



COUNTY COMMISSION

BALDWIN COUNTY
FINANCE/ACCOUNTING DEPARTMENT
312 COURTHOUSE SQUARE
SUITE 11
BAY MINETTE, ALABAMA 36507

Telephone
(251) 937-0282
Finance/Accounting Fax
(251) 239-4309
Accounts Payable Fax
(251) 580-2514

To: VENDORS, CONTRACTORS AND GRANTEES
From: Kimberly W. Creech, Clerk Treasurer
Date: March 1, 2012
Re: H.B. 56-Alabama Immigration Law Compliance

Baldwin County Commission (the County) is required to comply with the provisions of the new Alabama Immigration Law (the Act). Compliance requirements for County in Alabama became effective January 1, 2012. The requirements flow down to all contractors, vendors, and grantees doing business with the County and employing one or more employees in Alabama. If you wish to become a new vendor of the County or if you wish to continue to do business with the County or receive funds from the County, you must complete and submit the following:

If your organization/entity does NOT employ one or more employees in the State of Alabama, you must submit the following:

1. Submit an updated W-9 Form (form attached).
2. Affidavit of Immigration Law Compliance (complete **Part I** - copy attached).

If your organization/entity DOES employ one or more employees in the State of Alabama, you must submit the following:

1. Submit an updated W-9 Form (form attached).
2. Affidavit of Immigration Law Compliance (complete **Part II**, sign and have notarized) (copy attached).
3. Submit to the County an E-Verify Memorandum of Understanding. If required to comply, you must go to the following web site to enroll in E-Verify which is a federal program that verifies the employment eligibility of all newly hired employees. <http://www.uscis.gov/portal/site/uscis>. Go to the E-Verify Home Page to initiate enrollment. Once you go through the steps to enroll, the program will print the requested *E-Verify Memorandum of Understanding*. This is the document, a copy of which you must submit along with the Affidavit attached to this memo.
4. Execute and submit to the County the attached Alabama Immigration Law Compliance Law Contract in the attached "Notice" form provided.

If you have subcontractors, provide your subcontractors notice of their compliance obligations and OBTAIN from each a notarized *Affidavit of Immigration Law Compliance- SUBCONTRACTOR*. (SAMPLE COPY ATTACHED). You may provide copies of this memo to your subcontractors as an explanation of this mandatory requirement. You are not required to submit the subcontractor affidavits; just maintain on file. A customizable version of this Affidavit is also available <http://www.uscis>.

These requirements imposed by the new Law are a condition for doing business with the County and receiving any funds from the County. Maintain ALL documents for audit purposes.

If you do NOT employ one or more employees in the State of Alabama, submit an updated W-9 and complete Part I of the attached Affidavit. If you DO employ one or more employees in the State of Alabama, please submit the four documents identified. Please submit the requested documentation to the County address below.

Baldwin County Commission
Attn: Finance & Accounting
312 Courthouse Square, Ste 11
Bay Minette, AL 36507

We regret any inconvenience or burden that these new requirements place on you and your business or organization. If you wish to do business with the County, you must comply and submit the requested documents. If we can assist in any way, please contact us at 251-937-0282.

Thank you for your patience and cooperation regarding this matter.

AFFIDAVIT OF ALABAMA IMMIGRATION COMPLIANCE

In compliance with Sections 31-13-9 (a) and (b) of the Alabama Code, this Affidavit of Alabama Immigration Compliance must be completed and signed by an officer or owner of a contractor or grantee and notarized, as a condition for the award of any contract by **Baldwin County Commission** ("the County") to an employer that employs one or more employees in the State of Alabama and is a recipient of funds from the State of Alabama, or funds from any political subdivision of the State of Alabama, or any public funded entity. Please complete Part I (if you do NOT employ one or more employees in the State of Alabama) or Part II (if you DO employ one or more employees in the State of Alabama). **The Part II Affidavit must be notarized.**

PART I – (Complete if you do NOT employ one or more employees in Alabama)

State of _____:
County of _____:

I certify in my capacity as _____ (your position) for _____ (name of contractor or grantee) that Contractor or Grantee does not employ one or more employees in the State of Alabama. I further certify that should my status change and I am required to comply that I will submit all required documents to the County. I have read this Affidavit and swear and affirm that it is true and correct.

