



Office of the Attorney General
Elizabeth Barrett-Anderson
 Attorney General of Guam
Solicitor Division
 590 S. Marine Corps Drive
 ITC Bldg., Ste. 802
 Tamuning, Guam 96913 • USA
 Tel. (671) 475-3324 Fax. (671) 472-2493
 www.guamag.org
Attorneys for the Government of Guam

RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
 DATE: 12.06.17
 TIME: 3:22 AM PM BY: MT
 FILE NO OPA-PA: 17-010

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

| | |
|--|---|
| <p>IN THE APPEAL OF:</p> <p>CORE TECH INTERNATIONAL CORP.,</p> <p style="text-align: center;">Appellant,</p> <p style="text-align: center;">AND</p> <p>DEPARTMENT OF PUBLIC WORKS,</p> <p style="text-align: center;">Purchasing Agency.</p> | <p>) DOCKET NO. OPA-PA-17-010</p> <p>)</p> <p>)</p> <p>)</p> <p>) PURCHASING AGENCY’S RESPONSE</p> <p>) TO APPELLANT’S MOTION FOR</p> <p>) LEAVE TO FILE MOTION FOR</p> <p>) PARTIAL SUMMARY JUDGMENT</p> <p>)</p> <p>)</p> <p>)</p> |
|--|---|

Comes Now, Department of Public Works (“DPW”), and through its undersigned counsel, herein files the Purchasing Agency’s Response to Appellant’s Motion for Leave to File Motion for Partial Summary Judgment.

Appellee Department of Public Works (“DPW”) respectfully submits that Appellant’s motion for summary judgment be denied.

STATEMENT OF FACTS

On September 30, 2011, DPW and CTI signed a Design-Build contract, in which CTI agreed to design and build improvements to the Route 1 and Route 8 intersections, and replacement of two

ORIGINAL

(2) bridges over the Hagatna River (DPW Project No. GU-DAR-T101(001)), (“Project”). The Project required CTI to construct sidewalks, ramps and driveways that fully complied with the Projects Plans and Specifications and the American with Disabilities (“ADA”).

In connection with the Agreement, Zurich American Insurance Company, Fidelity and Deposit Company of Maryland and Colonial American Casualty and Surety Company (collectively “Surety”), as Surety issued Performance and Payment Bonds Number CMB 9060033 (the “Bond”), on behalf of CTI, as principal, and in favor of DPW, as obligee, with a penal sum of Sixteen Million Three Hundred and Eighty-Four Thousand Five Hundred Dollars & 00/100 (\$16,384,500.00), *See*, Exhibit “A”.

On June 12, 2014 DPW issued a Non-Conformance Report to CTI on ADA deficiencies for the Project’s sidewalks. The survey conducted by DPW’s project inspectors showed that 83.1% of the sidewalk cross-slope as ADA non-compliant. *See*, Exhibit “B”. On October 9, 2014, CTI submitted its survey of the sidewalk cross-slopes that showed 58.2% of the Project’s sidewalk panels are non-compliant. *See*, Exhibit “C”.

CTI’s Contract with DPW was terminated on August 27, 2017, after it had failed to submit a completion plan, as promised, to complete the ADA non-compliant work and to complete the final punch list items.

CTI filled its notice of appeal with the Office of Public Accountability (“OPA”), regarding DPW’s termination of contract. In this appeal, CTI raised various issues including (1) whether DPW wrongfully terminated CTI from performing work on the Project; (2) whether DPW breached the Contract; (3) whether DPW’s consultant, Parsons Transportation Group (“PTG”) wrongfully interfered with the Contract and whether liquidated damages assessed by DPW should be barred or significantly reduced.

Appellant, Core Tech International Corp. (“CTI”), seeks summary judgment on the grounds that (1) DPW fully paid for Project sidewalks, ramps and driveways that were not complaint with the American with Disabilities (“ADA”); and (2) whether there was substantial completion and/or beneficial use and occupancy of the Project, thereby barring or significantly reducing liquidated damages.

II. ISSUES

- A. **Whether CTI’s Motion for Partial Summary Judgment is proper?**
- B. **Whether CTI has been fully paid on the Project?**
- C. **Whether DPW has correctly assessed liquidated damages on the Project?**

III. DISCUSSION

Applicable summary judgment standard

“The court may grant summary judgment to Rule 56 of the Guam Rules of Civil Procedure when ‘the pleadings, depositions, answer to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law.’” *Bank of Guam v. Flores*, 2004 Guam 25 ¶ 8 (citing *Manvil Corp. v. E.C. Gozum & Co.*, 1998 Guam 20 ¶ 6. The party moving for summary judgment bears the initial responsibility of demonstrating the “absence of a genuine issue of material fact.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The party opposing motions for summary judgment cannot rest upon the mere allegations of his or her pleadings. Instead, the opposing party must set forth specific facts showing there is a genuine issue of fact for trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986). In this regard, the party opposing the motion has the burden of presenting “affirmative evidence”. *Id.* At 257.

A. CTI's Motion for Partial Summary Judgment should be dismissed.

CTI's Motion for Partial Summary Judgment is not supported by any affidavits, declarations, or Project documents to support its motion. As CTI failed to provide any undisputed facts in support of its argument, it should be dismissed.

B. CTI has not been fully paid on the Project.

Appellant wrongfully claims that DPW fully paid for the Project's non-ADA compliant sidewalks, ramps and driveways. Attached is a copy of Mr. Michael Lanning's December 1, 2017 Declaration confirming that CTI has not been fully paid on the Project. Attached to Mr. Lanning's Declaration is a copy of DPW's Invoice No. 33 that shows \$572,945.86 has been retained on the Project as Retention. *See*, Exhibit "D". The \$572,945.86 in Retention secures the completion of the Project, including the correction of CTI's defective work on the Project.

