E-Verify Collection and Reporting Requirements

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Before we get started...

Let’s see what you know...
Let’s Play Kahoot IT
Agenda

- Compliance Statistics
- Analytics
- E-Verify Compliance and Reporting Requirements
- Reporting System
- Resources
- Q&A
Compliance
Statistics
Thank you for your efforts to comply with the reporting requirements.

Percentage of Entities that Submitted Reports

- **State Agencies**
- **Colleges/Universities**
- **Technical Colleges**
Thank you for your efforts to comply with the reporting requirements.
We did some analytics

And this is what we found...
Of the 1,057 entities reviewed...

- 65 entities have not yet reported for the 2021 reporting period.
- 114 entities reported before the reporting period even closed.
- 58 entities reported after the deadline.
Audit standards require DOAA to assess compliance with state law.

Failure to report or late reporting could result in audit findings or management comments.
Impact of noncompliance among cities and counties

Cities and Counties are considered out of compliance if report not submitted by December 31\textsuperscript{st}.

Per §O.C.G.A. 50-8-8, DOAA provides the Department of Community Affairs (DCA) with a list of cities and counties that did not meet the December 31\textsuperscript{st} reporting deadline.

Such entities may lose their qualified local government status.

This could jeopardize funding of grants or loans made through the DCA including any grants or loans provided under the State Community Development Program.
We performed some additional analytics

And this is what we found...
Of the 1,057 entities included in the review...

Comparison of Number of Contracts Reported by Entities

- Did Not Respond: 65
- Reported No Contracts: 308
- Reported 1-10 Contracts: 261
- Reported 11-100 Contracts: 271
- Reported 101-500 Contracts: 121
- Reported More than 500 Contracts: 31
Are we reporting everything we should?

Here are some examples of service-related expenses not reported…
- Legal Services
- Actuarial Services
- Server Support
- Court Reporting Services
- Architects
- Interpreters
- IT Professional Services
What is the takeaway?

Entities are doing a great job submitting their reports

More education is needed to assist entities in understanding the reporting requirements and what expenses are subject to the requirements of O.C.G.A §13-10-91.
Title 13

Compliance Requirements
Two Legal Requirements

- Every public employer must register for and participate in the federal work authorization program to verify new hires are eligible to work in the United States. *(This is for HR Department.)*

- A public employer shall not enter into a contract for the physical performance of services unless the contractor registers for and participates in the federal work authorization program.
What exactly does §13-10-91 mean for the Procurement Professional?

If you want to hire a company or contractor to perform services for your entity, you must verify that the company/contractor only hires persons who are lawfully in the United States and eligible to work in the United States.
Physical Performance of Services

- Defined as…the performance of labor and services using a bidding process or by contract wherein the labor or services exceed $2,499.00.
  - Includes routine operation, repair, and maintenance of existing structures;
  - Includes services needed for normal operations (copier repair services, IT maintenance);
  - Includes services related to non-routine activities of the entity (professional or consulting services)
What are some examples of services?

- Construction and building maintenance projects
- Professional services
- Consulting services
- IT support services
- Maintenance agreements for equipment or vehicles
Documenting Contractor Compliance with Title 13…

- Obtain a notarized affidavit that stipulates…
  - The contractor has registered for and uses the federal work authorization program
  - The contractor will continue to use the program for the duration of the contract

- Affidavit must include…
  - E-Verify number and date of authorization
  - Name of contractor, entity receiving services, and project

- Affidavit must be notarized

Locate affidavit at:
http://www.audits.ga.gov/NALGAD/section_3_affidavits.html
Example of Affidavit
Affidavits

- Obtain affidavit in advance of awarding the bid or in advance of finalizing a contract (purchase order).
- Vendors may submit an electronic form, but it still must be notarized.
- Per records retention requirements, affidavits should be retained for five years.
- If sub-contractors are involved, the contractor must obtain affidavits from their sub-contractors.
- Sub-contractor affidavits must be remitted to the government entity within five days of receipt.
There are exceptions to the E-Verify requirements…

- The following service contracts are not subject to the E-Verify requirements
  - Contracts with individuals licensed pursuant to Title 26 or Title 43 of OCGA or by the State Bar of Georgia who are working under their name alone.
  - Contracts between two public employers.
What if a contractor has no employees?

