



Speaker Won Pat <speaker@judiwonpat.com>

Messages and Communications

Speaker Won Pat <speaker@judiwonpat.com>
To: Guam Legislature Clerks Office <clerks@guamlegislature.org>

Fri, Feb 6, 2015 at 4:35 PM

2/6/2015 2/6/2015 CABOT MANTANONA LLP

Civil Case No. 02-00022; DPW Weekly Report on Progress of Road and Bridge Projects (February 2, 2015); Civil Minutes General - Date: February 5, 2015 33-15-0159

----- Forwarded message -----

From: Stacy C Cuasito <sc@cmlaw.us>
Date: Fri, Feb 6, 2015 at 4:22 PM
Subject: USA v. GovGuam 02-00022
To: "speaker@judiwonpat.com" <speaker@judiwonpat.com>
Cc: "tmterlaje@gmail.com" <tmterlaje@gmail.com>

Dear Speaker Wonpat:

Please see the attached filings in the above matter.

Thank you.

Stacy Cuasito

Stacy C. Cuasito, *Legal Secretary for*
Rawlen M.T. Mantanona & Matthew S. Kane
CABOT MANTANONA LLP
Edge Building, Second Floor
929 South Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777
email: sc@cmlaw.us

33-15-0159
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date: 02/06/2015
Time: 4:35 PM
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2015 FEB - 6 PM 4:52 JRS

0159


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*Doc. No. 33GL-15-0159

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Office of Speaker Judith T. Won Pat, Ed.D.
Kumiten Idukasion Tinakhelo', Kottura, Laibinhan Pubbleko siha yan Asunton Famalao'an
155 Hesler Place, Suite 201, Hagatna, Guam 96910
Tel: (671) 472-3586 Fax: (671) 472-3589
www.guamlegislature.com / speaker@judiwonpat.com

2 attachments

 **DPW Weekly Report on Progress 020215 ECF 1516.pdf**
90K

 **Minute Entry of 020515 hearing ECF 1515.pdf**
65K

**CABOT
MANTANONA LLP**
929 S. Marine Corps Drive Ste. 200
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CIVIL CASE NO. 02-00022
)	
Plaintiff,)	
)	
v.)	DPW WEEKLY
)	REPORT ON PROGRESS OF
GOVERNMENT OF GUAM,)	ROAD AND BRIDGE PROJECTS
)	(February 2, 2015)
)	
Defendant.)	

Pursuant to the ORDER RE: SPECIAL REPORT issued by the Court on June 7, 2010, [Doc.581-1], the **DEPARTMENT OF PUBLIC WORKS (“DPW”)** hereby submits the attached report marked as *EXHIBIT A* which details the status and progress of the road and bridge projects along Route 4 which affect the Consent Decree.

Date: February 6, 2015.

CABOT MANTANONA LLP

By: /s/ RAWLEN M.T. MANTANONA
RAWLEN M.T. MANTANONA

CERTIFICATE OF SERVICE

I, **RAWLEN M.T. MANTANONA**, hereby certify that I have served a copy of the foregoing by delivering to:

James Michael Maher
Law Office of James M. Maher
DNA Bldg., Ste. 300
238 Archbishop Flores St.
Hagatna, Guam 96910

And delivering via US regular mail to:

Young Chull Kim
CO Wanjoo Kim, Attorney-in-Fact
158 Thomas Street
Tamuning, GU 96913

Dated: February 6, 2015.

CABOT MANTANONA LLP

By: /s/ RAWLEN M.T. MANTANONA
RAWLEN M.T. MANTANONA

EXHIBIT “A”

Consent Decree Route 4 Project Status – Weekly Report

February 2, 2015

The following Route 4 projects are along the transfer truck route to the Layon Landfill and are considered critical elements in the on-going operations of transfer trucks travelling to and from the landfill.

(1) Ylig Bridge:

Status:

- Construction: Approximately 98% complete.

Issues:

- Issue resolution is in progress.

Progress (since last report):

- All original contract work completed. Design of property access is ongoing. Punch list, change order and cleanup work remain.

Schedule:

- Project delays attributed to resolving water line conflicts, subsurface pile conflicts archeological data recovery, Ylig memorial site and perpetuation of existing property access.

Issue Bid Docs	Bid Opening	Executed Contract	NTP	Phase 1 open¹	Project Complete
8/17/2010	10/4/2010	11/10/2010	11/24/2010	7/28/2011	11/20/2011
Expected completion date				8/8/2011 (Actual)	March 2015

1- Bridge open to full legal loads in the southbound direction (toward Layon Landfill).