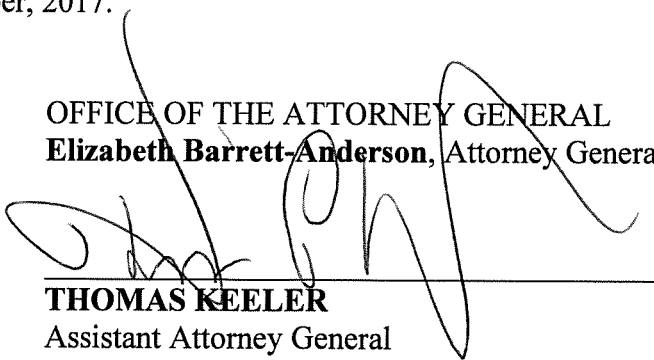
C. DPW correctly assessed liquidated damages against CTI.

Appellant's remaining arguments for summary judgment are meritless. Section IV of the Contract provides for liquidated damages. The agreed to liquidated damages was assessed at a rate of \$3,300 per day for the period of April 17, through August 25, 2016, the latter being the date of -time of Substantial Completion CTI was notified that *'liquidated damages will be reduced to \$660 per day starting August 26, 2016 until CTI achieves final completion of the project.'* (Emphasis added) *Id.* *See also*, Exhibit "E", DPW's August 30, 2016 letter to Mr. Robert Marks, CTI's Project Manager.

Submitted this 1st day of December, 2017.

OFFICE OF THE ATTORNEY GENERAL
Elizabeth Barrett-Anderson, Attorney General

By:


THOMAS KEELER
Assistant Attorney General

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

Docket No. OPA-PA-17-010

EXHIBIT A

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, 2011 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)

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

(MAJOR OFFICER OF SURETY)


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


(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 FOR GREGORY E. MURRAY,
SECRETARY

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
Tiyan
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 type="checkbox"/> Returned for Corrections |
| <input checked="" type="checkbox"/> Other: Rte1/8 Sidewalk Slope Survey | <input type="checkbox"/> Hand-Delivered | <input type="checkbox"/> Due Date: |
| | <input type="checkbox"/> Separate Cover Via: | |

| 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 NB Side

8ft width SW slopes

Sidewalk Slope Survey (%)



| | | | | |
|--------|-----|-----|-----|--------------|
| | 1.6 | 1.7 | 1.5 | Match Line A |
| | 1.2 | 0.8 | 1.6 | |
| | -- | 1.7 | 1.4 | |
| | -- | 0.3 | 1.6 | |
| | 2.3 | 0.9 | 1.7 | |
| | 1.7 | 1.3 | 1.6 | |
| | -- | -- | 1.4 | |
| | 1.0 | 1.4 | 1.6 | |
| | 1.8 | 1.7 | 1.9 | |
| | 2.0 | 2.0 | 1.9 | |
| | 1.3 | 1.4 | 1.5 | |
| | 1.5 | 1.6 | 1.4 | |
| | 1.3 | 1.7 | 1.3 | |
| | 0.6 | 1.3 | 1.3 | |
| | 1.0 | 1.6 | 1.5 | |
| | 1.0 | 1.0 | 1.3 | |
| | 0.6 | 0.9 | 1.0 | |
| | 0.6 | 1.4 | 1.0 | |
| | 0.8 | 1.6 | 1.3 | |
| | 1.8 | 1.0 | 1.4 | |
| | 2.0 | 2.1 | 2.0 | |
| | -- | -- | -- | |
| | 2.0 | 0.8 | 1.9 | |
| | -- | -- | -- | |
| | 2.0 | 0.8 | 1.8 | |
| | 2.0 | 1.8 | 1.7 | |
| | 1.6 | 1.8 | 1.7 | |
| | 1.3 | 2.1 | 1.6 | |
| | 1.3 | 2.1 | 2.1 | |
| | 1.4 | 2.2 | 2.0 | |
| 230+00 | 1.8 | 1.8 | 1.7 | |
| | 1.7 | 1.5 | 1.7 | |
| | 1.6 | 1.5 | 1.7 | |
| | 1.2 | 1.8 | 2.0 | |
| | 2.3 | 0.5 | 1.2 | |
| | 2.4 | 1.1 | 2.2 | |
| | 2.5 | 1.1 | 2.5 | |
| | 2.2 | 1.6 | 2.0 | |
| | 1.4 | 1.1 | 1.8 | |
| | 1.4 | 2.2 | 1.9 | |
| | 1.8 | 2.0 | 1.9 | |
| | 2.0 | 2.2 | 2.2 | |
| | 1.8 | 3.1 | 3.1 | |
| | 1.7 | 2.2 | 2.2 | |
| | 2.0 | 2.5 | 2.4 | |
| 229+40 | 1.8 | -- | 1.5 | |
| | 2.7 | -- | 2.0 | |
| | 1.1 | -- | 0.8 | |