Signature of Affiant

PART II – (Complete if you DO employ one or more employees in Alabama)

State of _____:
County of _____:

Before me, a notary public, personally appeared _____ (print name) who, is duly authorized by the business entity/employer which appears below, being sworn, says as follows:

As a condition for being a contractor or grantee on a project paid for by contract, grant, or incentive by the State of Alabama, or any political subdivision thereof, or any state-funded entity, I hereby attest that in my capacity as _____ (your position) for _____ (name of contractor or grantee), said Contractor or Grantee does not knowingly employ, hire for employment, or continue to employ an unauthorized alien. Further, Contractor or Grantee affirms that it is providing notice to its subcontractors of their Alabama Immigration Compliance obligations. I further attest that said Contractor or Grantee is enrolled in the E-Verify program and attached to this Affidavit is our E-Verify Memorandum of Understanding confirming such program enrollment. I have read this Affidavit and swear and affirm that it is true and correct.

Signature of Affiant

Sworn to and subscribed before me this ____ day of _____, 2____.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

Signature and Seal of Notary Public

Please execute and return to the **Baldwin County Commission**.



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Notice of Alabama Immigration Law Compliance Requirements to all Contractors of the BALDWIN COUNTY COMMISSION

As a Contractor, as defined in the Act, to the BALDWIN COUNTY COMMISSION ("County"), it is critical to your relationship (future or continuing) with the County that you comply with the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. Accordingly, please provide your Affidavit of Immigration Compliance with attached E-Verify Memorandum of Understanding, as requested in the attached memorandum. If you do not believe these obligations apply to you, please notify the County immediately.

Every contract entered into by the County from this point forward with a contractor will contain the following clause or one substantially similar:

Alabama Immigration Law Compliance Contract: Contractor agrees that it will fully comply with the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, which makes it unlawful for an employer in Alabama to *knowingly* hire or continue to employ an alien who is or has become unauthorized with respect to such employment or to fail to comply with the I-9 requirements or fails to use E-Verify to verify the eligibility to legally work in the United States for all of its new hires who are employed to work in the State of Alabama. Without limiting the foregoing, Contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien, and shall have an officer or other managerial employee who is personally familiar with the Contractor's hiring practices to execute an affidavit to this effect on the form supplied by the County and return the same to the County. Contractor shall also enroll in the E-Verify Program prior to performing any work, or continuing to perform any ongoing work, and shall remain enrolled throughout the entire course of its performance hereunder, and shall attach to its affidavit the E-Verify Program for Employment Verification and Memorandum of Understanding and such other documentation as the County may require to confirm Contractor's enrollment in the E-Verify Program. Contractor agrees not to knowingly allow any of its subcontractors, or any other party with whom it has a contract, to employ in the State of Alabama any illegal or undocumented aliens to perform any work in connection with the Project, and shall include in all of its contracts a provision substantially similar to this paragraph. If Contractor receives *actual knowledge* of the unauthorized status of one of its employees in the State of Alabama, it will remove that employee from the project, jobsite or premises of the County on and shall comply with the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. Contractor shall require each of its subcontractors, or other parties with whom it has a contract, to act in a similar fashion. If Contractor violates any term of this provision, this Agreement will be subject to immediate termination by the County. To the fullest extent permitted by

law, Contractor shall defend, indemnify and hold harmless the County from any and all losses, consequential damages, expenses (including, but not limited to, attorneys' fees), claims, suits, liabilities, fines, penalties, and any other costs arising out of or in any way related to Contractor's failure to fulfill its obligations contained in this paragraph.

