



CLARK COUNTY
STAFF REPORT

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DEPARTMENT/DIVISION: General Services

DATE: October 26, 2010

REQUEST: That the Board of Commissioners (BOCC) approve the attached amendment to Board of County Commissioners Resolution 2009-09-01. The amended language directs the General Services Department to implement purchasing policies and procedures to ensure that all county contracts awarded using formal competitive procedures are awarded to vendors which are in compliance with federal employment verification laws.

CHECK ONE: XXX Consent _____ County Administrator

BACKGROUND: On September 1, 2009 the BOCC passed Resolution 2009-09-01 (subsequently amended on October 1, 2009) in response to economic conditions prevailing at the time. Clark County had an unemployment rate approaching 14 percent. One of the worst rates in Washington. This created economic hardship for local governments, private businesses, and individual citizens. This circumstance, our responsibility to ensure that tax dollars are spent appropriately, and requirements imposed on employers by the federal Immigration Reform and Control Act of 1986 moved the county to use its role as purchaser of goods and services to ensure that employers who receive contracts funded by county tax dollars comply with federal immigration laws. General Services developed a policy requiring contractors awarded contracts in excess of one million dollars to comply with federal employment verification laws.

At the time that policy was implemented employers could verify existing employees and new hires. In 2010 a federal policy changed so that non-federal contractors could only verify new hires. This policy change rendered our policy obsolete and ineffective. During a September 29, 2010 annual E-Verify report work session with the BOCC we were directed to revise the policy to include all contracts awarded using formal competitive processes. In addition, all bidders and proposers were to demonstrate at the time of application that they had a current Memorandum of Agreement with the Department of Homeland Security or had an application pending.

COMMUNITY OUTREACH: A public meeting to discuss these changes was held on October 19, 2010 and a public hearing on this resolution has been scheduled for Tuesday, October 26, 2010. The required public notice of hearing was published, as required.

BUDGET AND POLICY IMPLICATIONS: This resolution, if approved, amends existing county policy. Resources necessary to implement the resolution are budgeted for in the 2009-2010 county budget.

FISCAL IMPACTS: Yes No

ACTION REQUESTED That the Board of Commissioners (BOCC) approve the attached amendment to Board of County Commissioners Resolution 2009-09-01. The amended language directs the General Services Department to implement purchasing policies and procedures to ensure that all county contracts awarded using formal competitive procedures are awarded to vendors which are in compliance with federal employment verification laws.

DISTRIBUTION: General Services file, Mark McCauley, Mike Westerman


Mark McCauley
Director, General Services

APPROVED: October 26, 2010
CLARK COUNTY, WASHINGTON
Board of County Commissioners
SR 228-10

MM/mm



RESOLUTION NO. 2009-09-01a (amended)

WHEREAS, Clark County has a responsibility to its taxpayers to ensure that public funds are being spent appropriately; and

WHEREAS, Federal Executive Order 13465 requires, as a condition of federal contracts, that the contractor agree to use an electronic employment eligibility verification system designed by the Secretary of Homeland Security to verify the employment of: (i) all persons hired during the contract term by the contractor to perform employment duties within the United States; and (ii) all persons assigned by the contractor to perform work within the United States on the federal contract; and

WHEREAS, the Federal Acquisition Regulation was amended to require federal contractors to use E-verify (the system designated to implement said executive order); and

WHEREAS, Clark County as a purchaser of goods and services should ensure that the employers that receive contracts funded by county tax dollars are in alignment with federal regulation; and

WHEREAS, Clark County is fiscally responsible and E-verify is free, voluntary and has been identified as "one of the best means available" for determining employment eligibility and validity of new hires social security numbers.

NOW, THEREFORE, be it resolved as follows:

1. The General Services Department shall implement purchasing policies to ensure that county contracts to be awarded by formal competitive procedures are awarded to vendors which are in compliance with the federal employment laws including:
 - a) Requiring certification from contractors as of the date bids or proposals for county contracts are submitted, the contractor has implemented or is in the process of implementing the E-Verify program for all newly hired employees who will perform work on behalf of the contractor. Subcontractors, as of the date services on behalf of Clark County will be performed, must certify they have implemented or are implementing the E-Verify program for all newly hired employees who will perform work on behalf of the contractor.
 - b) Developing contract language and policies that allows the county to debar the vendor from entering into contracts with the county if the General Services Director determines that the vendor or subcontractor, within the control of the contract vendor, has knowingly employed ineligible workers.

2. Develop policies and procedures to ensure that contracting departments will comply with these policies.
3. Develop a system that will track compliance and shall provide an annual report to the Board of County Commissioners.

ADOPTED this 26th day of October, 2010.

BOARD OF COUNTY
COMMISSIONERS
FOR CLARK COUNTY

Attest:

Jeanne Richard
Clerk of the Board
Approved as to form only

ARTHUR D. CURTIS
Prosecuting Attorney

By: *Arthur D. Curtis*
Deputy Prosecuting Attorney

By: *Steve Stuart*
Steve Stuart, Chair

By: _____
Tom Mielke, Commissioner

By: _____
Marc Boldt, Commissioner