START

| | | | | |
|--------|--|----------|-----|--------------|
| | | | | Match Line B |
| | | | | |
| | | Driveway | | |
| | | -232+58 | | |
| | | | | |
| | | 1.7 | 1.7 | 1.8 |
| | | 1.7 | 1.9 | 1.8 |
| | | 2.8 | 2.3 | 2.4 |
| | | 2.4 | 2.9 | 2.7 |
| | | 2.7 | 2.4 | 1.9 |
| | | 2.8 | 2.6 | 1.2 |
| | | 2.5 | 2.4 | 1.4 |
| | | 2.7 | 2.5 | 1.8 |
| | | 2.8 | 2.5 | 1.9 |
| 232+00 | | 1.9 | 2.2 | 2.1 |
| | | 2.2 | 2.5 | 2.2 |
| | | 2.2 | 2.7 | 2.2 |
| | | 2.4 | 3.4 | 2.4 |
| | | 1.9 | 1.5 | 1.9 |
| | | 2.2 | 2.1 | 2.0 |
| | | 2.2 | 2.2 | 2.0 |
| | | 1.9 | 2.2 | 2.0 |
| | | 2.4 | 1.9 | 2.1 |
| | | 2.3 | 2.5 | 2.5 |
| | | 2.2 | 2.1 | 2.1 |
| | | 2.5 | 2.2 | 2.4 |
| | | 2.7 | 2.5 | 2.3 |
| | | 2.7 | 2.3 | 2.2 |
| | | 2.6 | 2.3 | 2.3 |
| | | 2.4 | 2.0 | 1.8 |
| | | 2.4 | 1.2 | 2.2 |
| | | 2.3 | 1.2 | 1.8 |
| | | 2.3 | 1.6 | 1.2 |
| | | 2.0 | 2.2 | 1.8 |
| | | 2.4 | 1.3 | 1.9 |
| | | 1.5 | 2.0 | 1.9 |
| | | 2.1 | 1.9 | 1.9 |
| | | 2.0 | 1.6 | 1.9 |
| | | 1.6 | 1.6 | 1.9 |
| | | 1.7 | 1.7 | 1.9 |
| | | 1.9 | 0.6 | 1.9 |
| | | Driveway | | |
| | | -231+13 | | |
| 231+00 | | | | |

Provide details how CRT made/obtained slope measurements.
Provide methodology how CRT plans to correct the slope issue. Methodology must detail how corrective work will tie into acceptable ground if left in place.

Job: GU-DAR-TI01(001)
 Submittal No.: 00050809
 By: [Signature]
 Date: 11/12/14

Gen
 Sub
 App
 Rev
 New

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I AM A duly Licensed Professional Engineer.

ENGINEER _____ DATE _____

**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 | 2.3+00 |
| 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 ROUTE 1 |
| 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 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 ROUTE 1 |
| 1.8 | 1.9 | 1.4 |
| 1.8 | 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 | 2.4+00 |
| 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 | 1.8 | 1.4 |
| 1.5 | 1.6 | 1.9 |
| 2.9 | 1.9 | 2.0 |
| Driveway -233+52 | | |

Match Line C

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

Sidewalk Slope Survey (%)

RTE 1 SB Side

| 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 | 1.288+00 |
| 1.1 | 2.0 | 1.5 |
| 1.7 | 2.3 | 1.5 |
| 1.6 | 2.0 | 1.6 |
| 1.6 | 1.0 | 1.6 |

Match Line F

*Driveway stationing provided is approximate centerline of driveway based on CTT's as-built drawings

RTE 8 EB Side

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

Sidewalk Slope Survey (%)

| | | |
|----------------|-------------------|-----|
| <p>ROUTE 8</p> | Existing Sidewalk | END |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| 1.7 | 1.6 | |
| -- | | |
| 1.1 | 1.3 | |
| 1.1 | 1.4 | |
| 0.6 | 0.4 | |
| -- | | |
| Match Line B | | |

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

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

Docket No. OPA-PA-17-010

EXHIBIT C



CORE TECH INTERNATIONAL CORPORATION

General Contractor
388 South Marine Corps Drive, Suite 400, Tamuning, Guam 96913
Phone: (671) 473-5000 . Fax: (671) 473-5500
Email: main@coretechintl.com

Letter of Transmittal

TO: PARSON

Parson Transportation Group Inc.

590 South Marine Corps Drive, ITC Bldg. Suite 403

| | | | |
|------------|--|------|-----|
| DATE | 9-Oct-14 | REF: | 253 |
| ATTENTION: | David Yao | | |
| THRU: | | | |
| RE: | Route 8, Route 1 Intersection Improvements and Agaña Bridges Replacement Project No. GU-DAR-T101(001) | | |

WE ARE SENDING YOU Enclosed Under separate cover via _____ the following items:

- | | | | |
|--|---------------------------------------|---|---|
| <input type="checkbox"/> Shop drawings | <input type="checkbox"/> Calculations | <input type="checkbox"/> Addendum | <input type="checkbox"/> Erection drawings |
| <input type="checkbox"/> Letter | <input type="checkbox"/> Change Order | <input type="checkbox"/> Specifications | <input type="checkbox"/> Product Literature |
| <input checked="" type="checkbox"/> Data as listed | <input type="checkbox"/> Plans | <input type="checkbox"/> Samples | <input type="checkbox"/> |

| COPIES | DATE | NO. | DESCRIPTION |
|--------|----------|-----|---|
| 1 | 10/09/14 | 1 | Rt.1/8 sidewalk slopes |
| | | | <i>Note: CTI results of slopes for the sidewalk opposite yours.</i> |
| | | | |
| | | | |
| | | | |
| | | | |

TRANSMITTED AS CHECKED BELOW:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> FOR YOUR RECORD | <input type="checkbox"/> APPROVED AS NOTED | <input type="checkbox"/> FOR BIDS DUE |
| <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> RESUBMIT | <input type="checkbox"/> COPIES FOR DISTRIBUTION |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> RETURN _____ COPY STAMPED RECEIVED | |

REMARKS:

COPY TO

IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE

SENT BY: PR: [Signature]
 Sign Name Here

RECEIVED BY: OCT 6 9 2014 [Signature]
 Sign Name Here

Roberto O. Lee
PRINT NAME / TITLE

PRINT NAME / TITLE

GU-DAR-TI01(001)

