | 11.5 | 0.1 | 12.7 |

- Sta. 232+00

ROUTE 1
 €





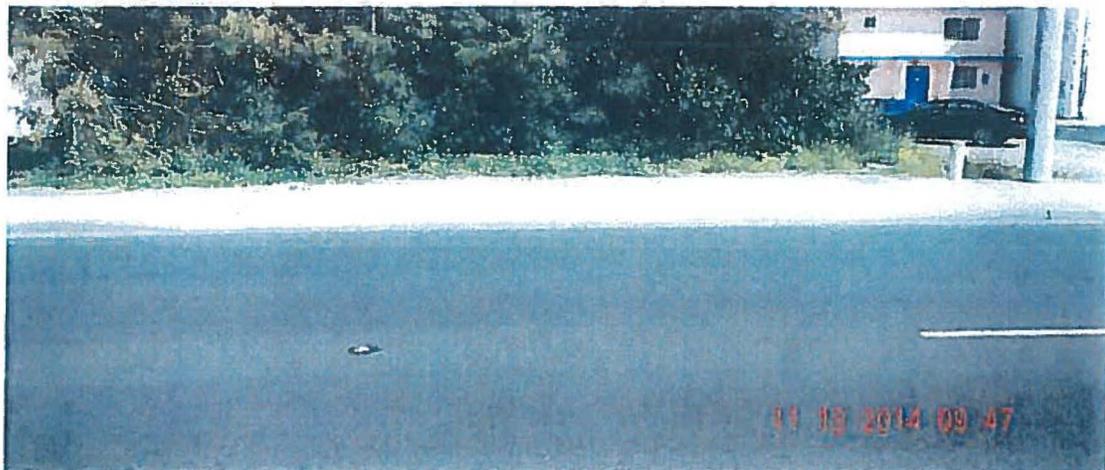
ROUTE 1 SB SIDE

GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey

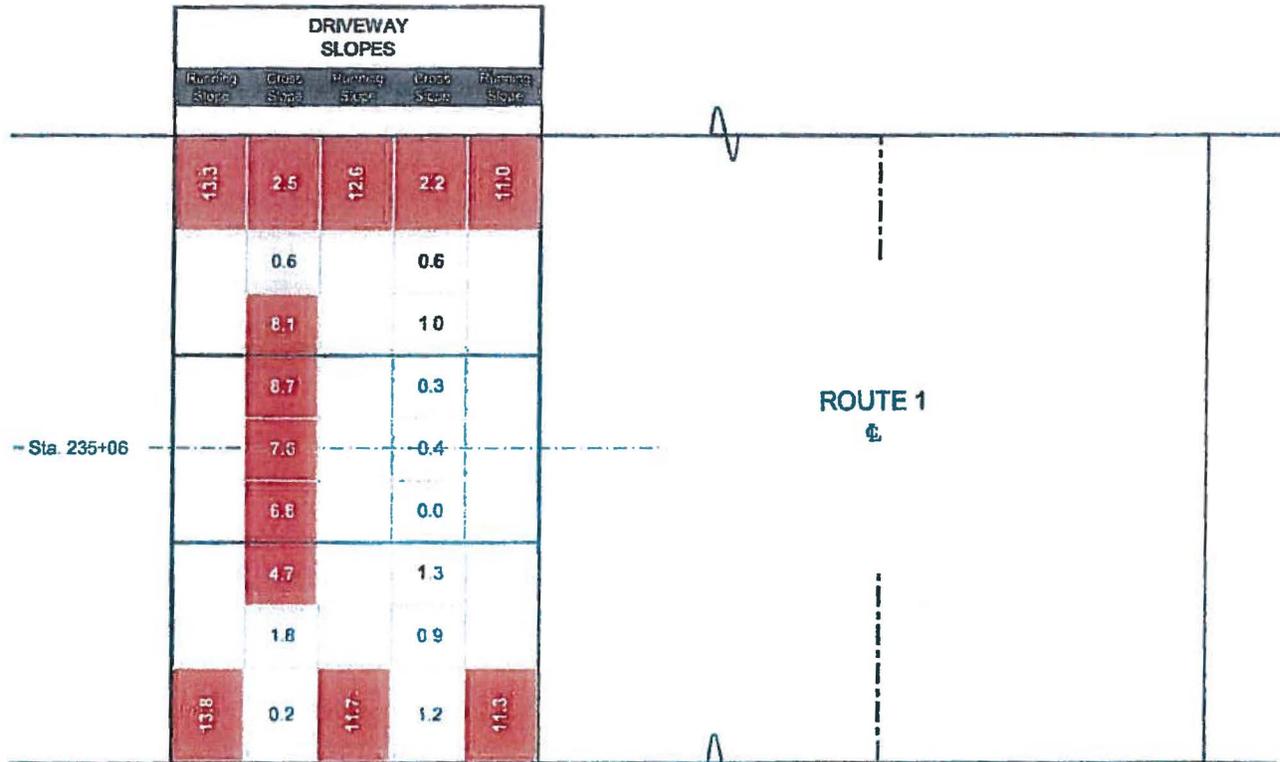
| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|----------------|-------------|----------------|
| Boundary Slope | Cross Slope | Pitching Slope | Grade Slope | Boundary Slope |
| 10.2 | 1.8 | 0.4 | 2.8 | 10.2 |
| | 3.2 | | 4.6 | |
| | 1.7 | | 5.9 | |
| | 0.6 | | 5.4 | |
| | 1.8 | | 6.8 | |
| | 3.0 | | 5.4 | |
| | 2.1 | | 6.0 | |
| | 1.6 | | 4.5 | |
| | 2.5 | | 4.7 | |
| | 2.2 | | 4.6 | |
| | 1.7 | | 4.5 | |
| 10.5 | 2.2 | 10.9 | 2.2 | 9.4 |

~ Sta. 234+54

ROUTE 1

GU-DAR-TI01(001)
 Route 1/8 Intersection Improvements
 and Agana Bridges Replacement
 DPW/PTG Driveway Slope Survey



| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|---------------|-------------|---------------|
| Stationing | Cross Slope | Running Slope | Cross Slope | Running Slope |
| | 1.9 | | 1.9 | |
| 7.6 | 2.0 | 7.7 | 2.6 | 8.9 |
| | 2.4 | | 4.8 | |
| | 1.3 | | 1.7 | |
| | 1.2 | | 2.0 | |
| | 1.4 | | 1.6 | |
| | 1.6 | | 1.9 | |
| | 1.4 | | 1.6 | |
| ~ Sta. 235+97 | 1.6 | | 1.5 | |
| | 0.9 | | 1.8 | |
| | 4.8 | | 1.5 | |
| | 1.2 | | 2.5 | |
| | 1.7 | | 1.7 | |
| | 1.9 | | 1.7 | |
| | 2.0 | | 1.4 | |
| | 1.3 | | 1.8 | |
| 5.6 | 1.4 | 8.7 | 0.6 | 9.0 |

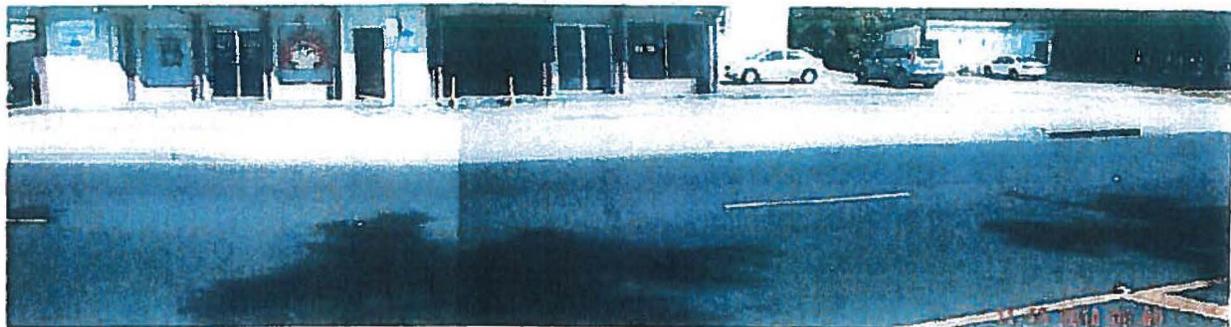
ROUTE 1




GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey

| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|---------------|-------------|---------------|
| Running Slope | Cross Slope | Running Slope | Cross Slope | Running Slope |
| 7.9 | 2.2 | 9.8 | 0.8 | 11.5 |
| | 3.0 | | 2.2 | |
| | 3.0 | | 2.5 | |
| | 3.1 | | 2.5 | |
| | 1.9 | | 3.5 | |
| | 2.7 | | 4.5 | |
| | 2.2 | | 4.1 | |
| | 1.4 | | 4.6 | |
| - Sta. 236+88 | 2.0 | | 4.3 | |
| | 2.0 | | 3.9 | |
| | 1.7 | | 3.4 | |
| | 2.5 | | 2.9 | |
| | 2.2 | | 1.9 | |
| | 1.8 | | 3.8 | |
| | 1.3 | | 4.5 | |
| | 4.2 | | 1.7 | |
| 11.6 | 2.5 | 9.0 | 1.6 | 9.9 |

