



DEPARTMENT OF THE AIR FORCE

ARLINGTON, VA 22203-1613

Office of the Deputy General Counsel

VIA FEDERAL EXPRESS

SAF/GCR
4040 N. Fairfax Drive, Suite 204
Arlington, VA 22203

MAY 25 2011

Ms. Melissa R. Tafoya-Cole
President
MRT Heavy Hauling
[REDACTED]

Re: Notice of Debarment

Dear Ms. Tafoya-Cole,

On April 20, 2011, the Air Force proposed that MRT Heavy Hauling (Respondent) (DUNS No. 784771391; Cage Code 4JFW1) be debarred from Government contracting and from directly or indirectly receiving the benefits of federal assistance programs. You were provided with a Notice of Proposed Debarment (Notice) and a Memorandum in Support of the Proposed Debarments. The Notice afforded you the opportunity to submit information and argument in opposition to the proposed debarment. Your submission was added to the Administrative Record in this matter.

Based upon the information in the Administrative Record, I have determined that debarment of Respondent is in the public interest and necessary to protect the Government's interests. The basis for my decision is set forth in the attached Memorandum in Support of the Debarments. The effects of debarment are set forth in the Notice issued to you, as well as Federal Acquisition Regulation (FAR) Subpart 9.4, Defense FAR Supplement 209.4 and Appendix H, and 2 C.F.R. Part 1125, which are provided on our website at: <http://www.safgc.hq.af.mil/organizations/gcr/index.asp>.

The debarments are effective immediately and will continue for two years from the date Respondent was proposed for debarment, April 20, 2011. Therefore, the debarments will terminate on April 19, 2013.

Sincerely,


STEVEN A. SHAW
Deputy General Counsel
(Contractor Responsibility)

Encl. a/s



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MEMORANDUM IN SUPPORT OF THE DEBARMENT OF:

MAY 25 2011

MRT HEAVY HAULING

Effective this date the Air Force has debarred MRT Heavy Hauling from Government contracting and from directly or indirectly receiving the benefits of federal assistance programs. This action is initiated pursuant to Federal Acquisition Regulation (FAR) Subpart 9.4.

On April 20, 2011, the Air Force proposed MRT Heavy Hauling for debarment and afforded them the opportunity to submit information and argument in opposition to the proposed debarment. MRT Heavy Hauling was issued a Notice of Proposed Debarment and a Memorandum in Support of the Proposed Debarments. MRT Heavy Hauling presented information and argument in opposition to the proposed debarment on May 18, 2011. The submission has been added to the Administrative Record. I have carefully considered all information contained in the Administrative Record and determined that a preponderance of the evidence establishes the existence of a cause for debarment, and that MRT Heavy Hauling has failed to demonstrate its present responsibility. I have, therefore, concluded that debarment is in the public interest and necessary to protect the Government's interests.

INFORMATION IN THE RECORD

A preponderance of evidence in the Administrative Record establishes that at all times relevant hereto:

1. MRT Heavy Hauling ("MRT") is an Albuquerque, New Mexico-based contractor providing moving and hauling services to, among others, the Air Force Special Operations Command ("AFSOC").
2. While performing hauling work for AFSOC, MRT hired and employed two illegal immigrant workers, and obtained worker passes for them to access Cannon AFB.
3. MRT also failed to pay the illegal immigrants for time worked in excess of 40 hours per week. This violated the overtime pay requirements of MRT's contract.
4. MRT's opposition to its proposed debarment sought to deflect blame for the company's failure to comply with contractual requirements to hire only U.S. citizens, to use the e-Verify system to ensure the citizenship of its employees and contractors, and to pay proper overtime. Specifically, MRT blamed the contracting command for including the e-Verify requirement in some, but not all, of MRT's contracts and for failing to train MRT on its contractual obligations. MRT also blamed its accounting system for its failure to pay overtime.

5. MRT represented that debarment is not necessary because it did not have the requisite intent to hire illegal immigrant workers and, other than its failure to use e-Verify, MRT was otherwise compliant with citizenship verification requirements.

ANALYSIS

MRT fails to understand and accept the severity of its misconduct. Instead, MRT elects to deflect blame and responsibility for its lapses in judgment and lack of ability to understand its obligations under its contracts with the Government. This is indicative of a non-responsible contractor.

For the purposes of this proceeding, I accept as true that MRT did not intend to hire illegal immigrant workers and did not intend to fail to pay its employees required overtime. However, this does not mitigate the fact that MRT hired two illegal immigrants and obtained worker passes for them to access Cannon AFB on an AFSOC contract. Lack of intent notwithstanding, MRT caused a serious lapse in security at an installation with a highly sensitive mission. Complying with MRT's contract requirements (i.e., using e-Verify when required) could have prevented this egregious lapse in base security.

The hiring of illegal immigrants was not MRT's only failure to comply with contract requirements. MRT also failed to pay required overtime to its workers, demonstrating a pattern of failure to perform its Government contracts in accordance with contract requirements.

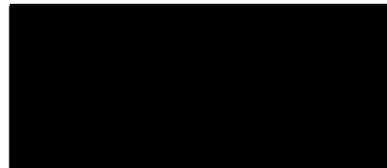
Despite the evidence establishing a cause for debarment, MRT has not addressed its present responsibility, nor has MRT identified any relevant remedial measures or mitigating factors that should be considered. MRT has, therefore, failed to meet its burden of demonstrating its present responsibility

FINDINGS

MRT's conduct is of such a serious and compelling nature that it affects MRT's present responsibility to be a Government contractor or subcontractor pursuant to FAR 9.406-2(c).

DECISION

Pursuant to the authority granted by FAR Subpart 9.4, Defense FAR Supplement Subpart 209.4 and Appendix H, and 2 C.F.R. Section 1125, based on the evidence contained in the Administrative Record and the findings herein, MRT Heavy Hauling is debarred for a period of two years from April 20, 2011, the date of its proposed debarment. MRT Heavy Hauling's debarment shall terminate on April 19, 2013.



STEVEN A. SHAW
Deputy General Counsel
(Contractor Responsibility)