



pennsylvania
DEPARTMENT OF GENERAL SERVICES

November 1, 2018

NJS Concrete, LLC
37 Terry Drive
Trevose, Pa 19053

Re: Violation Notice
Public Works Employment Verification Act
Project Information: 2018 Lower Gwynedd Township Concrete Program
Lower Gwynedd Township

Dear NJS Concrete, LLC:

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, NJS Concrete, LLC ("NJS") 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 July 6, 2018 the Department requested NJS to provide specific information establishing compliance with the Act. A review of the documentation submitted reveals that NJS was awarded a public works contract by Lower Gwynedd Township on April 26, 2018. According to the information submitted in response to the audit, NJS Concrete did not initiate verification of 8 employees within five business days after the employees start date as required by the act. NJS was not enrolled into the federal E-verify Program until July 19, 2018, however, verification of employees was not initiated until July 30, 2018 and later. Therefore, NJS 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, 43 P.S. § 167.5(1).

This is NJS'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 NJS fails to comply with the Act or commits subsequent violations thereof, NJS 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 NJS requests an administrative hearing. Your cooperation with the Department in complying with the Act is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Toni Nagy". The signature is written in a cursive, flowing style.

Toni Nagy
Chief of Strategic and Audit Division

cc: Jerrica Guess