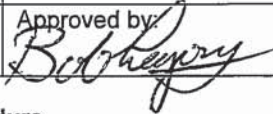




City of Longview Policies and Procedures

Policy Name: E-Verify Policy		Effective Date: 11/17/11
Supersedes: None/New Policy	Originating Office: City Manager	Approved by: 
Responsible Office/Person: Office/person designated by City Manager for implementation of Policy/Procedure		

PURPOSE OF THIS POLICY:

The purpose of this E-Verify policy is to establish a requirement for certain contractors (hereinafter meaning the general contractor and any and all subcontractors assigned to perform work under the contract) to document that employees providing services to the City of Longview are authorized to work in the United States.

DEPARTMENTS AFFECTED:

ALL

DEFINITIONS:

Contractors: General contractor and any and all subcontractors assigned to perform work under the contract.

POLICY/PROCEDURE:

100.0 Policy: This E-Verify policy applies to all City of Longview purchases of goods or services unless explicitly identified as exempt from the E-Verify procedures. Based upon city resolution, E-Verify requirements apply to all contractors and vendors for service or purchase contracts over \$10,000, including contracts for technology services. This policy shall also apply to all subcontractors with a subcontract value over \$10,000. Contractors and subcontractors shall comply with this policy for at least the duration of their contract with the City.

110.0 Exemptions:

E-Verify requirements do not apply to:

- a) government agencies;
- b) sole proprietors who currently have no employees and do not intend to hire any employees to perform work on the City's contract;
- c) legal, bonding, banking, or investment services;
- d) contract exempt from competitive bidding under City policies;
- e) contracts issued under City ordinance;
- f) contracts whose funding source regulations restrict imposing the City's E-Verify requirements on the contractors;
- g) regulated providers of insurance and the City's insurance pool;

- h) sureties performing under a takeover agreement with the City under the terms of a performance bond, except that contractors hired by the surety shall comply with the City's E-Verify requirements;
- i) public utilities;
- j) contracts that are for a period of performance of less than 60 days;
- k) contracts for commercially available off-the-shelf items as defined by federal law, or for items that would be commercially available off-the-shelf items but for minor modifications; or
- l) contracts for commercial services that are part of the purchase of a commercially available off-the-shelf item or such item with minor modifications, provided such services are performed by the item supplier or provider and such services are normally performed for that item.

120.0 Procedure: Contractors shall be enrolled in the E-Verify program at the time of submitting a bid, quote, or proposal to the City. Subcontractors shall be enrolled in the E-Verify program prior to execution of a contract with the general or prime contractor. Beginning the day after the due date for submittal of the bid, quote, or proposal, or the date of execution of a subcontract, all new employees hired by the contractor or the subcontractor shall be processed through the E-Verify program. Processing of such employees shall begin within 3 business days of their date of hire. Evidence of enrollment in E-Verify shall be submitted with the bid, quote, or proposal, or within 3 days of contract execution for subcontractors. Evidence of verification of new employee shall be retained by the contractor and provided to the City upon request.

The following language shall be included in the terms and conditions for all contract bids, requests for proposals, or solicitations:

"Contractors shall be enrolled in the E-Verify program at the time of submitting a bid, quote, or proposal to the City. Subcontractors shall be enrolled in the E-Verify program prior to execution of a contract with the general or prime contractor. Evidence of the contractor's enrollment in E-Verify shall be submitted with the bid, quote, or proposal. Evidence of a subcontractor's enrollment in E-Verify shall be submitted to the City within 3 days of the contractor executing a contract with the subcontractor. Contractors and subcontractors shall submit an E-Verify Compliance Declaration along with their evidence of enrollment in the E-Verify program.

Beginning the day after the due date for submittal of the bid, quote, or proposal, or the date of execution of a contract with a subcontractor, all new employees performing work on the City contract for the contractor or subcontractor shall be processed through the E-Verify program. Processing of such employees shall begin within 3 business days of their date of hire. Evidence of verification of a new employee shall be retained by the contractor and provided to the City upon request.

Failure to enroll in the E-Verify program prior to submitting a bid, quote, or proposal shall render such bid, quote, or proposal non-responsive and the contractor will not be considered for award of the contract. Failure of a subcontractor to enroll in the E-Verify program shall render them ineligible for the subcontract. Failure to verify new employees shall result in the contractor or subcontractor being ineligible for award of future contracts until the contractor or subcontractor complies with the City's E-Verify requirements. The City of Longview has the right to audit the contractor's or subcontractor's records to determine compliance with E-Verify requirements."

130.0 Compliance: Each department purchasing the goods or services requiring E-Verify participation shall ensure contractor compliance with this policy and shall retain records provided by the contractor and subcontractors evidencing their compliance with the contract requirements.

140.0 Non-Compliance: Contractors who fail to enroll in the E-Verify program and provide evidence of such enrollment will not be considered for award of a contract. Contractors who fail to verify new employees or who fail to ensure subcontractors are enrolled in E-Verify prior to executing a subcontract, shall be considered in breach of the contract and shall be debarred from all future work with the City of Longview until the contractor provides all documentation necessary to demonstrate compliance with the City's E-Verify requirements. The department managing the contract shall notify the contractor, city manager, and the city clerk, of the debarment of a contractor, and of the subsequent cancellation of the debarment should the contractor comply with the E-Verify requirements. The city clerk shall maintain a list of contractors debarred from City of Longview contracts. Departments soliciting bids, quotes, or proposals shall review the city clerk's debarment list prior to awarding a contract requiring E-Verify enrollment.

The City shall suspend a contract with any business entity or contractor that the United States Attorney General or the Secretary of Homeland Security has found to have been in violation of 8 U.S.C. § 1324a should the business entity or contractor fail to correct the violation within 30 business days of receiving notice of the violation from the United States Attorney General or the Secretary of Homeland Security. The city manager may waive suspension of the contract if such suspension is not in the best interest of the City.

Debarment and/or suspension of a contract shall not be applicable where state or federal regulations or funding conditions supersede or prohibit such actions by the City.

150.0 Appeal: The contractor and sub-contractors shall have 30 calendar days from the date of notice of a determination that the contractor or subcontractor is in breach of their contract and shall be debarred, to appeal such determination in writing to the City Manager.

REFERENCES:

N/A

E-Verify Compliance Declaration

The undersigned declares, under penalty of perjury under the laws of Washington State that:

1. By submitting this Declaration, I certify that I do not and will not, during the performance of the contract, employ illegal alien workers, or otherwise violate the provisions of the Federal Immigration Reform and Control Act of 1986.
2. I have enrolled in E-Verify prior to submitting my bid, quote, or proposal to the City of Longview, or prior to execution of a contract if I am a subcontractor to the general contractor. I agree to use E-Verify for all newly hired employees during the length of the contract.
3. I certify that I am duly authorized to sign this declaration on behalf of my company.
4. I acknowledge that the City of Longview shall be provided evidence of enrollment in the E-Verify program and evidence of verification of new employees, and that non-compliance may lead to suspension of this contract and/or debarment from City of Longview work.

Dated this _____ day of _____, 20__.

Firm Name: _____

Signature: _____

Printed Name: _____

Title: _____