

Government Contracts / Immigration ADVISORY

July 2, 2010

All GSA/FSS Contracts Mass Modified to Include E-Verify

- **What is a Mass Mod?** Mass Mods are initiated by the government when uniform changes to large numbers of GSA/FSS contracts are required. Generally, Mass Mods are identical for all recipients, unless there are contract-specific changes. Examples of Mass Mods include solicitation refreshes and the addition of contract requirements.
- **When did the E-Verify Mass Mod take place?** On June 24, 2010, a mandatory Mass Mod was issued requiring all GSA/FSS contracts to include the most recent standard contract clauses, capture exceptions and incorporate E-Verify into all contracts.
- **What is E-Verify?** Employment Eligibility Verification, or E-Verify, requires federal contractors to electronically verify the employment eligibility of employees working on federal contracts in the United States. The E-Verify Mass Mod incorporates Federal Acquisition Regulation (FAR) 52.222-54, Employment Eligibility Verification (Jan 2009), into all GSA/FSS contracts, unless certain exceptions apply under FAR 22.1803.
- **How do I know if the Mass Mod affects me?** If you are a contractor to a GSA/FSS Contract, you are affected. Notice of this Mass Mod was sent by email to the point of contact for each GSA/FSS contractor. The email contained a direct hyperlink to the website that describes the modification process and that also contains a PIN associated with the contract number and specific modification for security and verification.
- **What does the E-Verify Mass Mod mean for me?** If you are a contractor with a GSA/FSS contract, you must now verify the employment authorization of new employees and certain categories of existing employees, subject to certain exceptions.
- **How do I ensure compliance?** Issues regarding compliance with E-Verify can be tricky, particularly with regard to whether certain exceptions apply, such as the exception for commercially available off-the-shelf (COTS) items. Likewise, determining the scope of the obligation, which employees to verify and how possible affiliates are implicated can be complicated. Therefore, consultation with an attorney specializing in E-Verify and government contracts is strongly recommended.
- **There are severe consequences for violations of E-Verify.** Violations of the E-Verify requirement can be severe, including the inability to receive and/or the loss of federal contracts, civil penalties and even suspension or debarment from government contracting. Therefore, compliance with E-Verify should be taken seriously and given careful consideration.

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