Route 1/8 Intersection

Improvements and Agana
Bridges Replacement

RTE 1 NB Side

8ft width SW slopes

Sidewalk Slope Survey (%)



| | | 1.6 | 1.7 | 1.5 | Match Line A |
|--|--------|-----|-----|-----|--------------|
| | | 1.2 | 0.8 | 1.6 | |
| | | -- | 1.7 | 1.4 | |
| | | -- | 0.3 | 1.6 | |
| | | 2.3 | 0.9 | 1.7 | |
| | | 1.7 | 1.3 | 1.6 | |
| | | -- | -- | 1.4 | |
| | | 1.0 | 1.4 | 1.6 | |
| | | 1.8 | 1.7 | 1.9 | |
| | | 2.0 | 2.0 | 1.9 | |
| | | 1.3 | 1.4 | 1.5 | |
| | | 1.5 | 1.6 | 1.4 | |
| | | 1.3 | 1.7 | 1.3 | |
| | | 0.6 | 1.3 | 1.3 | |
| | | 1.0 | 1.6 | 1.5 | |
| | | 1.0 | 1.0 | 1.3 | |
| | | 0.6 | 0.9 | 1.0 | |
| | | 0.6 | 1.4 | 1.0 | |
| | | 0.8 | 1.6 | 1.3 | |
| | | 1.8 | 1.0 | 1.4 | |
| | | 2.0 | 2.1 | 2.0 | |
| | | -- | -- | 1.9 | |
| | | 2.0 | 0.8 | 1.9 | |
| | | -- | -- | 1.8 | |
| | | 2.0 | 1.8 | 1.7 | |
| | | 1.6 | 1.8 | 1.7 | |
| | | 1.3 | 2.1 | 1.6 | |
| | | 1.3 | 2.1 | 2.1 | |
| | | 1.4 | 2.2 | 2.0 | |
| | 230+00 | 1.8 | 1.8 | 1.7 | |
| | | 1.7 | 1.5 | 1.7 | |
| | | 1.6 | 1.5 | 1.7 | |
| | | 1.2 | 1.8 | 2.0 | |
| | | 2.3 | 0.5 | 1.2 | |
| | | 2.4 | 1.1 | 2.2 | |
| | | 2.5 | 1.1 | 2.5 | |
| | | 2.2 | 1.6 | 2.0 | |
| | | 1.4 | 1.1 | 1.8 | |
| | | 1.4 | 2.2 | 1.9 | |
| | | 1.8 | 2.0 | 1.9 | |
| | | 2.0 | 2.2 | 2.2 | |
| | | 1.8 | 3.1 | 3.1 | |
| | | 1.7 | 2.2 | 2.2 | |
| | | 2.0 | 2.5 | 2.4 | |
| | 229+40 | 1.8 | | 1.5 | |
| | | 2.7 | | 2.0 | |
| | | 1.1 | | 0.8 | START |

| | | | | | | Match Line B |
|--|--------|---------------------|-----|-----|--|--------------|
| | | Driveway -232+58 | | | | |
| | | 1.7 | 1.7 | 1.8 | | |
| | | 1.7 | 1.9 | 1.8 | | |
| | | 2.8 | 2.3 | 2.4 | | |
| | | 2.4 | 2.9 | 2.7 | | |
| | | 2.7 | 2.4 | 1.9 | | |
| | | 2.8 | 2.6 | 1.2 | | |
| | | 2.5 | 2.4 | 1.4 | | |
| | | 2.7 | 2.5 | 1.8 | | |
| | | 2.8 | 2.5 | 1.9 | | |
| | 232+00 | 1.9 | 2.2 | 2.1 | | |
| | | 2.2 | 2.5 | 2.2 | | |
| | | 2.2 | 2.7 | 2.2 | | |
| | | 2.4 | 3.4 | 2.4 | | |
| | | 1.9 | 1.5 | 1.9 | | |
| | | 2.2 | 2.1 | 2.0 | | |
| | | 2.2 | 2.2 | 2.0 | | |
| | | 1.9 | 2.2 | 2.0 | | |
| | | 2.4 | 1.9 | 2.1 | | |
| | | 2.3 | 2.5 | 2.5 | | |
| | | 2.2 | 2.1 | 2.1 | | |
| | | 2.5 | 2.2 | 2.4 | | |
| | | 2.7 | 2.5 | 2.3 | | |
| | | 2.7 | 2.3 | 2.2 | | |
| | | 2.6 | 2.3 | 2.3 | | |
| | | 2.4 | 2.0 | 1.8 | | |
| | | 2.4 | 1.2 | 2.2 | | |
| | | 2.3 | 1.2 | 1.8 | | |
| | | 2.3 | 1.6 | 1.2 | | |
| | | 2.0 | 2.2 | 1.8 | | |
| | | 2.4 | 1.3 | 1.9 | | |
| | | 1.5 | 2.0 | 1.9 | | |
| | | 2.1 | 1.9 | 1.9 | | |
| | | 2.0 | 1.6 | 1.6 | | |
| | | 1.6 | 1.6 | 1.6 | | |
| | | 1.7 | 1.7 | 1.7 | | |
| | | 1.9 | 0.6 | 0.6 | | |
| | | Driveway -231+13 | | | | |
| | 231+00 | | | | | |

- Provide details how CRI made/obtained slope measurements.
- Provide methodology how CRI plans to correct the slope issue. Methodology must detail how corrective work will tie into acceptable pucks if left in place.

Job: GU-DAR-TI01(001)
 Submittal No.:
 By: *[Signature]*
 Date: 11/12/14

A. No Exceptions Taken
 B. Exceptions as Noted
 C. Revised / Resubmitted
 D. Rejected / Rejected
 E. No Action Required
 F. Not Subject to Review

ACTION TAKEN HEREON IS NOT SUPERSEDE REQUIREMENTS OF APPLICABLE DESIGN DRAWINGS, SPECIFICATIONS, ORDERS, CODES OR REGULATIONS OR RELIEVE THE CONTRACTOR OR SUPPLIER FROM RESPONSIBILITY FOR ERRORS OR OMISSIONS.