ROUTE 1

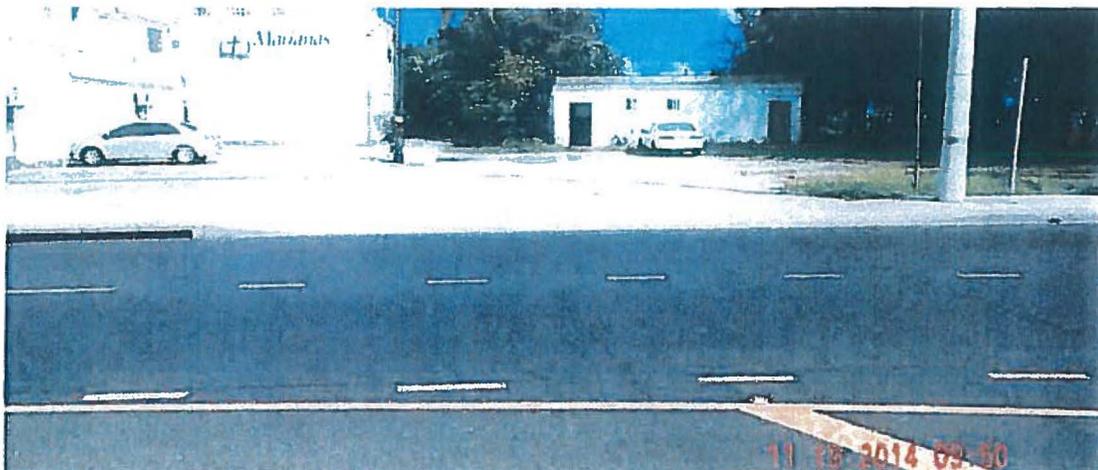



ROUTE 1 SB SIDE

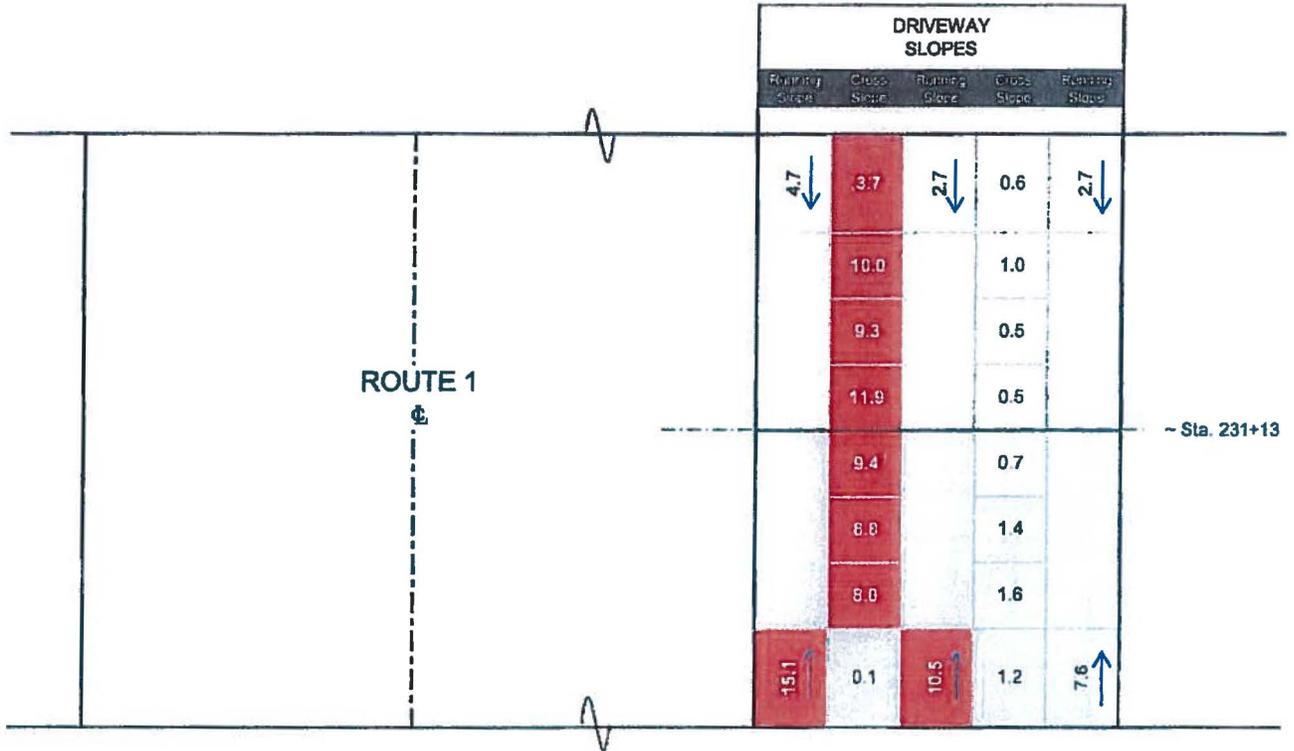
**GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey**

| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|---------------|-------------|---------------|
| Running Slope | Cross Slope | Running Slope | Cross Slope | Running Slope |
| | 1.6 | | 1.1 | |
| 7.5 | 1 | 9.1 | 1 | 8.6 |
| | 3.1 | | 2.9 | |
| | 3.5 | | 3.7 | |
| | 2.5 | | 2.7 | |
| | 2.5 | | 2.5 | |
| | 2.7 | | 2.3 | |
| - Sta. 237+66 | 2.1 | | 3.0 | |
| | 2.9 | | 2.6 | |
| | 2.6 | | 2.4 | |
| | 2.5 | | 2.7 | |
| | 3.0 | | 2.3 | |
| | 2.7 | | 2.1 | |
| | 2.5 | | 3.0 | |
| 12.1 | 2.5 | 13.3 | 2.5 | 14.1 |

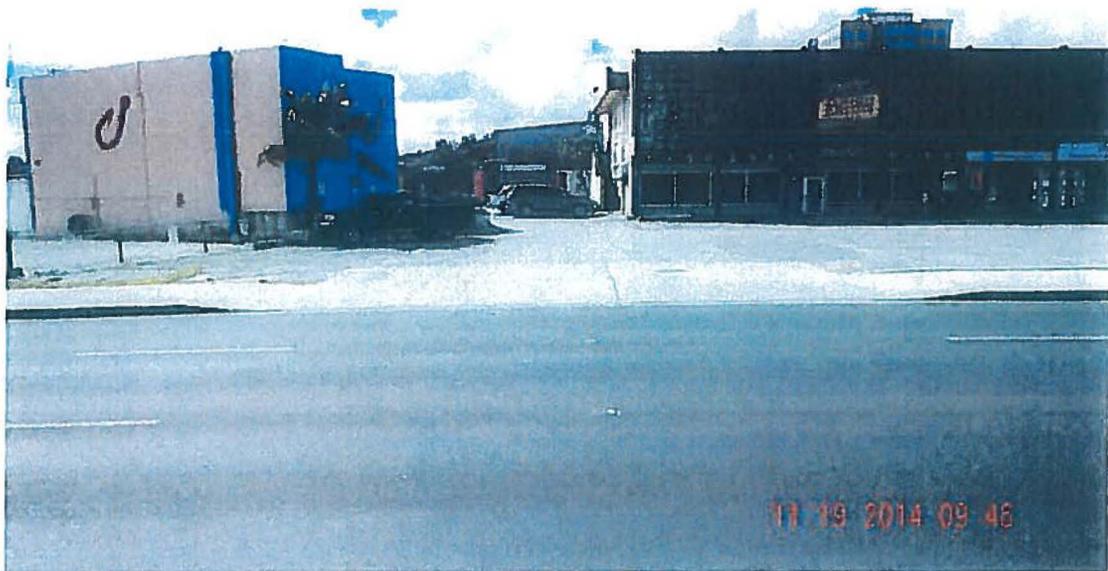
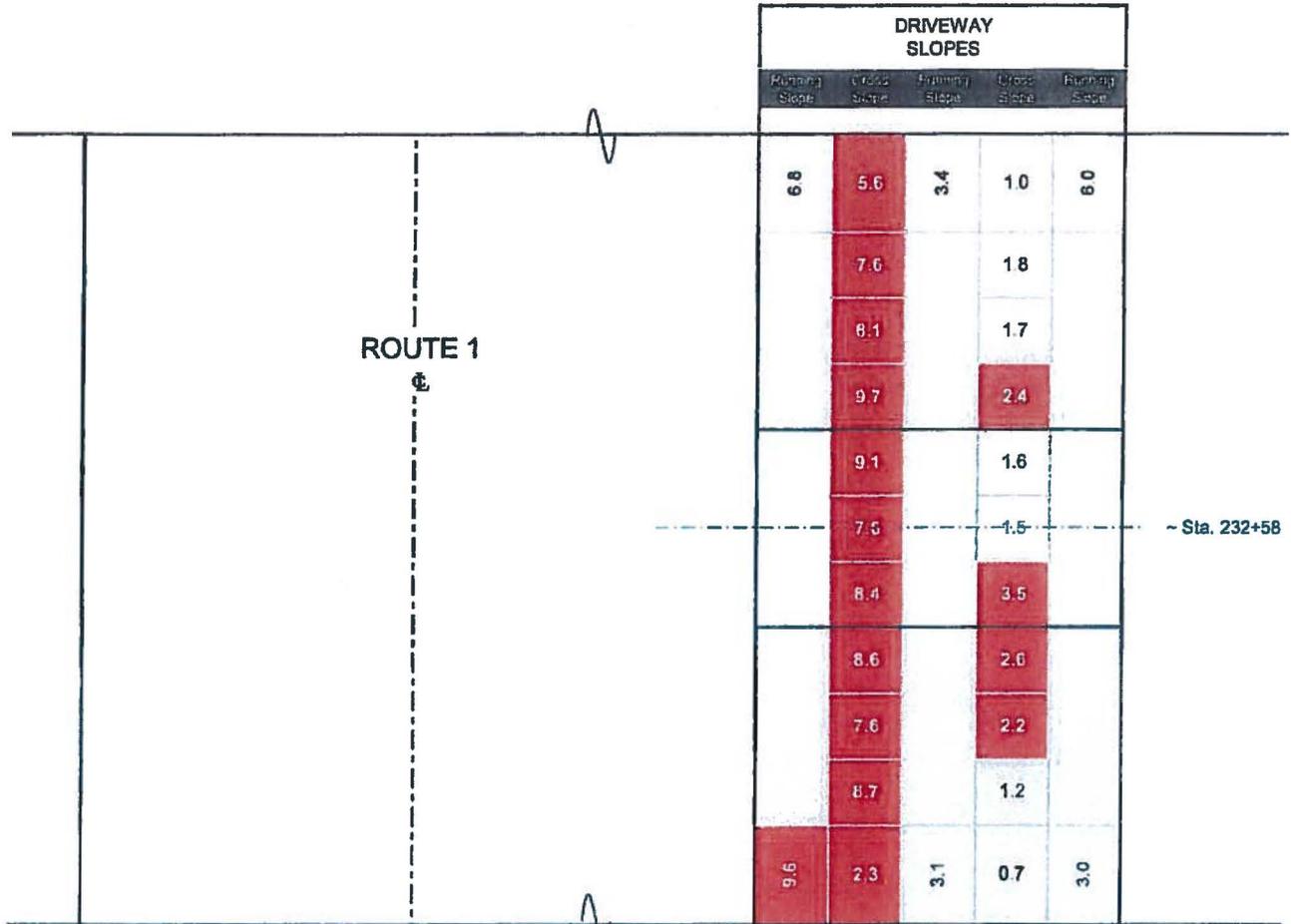
ROUTE 1



GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey



GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey



GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey

| | | DRIVEWAY SLOPES | | | | | |
|--------------|--|-----------------|-------------|---------------|-------------|---------------|-----|
| | | Banking Slope | Cross Slope | Banking Slope | Cross Slope | Banking Slope | |
| ROUTE 1 ⊕ | | 6.1 | 1.9 | 6.0 | 0.5 | 6.0 | |
| | | | 4.8 | | 1.8 | | |
| | | | 5.1 | | 0.4 | | |
| | | | 5.6 | | 0.6 | | |
| | | | 5.4 | | 1.0 | | |
| | | | 4.5 | | 0.7 | | |
| | | | 4.2 | | 1.0 | | |
| | | | 4.2 | | 0.6 | | |
| | | | 3.5 | | 0.5 | | |
| | | | 3.3 | | 0.8 | | |
| | | | 3.6 | | 0.5 | | |
| | | | 10.6 | 0.4 | 6.0 | 1.0 | 5.1 |

- Sta 235+33



GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey

| | | DRIVEWAY SLOPES | | | | |
|--------------|-----------|-----------------|------------|----------------|------------|----------------|
| | | Building Slope | Curb Slope | Building Slope | Curb Slope | Building Slope |
| ROUTE 8 ⊕ | Sta. 2+20 | 15.3 | 1.9 | 9.6 | 2.9 | 8.6 |
| | | | 10.0 | | 1.9 | |
| | | | 10.1 | | 2.1 | |
| | | | 10.1 | | 1.8 | |
| | | | 9.0 | | 3.3 | |
| | | | 9.9 | | 4.1 | |
| | | | 10.0 | | 3.9 | |
| | | | 10.0 | | 3.6 | |
| | | | 9.3 | | 2.5 | |
| | | | 9.8 | | 2.0 | |
| | | | 10.1 | | 3.2 | |
| | | 7.1 | 2.3 | 1.2 | 1.9 | 1.4 |



| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|--------------|-------------|--------------|
| Runway Slope | Gross Slope | Runway Slope | Gross Slope | Runway Slope |
| | 2.1 | | 2.0 | |
| 9.5 | 2.6 | 10.5 | 5.3 | 11.8 |
| | 2.5 | | 6.0 | |
| | 2.6 | | 5.6 | |
| ~ Sta. 1+28 | 2.4 | | 6.4 | |
| | 2.7 | | 7.2 | |
| | 2.7 | | 5.6 | |
| 3.2 | 2.6 | 5.1 | 4.5 | 7.6 |
| | 1.9 | | 3.3 | |