(2) Togcha and Talofoto Bridges:

Status:

- Project complete

(3) Route 4 Pago Bay to Route 17:

Status:

- Project complete

(4) Togcha River to Ipan Beach Park:

Status:

- Project complete

(5) As-Alonso Area Route 4 (slope stability assessment):

Status:

- August 22, 2013: DPW responded to the receiver that Route 2 is the alternate access to the Layon Landfill.
- August 12, 2013: The receiver, sent a letter to DPW agreeing with DPW's recommendation to pursue Option 3 outlined in the *2nd Draft Geotechnical Investigation As Alonso Slides on Route 4 near Inarajan, Guam, April 10, 2013*, so long as DPW could identify an alternate route for access to the Layon Landfill should Route 4 become inaccessible.
- July 3, 2013: GSWA received a letter from DPW stating its preference for Option 3 in the April 17, 2013 draft report (below) and requested concurrence from GSWA.
- Apr 17, 2013: The second draft Geotechnical Investigation Report submitted to the Receiver.
- Apr 10, 2013: Kleinfelder submitted the second draft Geotechnical Investigation report to PTG.

(6) Route 4 Safety Enhancements:

Status:

- September 17, 2014: DPW transmitted the 25% conceptual plan cost estimate to the receiver.
- July 29, 2014: DPW received the final estimate of probable costs for widening and pavement improvements to Route 4 to accommodate the long refuse transfer vehicles.
- July 15, 2014: DPW received Final 25% Conceptual Plans and Basis of Design from AECOM. Awaiting final cost estimate.
- June 17, 2014: DPW will present comments on 25% Conceptual Plans to the Design firm, AECOM.
- June 3, 2014: AECOM submitted revised 25% Conceptual Design plans for DPW's review and comment.
- May 9, 2014: DPW returned first draft of 25% Conceptual Design to AECOM for revisions.
- May 2, 2014: AECOM submitted the first draft of the 25% Conceptual Design for DPW's review and comment.
- February 13, 2014: AECOM submitted their proposed project schedule showing completion of the conceptual design by June 12, 2014.
- January 28, 2014: Kick off meeting was held between DPW and AECOM to review the project scope and schedule. Formal schedule to include deliverables will be established in the next few weeks.
- January 17, 2014: Task Order 3A was approved by the Receiver and NTP issued to AECOM to begin work on Phase 1 of the project.
- October 25, 2013: Task Order 3A for Islandwide Roadway and Bridge Design for Route 4 Curves (Ylig Bridge to Dandan Road) was received by the Receiver for their review and approval.
- September 26, 2013: DPW received signed task order back from AECOM. DPW will process and forward to the Receiver for final review, approval and acceptance.
- September 16, 2013: Task order, with recommended changes from the Receiver, is being signed/processed by AECOM. Once returned to DPW, it will be forwarded to the Receiver for final review, approval and acceptance.
- August 21, 2013: DPW is drafting a task order for approval by the Receiver.
- August 14, 2013: DPW addressed two questions that the Receiver had with the Scope of Work for AECOM's safety enhancement project.
- June 14, 2013: DPW submitted the draft fee proposal to the Receiver for review and approval.

- Apr 15, 2013: DPW will re-scope the design services with AECOM for an incremental approach to design and subsequently develop a task order for task number 1. Once drafted the task order will be submitted to the Receiver for concurrence to proceed.
- Apr 8, 2013: Receiver informally indicated that incremental approach to design was acceptable.
- Apr 5, 2013: Suggested option of implementing an incremental approach to design to ensure an efficient project and reduce design and construction costs submitted to the Receiver.
- Mar 19, 2013: Meeting with Receiver to discuss design services scope and fee.
- Feb 27, 2013: Negotiation memo for design services by AECOM sent to the Receiver for review and comment. The design services estimate was significantly higher than expected.

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CIVIL MINUTES
GENERAL**

CASE NO.: CV-02-00022

DATE: February 5, 2015

CAPTION: USA v. Government of Guam

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Judith P. Hattori

Court Reporter: Veronica F. Reilly

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 8:40 - 10:13
10:27 - 12:56

CSO: D. Quitugua

APPEARANCES: gYYUHJW YX

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**PROCEEDINGS: Continued Hearing on Government of Guam's Financing Plan;
..... Closing Argument by Government of Guam**

- Witness Eric Palacios recalled.
- Closing Arguments by Mr. Mantanona.
- Proceedings continued to: February 6, 2015 at 8:30 AM

NOTES:

<p style="text-align: center;">GBB</p> <ul style="list-style-type: none"> • David Manning, Receiver Representative (Via Telephone) • Chase Anderson, Operations Manager • Joyce Tang, Attorney for GBB, Inc. as Federal Receiver for the Guam Solid Waste Authority • Vanessa Williams, Counsel for GSWA 	<p style="text-align: center;">Government of Guam (Office of the Governor)</p> <ul style="list-style-type: none"> • Rawlen Mantanona • Sandra Cruz-Miller
<p style="text-align: center;">USAO / US EPA</p> <ul style="list-style-type: none"> • Mikel W. Schwab, AUSA • Robert D. Mullaney, AUSA (via VTC) • Valerie K. Mann, AUSA (Via Telephone) • Laurie Williams, US EPA (Via VTC) 	<p style="text-align: center;">Guam Environmental Protection Agency</p> <ul style="list-style-type: none"> • Eric Palacios, Administrator
<p style="text-align: center;">Solid Waste Authority Board</p> <p>Alexandra Taitano</p>	<p style="text-align: center;">Mayors</p> <p>Jessey Gogue, Chalan Pago-Ordot Doris Lujan, Inarajan</p>