



September 18, 2013

Via Certified Mail and Facsimile

Thomas Baker
Boro Developers, Inc. D/B/A/ Boro Construction
400 Feheley Drive
King of Prussia, PA. 19406

**Re: Violation Notice/ Warning Letter
Public Works Employment Verification Act
Project No. DGS 425 -4.4, Phase 1
DEI Project No. 28303 Council Rock School District**

Dear Mr. Baker

This correspondence shall serve as official notice that, as a result of an investigation or audit conducted by the Department of General Services, Boro Developers, Inc. d/b/a Boro Construction ("Boro") 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 requires every public work contractor and subcontractor to utilize the federal E-Verify Program, operated by the United States Department of Homeland Security, to verify the employment eligibility of each new employee hired on or after January 1, 2013.

The Act was effective January 1, 2013, and all public works contractors are required to comply with the Act prior to the award of a public works contract. The Department's records show that the public works contract was awarded to Boro on May 31, 2013. By letter dated July 10, 2013, the Department requested that Boro provide specific information that establishes compliance with the Act. Boro provided a Quick Audit Report, showing that they hired a total of seventy-two (72) employees on or after January 1, 2013. Although Boro submitted a Public Works Employment Verification Form acknowledging that it was in compliance with the Act as of April 23, 2013, Boro did not enroll in EVP until August 1, 2013 and the new employees were not verified until August 1 and 5, 2013. Therefore, it is the Department's conclusion that Boro did not utilize the EVP system to verify new employees in accordance with the Act and is in violation of Section 5(1) of the Act.

This is Boro's first violation under the Act. As required by Section 5(D)(1), this first violation warning letter will be posted to the Department's publicly accessible website. If Boro fails to comply with the Act or commits subsequent violations thereof, Boro may be subject to civil penalties as well as debarment by the Department as provided for in Section 5.

If Boro 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 Public Works, Department of General

Services, 18th and Herr Streets, Harrisburg, PA, 17125. 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 Boro 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: Elizabeth O'Reilly, Deputy Secretary for Public Works
Herb Pfuhl, Director, BPSAS
Kristen A. Lopko, Assistant Counsel