ROUTE 8
Ⓢ



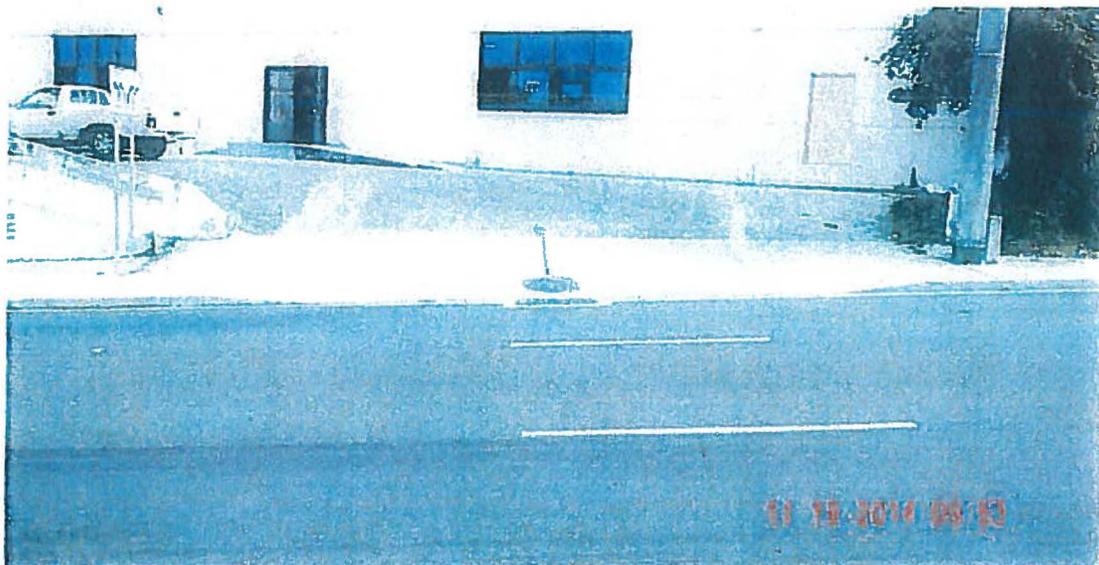
| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|---------------|-------------|---------------|
| Running Slope | Cross Slope | Running Slope | Cross Slope | Running Slope |
| | 1.8 | | 3.5 | |
| 13.2 | 1.3 | 14.2 | 3.9 | 14.3 |
| | 2.2 | | 5.7 | |
| | 2.1 | | 4.6 | |
| | 1.9 | | 5.0 | |
| | 2.8 | | 3.8 | |
| | 2.6 | | 2.9 | |
| | 1.8 | | 6.0 | |
| | 1.7 | | 4.5 | |
| | 3.0 | | 3.8 | |
| 3.3 | 1.5 | 1.8 | 6.3 | 5.3 |
| | 1.3 | | 1.7 | |

ROUTE 8
 Ⓞ

- Sta. 2+84



| | | DRIVEWAY SLOPES | | | | |
|------------|-------|-----------------|-----------------|-------------|-----------------|--------------|
| Stationing | Width | Gross Slope | Finishing Slope | Gross Slope | Finishing Slope | |
| ~Sta. 3+28 | 3.5 | 5.6 | | 6.6 | | ROUTE 8 ↕ |
| | | 10.9 | 9.6 | 12.1 | 12.2 | |
| | | 14.8 | | 14.4 | | |
| | | 14.6 | | 14.9 | | |
| | | 15.8 | | 14.6 | | |
| | 17.7 | | 17.4 | | | |
| | 17.3 | | 17.1 | | | |
| | 18.5 | | 18.7 | | | |
| | 19.0 | | 21.0 | | | |
| | 17.1 | | 18.9 | | | |
| 1.3 | 11.7 | 4.8 | 5.6 | 13.0 | | |
| | 2.1 | | 3.6 | | | |
| | | | | | | |



GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey

| DRIVEWAY SLOPES | | | | |
|-----------------|-------------|---------------|-------------|---------------|
| Running Slope | Cross Slope | Running Slope | Cross Slope | Running Slope |
| 16.1 | 8.0 | 15.6 | | |
| | 6.0 | | | |
| | 6.1 | | | |
| | 6.6 | | | |
| | 6.6 | | | |
| | 5.7 | | | |
| | 0.8 | | 6.1 | |
| | 1.9 | | 6.0 | |
| | 3.6 | | 3.8 | |
| | 1.7 | | 3.7 | |
| | 3.8 | | 3.6 | |
| | 2.4 | | 5.7 | |
| | 3.5 | | 4.1 | |
| | 2.1 | | 4.0 | |
| | 3.1 | | 3.2 | |
| | 2.1 | | 4.2 | |
| | 3.8 | | 4.9 | |
| | 1.8 | | 4.2 | |
| | 2.3 | | 5.0 | |
| 1.1 | 2.7 | 0.2 | 2.3 | 4.7 |
| | - | | 4.5 | |

- Sta. 3+95

ROUTE 8


ROUTE 8 WB Side

**GU-DAR-TI01(001)
Route 1/8 Intersection Improvements
and Agana Bridges Replacement
DPW/PTG Driveway Slope Survey**



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

Docket No. OPA-PA-17-010

EXHIBIT D



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

MAY 08 2015

FILE COPY



Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

RECEIVED

MAY 08 2015

BY: [Signature]
CORE TECH INTERNATIONAL

Mr. Si Hyung Kim
Project Manager
Core Tech International Corporation
500 Mariner Avenue
Barrigada, GU 96913

Ref: **Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement**
Project No. GU-DAR-TI01(001)
Designer of Record's Assessment of the Cracks on the Underside of Bridge 2, Deck Beam 2C

Dear Mr. Kim,

The Department of Public Works (DPW) has completed its review of the Designer of Record's (DOR) assessment of the cracks on the underside of Bridge 2, Deck Beam 2C, which was submitted by Core Tech International, Inc. (CTI) on April 9, 2015.

The DOR determined the cracks are acceptable "crazing cracks", as referenced to the Illinois Department of Transportation's (IDOT) "Manual of Fabrication of Precast Concrete Products", attributable to shrinkage of the surface layer due to:

- Poor or inadequate curing
- Finishing while bleed water is present on the surface
- Too wet a mix
- Other causes

DPW disagrees with the DOR's assessment for the following reasons:

- As the cracks occurred on the underside of the deck beam, bleed water and finishing are not contributing factors;
- Based on the attached batch ticket, a "wet mix" was not used. The water-cement ratio is less than 25% by weight. See attached concrete batch ticket;
- CTI placed concrete that exceed the target temperature range for bridge deck of 50 to 80 °F as required by FP-03, Section 552.10;
- CTI failed to implement methods to control evaporation (expected evaporation rate exceeding 0.1 pounds per square foot per hour as determined by Figure 552-1) as required by FP-03, Section 552.10 (c);
- CTI failed to provide continuous wet curing in accordance with FP-03, Section 552.15 (b);
- These cracks are in excess of what would normally be observed and are definitely beyond what would be acceptable per FP-03 subsection 725.11(g) for a precast concrete unit;

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

THIS - 0606

- Cracks that is acceptable in Illinois climate may not be acceptable in Guam's aggressive corrosive environment;
- These cracks allow a greater potential for chloride intrusion into the member.

Failure to comply with the concrete placement and curing requirements of FP-03 Section 552 and exceeding maximum tolerance for cracks on a precast concrete unit of FP-03 Section 725 are causes for rejection.

Additionally, the characteristics of the cracks on the underside of Deck Beams 3C, 6L, 2R, and 5R are different from those of Deck Beam 2C and were not addressed in the DOR's assessment.

DPW is rejecting Deck Beams 2C, 3C, 6L, 2R, and 5R and recommends that CTI start the fabrication of replacement deck beams to prevent additional delays to the project.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

for:

Attachment: July 24, 4014 Concrete Batch Ticket
July 24, 2014 Historical Weather Information

Cc: Crispin Bensen, DPW
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Conchita Bathan, CTI
Henry Taitano, CTI
Robert Marks


IDuarosan/Blaz

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

Docket No. OPA-PA-17-010

EXHIBIT E



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

COPY

RECEIVED
05/25/16

Quiroga
Core Tech Int. Corp.



public works
DIPARTAMENTON LIHE CHIO PUBLEKO

Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

TN10-957

MAY 25 2016

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, GU 96913

Ref: **Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-TI01(001)
Response to Core Tech International, Inc's May 6, 2016 Letter**

Dear Ms. Bathan,

The Department of Public Works (DPW) acknowledges receipt of Core Tech International, Inc.'s (CTI) letter dated May 6, 2016. DPW would like to take this opportunity to give an update to items in the letter and to clarify CTI's interpretation of items contained in the letter.

1. **Progress Payment for \$2,077,596.68**

DPW is processing CTI's invoice for a progress payment of \$2,077,596.68, received on Friday, May 13, 2016, for the undisputed work performed during the period June 1, 2014 thru March 31, 2016. The invoice had two errors, specifically the completion date and the time elapsed which were incorrectly shown. Instead of returning the invoice for corrections by CTI, the errors were redlined with the correct information and the invoice processed for payment. Your Project Manager, Mr. Robert Marks was advised of the corrections to the invoice via email on Tuesday, May 17, 2016.

On future invoices, only the items listed on the attached Contractor's Invoice Check Sheet are required. These include but are not limited to Certified Payrolls, Contractor's Daily Inspection Reports, Traffic and Safety Supervisor's weekly reports and Apprenticeship Reports. Future invoices will be processed without the requirement for complete certified payrolls for the invoice period if CTI can demonstrate, to DPW's satisfaction, that a substantial effort is being made to address all of the missing and deficient Certified Payrolls. A list of the missing and deficient Certified Payrolls was provided via email to Mr. Robert Marks and Ms. Kristele Mendrano on May 10, 2016 and was also provided in a separate letter dated May 20, 2016 to Mr. Marks.

2. **Substantial Completion**

Your letter correctly states that Substantial Completion is contingent on the completion of the traffic signal interconnect cable between the Route 8 and Route 4 intersections and the traffic sensor loop homeruns at the Route 1/4 intersection. This includes the final connection to the traffic signal control panel and verification testing that the systems are operational.

It is unfortunate that Substantial Competition is also now contingent on full repair of the roadway, including the friction course pavement, which had to be removed by CTI to complete the conduit run for the traffic sensor loop homerun at the Route 1/4 intersection. The removal of the pavement would not have been necessary had CTI completed the conduit run when the road was under construction in October 2014.

DPW requests that CTI provide advance notice and make arrangements to schedule a Substantial Completion Inspection once CTI determines the date when the items necessary for Substantial Completion will be completed. This advance notice would provide DPW with the time necessary to make proper notification/coordination with other utilities and agencies of the inspection date and time.

3. Reducing the Amount of Retained Payments

CTI is correct that upon Substantial Completion, \$750,000.00 in retained payment can be processed. Processing of this payment will require CTI to submit an invoice for the amount and complete all of document requirements listed on the attached Contractor's Invoice Check Sheet.

ADA Requirements:

CTI was first notified of the Americans with Disability Act (ADA) deficiencies on June 12, 2014.

On November 14, 2014, a meeting was held between DPW, CTI, and Parsons Transportation Group (PTG) to discuss the non-compliance. DPW requested CTI submit a proposed procedure to correct the non-compliant slope issues by December 1, 2014 for DPW's review prior to proceeding with any corrective work. To date, DPW has not received any proposed resolution to the ADA deficiencies.

After numerous changes in CTI's field management, a site review was held on April 29, 2016 between PTG and CTI at CTI's request. The intent of the site review was to clarify the non-compliance to Mr. Robert Marks, CTI's new Project Manager, and Mr. Seung Hwan Kim, CTI's Director of Project Operations, who is assisting Mr. Marks in the completion of outstanding items. No agreement was made during the site review "that there was no need to remove or replace the sidewalks, driveways, and pedestrian ramps" as stated in your letter. Discussions held during the site review are as follows:

(a) Sidewalks:

Based on CTI's assessment of the sidewalk cross-slopes submitted on October 9, 2014, 58.2% of the sidewalk panels as installed are non-compliant. This is significantly less than the 83.1% as determined by PTG. None-the-less, by CTI's own review more than half of the sidewalk cross-slopes are out of compliance with ADA requirements. A copy of the information submitted by CTI on October 9, 2014 is attached for your reference.

