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**RECEIVED**  
 OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEALS  
 DATE: 01/19/2018  
 TIME: 4:00  AM  PM BY: AR  
 FILE NO OPA-PA: 17-010

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

<b>IN THE APPEAL OF:</b>	)	<b>DOCKET NO. OPA-PA-17-010</b>
	)	
<b>CORE TECH INTERNATIONAL CORP.,</b>	)	
	)	
<b>Appellant,</b>	)	<b>PURCHASING AGENCY'S</b>
	)	<b>SUPPLEMENT OF THE</b>
<b>and</b>	)	<b>PROCUREMENT RECORD AND</b>
	)	<b>MOTION FOR CONTINUANCE</b>
<b>DEPARTMENT OF PUBLIC WORKS,</b>	)	
	)	
<b>Purchasing Agency.</b>	)	

Comes Now, Department of Public Works (“DPW”), and through its undersigned counsel, herein files the Purchasing Agency’s supplement to the procurement record and motion for continuance. The documents filed herewith are newly discovered documents relating to the Route1/Route 8 Intersection Improvements and Agana Bridges Replacement (Design-Build) Project No. GU-DAR-T101(001) (the “Project”).

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**ORIGINAL**

## STATEMENT OF FACTS

DPW filed the procurement record on October 31, 2017, a Supplement to the Procurement Record on November 3, 2017, and a Supplement to the Procurement Record dated November 13, 2017.

Following a November 20, 2017 hearing the Office of Public Accountability's ("OPA") Hearing Officer found that Core Tech International Corp. ("CTI") had not received the complete procurement record that DPW filed with the OPA. The Hearing Officer ordered that DPW provide CTI a complete procurement record by 5 p.m. December 20, 2017, which must include a log of its privileged materials.

On December 20, 2017 DPW provided CTI what it then understood to be a complete procurement log. At that time DPW had produced thousands of pages of correspondence and documents to CTI. DPW's filing included a Confidential Log provided by Parsons Transportation Group ("PTG"), DPW's consultant for the Project.

In a January 12, 2017 meeting between legal counsel and PTG's Mike Lanning and David Yao, DPW learned for the first time that PTG had internal communications that were being reviewed for confidentiality. Declaration of Thomas P. Keeler, ¶ 5, attached hereto as Exhibit A.

On January 16, 2018, Assistant Attorney General Thomas P. Keeler ("AAG Keeler") spoke to Mike Colloway, PTG's stateside in-house counsel, regarding PTG's internal communications. T. Keeler Decl. ¶ 7. Mr. Colloway agreed that PTG's internal communications for the Project weren't privileged and stated that there must have been some miscommunication or misunderstanding with Guam's PTG office. Mr. Colloway stated that he would instruct PTG's Guam office to immediately produce the internal communications. T. Keeler Decl., ¶ 7.

On January 17, 2018 PTG's Mike Lanning provided DPW, care of AAG Keeler, two (2) CD's entitled "Contract Documents – PTG Emails". T. Keeler Decl. ¶ 8.

Following the November 20, 2017 OPA Hearing, DPW instructed PTG to produce all documents, including internal communications, related to the Project. It was DPW's understanding that PTG fully complied with these instructions, in particular considering the production of a PTG Confidential Log.

DPW has not reviewed PTG's internal communications. A continuance is appropriate to allow CTI and DPW time to review PTG's internal communications.

### **MOTION FOR CONTINUANCE**

DPW moves for an Order granting a continuance of this matter currently set for hearing on Monday, February 5, 2018 through Friday, February 9, 2018. As grounds for the Continuance, DPW would state the Continuance is needed to allow CTI to review PTG's recently discovered internal communications and to allow DPW's agency representative and Deputy Director, Andrew Leon Guerrero ("Mr. Leon Guerrero"), time needed to recover from heart surgery.

In arriving to work on Friday, January 12, 2018, I saw an ambulance located outside of DPW's Director's office. The director's secretary, Ms. Eleanor Borja, informed me that Mr. Leon Guerrero had suffered a heart attack and was taken to Guam Memorial Hospital ("GMH"). Keeler Decl. ¶ 9. Mr. Leon Guerrero was released from GMH on the evening of Sunday, January 14, 2018.

On Monday, January 15, 2018, Mr. Leon Guerrero suffered another heart attack. Keeler Decl. ¶ 10.

On Thursday, January 18, 2018, Mr. Leon Guerrero had surgery at GMH to install two (2) stints in his heart. Keeler Decl. ¶ 11. Mr. Leon Guerrero's surgeon was Dr. Joseph Wiedermann. Mr.

Leon Guerrero informed me that he does not plan full time return to work for approximately thirty (30) days and is to avoid stressful situations. Keeler Decl. ¶ 14.

DPW requests that the OPA hearings be rescheduled until the week of February 26<sup>th</sup> or later.

AAG Keeler attempted to contact CTI's attorney, Anita Arriola. DPW does not know if CTI will agree or oppose this motion.

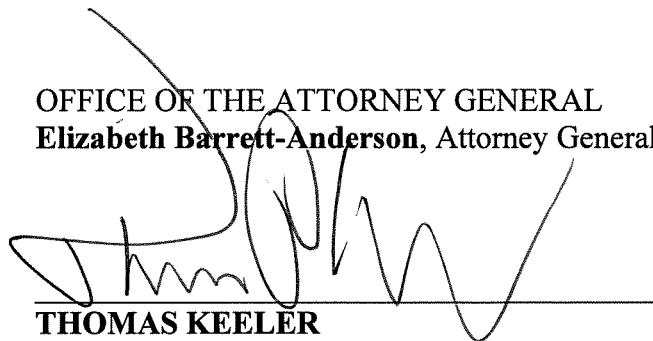
### CONCLUSION

Appellee upon discovering that PTG's internal documents had not been produced and conferring with PTG's in-house counsel, supplemented the procurement record in a timely manner. Appellee DPW respectfully requests that the Public Auditor and the Hearing Officer grant a continuance of the hearing scheduled to begin Monday, February 5, 2018 in order to allow CTI time to review the newly discovered PTG internal communications and to allow Mr. Leon Guerrero time to recover from heart surgery.

Dated this 19th day of January, 2018.

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

By:



**THOMAS KEELER**  
Assistant Attorney General