

**REQUEST FOR PROPOSALS
FOR
UNCLAIMED PROPERTY IDENTIFICATION AND COLLECTION SERVICES**

OFFICE OF ALABAMA STATE TREASURER YOUNG BOOZER

**ISSUE DATE: September 27, 2017
SUBMISSION DEADLINE DATE: October 20, 2017**

***BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT
COMPLIANCE***

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act (§§31-13-1 et seq, Code of Alabama, 1975 as amended by Act 2012-491) regulates illegal immigration in the State of Alabama. All contracts with the State or a political subdivision thereof must comply with that law.

For the purposes of this RFP and any responding Proposal, the following sections of that law impose specific requirements: Section 9 (a) of the Act provides “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees, the business entity or employer shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.”

Section 9(b) of the Act requires “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees within the State of Alabama, the business entity or employer shall provide documentation establishing that the business entity or employer is enrolled in the E-Verify program.”

As provided in the Act a “**business entity**” is *any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit* and an “**employer**” is defined as *any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.*

A Proposal must include a statement that the Proposer has knowledge of this law and is in compliance. Before a contract is signed, the Contractor awarded the contract must submit a Certificate of Compliance using the form at Exhibit D to this RFP and, unless exempt because it has no employees in the State of Alabama, a complete copy of the Memorandum of Understanding issued by the United State Department of Homeland Security upon enrollment in the E-Verify Program. E-Verify enrollment can be accomplished at the website of the United States Department of Homeland Security at <http://www.uscis.gov>.

See Section 8 for additional language required by Section 9(k) of the Act to be included in the contract.
Rev.5-14-13

1. Overview

State Treasurer Young Boozer (hereinafter “Treasurer”) solicits proposals from qualified professional firms interested in providing unclaimed property audit/examination services (hereinafter “Firm”) to the Unclaimed Property Program.

This Request for Proposals (hereinafter “RFP”) is issued in accordance with the requirements of Section 41-16-72(4), Code of Alabama (1975). This RFP is not an offer to contract but seeks the submission of proposals from interested firms that may form the basis for negotiation of an audit services contract.

The Treasurer will consider information provided in the proposal, information gathered during interviews and or presentations (if any), knowledge of any previous contract history with the Firm (if any), professional references and any other reliable resources available to evaluate the Firm’s experience and expertise. Issuance of this RFP does not commit the Treasurer to issue an award or to pay any expenses incurred by the Firm in the preparation and/or submission of a response to this RFP. *The Treasurer reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interests of the State of Alabama.*

2. Background

The Treasurer administers the Unclaimed Property Program in accordance with Section 35-12-70 through 35-12-96, Code of Alabama (1975). The mission of the program is to receive, manage, and reunite abandoned property with legal owners or their heirs in accordance with the law. Unclaimed assets may consist of cash, safe deposit box contents, stocks, bonds, or mutual funds. The Treasurer serves as custodian of these assets until they are returned to the rightful owner(s). Currently, the Alabama unclaimed property database consists of approximately 6 million owner records representing over \$700 million in assets.

In an effort to heighten awareness and to ensure legal compliance, the Treasurer utilizes authorized measures of informing, educating, and instructing all business entities (hereinafter “Holders”) of their legal responsibilities in filing and remitting reportable unclaimed property. The Treasurer has determined that the identification, processing and delivery of unclaimed property are more cost effective by the utilization of one or more firms and through collaboration with other states. The collaboration will enable the Treasurer to conduct broad searches for unreported assets in a manner that conserves resources by identifying holders of property that are of common interest to the states, and by coordinating reporting and collection efforts.

Additional information about the Unclaimed Property Program is available on the Treasurer’s website www.treasury.alabama.gov.

3. Scope of Services

The selected Firm is expected to provide unclaimed property identification, examination, processing, collection, reporting and delivery services through compliance audits/examinations of the Holders which are in possession of unclaimed property subject to reporting and delivery in accordance with Alabama’s Unclaimed Property Act. (See Exhibit B).