Mr. Marks mentioned that CTI is considering grinding the non-compliant areas to bring the sidewalk into conformance. Grinding may be a potential solution; however, PTG and CTI agreed that the grinding may create a non-compliant surface for slip resistance and visual appearance. If CTI wishes to pursue grinding as a proposed solution, it is suggested that a test area be ground for DPW's review and approval. This suggestion is not an agreement that removal or replacement of the non-compliant sidewalk panels would not be necessary.

(b) Driveways:

Mr. Marks indicated that per the ADA requirements, a minimum four (4) foot wide accessible path is required at the driveways. If CTI is able to demonstrate that the driveways as installed contains a minimum four foot wide path as measured from the back of sidewalk that meets the ADA requirements of 2.0% maximum cross-slope, 5.0% maximum running slope, and 8.3% maximum ramp slope, removal or replacement is not necessary. A meandering path or four foot section that varies from driveway to driveway is not acceptable.

If CTI cannot demonstrate that the ADA requirements are met as indicated above, a proposed resolution is required for DPW's review and approval. The proposed solution may require removal or replacement of the driveways.

During the site review, Mr. Mark indicated CTI will survey all driveways as installed to determine non-compliance and develop a corrective action plan.

(c) Pedestrian Ramps:

All pedestrian curb ramps do not comply with ADA requirements and also do not conform to the design that was prepared by CTI's Designer of Record (DOR). CTI is requested to propose a corrective action to bring the curb ramps into compliance for review and approval by DPW. This corrective action may ultimately need to include removal and replacement of all or portions of the curb ramps.

The pedestrian curb ramp at the southeast corner of the Route 1 and Route 4 intersection may need to be reviewed by the DOR to provide a physical solution to bring the curb ramp into compliance with ADA.

Work during Festival of Pacific Arts:

CTI is not restricted from performing work during the Festival of Pacific Arts (FestPac). During the March 4, 2016 bi-weekly meeting, CTI was informed that lane closures will not be allowed during FestPac from May 22, 2016 thru June 4, 2016. Additionally, DPW informed CTI that any construction activity requiring demolition will need to be completed prior to FestPac.

DPW believes CTI would agree that due to the projected number of visitors attending the event, safety of the workers and event attendees is a top priority. Heavy equipment operating near or around pedestrians and open demolition/trenches are potential safety hazards.

Mr. Marks agreed work progress during the event could be hindered due to vehicular and pedestrian congestion. Further, CTI is still working on finalizing the proposed resolutions of the outstanding work for submission to DPW for review and approval.

Due to the safety concerns and providing the free flow of traffic on Route 1 and Chalan Santo Papa Juan Pablo Dos, DPW will be providing CTI with a Change Order that will suspend work on the project beginning Friday, May 20, 2016 and ending Sunday, June 5, 2016. This suspension of work will not extend contract time, but liquidated damages will not be assessed during this period.

4. Liquidated Damages

The assessment of the liquidated damage based on the current Contract Completion Date of April 16, 2014 as amended by Change Order 07. Until a time extension, if any, can be determined,

DPW is required to assess liquidated damage starting April 17, 2014 in accordance with the terms and conditions of the contract.

Baseline Schedule

CTI's Revised Baseline Schedule was approved on July 21, 2013. Due to CTI's inability to submit an acceptable time extension analysis, DPW performed its own analysis for time extension analysis dated November 6, 2013. A copy of DPW's analysis was provided to you via email on December 10, 2013. This analysis provided CTI with a 60 calendar day extension (Change Order 07) and reserved CTI's rights to claim for additional days if CTI can demonstrate delays to the critical path or near critical path activities in accordance with the contract documents.

Due to CTI's inability to submit an acceptable time extension analysis showing additional delays beyond the 60 days, a teleconference call was held between PTG and CTI on January 16, 2015 to discuss the requirements for an acceptable analysis. During this meeting, CTI indicated that before a schedule update through April 16, 2012, the date prior to the start of any archaeological activities, can be performed, minor corrections to the functionality/schedule mechanics must be made to the Revised Baseline Schedule. This is 18 months after the Revised Baseline Schedule was approved.

CTI's Corrected Baseline Schedule, Revision 1 submitted on October 12, 2015 was returned on May 13, 2016, "Exceptions as Noted".

DPW will review and analyze all time extension requests submitted in accordance with the contract requirement.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

Attachment: Contractor's Invoice Check Sheet
CTI's October 9, 2014 Review of ADA

Cc: Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Ho S. Eun, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks



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

Docket No. OPA-PA-17-010

EXHIBIT F

GU-DAR-T101(001)
Route 1/8 Intersection Improvements
and Agans Bridges Replacement
Invoice 33

Invoice Period: April 1, 2016 to September 6, 2016

| | DAR | FHWA | TOTAL | Explanation/Comment |
|--|------------------|-----------------|------------------|--|
| Original Contract Amount | \$ 11,239,813.92 | \$ 5,144,686.08 | \$ 16,384,500.00 | |
| Change Orders | \$ 249,999.00 | \$ 1,428.55 | \$ 251,427.55 | |
| Current Contract Amount | \$ 11,489,812.92 | \$ 5,146,114.63 | \$ 16,635,927.55 | |
| Less: Test Frequencies | (49,786.88) | - | (49,786.88) | |
| Less: HMA Paving | (47,930.79) | - | (47,930.79) | |
| Less: Unused Portion of Change Order 02 | (146,343.93) | - | (146,343.93) | |
| Revised Contract Amount | \$ 11,245,751.32 | \$ 5,146,114.63 | \$ 16,391,865.95 | DAR = 68.8% of Total Contract; FHWA - 31.2% of Total Contract |
| Less: Loop Sensor Connection at Route 4 Intersection | - | - | - | Done -\$1,315.14 |
| Less: Copper Interconnect Cable | - | - | - | Done - \$1,250.00 |
| Less: Removal of painted pavement makings, arrow head, pedestria | (112.50) | - | (112.50) | |
| Less: Removal of painted Pavement Marking, Line Striping 4" | (417.26) | - | (417.26) | |
| Less: New Pavement Markings | (4,450.00) | - | (4,450.00) | |
| Less: Cracked Deck Beam Repair | - | (25,000.00) | (25,000.00) | |
| Less: Sidewalk Concrete | - | (4,965.31) | (4,965.31) | |
| Less: Permanent Signage | - | (1,042.23) | (1,042.23) | |
| Amount Payable | \$ 11,240,771.56 | \$ 5,115,107.09 | \$ 16,355,878.65 | |
| Less: Schedule Withholding | (120,000.00) | (240,000.00) | (360,000.00) | June 2015 to March 2016 = 39 months x \$10,000 per month = \$390,000 |
| Less: Liquidated Damage | (627,004.86) | (2,169,415.14) | (2,796,420.00) | 4/17/2014 to 3/31/2016 = 715 calendar days x \$3,300 per day = \$2,359,500 |
| Revised Payable | \$ 10,929,371.56 | \$ 2,735,691.95 | \$ 13,665,063.51 | |
| Less Previously Paid (Thru May 31, 2014) | (9,835,309.41) | (2,462,122.75) | (12,297,432.16) | |
| Less: Retention | (492,812.45) | (273,569.20) | (766,381.65) | \$750,000 to be paid as per DPW Letter dated April 28, 2016. |
| Invoice Amount | \$ 10,431,750.70 | \$ 2,000,000.00 | \$ 12,431,750.70 | |

This Invoice is submitted as a progress payment only and Core Tech International Corporation (CTI) specifically reserves the right to submit and recover claims at a future date. CTI disagrees with any deductions for liquidated damages and reserves the right to file and recover any claim for amounts deducted for liquidated damages.

Edwin A. Ortiz 9/6/16 dy
3/10/17
 Core Tech International Corporation Date:

| | | | | | |
|--|------------------|------------------|-------------------|---|----------------|
| Amount Payable | \$11,240,771.56 | \$5,115,107.09 | \$16,355,878.65 | Liquidated Damages: | |
| Less: Schedule Withholding | (\$120,000.00) | (\$210,000.00) | (\$330,000.00) | Previous | \$2,359,500.00 |
| Less: Liquidated Damage | (\$627,004.86) | (\$2,169,415.14) | (\$2,796,420.00) | 4/1/2016 to 5/19/2016 = 49 CD x \$3,300/day = | \$161,700.00 |
| Revised Payable | \$10,493,766.70 | \$2,735,691.95 | \$13,229,458.65 | 6/6/2016 to 8/25/2016 = 81 CD x \$3,300/day = | \$267,300.00 |
| Less Previously Paid (Thru May 31, 2014) | (\$9,835,309.41) | (\$2,462,122.75) | (\$12,297,432.16) | 8/26/2016 to 9/6/2016 = 49 CD x \$3,300/day = | \$7,920.00 |
| Less: Retention: | (\$299,376.66) | (\$273,569.20) | (\$572,945.86) | Total Liquidated Damage = | \$2,796,420.00 |
| Invoice Amount | \$359,080.63 | \$0.00 | \$359,080.63 | | |

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 Tenorio
Lieutenant Governor

COPY



Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

TN16-1567

Core Tech Int'l. Corp.
RECEIVED
07/27/16
[Signature]

SEP 26 2016

Mr. Robert Marks
Project Manager
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, GU 96913

**Ref: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-TI01(001)
Final Inspection and Bridge 2 Partial Acceptance Inspection Punch Lists**

Dear Mr. Marks,

This letter officially transmits the attached punch list as a result of the final inspection recently conducted between the Department of Public Works (DPW), Core Tech International Corporation (CTI), Parsons Transportation Group (PTG), and other relevant agencies for the Route 1, Route 8 and Bridge 1 portion of the contract. An advanced copy of the punch list was provided to CTI by email on September 14, 2016. The attached punch list is the consolidation of the following:

- Unresolved items from the Open Issues/Deficiencies List initially provided to CTI in December 2013 which was updated periodically during the course of the project (highlighted);
- Unresolved items from the Open Issues List presented during the March 12, 2015 meeting between PTG and CTI's senior management (highlighted);
- Deficiencies noted during the Final Inspection of the Route 1, Route 8 and Bridge 1 portion of the project (Items: 1, 2, 12, 13, 21, 23, 25, 31,32, 34, 36, 42, 43, 60, 61, 62, 63, 67, 68, 70, 71,72, 75, 78, 89, 90, 96, 98, 101, 102, 115, 119, 120, 121, 122, 124, 125, 127, 133, 138, 139, 141, 142, 151, 153, 154, 155, 157, 160, 161, 163, 165, 173, 174, 176, 177, 178, 179, 180, 181, 183, 184, 185, and 186).

A copy of the Final Inspection Punch List sorted by trade is included for your convenience.

Also attached is the DPW punch list from the Bridge 2 Partial Acceptance Inspection conducted on March 23, 2016. This punch list was provided to CTI on March 24, 2016. Numerous items have been signed off as completed, however there are still items yet to be completed.

The two attached punch lists provides a composite listing of all construction related items that need to be completed to attain Final Acceptance of the overall project. Items necessary for final project closeout including but not limited to final as-built drawings, outstanding submittals, and

change orders are not included in the lists. Please be advised that liquidated damages in the amount of \$660.00 per day will continue to be accessed until Final Acceptance.

