



## CONTRACTOR & VENDOR COMPLIANCE REQUIREMENTS SECURITY AND IMMIGRATION

### INTERNAL (OPC) PROCESS

1. The Office of Procurement and Contracting is responsible for requesting and obtaining Contractor/Subcontractor Security and Immigration Compliance affidavits, or the appropriate alternative documentation, from all vendors and contractors. The vendors and contractors are required to provide any necessary affidavits or other documentation from their subcontractors.
2. The "Security and Immigration Compliance Instructions and Affidavit" document located in the E-Verify folder on the "I" drive (I:\BUS-SERV\Procurement\E-VERIFY) is to be included with all requests for bids/quotes must be returned with the bid in order for the vendor/contractor to be considered for award of a contract or purchase order. **A contract award (a purchase order is a contract) cannot be made without a valid E-verify number on the Security and Immigration Affidavit.** Even if a contractor already has an affidavit on file, they must submit a new one with each new bid. *Note: This is because the statute, OCGA 13-10-90(b)(1), specifies that, "(b)efore a bid for any such service is considered by a public employer, the bid shall include a signed, notarized affidavit . . . "*
3. Contracts executed prior to July 1, 2013 were not subject to the affidavit requirement, but KSU should obtain one if those pre-existing contracts are renewed.
4. Contractors and subcontractors may submit an affidavit that KSU can honor for multiple contracts over a defined period of time. The template affidavit provides that the contractor promises to use E-Verify, "for the duration of this contract or until June 30, 201\_\_, whichever is longer." As long as any subsequent contract dates fall within the defined period, the prior affidavit may be used. However, as stated in #2 above, contracts awarded pursuant to a bidding process will require a new affidavit with each bid.
5. The affidavit requirement also applies to services procured with a KSU Procurement Card.
6. When Affidavits are received, the information contained on the document is to be entered into the E-Verify Tracking Report located in the E-Verify folder on the "I" drive: I:\BUS-SERV\Procurement\E-VERIFY.
7. Scan affidavits, along with associated purchase orders, contracts award letters, contract cover sheets, etc. and save to: I:\BUS-SERV\Procurement\E-VERIFY\SCANNED E-VERIFY AFFIDAVITS (12-01-13 thru 11-30-14)

8. The affidavits are required for all service contracts with KSU, unless an exception applies. An E-Verify affidavit is **not** required if:
- a. The contract is for goods only, and not for services.
  - b. The contract is for less than \$2,500 and was not subject to a bidding process.
  - c. The contractor / subcontractor is a professional licensed pursuant to Titles 26 or 43 of the Georgia Code<sup>1</sup> or by the State Bar of Georgia. The Division of Legal Affairs can assist in identifying all professionals excluded, but these include architects, athletic trainers, professional counselors and social workers, electrical contractors, plumbers, professional engineers, surveyors, hotel operators, landscape architects, nurses, polygraph examiners, real estate appraisers, general contractors, and attorneys. Please note that these professionals must be licensed by the State of Georgia for the exemption to apply.
  - d. The contractor / subcontractor has no employees and does not intend to hire employees for purposes of providing services to Kennesaw State University. **HOWEVER**, such contractors or subcontractors must submit a copy of their state issued driver's license or identification card in lieu of the affidavit. In addition, if you later need to hire employees to provide the services under the contract, then you will need to submit the attached affidavit.
  - e. The services will be performed outside of the United States.
  - f. The services will be performed in the United States by a visiting foreign national who is not eligible to be listed in E-Verify. **HOWEVER**, such contractors or subcontractors must provide proof that they hold an appropriate visa authorizing them to provide the services pursuant to the contract.
  - g. The contractor is providing services pursuant to a statewide contract through DOAS (in which case DOAS is responsible for obtaining the affidavit).

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<sup>1</sup> <http://www.lexisnexis.com/hottopics/gacode/>