GUARDIAN
 AIA
 CHIEF ENGINEER

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

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

RTE 1 NB Side

Sidewalk Slope Survey (%)

| | | | | | |
|--|--------|---------------------|-----|-----|--------------|
| | | 2.2 | 1.8 | 1.9 | Match Line C |
| | | 2.2 | 2.0 | 2.2 | |
| | | 1.7 | 1.9 | 1.9 | |
| | 234+00 | 1.1 | 1.8 | 1.6 | |
| | | 1.5 | 1.9 | 1.8 | |
| | | 1.1 | 1.8 | 1.6 | |
| | | 0.9 | 2.0 | 1.6 | |
| | | 1.3 | 1.7 | 1.8 | |
| | | 1.3 | 2.1 | 1.8 | |
| | | 1.8 | 2.0 | 2.0 | |
| | | 1.8 | 1.6 | 2.0 | |
| | | 1.8 | 1.9 | 1.9 | |
| | | 2.0 | 2.2 | 2.1 | |
| | | 1.9 | 1.8 | 2.0 | |
| | | 2.6 | 1.7 | 2.3 | |
| | | 2.5 | 1.5 | 1.6 | |
| | | 2.4 | 1.9 | 2.2 | |
| | | 2.5 | 2.1 | 2.7 | |
| | | 2.9 | 2.4 | 2.6 | |
| | | 3.1 | 2.5 | 3.0 | |
| | | 2.5 | 2.7 | 2.3 | |
| | | 2.1 | 2.4 | 2.2 | |
| | | 1.8 | 2.5 | 2.2 | |
| | | 2.1 | 3.1 | 2.2 | |
| | | 2.0 | 2.5 | 2.3 | |
| | | -- | -- | | |
| | | 1.8 | 2.6 | 2.3 | |
| | | 1.7 | 1.8 | 1.8 | |
| | | 2.2 | 2.3 | 2.2 | |
| | | 2.2 | 2.8 | 2.6 | |
| | | 2.6 | 3.2 | 2.8 | |
| | | 3.1 | 3.2 | 3.1 | |
| | | 3.4 | 3.3 | 3.1 | |
| | | 2.6 | 2.9 | 3.0 | |
| | | -- | -- | | |
| | | 2.7 | 3.1 | 2.9 | |
| | 233+00 | 2.7 | 2.5 | 2.8 | |
| | | -- | -- | | |
| | | 1.9 | 2.3 | 2.2 | |
| | | 1.7 | 2.2 | 2.0 | |
| | | -- | -- | | |
| | | 2.2 | 2.6 | 2.2 | |
| | | 2.3 | 2.5 | 2.1 | |
| | | 2.1 | 2.2 | 2.4 | |
| | | 2.3 | 2.6 | 2.5 | |
| | | Driveway -232+58 | | | |
| | | | | | Match Line B |

| | | | | | |
|--|--------|---------------------|-----|-----|--------------|
| | | 1.3 | 1.4 | 1.4 | Match Line D |
| | | 1.8 | 1.5 | 1.8 | |
| | | 2.7 | 2.3 | 2.4 | |
| | | 2.7 | 1.2 | 1.5 | |
| | | 1.5 | 0.6 | 1.5 | |
| | | 2.0 | 1.8 | 2.0 | |
| | | Driveway -235+33 | | | |
| | | 0.2 | 1.1 | 0.4 | |
| | | 2.6 | 0.1 | 0.4 | |
| | | 2.8 | 0.9 | 1.2 | |
| | | 2.7 | 1.8 | 2.1 | |
| | 235+00 | 2.7 | 2.3 | 2.8 | |
| | | 2.5 | 2.3 | 2.4 | |
| | | 2.7 | 2.5 | 2.5 | |
| | | 2.4 | 2.5 | 2.4 | |
| | | 2.5 | 2.4 | 2.5 | |
| | | 2.0 | 2.1 | 2.2 | |
| | | 2.6 | 1.7 | 2.7 | |
| | | 2.2 | 1.8 | 2.4 | |
| | | 2.3 | 2.1 | 2.2 | |
| | | 2.0 | 1.8 | 1.7 | |
| | | 1.7 | 1.2 | 1.6 | |
| | | 1.9 | 1.0 | 1.7 | |
| | | 1.7 | 1.8 | 1.8 | |
| | | 2.2 | 2.0 | 2.3 | |
| | | 2.5 | 2.6 | 2.6 | |
| | | 1.9 | 2.0 | 2.0 | |
| | | 1.5 | 1.8 | 1.4 | |
| | | 1.9 | 1.3 | 1.4 | |
| | | 2.4 | 1.1 | 1.2 | |
| | | 2.4 | 1.0 | 1.2 | |
| | | 1.4 | 1.4 | 1.5 | |
| | | 1.3 | 1.3 | 1.4 | |
| | | 1.6 | 1.6 | 1.6 | |
| | | 1.6 | 1.6 | 1.5 | |
| | | 1.7 | 1.8 | 1.8 | |
| | | 2.2 | 1.7 | 2.1 | 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 (%)

| 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 | 1.2 23+00 |
| 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 ROUTE 1 |
| 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 ROUTE 1 |
| 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 | 1.2 24+00 |
| 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 sloping details to follow.

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

RTE 1 SB Side

Sidewalk Slope Survey (%)

| | | | |
|---------------------|---------------------|-----|-----|
| Match Line E | 3.0 | 1.2 | 2.2 |
| | 2.4 | 1.8 | 1.8 |
| | 2.3 | 1.6 | 1.4 |
| | 2.1 | 1.3 | 1.8 |
| | 2.5 | 2.1 | 2.2 |
| | 3.2 | 2.2 | 2.3 |
| | Driveway -235+97 | | |
| | 236+00 | | |
| | ROUTE 1 | | |
| | 0.2 1.1 0.2 | | |
| 0.2 0.1 0.1 | | | |
| 0.8 1.1 0.9 | | | |
| 0.6 0.9 0.8 | | | |
| 1.8 1.7 1.5 | | | |
| 0.6 1.4 1.6 | | | |
| 1.6 1.2 1.9 | | | |
| 1.7 1.6 1.6 | | | |
| 1.8 2.5 1.8 | | | |
| 2.1 1.7 1.7 | | | |
| 2.4 2.2 2.3 | | | |
| 2.3 2.5 2.1 | | | |
| 2.4 2.3 2.4 | | | |
| 1.8 1.9 1.8 | | | |
| 2.6 1.6 1.7 | | | |
| 1.8 1.3 1.5 | | | |
| 1.7 1.8 1.8 | | | |
| Driveway -235+06 | | | |
| 235+00 | | | |
| Match Line D | | | |