Please provide a completion schedule for the items listed on both attachments. Include in the schedule all submittal activities that are required to start the work. To help expedite completion of items, it is recommend an on-site review of both punch lists between yourself and PTG so there are no misunderstandings regarding any punch list item.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

Attachments: Final Inspection Punch List
Final Inspection Punch List Sorted by Trade
Bridge 2 Partial Acceptance Inspection Punch List

Cc: Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Ho S. Eun, CTI
Conchita Bathan, CTI


IDuarosan/JBlaz
9/16/16

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

Docket No. OPA-PA-17-010

EXHIBIT H

FILE COPY



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



OCT 26 2016

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, GU 96913



Ref: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-TI01(001)
Status of Closeout Issues

Dear Ms. Bathan,

The Department of Public Works (DPW) acknowledges receipt of Core Tech International Corporation's (CTI) letter dated August 22, 2016 responding to DPW's letter dated June 21, 2016 on the project closeout status. The email dated June 28, 2016 referenced in your letter was a snapshot of the project closeout status as discussed during June 23, 2016 Construction Progress Meeting and will not be addressed in this letter. The project closeout issues will be addressed in the same order as contained in both letters.

1. **Substantial Completion**

The traffic signal loop sensors at the Route 1/4 intersection, interconnect system testing, and repair of the friction course are completed. Substantial completion was achieved on August 25, 2016 and documented by DPW's letter dated August 30, 2016.

2. **Final Acceptance**

Final Inspection for the Route 1, Route 8 and Bridge 1 portion of the contract was completed on August 29, 2016 and a copy of the Final Inspection and the current status of Bridge 2 Partial Acceptance Punch Lists were provided to CTI by email on September 14, 2016 (Attachment 1) and by DPW letter dated September 26, 2016 (Attachment 2).

CTI can achieve Final Acceptance once the items on both punch lists are completed and the corrective or deficient items are accepted by DPW. As stated in attached DPW's letter dated September 26, 2016, to help expedite completion of items DPW recommends an on-site review of both punch lists between CTI and PTG so there is no misunderstanding regarding any punch list item. To date, CTI has not scheduled this on-site review with PTG. DPW requests CTI schedule this on-site review within 7 days from receipt of this letter as necessary.

Open Issues List

Outstanding construction items on the open issues list provided to CTI during the March 12, 2015 meeting between Parsons Transportation Group (PTG) and CTI's senior management have been compiled into the Final Inspection Punch List.

Status on the outstanding items will be addressed under the Open Issues/Deficiencies List section of the letter.

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

Open Issues/Deficiencies List

The items which CTI had not corrected from the Open Issues/Deficiencies List which was initially provided to CTI in December 2013 and updated periodically during the course of the project are now compiled into the Final Inspection Punch List.

DPW has received some submittals and emails from CTI, however not all issues contained in the Open Issues/Deficiencies List have been resolved or have a proposed resolution including re-construction, repair, explanation, or deductive change as stated in your letter. Per the September 21, 2016 Construction Progress Meeting Minutes (Attachment 3), unresolved issues from the Open Issues/Deficiencies List include but are not limited to the following:

- Accessibility Issues – Meeting Minute Item 5.5.30, page 9 (Open Issues/Deficiencies List Items 39 and 48): RP (Robert Patawaran) reported drawings (for the proposal package) are still in progress by GS (Grato Singco, CTI's alternate QC Manager);
- Deductive credit for trees – Meeting Minute Item 5.6.2, page 10 (Open Issues/Deficiencies List Items 23 and 24): RM (Robert Marks) reported that the deductive cost proposal will be submitted by next meeting;
- Deductive credit for top soil – Meeting Minute Item 5.7.4, page 10 (Open Issues/Deficiencies List Items 20 – 22): RM (Robert Marks) reported that the deductive cost proposal will be submitted by next meeting.

To date, CTI have not submitted the complete proposed resolution package for the accessibility issues or any deductive cost proposals. Further, Final Inspection was not contingent on completion of all items contained on the Open Issues or Open Issues/Deficiencies Lists. The final inspection was held since CTI had never requested an inspection of the Route 1, Route 8 and Bridge 1 portion of the contract.

DPW's June 21, 2016 letter requested that CTI provide advance notification and make arrangements to schedule a Final Inspection of the Route 1/8 portion of the project to occur immediately following the completion of the interconnect system testing. The expectation was that CTI would expedite the development of the testing plan for approval and complete the test by mid-July. However, due to CTI's delay on the interconnect system testing, DPW, FHWA, and PTG agreed during the August 3, 2016 Construction Progress Meeting to work with CTI to perform Final Inspection on August 17, 2016, prior to the completion of the interconnect system testing. This date was contingent on CTI submitting a written confirmation of the inspection date and time with sufficient notice (two weeks) for DPW to issue invitation to other agencies.

On August 10, 2016, DPW received an email request from Mr. Robert Marks to proceed with the Final Inspection on August 17, 2016 at 9:00 AM.

Accessibility Issues

DPW disagrees with your statement that CTI has submitted resolutions to all ADA issues on Route 1 including the Route 1 intersections with Route 4 and Route 8. To date, CTI has only submitted the proposed resolution for the driveways and the temporary traffic control plans to perform work at the pedestrian ramps. As previously discussed, CTI is still working on finalizing the proposed plans for the pedestrian ramps and sidewalk slopes as of the September 21, 2016 Construction Progress Meeting (Attachment 3).

Please provide a schedule within 7 days after receipt of this letter of when CTI will provide the proposed resolution for the pedestrian ramps and sidewalk slopes for DPW to perform a full and complete review of the ADA issues.

Bridge 2 Partial Acceptance Punch List

DPW concurs that numerous items have been signed off as completed; however, the items still outstanding are not limited to landscaping and the underside of the deck beams. Please refer to the progressed Bridge 2 Partial Acceptance Punch List that was provided to CTI by email on September 14, 2016 (Attachment 1) and by DPW letter dated September 26, 2016 (Attachment 2).

Bridge 2 Cracks

DPW's May 12, 2016 letter provided a Memorandum dated April 29, 2016 from Parsons Brinkerhoff, Inc. (PB) which discussed the type of cracks that were physically observed and recommendations regarding the cracks along with suggested procedures to repair the cracks which are unacceptable.

DPW acknowledges that CTI will perform the repair work in accordance with the suggested procedure. CTI is requested to provide a schedule within 7 days of receipt of this letter of when CTI plans to perform the repair work. Also, please note that this work must be performed in full compliance with the contract and permit requirements which includes but are not limited to product data submittal and daily water quality monitoring.

Drainage

Your letter dated August 22, 2016 only addressed one (Senator McCreadie office building) of seven drainage/ponding issues. Status of all drainage/ponding issues are discussed below:

- **Ponding in front of Senator McCreadie's office building (Final Inspection Punch List Item 103)**

Although EC Development has approved CTI's proposed resolution to the drainage issue in front of the Senator McCreadie building, this issue was caused by CTI's deviation from the construction drawings. As such, the proposed resolution must comply with the contract requirements and falls under DPW's jurisdiction for review and final approval.

CTI submitted revised plans on September 21, 2016 at 4:59 PM for the drainage issue in front of the Senator McCreadie office building. An advanced copy of the review comments was emailed to CTI on September 26, 2016 and the official response was picked up by Mr. Robert Patawaran on September 28, 2016.

As the work to correct the ponding at Senator McCreadie's office is not entirely within the Government's Right-of-Way, DPW is requesting that CTI provide a signed copy of the Right to Enter/Temporary Construction Easement agreement between EC Development and CTI to perform the corrective work in front of the Senator McCreadie office building.

- **Ponding at the Auto Spot dealership at the southwest corner of Route 1/8 intersection (Final Inspection Punch List Item 37)**

Review comments on the drainage issue at the Auto Spot dealership was returned to CTI on August 9, 2016. To date, DPW has not received the revised plans.

- **Ponding at pedestrian ramps (Final Inspection Punch List Items 14, 65, 69, 79, and 114)**

Ponding at the pedestrian ramps were not discussed in DPW's letter dated June 21, 2016. These items were listed as Item 17 on the Open Issues/Deficiencies List. To date, DPW has not received any proposed resolutions to correct the ponding at the pedestrian ramps. These drainage/ponding issues at the ramps can and should be addressed as part of the resolution to the accessibility issues for the pedestrian ramps.

Please provide a schedule within 7 days after receipt of this letter of when CTI will provide the proposed resolution and other required submittals/documents for all of the drainage issues for DPW to perform a full and complete review.

May 11 and May 18, 2014 HMA Friction Course Production Paving

DPW received the signed Change Order No. 10 from CTI on September 15, 2016 at 4:36 PM. This change order modifies the Contract Specification Sections 106 and 402 to allow acceptance of the Hot Mix Asphalt (HMA) friction course production paving installed on May 11, 2014 and May 18, 2014.

DPW is currently processing the change order.

3. Time Extension Analysis

DPW received CTI's request for time extension and change to contract price on September 16, 2016 at 4:36 PM. CTI's request is currently under review.

Now that CTI has received the punch list for the Route 1, Route 8 and Bridge 1 portion of the contract to include all outstanding issues and progressed punch list for the Bridge 2 portion of the contract, please provide a completion schedule for all items within 7 days after receipt of this letter. Include in the schedule all submittal activities that are required to start the work. To help expedite completion of items, it is again recommend that an on-site review of both punch lists be held between CTI's field team and PTG so there are no misunderstandings regarding any punch list item.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

Attachments: Attachment 1 - EML_PTG-CTI_Punch List_14SEP2016.pdf
Attachment 2 - LTR_DPW CTI_Final Inspection and Bridge 2 Partial Acceptance Inspection Punch Lists_26SEP2016.pdf
Attachment 3 - MIN_129_Agana Bridges_21SEP2016_Progress Weekly Meeting.pdf

Cc: Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Ho S. Eun, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks


Duarosan/JBlaz

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

Docket No. OPA-PA-17-010

EXHIBIT I

FILE COPY



The Honorable
Eddie Baza Calvo
Governor
The Honorable
Ray Tenorio
Lieutenant Governor

NOV 09 2016

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, GU 96913

* 2 COPIES PROVIDED

| | |
|-------------------------|------------------|
| ACKNOWLEDGMENT RECEIPT: | |
| NAME: | STEVEN MESA |
| DEPT./COMPANY: | CTI |
| DATE: | 11/10/2016 TIME: |
| SIGNATURE: | |



Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

TN110-1830

Ref: **Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement**
Project No. GU-DAR-TI01(001)
Request for Electronic Schedule File

Dear Ms. Bathan,

The Department of Public Works (DPW) is reviewing the Request for Time Extension and Request for Change Order to Contract Price submitted by Core Tech International Corporation (CTI) on September 16, 2016. The electronic Primavera 6 schedule files (*.prx format) for the schedule analysis submitted were not provided as part of the submittal.

DPW through its construction management consultant, Parsons Transportation Group (PTG), has requested for the files on three separate occasions:

- Via email to Mr. Robert Marks on October 12, 2016
- Verbal request to Mr. Marks during informal meeting held on October 17, 2016 between PTG and CTI to clarify CTI's proposed resolution for the ADA ramps at the Route 1/ Route 8 intersection.
- Discussion during the October 19, 2016 Construction Progress Meeting.

To date, DPW has not yet received the requested files. Unfortunately, until DPW receives the electronic schedule files, DPW cannot complete its review.

Please provide the electronic schedule file within five (5) business days of receiving this letter.

Should you have any questions or need additional information, please contact Mr. Crispin Bensen, Project Engineer, at 649-3115 with Department of Public Works or Mr. Houston Anderson, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,

FELIX C. BENAVENTE

Cc: Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
Houston Anderson, PTG
Ho S. Eun, CTI
Robert Marks, CTI

11/03/16
Duarosan/JBla
11/14

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

Docket No. OPA-PA-17-010

EXHIBIT J



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

FILE COPY



Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

TN17-905

MAY 26 2017

Mr. Robert Marks
Project Manager
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, GU 96913

| | |
|-------------------------------|------------------|
| ACKNOWLEDGMENT RECEIPT | |
| NAME: | Arsenia Procella |
| DEPT./COMPANY: | Core Tech |
| DATE: | 5-26-17 |
| TIME: | 1:40 PM |
| SIGNATURE: | [Signature] |

Ref: **Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement**
Project No. GU-DAR-TI01(001)
Sidewalk Cross-Slopes

Dear Mr. Marks,

The Department of Public Works (DPW) acknowledges the receipt of Core Tech International Corporation's (CTI) letter dated March 27, 2017 transmitting an opinion from Director Benito S. Servino of the Guam Department of Integrated Services for Individuals with Disabilities (DISID) on the acceptability of the sidewalk slopes as installed on the referenced project. As part of the letter, CTI included a revised proposal to resolve the non-compliant American with Disability Act (ADA) cross-slopes based on Director Servino's opinion. In addition, CTI resubmitted Submittal 398 for DPW's review, comments are noted below for this document.

