



May 23, 2016

Via Certified Mail

Mr. William C. Gurtner
Gurtner Construction Co., Inc.
812 Chartiers Avenue
Pittsburgh, PA 15220

**Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Marshall Elementary School (Renovations)
North Allegheny School District**

Dear Mr. Gurtner:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Gurtner Construction Co. Inc ("Gurtner 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 works 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 April 20, 2016, the Department requested Gurtner Construction to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Gurtner Construction was awarded a public works contract by the North Allegheny School District on June 15, 2015. According to the information submitted in response to the audit, Gurtner Construction hired a total of approximately one (1) employee after the award of the contract. Gurtner Construction submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of March 22, 2016, after the award of the contract; however, Gurtner Construction did not initiate verification of the new employee until on or after May 6, 2016, more than five business days after the employee's start date. Therefore, it is the Department's conclusion that Gurtner Construction did not properly utilize the EVP system to verify a new employee in accordance with the Act and is in violation of Section 5(1) of the Act.

This is Gurtner Construction's first violation under the Act. As required by Section 6(d) (1), this first violation warning letter will be posted to the Department's publicly accessible website. If, Gurtner Construction fails to comply with the Act or commits subsequent violations thereof, Gurtner Construction may be subject to civil penalties as well as debarment by the Department as provided for in Section 6.

If Gurtner 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 Procurement, Department of General Services, 6th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA, 17101. 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 Gurtner 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: Janice Pistor, Chief, Strategic Support & Audits Division
Kristen A. Weber, Assistant Counsel