

EMPLOYMENT ELIGIBILITY VERIFICATION REQUIREMENTS

Pursuant to the standard data elements for FAR Case 2007-013, the University of New Mexico (“University”) requires its Service Providers to implement and conform to the employment eligibility verification requirements as prescribed under FAR Case 2007-013 applicable to:

- all prime acquisition contracts that have a value greater than the simplified acquisition threshold (\$100,000) and subcontracts for services or for construction that flow from a prime contract including the E-Verify clause that are worth \$3000 or more, except those that:
 - a) Are only for work that will be performed outside the US;
 - b) Are for a period of performance of less than 120 days; or
 - c) Are only for:
 - (1) Commercially available off-the-shelf items (COTS);
 - (2) Items that would be COTS items, but for minor modifications (as defined at paragraph (3 ii) of the definition of, Commercial item, at 2.101;
 - (3) Items that would be COTS items if they were not bulk cargo; or
 - (4) Commercial services that are –
 - (i) Part of the purchase of a COTS item (or an item that would be a COTS item, but for modifications;
 - (ii) Performed by the COTS provider; and
 - (iii) Are normally provided for that COTS item.

- Employee assigned to the contract means an employee who was hired after November 6, 1986, who is directly performing work, in the United States, under a contract that is required to include the clause prescribed in FAR Case 2007--013 An employee is not considered to be directly performing work under a contract if the employee:
 - (1) Normally performs support work, such as indirect or overhead functions; and
 - (2) Does not perform any substantial duties applicable to the contract.

- **Enrollment and Verification Requirements**

If the Contractor is an institution of Higher Education, a State or Local Government or the government of a Federally recognized Indian Tribe; or a surety performing under a takeover agreement entered into with a Federal agency pursuant to a performance bond, the Contractor may choose to verify only employees assigned to the contract, whether existing employees or new hires. The Contractor shall follow the applicable verification requirements at (b1) or (b2), respectively, except that any requirement for verification of new employees applies only to new employees assigned to the contract.

 - (1) If the contractor is not enrolled as a Federal Contractor in the E-Verify program at time of contract award, the Contractor shall:
 - (i) Enroll. Enroll as a Federal Contractor in the E-Verify program within 30 calendar days of contract award;

- (ii) Verify all new employees. Within 90 calendar days of enrollment in the E-Verify program, begin to use E-Verify to initiate verification of employment eligibility of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire (see b3 of this section); and
 - (iii) Verify employees assigned to the contract. For each employee assigned to the contract, initiate verification within 90 calendar days after date of enrollment or within 30 calendar days of the employee's assignment to the contract, whichever date is later (see b4 of this section).
- (2) If the contractor has been enrolled less than 90 calendar days. Within 90 calendar days after enrollment as a Federal Contractor in E-Verify, the Contractor shall initiate verification of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire.
- (3) Web Site. Information on registration for and use of the E-Verify program can be obtained via the internet at the Department of Homeland Security Web site: <http://www.dhs.gov/index.shtm>