Contract Requirement - Cross Slope 2%

Per the Project Contract (see SOW-5 line 2, SOW-8 [Conformed] line 19, 20), the Design-Builder shall design and construct the project in accordance with FP-03, combined with the requirements of the subject contract and all referenced manuals and publications, including the ADA Standards for Accessible Design.

The 2010 ADA Standards subsection 403.03 limits the maximum slopes of walking surfaces as follows: "The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48." This equates to a maximum running slope of 5% and a maximum cross slope of 2%, which is consistent with the requirements shown in the DPW standard plans provided as part of the Request for Proposal.

On January 13, 2017 DPW and CTI held a site meeting with Director Servino. At the start of the meeting Director Servino informed the group that he will provide DPW with a recommendation for acceptability of the sidewalk cross-slopes. The recommendation will not overrule the ADA requirements but will provide guidance on acceptability. Director Servino also indicated that the project is Federally funded and compliance with Federal regulation is required.

DPW reviewed the February 23, 2017 letter from Director Servino and determined that his response is an opinion which has no relevance to CTI's contractual obligations with DPW or CTI's obligations to comply with the ADA standards. Director Servino's opinion is irrelevant in the determination of the acceptance of the sidewalk cross-slopes in conformance with contract requirements. Further, Director Servino's opinion directly conflicts with his earlier comments that CTI is obligated to comply with the ADA and Federal Law in its work on the Project. See *Review of Non-Compliant Sidewalks, Driveways, and Pedestrian Ramps with the Guam Department of Integrated Services for Individuals with Disabilities Meeting Notes dated January 13, 2017.*

Therefore, CTI is required to address all cross slopes that are greater than 2%.

Comments on Resubmittal of Submittal No. 398

CTI's March 27, 2017 resubmittal of Submittal No. 398, is not acceptable. It did not address our review comments on CTI's November 8, 2016 proposed solutions: Submittals 615.027-01 (CTI Transmittal 395) – Route 1 northbound, 615.028-01 (CTI Transmittal 395-1) – Route 1 southbound, 615.029-01 (CTI Transmittal 395-2) – Route 8 eastbound, and 615.030-01 (CTI Transmittal 395-3) – Route 8 westbound.

The following are some of DPW's relevant review comments as stated in prior subject submittal responses:

- Proposed resolution requiring grinding of more than 2 inches deep in some areas to bring the 4-inch thick sidewalk cross-slope into compliance is not acceptable. This effectively reduces the strength and durability of the sidewalk. Maximum allowed grinding is 1/2-inch deep for sidewalks. For an 8-foot wide sidewalk, grinding would only be allowed for non-compliant cross-slopes up to 2.5%.
- Non-compliant sidewalk panels on the bridge contains epoxy coated reinforcing steel. Reinforcing steel was installed with the minimum required concrete cover. Grinding would reduce the concrete cover to less than the minimum required, thereby creating an additional non-compliance.
- Numerous non-compliant sidewalk panels abut a vertical concrete surface such as the bridge parapet wall or concrete curb. The proposed resolution does not address grinding of the panel sections immediately adjacent to the vertical concrete surface due to the limitations of the grinding equipment.
- Numerous panels identified to be non-compliant in CTI's sidewalk survey submitted on October 9, 2015 were not identified as non-compliant in the proposed resolution.
- Proposed resolution does not address sidewalk continuity with adjacent surfaces and smoothness and surface texture in the direction of travel after grinding.

Please note that CTI's survey submitted on October 9, 2015, and proposed resolutions submitted on November 8, 2016 and March 27, 2017 show significantly lower quantities of sidewalk panels that are non-compliant compared to the surveys performed by DPW. It has been and still is DPW's position that all sidewalk panels must meet ADA requirements.

Further, the proposal presented in CTI's letter dated March 27, 2017 does not address the non-compliance to the ADA requirements at the driveways, the transition panels between the sidewalk and the driveways, or the pedestrian ramps for street crossings.

DPW would like to resolve this issue quickly and proposes a meeting between PTG, DPW, and CTI be held within 7 calendar days after receipt of this letter to discuss any questions CTI may have regarding the contents of this letter and help bring closure to this issue.

Should you have any questions or need additional information, please contact Mr. Crispin Bengan, Project Engineer, at 649-3115 with Department of Public Works or Mr. John Moretto, Construction Manager, at 648-1066 with Parsons Transportation Group.

Sincerely,



FELIX C. BENAVENTE

Cc: Crispin Bengan, DPW
Richelle Takara, FHWA
Michael Lanning, PTG
John Moretto, PTG
Eun Ho, CTI
Conchita Bathan, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI

MM
12/25/17
IDvarosan/TK/ce/er/JBlaz

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

Docket No. OPA-PA-17-010

EXHIBIT K



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

FILE COPY

RECEIVED

JUN 15 2017

2/10:44AM

PARSONS



Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

JUN 13 2017

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, Guam 96913

RECEIVED
6-15-17

Core Tech
APR 15 2017

ARRIOLA, COFAN, ARRIOLA
JUN 15 2017
RECEIVED
By Kass Time: 10:15

2/17 1028

**Re: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-T101(001)
Final Demand to Complete Project**

Dear Ms. Bathan:

The Department of Public Works ("DPW") requests that Core Tech International Corporation ("CTI") complete the subject project's outstanding work and provide a plan to address the nonconforming elements of the contract within 10 days of receipt of this letter. Further details regarding the project, including details of the remaining work to be completed, the project's NTP and Substantial Completion date, project duration, and a timeline of project events are provided below.

On August 16, 2011, DPW and CTI entered into a Design-Build Contract ("Contract") for the above referenced project ("Project"). The Contract provided for the Project to be completed in 784 calendar days of DPW's Notice to Proceed, which CTI received on October 4, 2011. The Contract included a provision for assessment of liquidated damages in the amount of \$3,300 per day following the completion date, until Substantial Completion was achieved, at which time liquidated damages would be reduced to \$660 per day. The Contract includes a provision where the completion date may be extended by Change Order for justifiable delays or modifications that affect critical path.

Substantial Completion was achieved on August 25, 2016. As of August 26, 2016, there were numerous closeout items needed to achieve Final Acceptance with two (2) major groups of items remaining. The first of these items requires CTI to address various drainage issues. DPW requests CTI provide a plan to address this work within 10 days of receipt of this letter.

The other outstanding item DPW requires CTI to address is the Project's sidewalks, driveways, and pedestrian ramps that are non-compliant with the Americans with Disabilities Act ("ADA"). DPW's initial survey indicated that over 80% of the Project sidewalks are ADA non-compliant while CTI has acknowledged that nearly 60% fail to comply with the Federal Law.

Below is a list of project events related to the ADA non-compliant sidewalks and sidewalk ramps on the Project. The list is intended to highlight key dates concerning the Project sidewalks and is not considered all inclusive:

- April 2013: DPW provided CTI with an updated Open Issues/Deficiencies List.

- October 17, 2013: CTI was notified of ADA and ponding issues at the driveway, sidewalk and wall at the Route 8 residence between Sta. 3+65 and 4+40.
- June 12, 2014: DPW issued Non-Conformance Report (“NCR”) to CTI on ADA deficiencies for the sidewalk.
- August 11, 2014: Parsons Transportation Group (“PTG”) provided CTI with the sidewalk survey data performed by DPW’s project inspectors showing 83.1% of the sidewalk cross-slope as being non-compliant.
- October 9, 2014: CTI submitted its survey of the sidewalk cross-slopes that acknowledged 58.2% of the sidewalk panels are non-compliant. This is significantly less than the 83.1% as determined by DPW.
- November 21, 2014: DPW and PTG met with CTI to discuss the non-compliance. DPW requested CTI to submit a proposed procedure to correct the non-compliance issues by December 1, 2014 for DPW’s review and approval prior to proceeding with any corrective work.
- November 10, 2015: DPW and CTI met on-site with Director Ben Servino, Guam Department of Integrated Services for Individuals with Disabilities (“DISID”) to review the non-compliant sidewalk cross slope. Following the meeting Director Servino instructed CTI to comply with the contract requirements.
- April, 26, 2016: At CTI’s request, PTG held a site review meeting with CTI’s new field management team to clarify the non-compliance. During this meeting, Mr. Robert Marks, CTI’s new Project Manager, mentioned that CTI was considering grinding the non-compliant areas to bring the 4-inch thick sidewalk into conformance. Grinding may be a potential solution; however, PTG and CTI agreed that the grinding may create a non-compliant surface for slip resistance and visual appearance. If CTI wishes to pursue grinding as a possible solution, it was suggested that a test area be ground for DPW’s review and approval. This suggestion was not an agreement that removal or replacement of the non-compliant sidewalk panels would not be necessary. Refer to DPW’s letter dated May 25, 2016 for details on the discussion.
- May 25, 2016: DPW’s letter to CTI noted that it had yet to receive any proposed resolutions to the ADA deficiencies.
- August 31, 2016: DPW issued a letter requesting an update for the proposed ADA resolution and the completion schedule for the outstanding work CTI committed to submitting by August 17, 2016 during the August 3, 2016 Construction Progress Meeting.
- September 21, 2016: The parties held a Construction Progress Meeting. The minutes memorialized that CTI had only submitted proposed resolution for the driveways and temporary traffic control plans to perform the work at pedestrian ramps. The meeting minutes document that CTI was still working on finalizing the proposed plans for pedestrian ramps and sidewalk slopes.

- September 26, 2016: DPW provided CTI with a Punch List resulting from the parties' final inspection held on August 17, 2016. The Punch List was a consolidation of the following:
 1. Unresolved items from the updated Open Issues/Deficiencies List provided to CTI in December 2013. This list was periodically updated during the Project.
 2. Unresolved items from the Open Issues List presented during the March 12, 2015 meeting between PTG and CTI's senior management.
 3. More than 60 deficiencies identified during the Final Inspection of the Route 1, Route 8 and Bridge 1 portion of the Project.

- November 8, 2016: CTI submitted its proposed plan to grind the 4-inch thick sidewalk to bring all non-compliant cross-slope into compliance. The proposed plan indicated that 52.6% of the sidewalk panels are non-compliant.

- December 12, 2016: DPW completed its review and rejected the proposed plan for the following reasons:
 - Proposed resolution required grinding more than 2 inches in some areas to bring the 4-inch thick sidewalk cross-slope into compliance. This effectively reduces the strength and durability of the sidewalk. Maximum allowed grinding is 1/2-inch deep. For an 8-foot wide sidewalk, grinding would only be allowed for non-compliant cross-slopes up to 2.5%.
 - Non-compliant sidewalk panels on the bridge contains epoxy coated reinforcing steel. Reinforcing steel was installed with the minimum required concrete cover. Grinding would reduce the concrete cover to less than the minimum required, thereby creating an additional non-compliance.
 - Numerous non-compliant sidewalk panels abut a vertical concrete surface such as the bridge parapet wall or concrete curb. The proposed resolution does not address grinding of the panel sections immediately adjacent to the vertical concrete surface due to the limitations of the grinding equipment.
 - Numerous panels identified to be non-compliant in CTI's sidewalk survey submitted on October 9, 2015 were not identified as non-compliant in the proposed resolution.
 - Proposed resolution does not address sidewalk continuity with adjacent surfaces and ride smoothness and surface texture in the direction of travel after grinding.

