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December 19, 2007

The Honorable Ben C. Pangelinan
Senator, Twenty-Ninth Guam Legislature
324 W. Soledad Avenue, Suite 101
Hagatna, Guam 96910

Re: TG Engineers, PC Contract with Department of Public Works for
Design of Layon Landfill (Project No. DPW-SW-2004 (003))
(Our Ref: LEG 07-0356)

Dear Senator Pangelinan:

You have asked us to look into your questions regarding a contract the Department of Public Works (DPW) entered into with TG Engineers, PC (TG Engineers) in May of 2005 for the design of the proposed Layon landfill at Dandan, Inarajan relative to the Consent Decree filed February 11, 2004 in the U.S. District Court of Guam in *United States vs. Government of Guam*, Civil Case No. 02-00022.

Your questions center on three basic issues and several sub-issues. Each of the three basic issues is discussed below separately, and a discussion of any sub-issue is incorporated within the responses to the basic issues.

1. Did DPW violate any procurement law by amending the contract six times to expand the scope of work, increase the fees, and extend the time frame within which to perform?

The request for proposals (RFP) for the project stated its purpose as the acquisition of environmental and engineering services for the development of design plans, specifications, and estimates (PS&E) for the new municipal solid waste landfill facility (MSWLF) to be built in Inarajan.¹ The overall project was described as "the delivery of preliminary, pre-final and final design documents of the MSWLF including wetland mitigation plans, permitting documents, and

¹ RFP, Basic Information I, page 1; Statement of Work, I, page 1.

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