



September 13, 2016

Mr. Robert Warko
The Warko Group, Inc.
18 Morgan Drive
Reading, PA 19608

Re: Violation Notice/Warning Letter
Public Works Employment Verification Act
Project: Shafer Elementary School Roof Replacement
Nazareth Area School District

Dear Mr. Warko:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, The Warko Group, Inc. ("The Warko Group") 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 May 13, 2016 the Department requested The Warko Group to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that The Warko Group was awarded a public works contract by Nazareth Area School District on March 23, 2015. According to the information submitted in response to the audit, The Warko Group hired a total of approximately twenty-four (24) employees after the award of the contract. The Warko Group submitted a Public Works Employment Verification form acknowledging that it was in compliance with the Act as of May 16, 2015, after to the award of the contract even though they did not enroll into EVP until on or after August 5, 2016. The Warko Group did not initiate verification of the twenty-four (24) new employees to date, which has been more than five business days after the employees' start dates. Therefore, The Warko Group 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 The Warko Group'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 The Warko Group fails to comply with the Act or commits subsequent violations thereof, The Warko Group 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 The Warko Group 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