4. Fees

Complete Exhibit C detailing the fees charged for the services detailed in Exhibit B. It is expected that the successful proposal(s) will result in a contract to provide these services for two years, with an option to extend for one additional three-year term.

The Treasurer is cognizant that the work conducted by unclaimed property audit firms varies in degree of complexity and detail. The Alabama Unclaimed Property Program receives filings and reports from audit firms which range from detailed audits and examinations to a more general examination of files, which focuses on routine processing and “scrubbing” of the data files and records of Holders. Therefore, the Treasurer expects vendors to provide consideration and detail in itemizing cost of services under in Exhibit C which accurately aligns an audit, examination, and/or records processing with an appropriate fee structure.

For all services described in Exhibit B, the Firm shall be compensated based on a fixed percentage of the value of the “net unclaimed property” paid or delivered to the Treasurer. This fixed percentage of the value of the “net unclaimed property” will include all services necessary to perform the audit/examination services. Compensation will be based on the Firm’s ability to perform duties within the legal guidelines of the Alabama Unclaimed Property Laws and as directed by the Treasurer. In addition, compensation will be subject to the Firm’s delivery of each Holder’s final report and associated property. The Treasurer reserves the right to apply or waive interest and penalties and/or to use litigation or enforcement measures as a means of gaining legal compliance by the Holder.

The value of the net unclaimed property shall mean the cash value of the property. If securities, then (1) if traded on an exchange, the closing price of the security within five business days of the date the property is received by the Treasurer or registered to the Treasurer; or (2) if traded over-the-counter, the bid price within five business days of the date the security is received by the Treasurer or registered to the Treasurer. Worthless, delisted, or otherwise unmarketable securities with no determinable value shall not be paid a fee.

The Firm shall not charge the Treasurer any fee for filing a holder report, remitting property, or reporting property in which the Firm receives a fee from the holder for reviewing or computing the unclaimed property liability, or similar services. The Firm will only be compensated if the property qualifying as unclaimed property is identified, collected, reported and filed by or through the Firm. In addition, the Firm will not be paid a fee for the value of any unclaimed property which otherwise would have been delivered by the Holder.

The Firm shall waive its fees if the total gross property value of any single report/delivery is less than one thousand dollars (\$1,000).

5. Minimum Qualifications

In order to be considered for selection, Exhibit D must be included in the response as documented proof that the following minimum qualifications listed below are met. The firm has a continuing obligation to disclose information throughout the RFP process should any qualifications or situations change that might render the firm as an unqualified candidate.

- A. The Firm will register to transact business in Alabama in accordance with Code of Alabama, §10A-1-7.01, et al, if applicable. For more information, visit the Secretary of State website at www.sos.state.al.us and click Corporations.
- B. The Firm has provided similar audit/examination services for at least five (5) years.

- C. The Firm and its personnel has all authorizations, permits, licenses, and certifications as may be required under federal, state or local law to perform the services specified in this RFP.
- D. The Firm carries, or will carry, errors and omissions insurance or a comparable instrument to cover the firm's negligent acts or omissions.
- E. The Firm maintains sufficient procedures and redundancy capabilities to assure continued processing in an emergency.
- F. The Firm has a company policy and practice of equal employment opportunity and non-discrimination based on race, creed or gender.
- G. Company will comply with The Beason-Hammon Alabama Taxpayer and Citizen Protection Act.

6. Proposal Required Information

Proposals should be as thorough and detailed as possible so that your capabilities to provide the required services can be properly evaluated.

To be considered, responses to this RFP must include:

- A. **Cover page**
- B. **Exhibit A**, Company Background
- C. **Exhibit B**, Scope of Services
- D. **Exhibit C**, Statement of Fees
- E. **Exhibit D**, Minimum Qualifications
- F. **Exhibit E**, Certificate of Compliance

All proposals submitted in response to this RFP must include one original and completed Disclosure Statement as required by Section 41-60-80, et seq., Code of Alabama (1975). Copies of the Disclosure Statement, and information, may be downloaded from the Alabama Attorney General's website at www.ago.state.al.us/ag_items.cfm.

