Contractor’s E-Verify Clause and Affidavit

Effective immediately, this notice shall be included in all Requests for Proposals (RFPs) or Invitations to Bid to provide labor, supplies, or services for Alabama A&M University pursuant to contracts to be signed on or after January 1, 2012.

E-VERIFY – NOTICE (RFP)

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535, Code of Alabama (1975) § 31-13-1 through 31-13-30” (also known as and hereinafter referred to as “the Alabama Immigration Act”) is applicable to contracts with Alabama A&M University (the “University”). As a condition for the award of a contract and as a term and condition of the contract with the University, in accordance with § 31-13-9 (a) of the Alabama Immigration Act, any business entity or employer that employs one or more employees shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien and shall attest to such by sworn affidavit signed before a notary. Such business entity or employer shall provide a copy of such affidavit to the University as part of its bid or proposal for the contract along with documentation establishing that the business entity or employer is enrolled in the E-Verify program. The required affidavit form is included at the end of this notice. A response to this RFP/Invitation which does not include the required affidavit and proof of E-Verify enrollment will be considered non-conforming and non-responsive. The University at its sole discretion may allow a reasonable period, not to exceed ten (10) business days, for non-conforming bids to be amended to comply with the Alabama Immigration Act. However, the University has no duty to alert any bidder that their response is non-conforming in any aspect.

At the time of execution of the awarded contract, the contractor will be required to execute another affidavit in substantially the same form. In addition, during the performance of the contract, such contracting business entity or employer shall continue to participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. The contracting business entity or employer shall assure and require that every subcontractor performing under the contract shall also comply with §31-13-9(c), and the contracting business entity or employer shall maintain records that are available upon request by the University, state authorities, or law enforcement to verify its compliance and the compliance of all subcontractors with the requirements of the Alabama Immigration Act. Failure to comply with these requirements may result in breach of contract, termination of the contract or subcontract, and possibly suspension or revocation of business licenses and permits in accordance with §31-13-9 (e) (1) & (2) or in the case of a subcontractor, in accordance with §31-13- 9 (f) (1) & (2).
E-Verify Affidavit

Compliance with the requirements of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535, *Code of Alabama (1975) § 31-13-1 through 31-13-30* (also known as and hereinafter referred to as “the Alabama Immigration Act”) is required for Alabama A&M University contracts as a condition of the contract performance. Please provide a duly executed and notarized affidavit in the appropriate form as describe below.

**AFFIDAVIT 1**

I, ________________________________, a duly authorized officer or agent of ________________________________, do execute this affidavit on behalf of ________________________________ and by executing this affidavit, the undersigned contractor verifies that it is a sole proprietorship, partnership, corporation or other business entity (circle one) that has no employees.

The undersigned agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with Alabama A&M University, that the Contractor will secure from such subcontractor(s) verification of compliance with *Code of Alabama (1975) § 31-13-9* in a form substantially similar to this affidavit. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to Alabama A&M University, at the time the subcontractor is retained to perform such services.

_____________________________________
Name of Contractor

_____________________________________
Signature of Authorized Officer or Agent of Contractor

_____________________________________
Title of Authorized Officer or Agent of Contractor

_____________________________________
Printed Name of Authorized Officer or Agent SUBSCRIBED AND SWORN BEFORE ME ON THIS THE ____ DAY OF __________, 20__.

_____________________________________
Notary Public
My commission Expires:____________________

OR
AFFIDAVIT 2

I,  ____________________________, a duly authorized officer or agent of  ____________________________, (contractor), do execute this affidavit on behalf of  ____________________________, (contractor) and by executing this affidavit, the undersigned contractor verifies its compliance with the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535 (Code of Alabama (1975) § 31-13-9), stating affirmatively that it does not knowingly employ, hire for employment, or continue to employ an unauthorized alien and that the sole proprietorship, partnership, or corporation or other business entity (circle one) which is contracting with Alabama A&M University has registered with and is participating in the federal work authorization program known as “E-verify”, web address https://e-verify.uscis.gov/enroll operated by the United States Citizenship and Immigration Service Bureau of the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603, in accordance with the applicability provisions of the Alabama Immigration Act.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with Alabama A&M University, that the Contractor will secure from such subcontractor(s) verification of compliance with Code of Alabama (1975) § 31-13-9 in a form substantially similar to this affidavit. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to Alabama A&M University, at the time the subcontractor is retained to perform such services.

___________________________________
E-Verify Employment Eligibility Verification User Identification Number

_____________________________________
Name of Contractor

_____________________________________
Signature of Authorized Officer or Agent of Contractor

_____________________________________
Title of Authorized Officer or Agent of Contractor

_____________________________________
Printed Name of Authorized Officer or Agent
SUBSCRIBED AND SWORN BEFORE ME ON THIS THE ____ DAY OF __________, 20__.  

