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FILE NO OPA-PA: 16-003

Attorneys for Appellant TLK Marketing Co. Ltd.

**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEAL**

In the Appeal of

TLK Marketing Co. Ltd.,

Appellant.

Docket No. OPA-PA16-003

**REQUEST FOR EXPEDITED
HEARING RE TLK MARKETING'S
MOTION FOR ORDERS
CONFIRMING THE AUTOMATIC
STAY AND REQUIRING THE
GUAM VISITORS BUREAU TO
ISSUE A FINAL DECISION ON
PROTEST 2**

TLK Marketing ("TLK"), through counsel, respectfully requests a hearing on TLK's Motion for Order Confirming the Automatic Stay and Requiring Guam Visitor's Bureau to Issue a Final Decision on Protest 2 ("TLK Motion") on or before Wednesday May 18, 2016, and an expedited briefing schedule.

TLK, while acting as GVB's Korean Marketing Agent, had been working on filming "Delicious Fellows" a popular Korean comedy television program on Guam. The filming on Guam is scheduled for the week of May 26 – 29, 2016. TLK was informed that HIC, Inc. has contacted the program coordinators for "Delicious Fellow" to take over the filming contract as GVB's new Korean Marketing Agent. See, Letter dated May 9, 2016 from J. Tang to T. Fisher

attached as Exhibit A. Because HIC, Inc. was not qualified to bid, and the solicitation and award of the *RFP for Proposal – Tourism Destination Marketing Representation Services in the Republic of Korea* (GVB RFP No. 2016-006) (the “RFP”) to HIC, Inc. violated the Guam Procurement laws and the RFP, and for the reasons stated in the TLK Motion, because the Board has not approved it, there has not been an award of the Contract to HIC, Inc. In the alternative, even if there was an award, the HIC Contract is void.

As demonstrated in the TLK Motion, TLK filed a timely protest before award of the Contract to HIC. Thus, any acts by GVB and HIC in furtherance of the solicitation or performing under the contract violate the automatic stay. Based on the letter dated May 9, 2016 from Mr. Fisher, counsel for GVB, a copy of which is attached as Exhibit B, GVB intends to proceed with the solicitation and performance under the void contract.

TLK seeks an expedited hearing to foreclose GVB from arguing that, notwithstanding the illegality of the award of the contract or a void contract, it is in the best interest of the Territory to proceed with the improperly awarded or void contract.

Submitted this 12th day of May, 2016.

CIVILLE & TANG, PLLC


By: _____
JOYCE C. TANG
Attorneys for Appellant
TLK Marketing Co. Ltd.

EXHIBIT A

CIVILLE & TANG, PLLC

www.civilletang.com

Sender's Direct E-Mail:
jtang@civilletang.com

May 9, 2016

VIA EMAIL AND HAND DELIVERY

Thomas J. Fisher, Esq.
FISHER & ASSOCIATES
Suite 101 De La Corte Building
167 Marine Corps Drive
Hagatna, Guam 96910

Re: In re TLK Marketing; OPA-PA-16-003

Dear Tom:

The "Delicious Fellows" comedy TV program in Korea was organized by TLK Marketing for Guam, and the shooting schedule was previously scheduled for May 26 – 29, 2016. The cost of the filming and production that was approved by GVB was \$30,000. The media value of this program is significant for Guam because the realty program show featuring Korean celebrities airs Friday night each week, and has a huge following in Korea.

As you are aware, TLK has filed its *Motion for Orders to Confirm the Automatic Stay and Requiring the Guam Visitors Bureau to Issue a Final Decision* on Friday last week. We are confident that the OPA will confirm the Automatic Stay because, *first*, HIC is not qualified, and *secondly*, there has not been a legal and proper award of the contract to HIC. Any action by GVB and HIC to perform under the putative HIC contract is a violation of the automatic stay. We are informed that HIC is contacting the Delicious Fellows program coordinators. All of these actions are in violation of the automatic stay.

Previously, TLK offered to complete this work until the matter is resolved by the Public Auditor. You have not responded to that offer. To resolve the stay issues, we are willing to stipulate to a date this week to have this matter heard before the OPA.

Sincerely,



Joyce C.H. Tang

EXHIBIT B

FISHER ASSOCIATES

ATTORNEYS AT LAW

09 May 2016

Ms. Joyce Tang
Civille & Tang PLLC
Ste 200, 330 Hernan Cortes Ave.
Hagatna, Guam 96910

Dear Joyce,

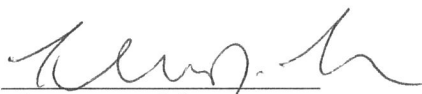
Thank you for your letter of 09 May 2016 concerning a hearing date for your motion regarding the existence of a stay of an award and solicitation in this matter.

The Guam Visitors Bureau will respond to your second protest as well as your motion for imposition of a stay. Until that response is made, stipulating to a hearing of the matter is premature.

You state that our current contractor, Happy Idea Company (HIC), is contacting producers of a certain television show designed for the Korean market. Although you provide no further details concerning what you have heard, I assume HIC is acting in accordance with the scope of work to which we (Guam Visitors Bureau and HIC) have agreed. I know you will have instructed your client not to interfere with this work.

Thank you for your attention in this matter.

Sincerely,



Thomas J. Fisher
Legal Counsel
Guam Visitors Bureau

cc: Mr. Jon Nathan Denight, GM, GVB