



pennsylvania
DEPARTMENT OF GENERAL SERVICES

October 20, 2015

Via Certified Mail

Mr. Gino Yannuzzelli
KC Construction Company, Inc.
1737 Stout Drive
Ivyland, PA 18974

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Contract No# DGS 199-39.1
Dam Renovations
Speedwell Forge Lake dam**

Dear Mr. Yannuzzelli:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, KC Construction Company, Inc. ("KC Construction") has been found to be in violation of Section 5(1) of the Public Works Employment Verification Act (the "Act"). The details of the violation are as follows:

The Act was effective January 1, 2013, and requires every public work contractor and subcontractor to utilize the federal E-Verify Program ("EVP"), operated by the United States Department of Homeland Security, to verify the employment eligibility of new employees hired on or after January 1, 2013. Public works contractors and subcontractors must be in compliance with the Act prior to the award of the contract. Employees hired after the award of the public works contract must be verified within 5 business days of his or her start date.

By letter dated September 24, 2015, the Department requested KC Construction to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that KC Construction was awarded a public works contract by the Department of General Services on November 3, 2014. According to the information submitted in response to the audit, KC Construction hired a total of approximately three (3) employees after the award of the contract. KC Construction submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of October 24, 2014, prior to the award of the contract. However, KC Construction did not initiate verification of the 3 new employees until on or after October 5, 2015, more than five business days after the employees' respective start dates. Therefore, it is the Department's conclusion that KC Construction did not utilize the EVP system to verify new employees in accordance with the Act and is in violation of Section 5(1) of the Act.

This is KC Construction's first violation under the Act. As required by Section 5(D) (1), this first violation warning letter will be posted to the Department's publicly accessible website. If KC Construction fails to comply with the Act or commits subsequent violations thereof, KC Construction may be subject to civil penalties as well as debarment by the Department as provided for in Section 5.

If KC Construction wishes to appeal this determination, you must submit a written request for an administrative hearing setting forth all of the facts upon which the appeal is based within ten (10) calendar days of the date of this letter to the Deputy Secretary for Public Works, Department of General Services, 3rd Floor Arsenal Building, 18th and Herr Streets, Harrisburg, PA, 17125. A filing fee of \$100.00, in the form of a certified check or money order payable to the Commonwealth of Pennsylvania Department of General Services, must be enclosed with the request.

Please refer to the Department's web site at www.dgs.state.pa.gov for additional information on the requirements of the Act as well as the appeal procedures to be followed if KC Construction requests an administrative hearing. Your cooperation with the Department in complying with the Act is appreciated.

Sincerely,


Michael A. Cuff

Public Works Employment Verification Manager

cc: Elizabeth O'Reilly, Deputy Secretary for Public Works
Kristen A. Lopko, Assistant Counsel