

Activity 7.1: Congressional Inquiries-Sample Response

The Honorable Josef Morales
Longworth House Office Building
Washington, DC 20515

Dear Congressman Morales,

This letter is in response to your inquiry dated February 5, 2016, regarding Mr. James Morrison, President of the Morrison Construction Firm, a Small Disadvantaged Business. Mr. Morrison expressed concern that he has not been paid \$250,000 for drywall work that he did as a subcontractor for the Jordan Construction Company under Contract W33945-15-C0008. Mr. Morrison asserts that his company completed the drywall work, and it was accepted by the Jordan Construction Company on November 6, 2015.

The government does not have privity of contract between the prime contractor and its subcontractors, and is therefore not an official party in their contractual relationship. However, the Miller Act requires a payment bond for any government construction contracts over \$150,000 to ensure that prime contractors meet their obligations to their subcontractors.

As a result of your inquiry, the Contracting Officer at Fort Washington contacted Mr. Morrison and informed him of the name and address of the surety holding the bond for the Jordan Construction Company, as well as the amount of the payment bond they will have to forfeit in accordance with the Federal Acquisition Regulation (FAR) Part 28.106-6. The Contracting Officer also informed Mr. Morrison that final payment on the contract has been made to the Jordan Construction Company. In addition, in accordance with FAR 32.112-1, Subcontractor Assertions of Non-Payment, the Contracting Officer contacted Mr. James Owens, President of Jordan Construction Company, regarding the lack of payment to Morrison Construction Firm and encouraged him to make payment. Mr. Owens has agreed to make full payment to the Morrison Construction Firm within the next three days.

Background:

The contract W33945-14-C0007 was awarded on March 31, 2015, for construction of an elementary school at Fort Washington. The prime contractor was Jordan Construction Company, and the contract was to be completed by January 2016. Morrison Construction Company was identified as a subcontractor on the project to install drywall for the classrooms. The government performed final acceptance of the elementary school on January 5, 2016. Jordan Construction Company submitted their final invoice on January 7, 2016, and the government made final payment to Jordan Construction Company on February 4, 2016.

We appreciate your interest in this matter and trust the information provided is useful.

March 11, 2016

Summarize the inquiry.

Explain key information in plain language. Avoid jargon and acronyms.

Provide the "Bottom Line Up Front" - Explain the resolution as soon as possible.

Use a neutral and diplomatic tone.

Provide a complete explanation of the situation with appropriate supporting information.