| | | | |
|---------------------|---------------------|-----|-----|
| Match Line F | 1.8 | 1.0 | 1.3 |
| | 2.0 | 1.5 | 1.7 |
| | 1.8 | 1.5 | 1.2 |
| | 1.4 | 1.4 | 1.2 |
| | 2.1 | 0.9 | 1.8 |
| | -- | 1.4 | 1.3 |
| | Driveway -237+56 | | |
| | 237+00 | | |
| | ROUTE 1 | | |
| | 2.2 1.8 2.0 | | |
| 1.7 1.3 1.6 | | | |
| 1.9 0.9 1.2 | | | |
| Driveway -236+88 | | | |
| 1.6 1.8 1.2 | | | |
| 2.8 1.7 2.0 | | | |
| 2.8 0.6 1.5 | | | |
| Match Line E | | | |

*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 (%)

| 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 | 2239+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 | 1238+00 |
| 1.1 | 2.0 | 1.5 |
| 1.7 | 2.3 | 1.5 |
| 1.6 | 2.0 | 1.6 |
| 1.6 | 1.0 | 1.6 |

Match Line F

*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

8ft width SW slopes

Sidewalk Slope Survey (%)

| | | | |
|--------------|-------------------|-----|--------|
| Match Line A | 3.5 | 3.2 | 2.2 |
| | 2.9 | 3.2 | 2.5 |
| | 2.7 | 2.9 | 2.7 |
| | 2.4 | 3.1 | 2.9 |
| | 1.9 | 2.7 | 2.6 |
| | 1.8 | 2.8 | 2.6 |
| | 3.0 | 2.2 | 2.6 |
| | 1.4 | 1.9 | 1.9 |
| | 2.0 | 2.6 | 2.5 |
| | Driveway -1+28 | | |
| | 1.8 | 2.2 | 1.8 |
| | 1.4 | 1.7 | 1.8 |
| | 1.4 | 2.7 | 1.6 |
| | -- | 1.5 | 1.2 |
| | 2.0 | 2.2 | 1.8+00 |
| 1.5 | 2.5 | 1.9 | |
| 1.7 | 2.4 | 1.6 | |
| 0.5 | 2.8 | 2.4 | |
| -- | 3.2 | 3.0 | |
| 1.1 | 2.7 | 1.9 | |
| -- | 1.7 | 1.7 | |
| 1.8 | 2.7 | 1.8 | |
| 0.7 | 2.3 | 1.7 | |
| 0.8 | 2.2 | 2.0 | |
| 3.1 | 1.7 | 1.8 | |
| 3.3 | 3.2 | 2.8 | |
| 3.8 | -- | 3.3 | |
| 1.6 | 1.4 | 1.3 | |
| 1.9 | 2.5 | 1.8 | |
| 2.5 | 2.3 | 2.2 | |
| 2.2 | 1.8 | 2.1 | |
| -- | 1.7 | 1.9 | |
| -- | 2.7 | 2.8 | |
| -- | 2.5 | 2.5 | |
| 2.5 | 1.8 | 1.8 | |
| 2.1 | 1.4 | 2.2 | |
| 1.7 | 1.7 | 1.6 | |
| 1.4 | 1.3 | 1.6 | |
| 1.5 | 1.4 | 1.4 | |
| START | 0.8 | 1.0 | 1.0 |

| | | | |
|--------------|-------------------|--------|--------|
| Match Line B | Driveway -3+28 | | |
| | 1.6 | 1.1 | 2.3 |
| | 1.8 | 2.2 | 1.7+00 |
| | 1.4 | 2.6 | 2.4 |
| | 1.0 | 2.5 | 1.8 |
| | 1.5 | 2.5 | 1.4 |
| | 1.8 | 1.6 | 1.8 |
| | Driveway -2+64 | | |
| | 3.0 | 2.5 | 2.4 |
| | 3.4 | 2.5 | 2.6 |
| | 2.3 | 2.5 | 2.3 |
| | 3.0 | 2.0 | 2.5 |
| | 3.4 | 3.2 | 2.5 |
| | 2.7 | 2.5 | 2.7 |
| | 3.7 | 2.9 | 2.9 |
| 1.9 | 1.6 | 1.7 | |
| 1.9 | 2.2 | 1.9 | |
| 1.8 | 2.2 | 1.8 | |
| 2.7 | 3.2 | 2.3+00 | |
| 2.6 | 1.4 | 2.0 | |
| 2.4 | 1.8 | 2.2 | |
| 1.8 | 1.7 | 1.6 | |
| 2.0 | 1.6 | 1.3 | |
| 0.9 | 1.5 | 1.5 | |
| 1.6 | 2.4 | 1.7 | |
| Match Line A | 2.2 | 2.0 | 1.8 |

