



STATE OF ALABAMA
BUILDING COMMISSION

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Robert Bentley
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TO: ARCHITECTS AND ENGINEERS

FROM: KATHERINE LYNN, DIRECTOR
ALABAMA BUILDING COMMISSION
Katherine Lynn

SUBJECT: ADDITIONAL GUIDANCE ON ACT 2011-535 – ALABAMA IMMIGRATION LAW

The Alabama Immigration Law (also referred to as “H.B. 56” or the “Beason-Hammon Alabama Taxpayer and Citizen Protection Act”) imposes conditions on the award of State contracts. Those requirements are effective January 1, 2012 for any contract receiving state funds. Architects and engineers are advised to review and adhere to the guidelines as appropriate for their project type. The guidance for each department can be found on the following websites:

1. **Contracts for the State Department of Education (K-12 School Systems):** Information is posted under “Guidance for Compliance with E-Verify” on the Alabama State Department of Education’s website at <http://www.alsde.edu/home/Communications/E-VerifyInformation.aspx>.
2. **Contracts for the Alabama Community College System:** Memorandum #2011-LGL-125 addresses Compliance with Alabama Immigration Law. A copy of the memorandum is posted on the Department of Postsecondary Education’s website at <http://www.accs.cc/Downloads/Memos/Memorandum-2011-LGL-125--12-29-11.pdf>.
3. **Contracts for State Agencies:** The memorandum, “IMPORTANT ACTION REQUIRED-ALABAMA IMMIGRATION LAW - Compliance Guidelines for Sections 9(a) and 9(b) of Act 2011-535, Affecting Payments on Contracts, Grants and Incentives Awarded January 1, 2012, And Thereafter”, is posted on the State Comptroller’s website at <http://comptroller.alabama.gov/pdfs/Memos/2012-01-06%20Alabama%20Immigration%20Law.pdf>.

In general, any contract awarded after January 1, 2012 must include the contractor’s affidavit of compliance with the Act and the E-Verify Memorandum of Understanding. The appropriate forms should be included in the bid package and the completed forms should be attached to the construction contracts. The appropriate forms are also required to be attached to the Agreement Between Owner and Architect. Architects (or engineers serving as the prime design consultant)

and general contractors are required to obtain the information from their consultants or subcontractors but should not submit the information with their contracts.

To aid in compliance with Act 2011-535, any contract received at the Building Commission after January 1, 2012 that does not include the appropriate affidavit and E-Verify Memorandum of Understanding will be returned.

The guidance for each department includes their points of contact for questions or you may contact me at (334) 242-4082.

Cc: Perry Taylor, State School Architect
Dr. Freida Hill, Chancellor of Postsecondary Education
Ms. Lynne Thrower, General Counsel/Vice Chancellor, Legal and Human Resources
Mr. Thomas White, Jr., State Comptroller
Ms. Pamela Harris, State Comptroller's Office