

**Congress of the United States**  
**Washington, DC 20510**

July 19, 2013

Secretary John M. McHugh  
The Office of the Secretary of the Army  
101 Army Pentagon  
Room 3E700  
Washington, DC 20310-0101

Dear Secretary McHugh:

We are writing to ask for your assistance in ensuring the successful continuation of the base operating support contract between New Mexico based TSAY Construction & Services/Ferguson-Williams, LLC (TFW) and Fort Stewart (Contract #W9124M09C0002).

Both Companies are New Mexico LLC's owned and operated by the Ohkay Owingeh in New Mexico. These companies were set up under the guidance of Small Business Administration (SBA) as part of the SBA Mentor/Protégé Program which is designed to assist small businesses in their development. TSAY Construction & Services, LLC (TSAY), a tribally-owned entity and New Mexico LLC, is the managing partner and majority owner of the two above listed companies. TSAY is a Small Disadvantaged Business (SDB), a Tribal 8(a) and HUB Zone certified company.

Full payment of TFW's contract with Fort Stewart has been an ongoing issue for more than two years. Despite satisfactorily performing the contract, TFW has been left to shoulder a significant expense that impacts their finances. They have informed us that they do not believe their banks will allow them to borrow further this summer because of repeated underpayments while the company awaits contract payments.

The Directorate of Public Works (DPW) has worked diligently with TFW to fund their contract to the appropriate levels. Yet a problem remains, the DPW believes, at the contracting department. The contract ceilings on numerous line items remain far below the funded levels, creating a situation where it appears that there is enough to reimburse TFW, but they are unable to invoice the total incurred costs and fees because the contract ceilings have not been changed by the contracting department to keep up with the additional costs that have been incurred, per the contract.

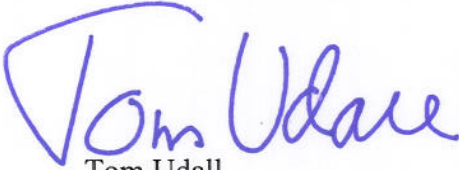
As of April, TFW had incurred approximately \$5,868,723.32 in costs, G&A and base fee (2%) that have not been paid, not including award and other fees.

It is our understanding that the issues of short payments, lack of payments and late payments by the Army are not due to the Army withholding payment for non-performance by either company. To the contrary, TSAY continues to be recognized for outstanding performance. Several examples of Tsay being nationally recognized by Federal Agencies are:

the US Department of Energy's 8(a) Contractor of the Year for 2006, Corp of Engineer's O&M Contractor of the Year for 2008, DOE HUBZone Contractor of the Year for 2009, and SBA Administrator's Award for Excellence in 2011.

We respectfully request that you look into this issue, and pursue appropriate corrective action as soon as possible to ensure that TFW is able to continue its excellent service to Fort Stewart.

Sincerely,



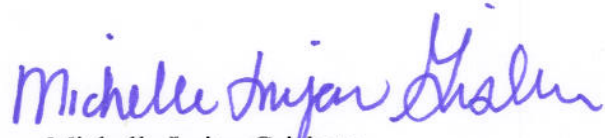
Tom Udall  
United States Senator



Martin Heinrich  
United States Senator



Ben Ray Lujan  
United States Congressman



Michelle Lujan Grisham  
United States Congresswoman