7. Submission of Proposals

Issuing Office: Office of State Treasurer Young Boozer
Alabama State Capitol
600 Dexter Avenue, Suite 106
Montgomery, Alabama 36104

Submission Deadline: It is the responsibility of the Firm to ensure that the proposal is timely delivered and received in the Treasurer's Office on or before 4:00 p.m. CDT on October 20, 2017.

Provide an original proposal response plus three additional copies to facilitate our response evaluation process. Email an electronic copy of the response to alatreas@treasury.alabama.gov for retention purposes. If your response includes confidential trade secrets or proprietary information, also send an electronic version with those sections redacted in the event a public information request for your response is received (see Section 11 for additional information). The response may be emailed by the submission deadline with the paper documents delivered within two business days.

It is the responsibility of the Firm to ensure that the proposal is timely delivered and received on or before the deadline for responding to this RFP. The Treasurer will not consider proposals received after the date and time specified herein. The Treasurer assumes no responsibility for

late delivery by the U.S. Mail, the State's Central Mail Facility, a commercial courier service, or any other method of delivery selected by the Proposer.

Questions and Inquiries: The sole point of contact for purposes of this RFP is Chad Wright, Unclaimed Property Director. Any questions or inquiries should be emailed to him at chad.wright@treasury.alabama.gov. All written questions should be submitted by October 13, 2017. Any oral communications shall be considered unofficial and nonbinding on Treasury and shall be strictly limited to questions from responders seeking clarification of the RFP. Violation of this provision may lead to disqualification of the Firm, at the Treasurer's discretion, from the bidding process.

Rejection of All Proposals: The Treasurer reserves the right to reject any or all proposals and/or to solicit additional proposals if that is determined to be fiscally advantageous to the State or otherwise in its best interests.

8. Evaluation and Selection

All proposals timely received will be reviewed and evaluated by a Proposal Evaluation Committee. The Committee will recommend proposals to the Treasurer that most closely addresses the requirements of the RFP.

If interviews are held, you will be notified. The Treasurer reserves the right to request a best and final offer for fees from finalists.

The Treasurer will select the Firm the Treasurer determines, in his sole discretion, to be fully qualified and best suited among those submitting proposals to fulfill the purposes of the RFP in a cost-effective manner. *All proposals received in response to this RFP may be rejected and the Treasurer may elect to solicit additional proposals.*

The Treasurer shall post the RFP on the treasury website www.treasury.alabama.gov. Interested parties may monitor the progress and status of this RFP process on the website.

9. Efforts to Influence Selection Process Prohibited

The integrity of the Request for Proposals process is of primary importance and will not be compromised. Any written or oral communications beyond the RFP response made by responders, or others on their behalf, whether paid or unpaid, to influence the selection process, from the time the RFP is issued through its conclusion, made directly or indirectly to the Treasurer or Treasury staff will be grounds for immediate elimination from the selection process.

10. Agreement

All duties of the Firm shall be set forth in a contract agreement between the selected firm and the Treasurer. The contract will incorporate reference to the requirements of the RFP and the Firm's proposal as negotiated.

In compliance with the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (§31-13-9(k), Code of Alabama, 1975, as amended), the contract will include the following language:

“By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a

contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.”

In compliance with Act 2016-312, §1. (Section 41-16-5, Code of Alabama, 1975, as amended) the contract will include the following language:

“The contractor hereby certifies that it is not currently engaged in, and will not engage in, the Boycott of a person or entity based in or doing business with a jurisdiction with which this state can enjoy open trade.”

State law prohibits the Treasurer from agreeing to (1) indemnify the Firm; (2) waive the right for jury trial; (3) grant a security interest; or (4) binding arbitration. Additionally, it is mandatory that Alabama laws apply to the performance of the contract and that jurisdiction and venue be in Montgomery, Alabama for state and federal courts.