- December 2016: CTI conducted a second on-site meeting with DISID Director Servino in December 2016. Neither DPW nor PTG was notified of the meeting. During the December 19, 2016 Construction Progress Meeting, CTI informed PTG that Director Servino will perform a review of the sidewalk cross-slope and issue a findings report. CTI also reported that during this site meeting, Director Servino measured and determined that the transition ramp from the sidewalk to the driveway crossing as installed was acceptable.

DPW doubts whether Director Servino ever made such a statement. His responsibility with DISID is to enforce ADA compliance, and not to issue waivers.

- January 13, 2017: CTI conducted a third on-site meeting with DISID Director Servino with DPW and PTG. The purpose of the meeting was for Director Servino to review and verify the measurements for the non-compliant cross-slopes. Director Servino informed the group that he would provide recommendations to DPW based on his findings. Director Servino indicated that the project is Federally funded and compliance with Federal regulation is required.
- March 27, 2017: CTI issued a letter to DPW including, among other items, a February 23, 2017 written opinion from DISID Director Servino. CTI relied on Mr. Servino's opinion in resubmitting a revised proposed resolution to address the non-compliant ADA cross-slopes. DPW responded by a May 26, 2017 letter noting that Director Servino's opinion was irrelevant in determining the acceptance of the sidewalk cross-slopes in conformance with the contract requirements and ADA. DPW once again informed CTI that all sidewalk panels must meet ADA Standards for Accessible Design issued by the Department of Justice.
- May 26, 2017: CTI held a demonstration to determine the feasibility of using portable grinding/scarifier tools to correct sidewalk cross slope. These tools were to remove a specified depth of concrete from a test slab at one of CTI's satellite locations. The demonstration showed that the proposed method is not viable, with little to no control of the grinding depth and produced a smooth finish that does not provide a slip resistant surface similar to the broom finish required for sidewalk surfaces. In addition, the machines were not able to grind the entire panel surface (approximate 5' wide X 5' long) over the 2.5-hour test period. From the results of this demonstration, it appears that grinding continues to not be a feasible option.

DPW wants to reiterate that the Project is fully funded by the Department of Defense and overseen by the Federal Highway Administration ("FHWA") who is not authorized to pay for work that does not meet contract requirements, including the ADA. DPW does not have the authority to waive ADA requirements and cannot accept CTI's non-conforming sidewalk work.. Further, the FHWA has informed DPW that it will not waive ADA requirements and requires CTI to comply with their contractual obligations.

Although the ADA non-compliant sidewalks and sidewalk ramps are listed on the Final Inspection Punch List, DPW considers them defective work, not a closeout item. CTI has been on formal notice of the need to correct the defective concrete work since June 12, 2014. Since that time CTI has failed or otherwise refused to take corrective action needed to bring it in compliance with contract terms and ADA requirements mandated by Federal Law. It appears CTI's efforts have been more focused on attempting to obtain a waiver than correcting the non-compliant sidewalks.

This serves to notify CTI that they have 10 days from receipt of this letter to submit a plan acceptable to DPW and the FHWA to 1) correct all drainage issues; and 2) bring all Project sidewalks, driveways and pedestrian ramps into full compliance with its contractual obligations and ADA requirements. CTI's proposal shall also include a deadline to complete all remaining punch list work, understanding that liquidated damages continues to be incurred.

CTI should contact DPW *immediately* if they believe additional time is needed or to coordinate a meeting on the subject.

If CTI fails or otherwise elects to not submit an acceptable proposal as discussed herein, DPW will review the options and contact CTI shortly thereafter.

Please contact my office if you have any questions.

Sincerely,



FELIX C. BENAVENTE

Cc Elizabeth Barrett Anderson, Guam Attorney General (via email only)
Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
John Moretto, PTG
David Yao, PTG
Eun Ho, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks

id
6/07/17
IDuarosan/TK/Keeler/JBlaz

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

Docket No. OPA-PA-17-010

EXHIBIT L



CORE TECH INTERNATIONAL

388 South Marine Corps Drive, Suite 400, Tamuning, Guam 96913
T 671 473 5000 • F 671 473 5500 • www.coretechintl.com • main@coretechintl.com

RECEIVED

JUN 27 2017

pl 3:17PM
PARSONS

June 23, 2017

Department of Public Works
542 North Marine Corps Drive
Tamuning, Guam 96913

Attention: Felix C. Benavente, Deputy Director

Re: Route 1/Route 8 Intersection Improvements & Agana Bridge Replacement
Project No. GU-DAR-T101(001)
Final Demand to Complete Project
Your June 16, 2017 Letter

Dear Mr. Benavente,

Core Tech International (CTI) is in receipt of the Guam Department of Public Works (DPW) letter referencing the above mentioned project entitled Final Demand to Complete Project. CTI received this letter on June 16, 2017. In this letter DPW instructs that CTI has 10 days from the receipt of this letter to submit a plan to "1-correct all drainage issues; and 2-Bring all Project sidewalks, driveways, and pedestrian ramps into full compliance with its contractual obligation and ADA requirements." This is to inform you that it will require longer than 10 days to prepare the plan requested by DPW. The reasons for the delay are explained in this letter.

CTI appreciates the listing of past events and correspondances mentioned in you letter. However, as usual, your list and descriptions are incomplete and one-sided. They do not mention the many past submittals and communications between DPW/PTG regarding the development of these various solutions, now rejected, in which DPW/PTG did not reject the solutions but only give minor comments on the procedures. But most importantly, the letter does not mention that the last 3 communications from DPW, including 2 that are not even mentioned in this letter, were only received by CTI May 26, 2017 and June 9, 2017 and June 16, 2017. With the lengthy delays caused by DPW/PTG's responses to CTI submittals, (for example, it took over 2 months to respond to Mr. Servino's letter), it is unrealistic to expect CTI to respond to this letter in your artificial, self-imposed deadline of 10 days. Please remember that DPW/PTG has been reviewing the as-builts for over one year, a ridiculous amount of time.

For DPW to insinuate that CTI has not made a concerted effort to complete this project is absurd and unprofessional. Especially with the delays caused by DPW/PTG and how CTI was misled during the

construction process. Another example of this can be seen in the June 9, 2017 rejection of 18 submittals. These were 2nd or 3rd generation submittals for the same task. On the original submittals DPW/PTG had a few comments which were addressed in the responses. On the 18 rejected submittals received on June 9th it was mostly new comments never seen before. Why weren't they called out in the first submittals? These type of actions can only be coming from an organization with an agenda of delaying the project and damaging CTI.

Notwithstanding all of the above, CTI does agree with DPW that it is time to complete this project and wants to complete it as soon as possible. Therefore we have taken DPW/PTG's comments and forwarded them to the Designer of Record with the request of addressing all ADA issues and drainage issues so as to meet ADA standards and the specifications. The engineers are currently evaluating these documents. When they are done we will be able to provide a schedule for the completion of the project. We should have that schedule completed in 2 to 3 weeks.

At the conclusion of your letter you mention a coordination meeting. Based on our experience nothing is gained by having these meetings as your PMT only provides mis-information which is different than what we receive later in writing, such as with the June 9th letter. Therefore, in an effort to minimize the interference of DPW/PTG and expedite the completion of this project we do not see the need for meetings at this time and we will provide you the revised submittals s soon as possible.

Sincerely,



Chit Bathan
Chief Executive Officer
Core Tech International

Cc: Elizabeth Barrett-Anderson, Guam Attorney General (via email)
Crispen Bengan, DPW
Kin Blaz, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
John Moretto, PTG
David Yao, PTG
Eun Ho, CTI
Ed Ching, CTI
Anita Ariola, AC&A
Henry Taitano, CTI
Robert Marks

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

Docket No. OPA-PA-17-010

EXHIBIT M



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

TN17-7124

JUN 30 2017

Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, Guam 96913

**Re: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-T101(001)
Response to June 23, 2017 CTI letter**

Dear Ms. Bathan:

This serves to confirm the Department of Public Works ("DPW") receipt of Core Tech International Corporation's ("CTI") response letter regarding the subject project and the Department of Public Works ("DPW") June 16th, 2017 Final Demand letter.

Thank you for your letter. The 10 day period for responding was established by DPW with the thought that for the last three years CTI has been on notice that the above-referenced Route 1/8 Intersection project's (the "Project") sidewalks and other items fail to comply with the Americans with Disability Act ("ADA"), as well as the contract plans and specifications. Although on notice that it's work failed to comply with both federal law and the DPW's plans and specifications, it is well documented that CTI's remediation efforts have primarily focused on attempting to convince DPW and the Federal Highway Administration ("FHWA") that its admittedly non-compliant work (i.e., CTI has acknowledged that 58% of the project sidewalks are non-compliant) were of nominal significance and, as such, should be either waived or subject to some minor deduction in cost. As such, DPW does not consider the proposed 10 day period for CTI to respond as "artificial" or "self-imposed". In any event, this serves to confirm that DPW agrees to extend the deadline for CTI to submit a comprehensive plan and schedule to complete the Project until Monday, July 24, 2017.

In its response, CTI references a number of alleged issues with the Project. As these items are not new and have been addressed a number of times in earlier correspondences we don't consider it necessary to readdress herein. What I do care to address is CTI's decision not to meet to discuss the outstanding issues with the project. While we appreciate that major issues exist between the parties, I want to reiterate the offer to meet with CTI, with or without department consultants, to discuss any and all aspects of the Project.

In closing, despite the parties' disputes to date, our objective remains to close out the project and settle any outstanding disputes with CTI in a timely manner, at least to the greatest extent possible. Please let me know if CTI wants to reconsider its position on not meeting with me.

Please contact my office if you have any questions.

Sincerely,



FELIX C. BENAVENTE

Cc: Elizabeth Barrett-Anderson, Guam Attorney General (*via email only*)
Crispin Bensen, DPW
Tom Keeler, GAG
Richelle Takara, FHWA
Michael Lanning, PTG
John Moretto, PTG
David Yao, PTG
Eun Ho, CTI
Edwin K.C. Ching, CTI
Anita P. Arriola, AC&A
Henry Taitano, CTI
Robert Marks



IDuarosan/Keeler/JBlaz

TN17-1124

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

Docket No. OPA-PA-17-010

EXHIBIT N



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

FILE COPY



public works
DIPATTAMENTOR CHE'CHO PUPLEKO

Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

AUG 23 2017

VIA HAND DELIVERY AND CERTIFIED MAIL
Ms. Conchita Bathan
Chief Executive Officer
Core Tech International Corporation
388 South Marine Corps Drive
Suite 400
Tamuning, Guam 96913

| | |
|-------------------------------|------------------|
| ACKNOWLEDGMENT RECEIPT | |
| NAME: | Arsonia Procella |
| DEPT./COMPANY: | Core Tech |
| DATE: | 8-23-17 |
| TIME: | 4:30 pm |
| SIGNATURE: | [Signature] |

17-1415

Re: **Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement**
Project No. GU-DAR-T101(001)
Notice of Termination/Default of Contract
Surety: Fidelity and Deposit Company of Maryland and Zurich American Insurance Company
Bond No.: 9060033
Amount of Bond: \$ 16,384,500.00

Ms. Bathan:

It is the finding of the Government of Guam that Core Tech International Corporation (CTI) has breached its contractual obligations with respect to the Route 1/Route 8 Intersection Improvements and Agana Bridges Replacements Contract dated September 30, 2011, by performing those obligations negligently, in violation of Federal and Guam law, and in failing to timely prosecute the construction work and correct deficiencies in the work. This includes, but is not limited to, evidence of the following:

1. **Section 108.01 – Commencement, Prosecution and Completion of Work** obligates contractor to "(a) commence work immediately after the issuance of the Notice to Proceed; (b) prosecute the Work diligently; and (c) complete the entire Work and make Work ready for use within the Contract time specified in Subsection 108.04, including all design, construction, final clean-up of the premises, and final acceptance."
2. **Formal Contract Article 1 (a) Contract Time.**
3. **FP-03 Subsection 107.01 Laws to be observed, including the American with Disabilities Act (ADA).**
4. **FP-03 Subsection 155.01/FAR Sections 52.236-15 Schedules for Construction Contracts.**
5. **FAR subsection 52.249-10 Default, (Construction); 5 GCA, Chapter 5, § 5501**
6. **Article I.3 of the Required Contract Provisions (RCP) Federal-Aid Construction Contract.**
7. **Plans and Specifications, Project No. GU-DAR-T101(001)**

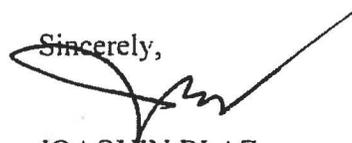
Since August 25, 2016, the date CTI achieved substantial completion, DPW has requested completion of the final punch list items constructed out of project specifications (work that is in nonconformance with the requirements of the contract). Despite numerous meetings and requests for remedy, CTI has shown no substantial progress on a design plan for these deficiencies, and absolutely no progress regarding the physical correction of the project nonconforming elements.

