

**CITY OF COLQUITT****The Georgia Illegal Immigration Reform and Enforcement Act of 2011 Affidavit(s)****INFORMATION SHEET**

Effective July 1, 2011, the Georgia Illegal Immigration Reform and Enforcement Act of 2011 has been revised to state that any organization in the State of Georgia, receiving state or federal funds must utilize the federal work authorization program, operated by the U.S. Department of Homeland Security, to verify employment eligibility of all newly hired employees.

A local Workforce Innovation and Opportunity Act (WIOA) area shall not enter into any contract with a subcontractor or sub-subcontractor unless they are registered and are participating in the federal work authorization program.

**All WIOA Contractors are required to complete attachment F “Subcontractor Affidavit” to verify compliance, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with the City of Colquitt (as administrative entity to the Southwest Georgia Workforce Development Board) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A 13-10-91(b).**

**Sub-subcontracting**

If you (WIOA Contractor) are subcontracting or plan to subcontract during the course of this agreement in connection with the physical performance of services pursuant to the WIOA contract award, you must complete the Sub-Subcontractor Affidavit and Agreement and return the forms to our office within five (5) business days of entering into such subcontract or sub-subcontract. If you are not subcontracting at this time, please indicate by writing “N/A,” initialing and dating the Sub-Subcontractor Affidavit and Agreements.

**Independent Contractors**

In lieu of completing affidavits, independent contractors may submit a copy of a valid **Georgia Driver’s License** or Identification Card if no new employees will be hired for the term of the contract. If an Independent contractor does not have a state issued Georgia driver’s license, he/she will need to follow the standard registration process to obtain an E-verify User ID number and verification number. Once an employee is hired, E-verification must be done regardless of business structure.

## Georgia Illegal Immigration Reform and Enforcement Act of 2011

**Effective July 1, 2011, the Georgia Illegal Immigration Reform and Enforcement Act of 2011 has been revised to state that any organization in the State of Georgia, receiving state or federal funds must utilize the federal work authorization program, operated by the U.S. Department of Homeland Security, to verify employment eligibility of all newly hired employees. [O.C.G.A. 13-10-91 (b) (3)]**

1. Entering into Contracts. The CITY OF COLQUITT is prohibited from entering into contracts for the physical performance of services within this State unless the contractor is registered with, and is using, the federal work authorization program commonly known as E-Verify to verify the employment eligibility of all of its newly hired employees. And contractors and subcontractors are prohibited from entering contracts with the CITY OF COLQUITT unless they have registered with, and are using, E-Verify to verify the employment eligibility of all of their newly hired employees.

2. "Physical performance of services. "Physical performance of services" is defined to mean:

"the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to public real property, including the construction, reconstruction, or maintenance of all or part of a public road; or any other performance of labor for a public employer under a contract or other bidding process."

3. Bids. Before a bid for the physical performance of services within this State is considered by the CITY OF COLQUITT, the bid must include a signed, notarized affidavit from the potential contractor attesting:

- a. that the contractor desiring to bid has registered with, and is authorized to use E-Verify  
(accessed at <http://www.uscis.gov/e-verify/e-verify-enrollment-page>);
- b. to the potential bidder's E-Verify user identification number issued by the U. S. Department of Homeland Security (USDHS);
- c. to the date of E-Verify user authorization from the USDHS; and
- d. that the contractor desiring to bid is using, and will continue to use, E-Verify throughout the contract (or subcontract) period.

4. Affidavits. CITY OF COLQUITT must maintain all executed SubContractor and Sub-Subcontractor affidavits for five years from the date of CITY OF COLQUITT's receipt of the affidavit.

5. Subcontractors. Subcontractors and the entities with which the subcontractor subcontracts must comply with the E-Verify requirements.

6. CITY OF COLQUITT Must be Notified of the Identity of All Subsequent Sub-Subcontractors. As a condition of their contracts, all Contractors and Subcontractors must notify the CITY OF COLQUITT of any and all subsequent contractors hired or contracted by that contractor or subcontractor to work on the CITY OF COLQUITT contract. This notice must be provided to CITY OF COLQUITT within five (5) business days of the Sub-Contractor or Sub-Subcontractor's entering into the subsequent contract. The notice must include a Sub-Subcontractor Affidavit attesting to:

- a. name;
- b. address;
- c. E-Verify user identification number; and
- d. the date USDHS authorized the subcontractor to use E-Verify.

Note: In lieu of completing affidavits, independent contractors may submit a copy of a valid Georgia Driver's License or Identification Card if no new employees will be hired for the term of the contract. If an Independent Contractor does not have a state issued Georgia driver's license, he/she will need to follow the standard registration process to obtain an E-Verify User ID and verification number. Once an employee is hired, E-verification must be done regardless of business structure.

7. Penalty.

“Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement in an affidavit submitted pursuant to this subsection [O.C.G.A. 13-10-91] shall be guilty of a violation of Code Section 16-10-20 and, upon conviction, shall be punished as provided in such Code section. Contractors and subcontractors convicted for false statements based on a violation of this subsection shall be prohibited from bidding on or entering into any public contract for 12 months following such conviction.”<sup>1</sup>

8. CITY OF COLQUITT Liability. No employer or agency or political subdivision, as such term is defined in Code Section 50-36-1, shall be subject to lawsuit or liability arising from any act to comply with the requirements of this Code section.<sup>2</sup>

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<sup>1</sup> **O.C.G.A. 16-10-20. “False statements and writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions.”** A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

<sup>2</sup> **O.C.G.A. 50-36-1. “Verification requirements, procedures, and conditions; exceptions; regulations; criminal and other penalties for violations.”** (a) As used in this Code section, the term: (1) ‘Agency or political subdivision’ means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.”