

## University of Nebraska – Lincoln

### Neb. Rev. Stat. §§ 4-108 through 4-114 Compliance Procedures for Contracts for Professional Services Awarded, (Including Modifications/Extensions) Executed On/After October 1, 2009

## Introduction

Effective October 1, 2009, the State of Nebraska requires that every contract between a public employer and public contractor shall contain a provision requiring the public contractor and its subcontractors to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. In addition, any contracts with an individual person (as opposed to corporations, limited partnerships, and other kinds of business entities) will require UNL to secure an attestation (in a format prescribed by the State Department of Administrative Services (DAS)) that the individual is a U.S. citizen or a qualified alien. If the individual attests that he or she is a qualified alien, DAS requires verification through the U.S. Department of Homeland Security Systematic Alien Verification for Entitlements Program (SAVE), or an equivalent Homeland Security program, that the applicant is eligible to receive the benefit. A copy of the legislation can be found at:

<http://nebraskalegislature.gov/laws/browse-chapters.php?chapter=04>

The Nebraska law covers payments for all services , **except honorariums and speakers**, that are physically performed in the State of Nebraska. Examples include:

- Architects, Engineers, Contractors, Maintenance Services
- Artist Performances
- Attorneys
- Caterers
- Consultants
- Laboratory and Other Testing Services
- Writers

UNL has established procedures for services contracts and invoices to require compliance with the citizenship verification requirements of Nebraska law as follows:

1. Request for Proposals (RFPs) and Request for Qualifications (RFQs)
2. Contracts for Services with Companies/Firms
3. Contracts with Sole Proprietors requires attestation
4. Invoices for Services with No Written Contract

## **Professional Services Request for Proposals (RFPs) and Request for Qualifications (RFQs) for Services**

Insert the following section into the Terms and Conditions section of every RFP and RFQ for services to be physically performed in the State of Nebraska for UNL:

*The successful bidder, on behalf of itself and any subcontractor to the Contract, agrees that it shall use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska pursuant to Neb. Rev. Stat. ' '4-108 to 4-114 as amended.*

### **Professional Services Contracts with Companies/Firms (Includes Modifications/ Extensions to Previous Contracts)**

1. Each professional services contract for services to be physically performed in the State of Nebraska by a company/firm must include (either directly in the contract or by incorporation) the following contract language:

*Company and its subcontractors shall use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska pursuant to Neb. Rev. Stat. ' '4-108 to 4-114 as amended.*

2. The professional services contract is forwarded to the Purchasing Office for signature.

### **Professional Services Contracts with Sole Proprietors or Individuals (Includes Modifications/Extensions to Existing Contracts)**

1. An original attestation form (Exhibit A) must be attached to and incorporated into every contract and contract modification/extension.
2. The contract is forwarded to the Purchasing Office. If the attestation indicates that the contractor is a qualified alien, then Purchasing will verify through the SAVE program, , prior to any contract approval or signature.
3. No professional services contract will be executed by Purchasing without an attestation form and a SAVE confirmation, if required.

### **Invoices for Personnel Services with No Written Contract**

1. An original attestation form (Exhibit A) must be attached to every invoice.
2. The invoice is forwarded to the Accounting Office. If the attestation indicates that the contractor is a qualified alien, then Accounting will verify through the SAVE program, prior to any payment.

3. No payment will be made to the individual without an attestation form and a SAVE confirmation, if required.

### ***Required Report to Governor and Clerk of Legislature***

Prior to January 15 of each year, UNL will submit to a designated University official the number of such sole proprietor contracts and the number of such contracts rejected due to the Contractor's illegal presence in the U.S. in the format designated by the University. The University is required to submit an annual report to the Governor and Clerk of the Legislature by January 31 for the prior calendar year's activities.

Date \_\_\_\_\_  
Campus Department \_\_\_\_\_  
Campus Address \_\_\_\_\_  
Dept Contact \_\_\_\_\_  
Email Address \_\_\_\_\_  
Campus Phone \_\_\_\_\_

Sole Provider  
Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_

**United States Citizenship Attestation Form**

**For the purpose of complying with Neb. Rev. Stat. §§ 4-108 through 4-114, I attest as follows:**

- I am a citizen of the United States.
- I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows:  
\_\_\_\_\_, and I agree to provide a copy of my USCIS documentation upon request.

**I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete, and accurate and I understand that this information may be used to verify my lawful presence in the United State**

**Print Name** \_\_\_\_\_  
(first, middle, last)  
**Signature** \_\_\_\_\_  
**Date** \_\_\_\_\_