

Department of Finance and Administration

Mississippi Management and Reporting System

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TO: State Agency Executive Directors
State Agency Procurement Directors
State Agency Accounting Directors
State Agency Human Resource Directors

FROM: Cille Litchfield, MMRS Administrator

DATE: July 2, 2008

SUBJECT: E-Verify Boilerplate Contract Language in Compliance with
Mississippi Employment Protection Act (MEPA)

The MMRS Steering Committee, composed of the Executive Directors of the Department of Finance and Administration (DFA), the Department of Information Technology Services (ITS), and the State Personnel Board (SPB) approved a directive on May 20, 2008, to engage the assigned Special Assistant Attorneys General at DFA, SPB, and ITS to collectively generate boilerplate language for bids, contracts, and competitive procurements to comply with the Mississippi Employment Protection Act (MEPA) passed in SB2988 during the 2008 Legislative Session.

All contracts entered into on July 2, 2008, and later, and for which DFA, ITS, or SPB have either execution or approval authority, will require the following language in the contract boilerplate. This boilerplate language is also being made available for use by any agency desiring to include it in agency contracts not subject to DFA, ITS, or SPB approval.

Contractor/Seller represents and warrants that it will ensure its compliance with the Mississippi Employment Protection Act (Senate Bill 2988 from the 2008 Regular Legislative Session) and will register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work within the State of Mississippi. As used herein, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor/Seller agrees to maintain records of such compliance and, upon request of the State, to provide a copy of each such verification to the State. Contractor/Seller further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Mississippi. Contractor/Seller understands and agrees that any breach of these warranties may subject Contractor/Seller to the following: (a) termination of this Agreement and ineligibility for any state or public contract in Mississippi for up to three (3) years, with notice of such

cancellation/termination being made public, or (b) the loss of any license, permit, certification or other document granted to Contractor/Seller by an agency, department or governmental entity for the right to do business in Mississippi for up to one (1) year, or (c) both. In the event of such termination/cancellation, Contractor/Seller would also be liable for any additional costs incurred by the State due to contract cancellation or loss of license or permit."

If you have any questions about the contents of this memo, please contact Cille Litchfield at (601) 359-1433 or by email at litchc@dfa.state.ms.us.