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

ROUTE 8

*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 EB Side

8ft width SW slopes

Sidewalk Slope Survey (%)



| | | | | | |
|--|---------|-----|-----|-----|--------------|
| | | 2.2 | 2.3 | 2.2 | Match Line A |
| | | 2.1 | 2.5 | 2.3 | |
| | | 2.0 | 2.6 | 2.7 | |
| | | 2.3 | 2.4 | 2.1 | |
| | | 2.6 | 2.8 | 2.7 | |
| | | 2.5 | 2.7 | 2.7 | |
| | | 2.7 | 2.8 | 2.8 | |
| | | 3.1 | 3.0 | 2.8 | |
| | | 3.0 | 3.4 | 3.0 | |
| | | 3.5 | 3.4 | 3.4 | |
| | | 2.8 | 3.2 | 3.2 | |
| | | 2.2 | 2.7 | 2.4 | |
| | | 2.4 | 2.5 | 2.3 | |
| | | 2.2 | 2.3 | 1.6 | |
| | | 1.7 | 1.9 | 1.7 | |
| | | 1.5 | 1.6 | 1.3 | |
| | | 1.8 | 1.4 | 1.4 | |
| | | 1.8 | 1.2 | 1.2 | |
| | | 1.3 | 1.0 | 1.1 | |
| | | 1.6 | 1.5 | 1.8 | |
| | | 2.2 | 2.1 | 1.7 | |
| | 1+00 | 2.7 | 1.5 | 1.9 | |
| | | 3.2 | -- | 3.1 | |
| | | 2.0 | 2.1 | 2.0 | |
| | ROUTE 8 | 2.1 | 2.2 | 1.9 | |
| | | 1.8 | 1.6 | 1.5 | |
| | | 1.7 | 1.7 | 1.7 | |
| | | 2.2 | 2.3 | 1.9 | |
| | | -- | -- | | |
| | | 1.4 | 1.6 | 1.7 | |
| | | 1.6 | 1.9 | 1.7 | |
| | | -- | -- | | |
| | | 1.9 | 1.9 | 1.9 | |
| | | 2.1 | 2.4 | 2.3 | |
| | | 2.4 | 2.1 | 2.3 | |
| | | 2.3 | 2.0 | 2.1 | |
| | | 1.8 | 0.6 | 1.7 | |
| | | -- | -- | | |
| | | 1.6 | 1.8 | 1.8 | |
| | | 3.0 | 3.0 | 2.6 | |
| | | -- | -- | | |
| | | 3.5 | 1.3 | 3.3 | |
| | | 1.8 | -- | 2.7 | |
| | | 3.0 | -- | 2.5 | |
| | | 2.7 | 2.2 | 2.6 | |
| | | -- | 2.4 | 1.5 | |
| | | -- | 2.4 | 2.2 | |
| | | -- | 1.8 | 2.0 | |
| | | | | | START |

| | | | | | |
|--|---------|-------------------|-----|-----|--------------|
| | | -- | -- | -- | Match Line B |
| | | 1.5 | | 2.0 | |
| | | -- | | 1.6 | |
| | | 1.4 | | 1.4 | |
| | | 2.7 | | 2.4 | |
| | | 2.0 | 2.5 | 2.5 | |
| | 3+00 | 1.3 | 1.8 | 2.0 | |
| | | 2.1 | 1.2 | 2.2 | |
| | | 2.8 | 1.7 | 1.5 | |
| | | 2.2 | 2.5 | 2.5 | |
| | | 2.5 | 2.3 | 2.4 | |
| | | 1.3 | 1.8 | 1.6 | |
| | | 2.7 | 0.8 | 1.6 | |
| | | 2.6 | 1.4 | 1.6 | |
| | | 2.0 | 2.4 | 2.0 | |
| | | 2.6 | 1.0 | 2.4 | |
| | | 2.1 | 2.0 | 2.2 | |
| | | 1.6 | 2.1 | 1.6 | |
| | | 1.4 | 1.8 | 1.5 | |
| | | 1.7 | 0.9 | 1.6 | |
| | | 2.4 | 1.0 | 2.4 | |
| | | 2.4 | 1.4 | 1.4 | |
| | | 2.4 | 1.6 | 2.0 | |
| | | 2.0 | 2.2 | 1.9 | |
| | ROUTE 8 | 2.2 | 2.3 | 2.2 | |
| | | 2.3 | 1.8 | 2.0 | |
| | | 2.7 | 2.3 | 2.5 | |
| | | Driveway ~2+20 | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | 2+00 | 1.6 | 2.2 | 2.0 | |
| | | 2.4 | 2.3 | 2.2 | |
| | | 1.8 | 2.0 | 2.0 | |
| | | 1.6 | 2.3 | 1.8 | |
| | | 1.8 | 1.5 | 1.8 | |
| | | 1.8 | 1.8 | 1.5 | |
| | | 1.9 | 2.0 | 1.7 | |
| | | 2.0 | 2.1 | 2.0 | |
| | | 2.2 | 2.1 | 2.2 | Match Line A |

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

*Driveway slope details to follow.

RTE 8 EB Side

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

Sidewalk Slope Survey (%)

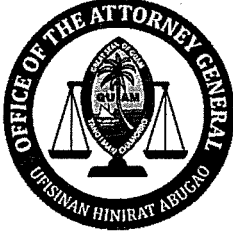
| | | |
|-----|-------------------|-----|
| | Existing Sidewalk | END |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| | Existing Sidewalk | |
| 1.7 | 1.6 | |
| -- | | |
| 1.1 | 1.3 | |
| 1.1 | 1.4 | |
| 0.6 | 0.4 | |
| -- | Match Line B | |

*Driveway stationing provided is approximate centerline of driveway based on CTI'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 D



Office of the Attorney General

Elizabeth Barrett-Anderson

Attorney General of Guam

Civil Litigation Division

590 S. Marine Corps Drive

Tamuning, Guam 96913 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

www.guamag.org

Attorneys for the Government of Guam

**THE OFFICE OF PUBLIC ACCOUNTABILITY
HAGÁTÑA, GUAM**

In the Appeal of:

Core Tech International Corp.,

Appellant,

and

GUAM DEPARTMENT OF
PUBLIC WORKS

Purchasing Agency

DOCKET NO. **OPA-PA-17-10**

**DECLARATION OF
MICHAEL LANNING**

MICHAEL LANNING makes this declaration under penalty of perjury under the laws of Guam and states:

1. I am employed by Parsons Transportation Group (“PTG”), an Illinois corporation, authorized to conduct business on Guam, with offices for the practice of professional engineering and construction management services are located at the ITC Building, 590 South Marine Corps Drive, Suite 403, Tamuning, Guam, 96913. I have been a licensed professional engineer for

twenty-nine (29) years and have worked on or overseen approximately seventy-five (75) road and transportation projects. I am a duly licensed engineer and a member in good standing with the Guam Professional Engineers Architects and Land Surveyors Board.

