

SPECIAL CONDITION

Illegal Aliens.

1. Contractor shall not:
 - a) Knowingly employ or contract with an illegal alien to perform work under this Contract or
 - b) Enter into a contract with a subcontractor that fails to certify to the contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.
2. Contractor has verified or attempted to verify through participation in the Basic Pilot Program (created in Public Law 208, 104th Congress, As Amended, and expanded in Public Law 156, 108th Congress, As Amended, that is administered by the United States Department of Homeland Security) that Contractor does not employ any illegal aliens and, if Contractor is not accepted into the Basic Pilot Program prior to entering into this Contract, Contractor shall apply to participate in the Basic Pilot Program every three months until the Contractor is accepted or this Contract has been completed, whichever is earlier.
3. Contractor shall not use the Basic Pilot Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.
4. Contractor, if it obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, shall be required to:
 - a) Notify the subcontractor and SEMSWA WAE within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien and
 - b) Terminate the subcontract with the subcontractor if within three days of receiving the notice required in Paragraph 4.a. the subcontractor does not stop employing or contracting with the illegal alien. Except the Contractor shall not terminate the contract with the subcontractor, if during such three days, the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
5. Contractor shall comply with any reasonable request by the Department of Labor and Employment (Department) made in the course of an investigation that the Department is undertaking pursuant to 8-17.5-102 (5) C.R.S.
6. SEMSWA WAE may terminate this Contract for a breach of contract if Contractor does not fully and completely comply with these Special Conditions. If this Contract is so terminated, the Contractor shall be liable for actual and consequential damages to SEMSWA WAE.

CERTIFICATION BY CONTRACTOR
EMPLOYMENT OF ILLEGAL ALLIENS

_____, Contractor hereby certifies to SEMSWA WAE that, as of the date of execution of this Certification, it does not knowingly employ or contract with an illegal alien and that the Contractor has participated or attempted to participate in the Basic Pilot Program (created in Public Law 208, 104th Congress, As Amended, and expanded in Public Law 156, 108th Congress, As Amended, that is administered by the United States Department of Homeland Security) in order to verify that it does not employ illegal aliens.

Dated: _____

_____, Contractor

By _____

Title: _____

Certification to be executed and provided to SEMSWA WAE prior to execution of a contract with Contractor.