11. Public Information

All responses received will be subject to the Alabama Open Records Act, §36-12-40, Code of Alabama and may be subject to public disclosure upon request. The Open Records Act is remedial and should therefore be liberally construed in favor of the public. The Alabama Trade Secrets Act is §8-27-1 through §8-27-6, Code of Alabama. Responders are cautioned to be familiar with these statutes. The burden is on the one asserting the trade secret to show that the information sought to be protected meets the definition of a Trade Secret as defined in the Act.

Any RFP response submitted that contains confidential, trade secrets or proprietary commercial information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as such. Identification of the entire bid proposal as confidential is not acceptable unless the Firm enumerates the specific grounds or applicable laws which support treatment of the entire material as protected from disclosure according to the foregoing statutes or other applicable Alabama law.

The owner of the confidential information shall indemnify and hold the State of Alabama, the State Treasurer, and Treasury staff harmless from all costs or expenses, including but not limited to attorney fees and expenses related to litigation concerning disclosure of said information and documents.

Exhibit A

Company Background

Part I. Organization

- a. Provide an overview of your firm, including corporate profile, ownership structure, financial condition, overall business objectives, services/products offered, and strategic plans for growth. Highlight the company's commitment to providing audit services.
- b. Provide details of any claims, disputes, litigation or other legal proceedings where your firm is involved with the State of Alabama or any of its agencies, or has been involved, in the three preceding years.
- c. Describe any activities in which the firm is engaged which may constitute a conflict of interest.
- d. Describe factors or reasons we should consider your firm more favorably than your competitors.
- e. Is your firm SSAE16 audit compliant?
- f. Describe your internal control to safeguard funds, accounts and confidential data.
- g. Describe your ability and willingness to adapt to reasonable changes in State systems, internal procedures and technology.

Part II. Account Management

- a. Provide the following information on at least 3 clients (including contact persons) for whom similar services as described in this RFP are provided:
 1. Company/State
 2. Address
 3. Contact
 4. Telephone Number
 5. Length of Relationship in Years
 6. Description of services provided
- b. Do you currently provide services described in this RFP for any other unclaimed property programs? If so, please provide state name and services provided.
- c. If currently providing these services to the State of Alabama unclaimed property program, please provide annual data for the previous four years regarding the total number of examinations initiated/authorized, the number of examinations closed/resolved, and the total dollars reported and remitted. In addition, provide the most recent work in progress report including the following information:
 1. Company Name
 2. Authorization Date
 3. Last Contact Date
 4. Status (including reason(s) for completion delays, if applicable)
 5. Estimated Completion Date

- d. Provide an organizational chart and biographies of the person/persons/or team members who will be assigned to this account, including detailed experience relevant to this type account.
- e. In order to better understand the organizational structure and staffing of your firm, please complete the following chart. “Firm Total” should be represented by total number of staff committed or assigned to the overall functions of the organization. The “Audit Function” should be represented by the total number of staff whose role is specific to the auditing/examination function or process as delineated within this RFP.

| | Firm Total | Audit Function |
|----------------------------------|---------------|-------------------|
| Accounting | _____ | _____ |
| CPA | _____ | _____ |
| Research | _____ | _____ |
| Information Systems | _____ | _____ |
| Auditing | _____ | _____ |
| Legal | _____ | _____ |
| Marketing/Sales | _____ | _____ |
| Administration/Office Management | _____ | _____ |
| Other _____ | _____ | _____ |
| Total Full-Time Employees | _____ | _____ |

The Firm may provide additional detail for this section if needed.

Exhibit B Scope of Services

Creative Solutions and Alternative Suggestions

Firms are encouraged to be as creative as possible in responding to this RFP. Based on your review of the background information, specific needs and requirements, discuss any creative approaches to this service which have not been specifically requested or would enhance efficiency and/or reduce costs.

