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PROCUREMENT APPEAL
IN THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Appeal of

Korando Corporation,

Appellant.

DOCKET NO. OPA-PA-18-002

**STIPULATED MOTION OF THE PARTIES
TO CONTINUE FORMAL HEARING**

Appellant Korando Corporation (“Korando”) and the Department of Public Works (“DPW”), by and through their respective undersigned counsel, hereby jointly submit this Stipulated Motion of the Parties to Continue the Formal Hearing in this matter, presently scheduled to commence on December 17, 2018. This motion is based on the unavailability of a number of key witnesses during

1 the time allocated for the formal hearing. The scheduling difficulties are as follows:

- 2 1. **DPW Director Glenn Leon Guerrero** – Mr. Leon Guerrero is presently traveling, and is
3 scheduled to return to Guam on December 17, 2018. Mr. Leon Guerrero is available only
4 one day on December 18, 2018, because he is scheduled to depart again on December 19,
5 2018.
- 6 2. **DPW Acting Highway Administrator Joaquin Blaz** – Mr. Blaz’s father is gravely ill,
7 and the family anticipates he may need to be medivac-ed to a medical facility in Hawaii at
8 any time. Mr. Blaz is presently on leave from DPW to care for his father, and will travel
9 with his father in the event he leaves Guam.
- 10 3. **Parsons Transportation Group (“PTG”) Employee Derrick Lehman** – Mr. Lehman
11 will be off-island after December 19, 2018.
- 12 4. **PTG Employee David Yao** -- Mr. Yao is currently on paternity leave off-island, and will
13 most likely be available on by video telephoneconference for the hearing.
- 14 5. **PTG Employee Mike Lanning** – Mr. Lanning does not reside in Guam, and will not
15 return to Guam for the hearing. He may be available to testify by video-teleconferencing.
- 16 6. **Former PTG Employee John Moretto** – As discussed during a prior hearing, Mr.
17 Moretto is no longer employed with PTG. Mr. Moretto resides off-island, is not in contact
18 with DPW, and is not available for the hearing.
- 19 7. **Former PTG Employee Houston “Buster” Anderson** -- Mr. Anderson is no longer
20 employed with PTG. Mr. Anderson resides off-island, is not in contact with DPW, and is
21 not available for the hearing.
- 22 8. **FHWA Assistant Division Administrator, Hawaii Division Richelle Takara** – As
23 discussed during a prior hearing, Ms. Takara is unlikely to be available for the hearing.
- 24 9. **Keith Farrell, Korando’s Expert Witness** – Mr. Farrell relocated off-island permanently
25 several months ago. He is unable to attend the hearing in person during the time scheduled
26 for the hearing.

27 Additionally, because a substantial number of witnesses who will testify by video tele
28 conference, if at all, Korando has consulted with the OPA Staff to determine whether the hearing

1 room has sufficient internet bandwidth to support several days of video telephone conference. Because
2 the internet is not hardwired and is only available through a portable wireless device, there would not
3 be sufficient bandwidth to support the hours of web-based video teleconferencing. If the hearing
4 proceeds on December 17th, the questionable bandwidth available for video teleconferencing will
5 impact both the logistics and the substance of the presentation of the evidence at the hearing, and will
6 prejudice the parties. In addition, there are numerous exhibits on both sides, and it would extremely
7 unwieldy and difficult to coordinate testimony with witnesses in different parts of the world.

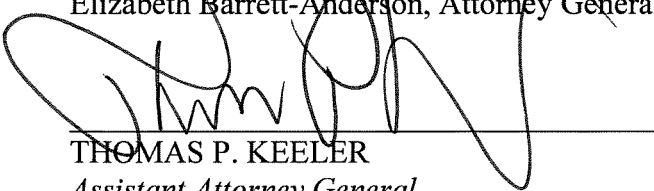
8 Finally, given the unavailability of a substantial number of key witnesses for both parties and
9 the consequent increased demands on web-based testimony that simply cannot be met given the
10 hearing room's challenges, the parties request that the Formal Hearing in this matter be continued
11 until after the first week of February 2018, or a time soon thereafter at the discretion of the Presiding
12 Official.

13 *Respectfully submitted* this 11th day of December, 2018.

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