- Contractors who have no employees are not eligible to obtain an E-Verify Number.
- The E-Verify Affidavit is not required.
- Entities are still required to verify their lawful presence in the U.S.
- Lawful presence can be done through obtaining a Drivers License or State Issued ID.
- Other documents issued by U.S. Government, such as a U.S. Passport, may also be used to verify lawful presence.
Certification of “No Employees” under O.C.G.A. § 13-10-91(b)(5)

By signing this form, the undersigned contractor verifies it has no employees and has no plans to hire employees for the purpose of executing the contract (named below) for the Georgia Department of Audits and Accounts. The contractor agrees to provide the Georgia Department of Audits and Accounts with a copy of a state issued driver’s license or a state issued identification card as proof that he/she is authorized to perform the work related to this contract. Failure to submit this signed statement and/or provide the required license or identification card would prohibit the Georgia Department of Audits and Accounts from acquiring any additional or future services with you or your company.

_________________________________
Name of Contractor

_________________________________
Name of Project/Contract

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _________, ___, 201__ in _____(city), ______(state).

_________________________________
Signature of Authorized Officer or Agent

_________________________________
Printed Name and Title of Authorized Officer or Agent

Example of document used by DOAA for vendors with no employees.

Note: Driver’s License or other official verification is still required.
Requirements for entities if vendor is under Statewide Contract

For statewide contracts, DOAS obtains the E-Verify Number and affidavit.

E-Verify Affidavit is located in TGA (within attachments)

Agencies can use the information obtained by DOAS.

Entities are still required to include statewide contract vendors on their annual report.
Points to Remember…

- A Purchase Order is considered a contract.
- You must obtain a new E-Verify form each time you contract with a vendor.
- Each PO or contract stands alone. Do not aggregate the total expenditures to determine if the cost exceeds $2,499.99.
- The contractor is required to obtain the E-Verify forms from subcontractors. They are required to remit to the entity.
- Err on the side of caution. If you are unsure whether an E-Verify form is required, it is okay to request one.
- If you do business with a foreign company, the company would not have an E-Verify number. You do not need to collect information relating to Title 13. However, if they are entering the U.S., you should verify they are authorized to be here as part of the contract process.
Title 13
Reporting Requirements
Title 13 Reporting Requirements

- Title 13 reporting requirements are outlined in O.C.G.A. §50-36-4 (d) (2) and (3).
- Reports are due no later than December 31st of each year.
- Reporting period is December 1st – November 30th.
- Report should include a listing of every contractor hired during the reporting period for services that meet the definition of “physical performance of services.”
- A separate report must be filed for each agency and each attached agency.
- Every entity must submit a report, even if they have no contracts that meet the definition of “physical performance of services.”
DEPARTMENT OF AUDITS AND ACCOUNTS WAS TASKED (BY LAW) TO MANAGE THE COLLECTION OF THE REPORTS.

DOAA USES A WEB-BASED COLLECTION SYSTEM TO COLLECT INFORMATION.

ACCESS SYSTEM AT:
HTTPS://WWW.AUDITS.GA.GOV/AUTH
What do I include in the report?

Required Information
- Legal name of contractor
- Address of contractor
- Y/N Response on whether contractor is exempt from E-Verify requirements
- E-Verify Number if not exempt
- Date of contract

Optional Information
- Contract number
- Contract amount
Example of File Layout

<table>
<thead>
<tr>
<th>Name of Contractor</th>
<th>Contractor Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
<th>Contractor E-verify #</th>
<th>Exempt</th>
<th>Date of Contract</th>
<th>Contract Number</th>
<th>Contract Amount</th>
</tr>
</thead>
</table>
Tips to facilitate Title 13 Reporting…

- **Plan Ahead**
  - Know what account codes may involve services to be reported.
  - Have a process for identifying vendors at the front-end who may need to complete E-Verify Affidavits.
  - Have a process for gathering and storing affidavits throughout the year.
  - Don’t do this alone. Everyone involved in procurement needs to understand the E-Verify requirements.

- Review completed affidavits to ensure they are complete and E-Verify number meets the criteria.

- Keep a spreadsheet throughout the year to include information that needs to be reported.
  - You can then convert to CSV file and upload data into collection system.
Collection System Points to Remember…

• Must have an account to access collection system
• May access multiple applications within our collection system under an account
• May access multiple entities under an account
• Employees have the account, not the entity
• Multiple employees within an entity may have an account
Need Resources?

Go to… [https://www.audits.ga.gov](https://www.audits.ga.gov)

Then click:
- “Resources” at top of page
- “Other Resources” on right side of page
Information on our Resources Page…

- Guidance on how to access the submission portal and create an account
- Information on how to use the collection applications
- File layout data
- Applicable laws and AG Opinions
- Copies of the contractor affidavits
- Reporting deadlines
- FAQs
- A place to contact us with questions
You can also email us with questions at...

immhelp@audits.ga.gov
Thank You!
State Purchasing

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