

**Public Contracts for Services
Guide for Contractor Participation in the
E-Verify Program OR the Department Program**
§ 8-17.5-101 & 102, C.R.S.

I. Statutory Authority and Background

Effective May 13, 2008, contractors who enter into or renew a public contract for services with Colorado state agencies or political subdivisions must participate in *either* the federal E-Verify program, OR the Colorado Department of Labor and Employment Program (“Department Program”). The option to enroll in the Department Program instead of E-Verify was created by Colorado State Senate Bill 08-193, which amended the Public Contracts for Services and Illegal Aliens Law, § 8-17.5-101 and 102, C.R.S.

Important note: bidders who are not awarded the contract, and subcontractors who are not the primary contractor on the contract, do not need to enroll in either program. Such bidders and subcontractors are ineligible for enrollment and participation in the Colorado Department Program described below.

II. Public Contracts for Services Program Choices

Contractors covered by the law shall participate in either:

1. **The Federal E-Verify Program.** (If you select this option, you do not need to perform the steps listed in Section III below.) For more information on E-Verify, see: www.uscis.gov and <http://www.uscis.gov/USCIS/Resources/E4en.pdf> (M-655)

OR

2. **The Department Program** (described below).

III. Department Program Requirements

Contractors who choose to participate in the Department Program (instead of using E-Verify) shall take the following steps:

1. **Notice Form.** The Contractor shall complete the “Notice of Participation in the Department Program for Public Contracts for Services” (“Notice Form”) located at either of these websites:
 - Division of Labor: www.colorado.gov/cdle/pcs
 - State Controller’s Office:
http://www.colorado.gov/dpa/dfp/sco/contracts/Unauthorized_Immigrants.htm

2. **Distribution of Notice Form.** Retain the original Notice Form. You must distribute copies as follows:

a. One copy sent to the Division of Labor by mail or in-person:

Colorado Division of Labor
633 17th Street, Suite 200
Denver, Colorado 80202-3611

b. One copy sent with the contract to the contracting state agency(s) or political subdivision(s).

The contractor and the state agency(s) or political subdivision(s) shall retain the Notice Form for the term of the contract.

3. **Contractor Affirmation.** Complete a “Contractor Affirmation for the Department Program” (“Contractor Affirmation”) within 20 days after hiring each employee who is newly hired to perform work under the public contract for services. The individual signing the Contractor Affirmation shall have signature authority for the contractor. An example of an acceptable Contractor Affirmation is located at either of these two websites:

- Division of Labor: www.colorado.gov/cdle/pcs
- State Controller’s Office:
http://www.colorado.gov/dpa/dfp/sco/contracts/Unauthorized_Immigrants.htm

Retain the original notarized Contractor Affirmation and send a copy to the state agency(s) or political subdivision(s) listed in the contract. The contractor shall retain the affirmation for the term of employment of the new employee.

4. **Copies of identity and employment authorization documents.** The contractor shall retain copies of the identity and employment authorization documents for each employee who is newly hired to perform work under the public contract for services. These are the documents required by 8 U.S.C. Sec 1324a to complete the federal I-9 Form:

Federal I-9 Form with instructions: www.uscis.gov/files/form/i-9.pdf

Retain these copies of the identity and employment authorization documents for the term of employment of the new employee.

5. **Audits.** A contractor shall consent to Department audits to assess compliance with the law. The Department may conduct random audits of contracting state agencies or political subdivisions to review materials required for submission by the contractor, and of contractors to review their documents.

6. **Retention Requirements.**

The contractor and state agency(s) or political subdivision(s) shall retain the Notice Form for the term of the contract. The contractor shall retain the Contractor Affirmation and copies of the I-9 identity and employment authorization documents for the term of employment of each new employee.