The following depicts the actual scope of services and/or duties to be performed if selected as a Firm. Provide ability to perform the following Scope of Services:

1. General:

The selected Firm shall undertake to locate, identify and collect from persons, businesses, firms and entities (hereinafter called "holders") unclaimed property subject to report and delivery under the Alabama Unclaimed Property Law. The Firm shall process records of unclaimed property obtained from holders and/or their agents; prepare reports of unclaimed property in accordance with requirements of the Alabama Unclaimed Property Law; obtain from holders and/or their agents the property deemed owing under the Unclaimed Property Law; forward the unclaimed property to the State Treasury or its designee, and perform the duties as outlined in this scope of services. The Treasurer will provide written approval prior to the commencement of an audit.

2. Identification/Collection:

- a. Explain your process for identifying and negotiating with holders to review their records, including any forms created such as an Audit Engagement Letter. It is expected that upon identification of a holder, the Firm shall enter into a written agreement with the holder (hereinafter "Audit Engagement Letter") to conduct the examination and report the property to the Treasurer. The Audit Engagement Letter should identify the type of property to be examined, the scope of the period to be examined and the estimated completion date of the examination which should be within one year. Also, included in the Letter shall be the names of all state(s) participating in the audit.
- b. Is it standard procedure for you to provide written justification addressing the reasons an exam should be conducted for each audit?
- c. Describe the types of audits you conduct, such as onsite audit of general ledger records or offsite processing of unclaimed property records that are voluntarily provided by the holders. Provide the average annual percentage of conducting each type of audit, as well as other types not listed here.
- d. Explain your action and process if a holder denies record access, is unwilling to allow the completion of the audit, refuses to enter into an Audit Engagement Letter, or breaches the Audit Engagement Letter? Also, explain your action and process for responding to inquiries or demands from attorneys/holder advocates contracted by a holder.
- e. Do you have an examination manual detailing the procedures to be used in the examination process? If so, provide basic description of the manual. Will the Treasurer receive a copy?

- f. Briefly explain your technical capability to process and identify holder records, which have met the statutory requirements of abandoned property and deliver same to the State Treasurer.

3. Delivery:

- a. Firm shall deliver or direct holders to deliver all property to the Treasurer. What is the proposed timeframe for delivery of property following the completion of an audit?
- b. Treasurer will provide Firm all necessary account information, procedures and requirements to ensure proper transfer of property. Securities should be transferred through DTC and include all book entry and dividend reinvested shares at a single transaction and upon remittance of the Holder report. What assistance, if any, can you provide to encourage or accomplish this?
- c. Delivery of property to the Treasurer shall be accomplished at the sole expense of the Firm.

4. Securities Valuation:

- a. The Firm shall determine the value of securities traded on an exchange or in the over-the-counter market. Provide your procedures and timeframe for doing so.
- b. Can you provide verifiable documentation supporting the valuation of the securities?

5. Compliance:

- a. Describe your procedures for ensuring that all applicable due diligence requirements as mandated under the Alabama Unclaimed Property Law, Section 35-12-76 (8d) and any promulgated Rules and Regulations are met. Do you provide written confirmation that due diligence has been performed?
- b. If an owner is located at the last known address reported within one year after delivery of the property, do you provide a refund to the Treasurer?
- c. Upon completion of the initial exam of holder's records, do you agree to instruct holders, or their agents, to file all future reports directly with the Treasurer's Office, pursuant to the State's reporting requirements? The Firm shall not conduct audits, nor process records, at the State's expense, for any holder more than one time, unless requested by the Treasurer.

6. Reporting: Following are required reports. Explain your capability and willingness to provide these reports, and include additional reports believed beneficial. The Treasurer prefers and encourages electronic reporting and a paperless reporting system, to include any online access to any and all reports. Explain your capabilities to do so.

- a. Audit Report within 30 days of the commencement of an exam, to include holder name, mailing address, FEIN, contact person information, state of incorporation, principal place of business, copy of Audit Engagement Letter, exam schedule, description of records to be examined, type of audit, Treasurer approval.
- b. Property reports submitted by holder or holder's agent. These reports must be balanced. The report should include holder information, an itemized listing of the property and associated owner information, total property reported and fees due. It is preferable that this report be delivered electronically in NAUPA format.