To the extent that there is no formal written contract between the County and the Contractor, such as where business is conducted by purchase order, this document shall serve as the Alabama Immigration Compliance Contract.

Alabama Immigration Law Compliance Contract Notice Acknowledged and Agreed by Contractor whose name appears below:

Contractor Officer or Owner Signature/Date

Print Name/Title/Company

Please execute and return to **Baldwin County Commission**.

(This is only to be completed for any SUBCONTRACTORS and maintained on file, NOT REQUIRED TO BE SUBMITTED!)

**AFFIDAVIT OF ALABAMA IMMIGRATION COMPLIANCE BY A
POLITICAL SUBDIVISION OF THE STATE OF ALABAMA**

In compliance with SECTIONS 9 (a) and (b) BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (the "Act"); CODE OF ALABAMA, SECTIONS 31-13-9 (a) and (b), this Affidavit of Alabama Immigration Compliance is to be completed and signed by an officer or owner of a subcontractor and notarized, as a condition for the award of any contract by Baldwin County Commission ("the County") or by the State of Alabama to a Contractor that employs one or more employees in the State of Alabama and is a recipient of funds from the State of Alabama or funds from any political subdivision of the State of Alabama, or any public funded entity. Subcontractors are to provide notice to their Subcontractors of their Alabama Immigration Compliance obligations.

State of Alabama:
County of _____:

Before me, a notary public, personally appeared _____ (print name) who, is duly authorized by the business entity/employer which appears below, being sworn, says as follows:

As a condition for being a subcontractor to a contractor or grantee on a project paid for by contract, grant, or incentive by the State of Alabama, or any political subdivision thereof, or any state-funded entity, I hereby attest that in my capacity as _____ (your position) for _____ (name of subcontractor), said subcontractor does not knowingly employ, hire for employment, or continue to employ an unauthorized alien. Further, subcontractor affirms that it is providing notice to its subcontractors of their Alabama Immigration Compliance obligations.

I further attest that said subcontractor is enrolled in the E-Verify program and attached to this Affidavit is our E-Verify Memorandum of Understanding confirming such program enrollment. Further, as a direct subcontractor, for those current employees for whom the E-Verify system may not be used in accordance with applicable federal rules and regulations, subcontractor has reviewed, or had reviewed, the Form I-9s for each of its current employees and has a good faith belief that it has complied with ALA. CODE § 31-13-9(c) and (d).

I have read this Affidavit and swear and affirm that it is true and correct.

Signature of Affiant

Sworn to and subscribed before me this ____ day of _____, 2____.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

Signature and Seal of Notary Public

To be returned to the Contractor or Grantee of Baldwin County Commission. (NOT REQUIRED TO BE SUBMITTED TO THE COUNTY!)

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your Income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number								

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number								

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶		Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.



NEW VENDOR INFORMATION FORM

IN ORDER FOR THE BALDWIN COUNTY COMMISSION TO SET YOUR COMPANY UP IN OUR DATABASE AS A VENDOR, PLEASE COMPLETE THE FOLLOWING INFORMATION AS WELL AS THE ATTACHED W-9 FORM AND FAX TO THE PURCHASING DEPARTMENT AT (251) 937-0288.

COMPANY NAME _____

MAILING ADDRESS FOR PURCHASE ORDERS

_____ COUNTY _____

REMITTANCE ADDRESS FOR PAYMENT

_____ COUNTY _____

PHONE NUMBER _____

FAX NUMBER _____

CONTACT NAME/SALES REPRESENTATIVE

EMAIL ADDRESS: _____

COMMENTS _____

THANK YOU

BALDWIN COUNTY COMMISSION/PURCHASING DEPARTMENT
312 COURTHOUSE SQUARE, STE #15 (MAILING)
257 HAND AVENUE (PHYSICAL)
BAY MINETTE, AL 36507
WANDA F. GAUTNEY/PURCHASING OFFICER