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**Subject:** Public Works Project Requirements of the Georgia Security and Immigration and Compliance Act  
**Importance:** High

This email is being sent out on behalf of Annette Evans, Procurement Officer in reference to the Public Works Project Requirements of the Georgia Security and Immigration and Compliance Act. This information is being provided to clarify the University's documentation responsibilities with respect to hiring contractors and subcontractors for public works projects. Please share this information with appropriate personnel within your school, college or unit.

#### **BACKGROUND**

The Georgia Security and Immigration and Compliance Act ([O.C.G.A.](#)) 13-10-91 et seq. requires public employers which hire contractors on public works projects to obtain and keep on file affidavits that the contractor and its subcontractors have registered and participate in a federal work authorization program intended to ensure that only lawful citizens or lawful immigrants are employed by the contractor or subcontractor. All state entities are required to obtain such signed and notarized affidavits from contractors prior to entering into any public works contract involving the contractor's physical performance of services within the state of Georgia. A contractor must submit the affidavit to be eligible for contract award regardless of the number of employees that work for the contractor.

#### **WHAT ARE PUBLIC WORKS?**

Public works contracts are defined as contracts to be performed on public property of the state and involving a fixed asset. They include a broad range of contracts such as repair, maintenance, design, and consulting contracts. Public works contracts include contracts for building, altering, repairing, improving, or demolishing a public structure or building or other public improvements of any kind to public real property, including the construction, reconstruction, or maintenance of a public road. Questions as to whether a project should be considered public works should be directed to Procurement.

## **APPLICATION OF REQUIREMENT**

Prior to allowing work to begin on any public works construction or other public works project, the University of Georgia must obtain a completed Immigration and Security Form/Affidavit from the contractor and any of its subcontractors. This requirement also flows down to the subcontractors of subcontractors.

For each project the contractor and subcontractors will be required to complete and submit the current immigration and security forms available on the State Purchasing website. The current forms can be located at <http://doas.ga.gov/StateLocal/SPD/Seven/Pages/Home.aspx> and once at this site, search for the Immigration and Security form SPD-SP054.

Please note that the form is project specific which requires a new form to be submitted for each project. The vendor must also address if there are subcontractors. If subcontractors are known at the time of PO issuance, the subcontractors must also submit a completed Immigration and Security form. Note that the contractor and subcontractor must enter their E-Verify™ Company Identification Number, sign and date the form and have it notarized. Note that E-Verify™ provides two IDs to every registrant: 1) The User ID which is used to log in to the E-Verify™ site and contains numbers and letters, and 2) the Company ID Number, which is numerical only. The Company ID is the information required on the form, and can be found on the Contractor's Memorandum of Understanding or they can locate it by logging into E-Verify™ and clicking the Edit Company Information link.

If we are processing a release under a task order or an agency contract, we will need to obtain the newly completed forms from the contractor for each release. Additionally, if utilizing the statewide contract for Indefinite Quantity Construction (EZIQC), UGA will need to obtain the form from the subcontractors for each statewide contract release. State Purchasing will already have the form on file for the prime contractor, but UGA will need to contact the prime to get a list of any subcontractors for the release and ask the prime to assist us in obtaining the forms from the subs.

The Immigration and Security Form requirements apply to CM at Risk contracts as well as Consulting and Professional Services contracts issued to design/architectural and engineering firms

## **RECORDS RETENTION**

The Immigration and Security Form must be maintained by the public employer (UGA) for five years from the date of receipt.

## **SPECIFIC GUIDANCE FOR OFFICE OF UNIVERSITY ARCHITECTS (OUA) AND PHYSICAL PLANT DIVISION (PPD)**

Because the above units have delegated purchasing authority for professional services, and also PPD has been granted an exception for handling construction/public works on p-cards, these units have responsibility for obtaining and retaining Immigration and Security forms from their p-card vendors and their subcontractors as well as from the design/consulting/architectural and engineering firms and any of their subcontractors. This responsibility also rests with OUA or PPD, in the case of CM at Risk contracts being handled outside of Procurement.

If you have any questions, please contact Annette Evans in the Procurement Office at [amevans@uga.edu](mailto:amevans@uga.edu).