



pennsylvania

DEPARTMENT OF GENERAL SERVICES

March 15, 2016

Via Certified Mail

Mr. Benjamin J. Scott
Vollers Excavating & Construction,
720 Sheridan Drive, Suite 1
Easton, PA 18045

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: New Early Learning Center & Elementary School
Phoenixville Area School District**

Dear: Benjamin J. Scott,

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Vollers Excavating & Construction. ("Vollers") 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.

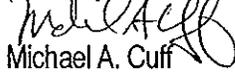
By letter dated January 27, 2016, the Department requested Vollers to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Vollers was awarded a public works contract by the Phoenixville School District on October 16, 2015. According to the information submitted in response to the audit, Vollers hired a total of approximately one (1) employee after the award of the contract. Vollers submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of December 23, 2015, prior to the award of the contract, However, Vollers did not initiate verification of the 1 new employee until on or after February 8, 2016, more than five business days after the employees respective business start date. Therefore, it is the Department's conclusion that Vollers did not properly 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 Voller'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 Vollers fails to comply with the Act or commits subsequent violations thereof, Vollers may be subject to civil penalties as well as debarment by the Department as provided for in Section 5.

If Vollers 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 Vollers 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. Weber, Assistant Counsel