- c. Work in Progress/Status Reports prepared monthly by the Firm to include holder information, audit engagement date, status and timeline.

EXHIBIT C
Statement of Fees

Refer to Section 4 of the RFP for details regarding fees. All costs associated with providing the required services must be included in the stated prices. The Firm’s proposal should be based on a compensation structure of “Netting Fees” from the reported totals or billable totals prior to the report remittance.

The proposing Firm should attempt to closely follow the format as provided below.

The Firm shall net the below stated fee from the “net unclaimed property” reported.

Option A:

| Type of Audit | Fixed Percentage (Life of Contract) |
|--|-------------------------------------|
| Onsite audit of a holder’s general ledger records and securities related property | |
| Offsite review of a holder’s general ledger records and securities related property records voluntarily supplied by the holder | |

Option B: The Firm shall net the below stated fee from the “net unclaimed property” reported:

| Value of Property Per Holder | Fixed Percentage (Life of Contract) |
|------------------------------|-------------------------------------|
| \$1,000-\$250,000 | |
| Over \$250,000 | |

Option C: Other proposed fee structure of “Netting Fees” from the reported totals or billable totals prior to the report remittance.

Any variation from the above format or fee structure should be clearly and succinctly presented by the proposing Firm.

EXHIBIT D
MINIMUM QUALIFICATIONS and MISCELLANEOUS INFORMATION

1. My company will be qualified with the Secretary of State to conduct business in the State of Alabama, if selected.

Yes No

2. My company has been providing similar audit/examination services for at least five (5) years.

Yes No

3. My company and its personnel has all authorizations, permits, licenses, and certifications as may be required under federal, state or local law to perform the services specified in this RFP at the time it submits a response to the RFP.

Yes No

4. My company carries errors and omissions insurance or a comparable instrument to cover the firm's negligent acts or omissions.

Yes No

5. My company maintains sufficient procedures and redundancy capabilities to assure continued processing in an emergency.

Yes No

6. My company has a company policy and practice of equal employment opportunity and non-discrimination based on race, creed or gender.

Yes No

7. My company will comply with The Beason-Hammon Alabama Taxpayer and Citizen Protection Act.

Yes No

EXHIBIT E

CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by Act 2012-491)

RE Contract/Grant/Incentive *(describe by number or subject):* _____

_____ **by and between** _____

(Contractor/Grantee) and

_____ **(State Agency or Department or other Public Entity)**

The undersigned hereby certifies to the State of Alabama as follows:

1. The undersigned holds the position of _____ with the Contractor/Grantee named above, is authorized to provide the representations that are set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535 of the Alabama Legislature, as amended by Act 2012-491) which is described herein as "the Act".
2. Applying the following definitions from the Section 3 of the Act, the Contractor/Grantee business structure is as indicated by my initials.

BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit. "Business entity" shall include, but not be limited to the following:

- a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.
- b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

- _____ a. The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.

_____ b. The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

3. As of the date of this Certificate, Contractor/Grantee does not knowingly employ an unauthorized alien, as that term is defined in Section 3 of the Act, within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.

{Alien is any person who is not a citizen or national of the United States, as described in 8 U.S.C. § 1101, et seq., and any amendments thereto.}

{Unauthorized Alien is an alien who is not authorized to work in the United States as defined in 8 U.S.C. § 1324a(h)(3).}

4. Contractor/Grantee is enrolled in E-Verify unless *{initial the following selections which apply}*:

_____ (a) it is not eligible to enroll because of the rules of that program or other factors beyond its control.

_____ (b) it is excused from the requirement of enrollment in E-Verify because it does not have an employee in the State of Alabama.

Certified this _____ day of _____ 20____.

Name of Contractor/Grantee/Recipient

By: _____

Its _____

The above Certification was signed in my presence by the person whose name appears above, on this _____ day of _____ 20____.

WITNESS _____

Print Name of Witness