



August 2, 2016

Mr. Matthew Barrasso
Barrasso Excavation, Inc
1523 Memorial Highway
Oley, PA 19547

Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Adele (Improvements)
Manheim Borough

Dear Mr. Barrasso:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Barrasso Excavation, Inc ("Barrasso Excavation") has been found to be in violation of Section 5(1) of the Public Works Employment Verification Act (the "Act"), 43 P.S. §§167.1, *et seq.* 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. An employee 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 June 15, 2016, the Department requested Barrasso Excavation provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Barrasso Excavation was awarded a public works contract by the Manheim Borough on November 2, 2015. According to the information submitted in response to the audit, Barrasso Excavation hired a total of approximately thirteen (13) employees after the award of the contract. Barrasso Excavation submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of October 21, 2015, prior to the award of the contract; however, Barrasso Excavation did not initiate verification of the thirteen new employees until on or after June 15, 2016, which has been more than five business days after the employees' start dates. Therefore, it is the Department's conclusion that Barrasso Excavation 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, 43 P.S. § 167.5(1).

This is Barrasso Excavation's first violation under the Act. As required by Section 6(d)(1) of the Act, 43 P.S. § 167.6(d)(1), this first violation warning letter will be posted to the Department's publicly accessible website at www.dgs.pa.gov. If Barrasso Excavation fails to comply with the Act or commits subsequent violations thereof, Barrasso Excavation may be subject to civil penalties as well as debarment by the Department as provided for in Section 6 of the Act.

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, www.dgs.pa.gov, for additional information on the requirements of the Act and the appeal procedures to be followed if Barrasso Excavation 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