



pennsylvania
DEPARTMENT OF GENERAL SERVICES

October 12, 2016

Mr. Thomas D. Orseno, III
Snokes' Excavating and Paving, Inc.
33 E. Main Street
Walnut Bottom, PA 17266

Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Adams Drive Repaving
Shippensburg University

Dear Mr. Orseno:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Snokes' Excavating and Paving, Inc. ("Snokes' Excavating and Paving") 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 August 10, 2016, the Department requested Snokes' Excavating and Paving provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that Snokes' Excavating and Paving was awarded a public works contract by Shippensburg University on February 29, 2016. According to the information submitted in response to the audit, Snokes' Excavating and Paving hired a total of approximately five (5) employees after the award of the contract. Snokes' Excavating and Paving submitted a Public Works Employment Verification form acknowledging that it was in compliance with the Act as of April 19, 2016 after the award of the contract, however Snokes' Excavating and Paving did not initiate verification of the five (5) new employees until on or after September 9, 2016, which has been more than five business days after the employees' start dates. Therefore, Snokes' Excavating and Paving did not properly utilize the EVP system to verify the 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 Snokes' Excavating and Paving'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 Snokes' Excavating and Paving fails to

comply with the Act or commits subsequent violations thereof, Snoke's Excavating and Paving 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 Snokes' Excavating and Paving 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