2. In early 2008, PTG was added to the Guam Transportation Group (“GTG”), which was formed in 2007, to provide policy direction and overall guidance to the goals and objectives of the department’s 2030 Guam Transportation Program. PTG, whose contract was renewed in May 2013, provides compliance management assistance, augments the forward planning and execution effort by DPW, and provides advice to the DPW.

3. PTG’s sole client on Guam is the Department of Public Works (“DPW”). To perform its services on behalf of DPW’s Highway Division, PTG has ten (10) full time employees, with another one (1) employee of a sub-consultant to PTG assigned to its office. These eleven (11) individuals provide assistance to DPW with respect to the planning, design, construction and repair of Guam’s routed roads that are funded by the Federal Highway Administration (“FHWA”).

4. I serve as the Guam Program Manager for PTG. In this role, I provide general oversight and monitoring of FHWA funded projects and meet and communicate with DPW’s Director Glenn Leon Guerrero; its Deputy Director, Andrew Leon Guerrero; DPW’s Acting Highway Administrator, Joaquin Blaz; and Assistant Attorney, General Thomas P. Keeler. I also communicate and meet with DPW’s Director, Deputy Director and Highways Acting Administrator and other DPW staff members throughout the work day and week.

5. I am familiar with DPW and CTI’s Design-Build Contract, dated September 30, 2011, (the “Contract”), pursuant to which CTI agreed to design and perform construction work on the Route 1/8 Intersection Improvements and Agana Bridges Replacement Project No. GU-DAR-

TI01(001) (the "Project"). The Project is fully funded by the FHWA and Department of Defense. I am also familiar with payments made to CTI on the Project by DPW.

6. DPW estimates 83.1% of Project sidewalks, ramps and driveways constructed by CTI do not comply with the Project Plans and Specifications and the American with Disabilities Act ("ADA"). On October 9, 2014, CTI submitted a survey to DPW of the sidewalk cross-slopes that showed 58.2% of the Project's sidewalk panels are non-compliant.

7. DPW has not accepted CTI's non-ADA compliant work on the Project.

8. CTI has not been fully paid for its work on the Project. As documented in the department's Invoice No. 33, DPW has retained an amount of \$572,945.86 to correct CTI's defective work and any punch list items needed to complete the Project, as needed. Attached hereto as Exhibit "A" is a copy of Project Invoice 33.

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

Submitted this 1st day of December, 2017.

By:


MICHAEL LANNING

GU-DAR-T101(001)

Route 1/8 Intersection Improvements
and Agana 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 markings, 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 | (12,000.00) | \$ | (12,000.00) | |
| Less: Liquidated Damage | (49,468.88) | \$ | (49,468.88) | |
| Revised Payable | \$ 10,999,303.68 | \$ 5,115,107.09 | \$ 16,114,410.77 | |
| Less Previously Paid (Thru May 31, 2014) | (9,835,309.41) | \$ | (9,835,309.41) | |
| Less: Retention | (422,684.25) | \$ | (422,684.25) | |
| Invoice Amount | \$ 651,309.02 | \$ - | \$ 651,309.02 | |

(12,000.00) (49,468.88) (4,450.00) (4,965.31) (1,042.23) (112.50) (417.26) (25,000.00) (4,965.31) (1,042.23) (12,000.00) (49,468.88) (9,835,309.41) (422,684.25) (651,309.02)

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.

Signature: *[Handwritten Signature]* Date: 9/6/16
 Core Tech International Corporation

| | | | | | |
|--|------------------|------------------|-------------------|---|----------------|
| Amount Payable | \$11,240,771.56 | \$5,115,107.09 | \$16,355,878.65 | Liquidated Damages: | \$2,359,500.00 |
| Less: Schedule Withholding | (\$120,000.00) | (\$210,000.00) | (\$330,000.00) | Previous | \$161,700.00 |
| 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 = | \$267,300.00 |
| 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 = | \$7,920.00 |
| 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 = | \$2,796,420.00 |
| Less: Retention: | (\$299,376.66) | (\$273,569.20) | (\$572,945.86) | Total Liquidated Damage = | |
| 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 E

COPY



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



Glenn Leon Guerrero
Director

Felix C. Benavente
Deputy Director

TN16-1456

Core Tech Intl. Corp.
RECEIVED
08/30/16

AUG 30 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)
Notice of Substantial Completion**

Dear Mr. Marks,

This letter will serve as the Department of Public Work's (DPW) acknowledgement that Core Tech International Corporation (CTI) has Substantial Completion of the above referenced project on August 25, 2016.

Per DPW letters dated April 28, 2016 to the Law Office of Arriola Cowan & Arriola and May 25, 2016 to CTI, CTI can receive Substantial Completion once the following two items are completed:

- Completion of the traffic signal loop sensors at the Route 1/Route 4 intersection, including installation of the homerun cables, final connection, verification testing that the system is operational, and the full repair of the roadway, including the friction course pavement;
- Complete the traffic signal interconnect system, including final connections and verification testing that the system is operational.

The traffic signal loop sensors at the Route 1/Route 4 intersection were completed on July 8, 2016 and the traffic signal interconnect system verification test was successfully completed on August 25, 2016.

Per the DPW letters referenced above, liquidated damages will be reduced to \$660 per day starting August 26, 2016 until CTI achieves final completion and acceptance.

Final Inspection for the Route 1, Route 8 and Bridge 1 portion of the project was held on August 17, 2016 and scheduled to be completed by August 27, 2016. A final punch list is expected to be ready for issuance by the week of September 5, 2016.



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
Conchita Bathan, CTI

 
IDuarosan/JBlaz
8/26/16