These deficiencies include but are not limited to the nonconforming sidewalk, driveway, and pedestrian ramp slopes. CTI was made aware of these deficiencies formally via a Non-Conformance Report dated June 12, 2014. CTI has made numerous attempts to minimize the corrective work required for the

Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-DAR-T101(001)
Response to Ms. Anita Arriola letter dated September 22, 2017
Page 3

In closing, DPW continues to wait for CTI to fully comply with all of the document submittal requirements of the contract, in order for it to close out the contract.

A copy of this letter is being provided to Ms. Arriola via email. Please contact my office if you have any questions.

Sincerely,

JOAQUIN BLAZ
Acting Procurement Officer

Cc: Elizabeth Barrett-Anderson, Guam Attorney General (*via email only*)
Anita Arriola, Esq. (*via email only*)

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

Docket No. OPA-PA-17-010

EXHIBIT O



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

FILE COPY



public works
DIPATTAMENTON CHE'CHO PUPLEKO

Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

TN17-1417

AUG 23 2017

VIA FACSIMILE NO. 671/648-5373, HAND DELIVERY
AND CERTIFIED MAIL

Mr. H. George Takagi
President
Takagi & Associates, Inc.
Suite 200 Flame Tree Plaza
540 Pale San Vitores Rd.
Tumon, Guam

| | |
|-------------------------|---|
| ACKNOWLEDGMENT RECEIPT: | |
| NAME: Natsuki Fujitsu | RECEIVED Aug 23 2017 Takagi & Associates, Inc. Claims Service Department |
| DEPT./COMPANY: Claims | |
| DATE: | TIME: 16:45 |
| SIGNATURE: [Signature] | |

Re: Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement
Project No. GU-NH-0001(014) and Project No. GU-DAR-0001(014)
Surety: Fidelity and Deposit Company of Maryland & Zurich
American Insurance Company
Bond No.: 9060033
Amount of Bond: \$16,384,500.00

Dear Mr. Takagi:

The Government of Guam, through the Department of Public Works ("DPW"), is submitting this letter as a formal tender of claim against the full amount of the above-referenced Performance and Payment Bond issued by Fidelity and Deposit Company of Maryland & Zurich American Insurance Company ("Surety") to Core Tech International Corporation ("CTI"). A copy of the Bond is enclosed herewith.

On or about September 30, 2011, CTI entered into a written Design-Build Contract with the Government wherein it agreed to design and perform construction work on the project identified as the *Route 1/Route 8 Intersection Improvements and Agana Bridges Replacement Project* ("Project"). The Federal Highway Administration ("FHWA") fully funded the Project.

Under the terms of the Contract, the Project completion date was due within 784 days from the **Notice to Proceed, which CTI received on October 4, 2011**. Substantial Completion was accomplished on August 25, 2016. As of August 26, 2016, there were numerous closeout items needed to achieve Final Acceptance with two (2) major groups of items remaining. The first group of items CTI was required to address are the various drainage issues.

The other group of items required CTI to address the Project's sidewalks, driveways, and pedestrian ramps that are non-compliant with both the Americans with Disabilities Act ("ADA") and Project Plans and Specifications. DPW's initial survey indicated that over eighty percent (80%) of the Project sidewalks are ADA non-compliant while CTI has acknowledged that nearly sixty per cent (60%) fail to comply with the Federal Law. Although the ADA non-complaint

sidewalks and sidewalk ramps are listed on the Final Inspection Punch List, this was done as an accommodation to CTI. This work is in fact defective work, not a closeout item.

CTI has ignored its obligation to diligently complete the remaining work and to correct the ADA non-compliant sidewalks and sidewalk ramps. On June 16, 2017 CTI received a 10-day Final Demand letter from the Government instructing them to submit a plan and timeline to correct Project deficiencies. CTI's June 23, 2017 response requested an additional two (2) to three (3) weeks to provide the requested plan and timeline. The Government notified CTI that the deadline was extended to Monday, July 24, 2017, to provide the requested information. CTI failed to respond and provide the promised plan and timeline.

Because of CTI's non-performance and breaches under the Contract, the Government is exercising its right to immediately terminate the Contract with CTI effective August 22, 2017. By this letter, the Government now hereby claims and demands that the Surety immediately commence performing its obligations as set forth and articulated in its Bond No. 9060033. These include the obligation to:

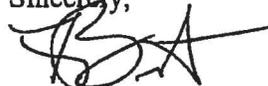
- Promptly remedy the default; or
- Promptly complete the Contract in accordance with its terms and obligations; or
- Obtain a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by the Government and Surety of the lowest responsive and responsible bidder, arrange for a contract between such bidder and the Government. Make available as work progresses, sufficient funds to pay the cost of completion less the balance of the Contract price, but not exceeding, including other costs and damages for which the Surety may be liable.

At all times the Government expressly reserves the rights to supplement this letter and this claim by furnishing one or more supplemental notices or proofs of loss as the details of CTI's defective and substandard performance continue to be discovered.

It is requested that the parties personally meet as soon as possible and in no event later than three (3) business days after receipt of this letter to further discuss this matter. Please call me at 646-3131, or Joaquin Blaz at 649-3128, to schedule a time and date for our meeting.

Thank you for your prompt attention to this matter.

Sincerely,



Felix C. Benavente
Deputy Director

Cc: Attorney General of Guam
Richelle Takara, Territorial Representative, FHWA



542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

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

Docket No. OPA-PA-17-010

EXHIBIT P

JOAQUIN C. ARRIOLA MARK E. COWAN
ANITA P. ARRIOLA JOAQUIN C. ARRIOLA, JR.

**Law Office of
ARRIOLA COWAN & ARRIOLA**

Calvo-Arriola Building
259 Martyr Street, Suite 201
Hagatna, Guam 96910
Mailing Address:
PO Box X Hagatna, Guam 96932

Telephone: 671-477-9730/33
Facsimile: 671-477-9734
E-Mail:
arriolalaw@arriolacowan.com

September 22, 2017

**VIA FACSIMILE: 649-6178 and
VIA EMAIL: tkeeler@guamag.org**

Thomas P. Keeler
Legal Counsel
Department of Public Works
Government of Guam
542 N. Marine Corps Drive
Tamuning, Guam 96913

**RE: Route 1/Route 8 Intersection Improvements and Agana Bridges
Replacement (Design-Build) Project No. GU-DAR-T101(001)**

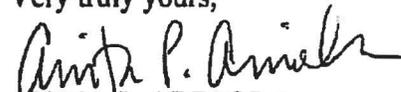
Dear Tom:

I am in receipt of two letters from your client Department of Public Works dated August 23, 2017 and addressed to Ms. Conchita Bathan, Chief Executive Officer of Core Tech International Corporation ("CTI") concerning the above-referenced project. The first letter is entitled "Notice of Termination/Default of Contract" (hereafter "Notice") and the second letter is a rejection of CTI's request for extension and request for change order to contract price submitted on September 17, 2016, as supplemented on November 10, 2016 ("Rejection").

This is to assert CTI's position that the Notice and Rejection were wrongful and in bad faith. In addition, neither of the letters inform CTI of its right to judicial or administrative review as required by 5 G.C.A. § 5427(c). CTI requests confirmation from you that the Notice and Rejection constitute final agency decisions under said statute. If you fail to provide such confirmation, CTI will proceed as if the Notice and Rejection are final agency decisions.

Nothing contained herein constitutes a waiver of any of CTI's rights or remedies, all of which are expressly reserved.

Very truly yours,


ANITA P. ARRIOLA

cc: Mr. Ho Eun
Ms. Conchita Bathan
Edwin K.W. Ching, Esq.
Mr. Robert Marks
Mr. Henry Taitano

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

Docket No. OPA-PA-17-010

EXHIBIT Q



Office of the Attorney General
Elizabeth Barrett-Anderson
 Attorney General of Guam
Solicitor Division
 590 S. Marine Corps Drive
 ITC Bldg., Ste. 706
 Tamuning, Guam 96913 • USA
 Tel. (671) 475-3324 Fax. (671) 472-2493
 www.guamag.org

Attorneys for the Government of Guam

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL**

| | | |
|---------------------------------------|---|--------------------------|
| IN THE APPEAL OF: |) | DOCKET NO. OPA-PA-17-009 |
| |) | |
| CORE TECH INTERNATIONAL CORP., |) | DECLARATION |
| |) | |
| Appellant. |) | |
| |) | |

JOAQUIN BLAZ makes this declaration under penalty of perjury under the laws of Guam and states:

1. I am employed by Guam Department of Public Works (“DPW”), Division of Highways, as its Acting Highway Administrator.
2. I am also a member of the Guam Transportation Group (“GTG”) that was formed in early 2008 to provide policy direction and overall guidance related to the vision, goals and objectives of Guam’s 2030 Guam Transportation Plan (“GTP”). The GTP defines Guam’s long-term transportation improvement strategy, including the Route 1/ 8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-T101(001) (“Route 1/8 Project”).
3. The Route 1/8 Project is with the U.S. Department of Transportation through the Federal Highway Administration. Its management is independent of that responsible for the Simon Sanchez High School Project No. 730-5-1057-L-YIG (“SSHS Project”). The SSHS

Project, as I understand, is governed by representatives of the Guam Department of Education, Department of Land Management, Guam Economic Development Authority, Guam Environmental Protection Agency and DPW, under the Division of Capital Improvements Projects (CIP).

4. I am not involved in the daily operations of CIP nor am I aware of any of their procurement projects.

5. I am not aware of any animosity between DPW and Core Tech Internal Corp. ("Core Tech"). The numerous time extensions granted Core Tech on the Route 1/8 Project contradict any such belief.

6. Substantial Completion on the Route 1/8 Project was achieved on August 25, 2016.

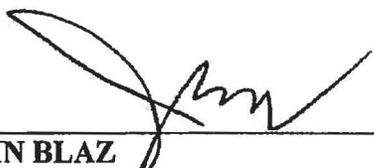
7. Notwithstanding numerous promises to complete the Route 1/8 Project, as of August 23, 2017, Core Tech failed to complete outstanding items, including but not limited to the need to correct sidewalks that Core Tech itself agree failed to comply with the American with Disabilities Act (ADA), the parties Contract and the Plans and Specifications.

8. The timing of DPW August 23, 2017 Notice of Termination/Default was based on the advice of counsel who informed DPW that the Route 1/8 Project's Surety's Bond might not be enforceable if DPW failed to terminate prior to the one year anniversary of Substantial Completion (i.e., August 25, 2016). DPW's counsel provided this advice as early as June, 2017.

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

Submitted this 30th day of October, 2017.

By:



JOAQUIN BLAZ
Acting Highways Administrator
Department of Public Works