_____________________________________
Notary Public
My commission Expires:____________________
Proof of Citizenship Demonstration and Declaration
(To be provided with Affidavit Form 1)

In order for an individual, including an individual who is a sole proprietor, a partner in a partnership, a
general partner in a limited partnership, a partner in a non-registered limited liability partnership, or a sole
member of a single member limited liability company, who is a U.S. Citizen to receive a public benefit or
conduct a business transaction with Alabama A&M University, each such citizen must declare his or her
U.S. citizenship by executing the declaration at the bottom of this form, and must demonstrate his or her
U.S. citizenship by presenting a legible copy of one of the following items.

Note that if the presented item does not include picture identification, please also provide a copy of a
valid form of picture identification, and if the presented item does not show the person’s current legal
name, please also provide a copy of a supporting document to verify the legal name change. Please check
which of the listed items has been provided:

☐ Driver’s license or non-driver’s identification card (issued by Alabama or the division of motor
vehicles or the equivalent governmental agency of another state within the United States if the agency
indicates on the applicant’s driver’s license or non-driver’s identification card that the person has
provided satisfactory proof of United States citizenship).
☐ Birth certificate
☐ Pertinent pages of a United States valid or expired passport (identifying the applicant and the
applicant’s passport number),
☐ United States naturalization documents or the number of the certificate of naturalization. (If
only the number of the certificate of naturalization is provided, the applicant shall not be awarded any
contract until the number of the certificate of naturalization is verified with the United States Bureau of
Citizenship and Immigration Services by the designated City Official, pursuant to 8 U.S.C. § 1373(c)).
☐ Other documents or methods of proof of United States citizenship (issued by the federal
government pursuant to the Immigration and Nationality Act of 1952, and amendments thereto).
☐ Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment
number.
☐ Consular report of birth abroad of a citizen of the United States of America.
☐ Certificate of citizenship (issued by the United States Citizenship and Immigration Services).
☐ Certification of report of birth (issued by the United States Department of State).
☐ American Indian card, with KIC classification, (issued by the United States Department of
Homeland Security).
☐ Final adoption decree (showing the applicant’s name and United States birthplace).
☐ Official United States military record of service (showing the applicant’s place of birth in the
United States).
☐ Extract from a United States hospital record of birth (created at the time of the applicant’s birth
indicating the applicant’s place of birth in the United States).

CITIZENSHIP DECLARATION
Under penalty of perjury, I, ________________________________, (print name of
undersigned) the undersigned do hereby declare that I am a citizen of the United States of America.

(Declarant’s Signature and Date)
Verification, Demonstration, and Declaration of Lawfully Present Alien
(To be provided with Affidavit Form 1)

A. SAVE Verification. In order for an individual, including an individual who is a sole proprietor, a partner in a partnership, a general partner in a limited partnership, a partner in a non-registered limited liability partnership, or sole member of a single member limited liability company, who is a lawfully present alien to receive a public benefit or conduct a business transaction with the City, the City must verify, using the Systematic Alien Verification of Entitlement (SAVE) Program, that such alien is lawfully present in the United States. In order to obtain such verification, each such alien must provide: (1) his or her Alien Registration Number, which is as follows: _______________________; and (2) a copy of non-citizen immigration documents.

B. Presumptive Lawful Presence. In order for an individual, including an individual who is a sole proprietor, a partner in a partnership, a general partner in a limited partnership, a partner in a non-registered limited liability partnership, or sole member of a single member limited liability company, who is a lawfully present alien to receive a public benefit or conduct a business transaction on a temporary basis pending final verification, each such alien must declare that he or she is a lawfully present alien, by executing the declaration at the bottom of this form, and must demonstrate presumptive lawful presence, by presenting a legible copy of one of the following items.

Note that if the presented item does not include picture identification, please also provide a valid form of picture identification, and if the presented item does not show the person’s current legal name, please also provide a copy of a supporting document to verify the legal name change. Please check which of the listed items has been provided:

☐ A valid, unexpired Alabama driver’s license.
☐ A valid, unexpired Alabama non-driver identification card.
☐ A valid tribal enrollment card or other form of tribal identification (bearing a photograph or other biometric identifier).
☐ Any valid United States federal or state government issued identification document (bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful presence in the United States before issuance).
☐ A foreign passport with an unexpired United States Visa and a corresponding stamp or notation (by the United States Department of Homeland Security indicating the bearer’s admission to the United States).
☐ A foreign passport issued by a visa waiver country (with the corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the United States Department of Homeland Security indicating the bearer’s admission to the United States).

DECLARATION OF LAWFULLY PRESENT ALIEN

Under penalty of perjury, I, _____________________________, (print name of undersigned) the undersigned do hereby declare that I am a lawfully present alien in the United States of America.

________________________________________ (Declarant’s Signature and Date)