



CIVILIAN AGENCY ACQUISITION LETTER 2009-03

SEP 3 2009

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:

A handwritten signature in black ink, appearing to read "Al Matera".

AL MATERA  
CHAIRMAN  
CIVILIAN AGENCY ACQUISITION COUNCIL

SUBJECT:

Implementation of Employment Eligibility Verification (E-Verify) in the Federal Acquisition Regulation (FAR)

The final rule on FAR Case 2007-013, Employment Eligibility Verification, was published in the Federal Register on November 14, 2008, at 73 FR 67651. The effective date of the final rule was January 19, 2009, but the applicability date has been delayed several times due to on-going litigation. On August 15, 2009, the U.S. District Court granted the Government's motion for summary judgment and rendered an opinion in the Government's favor on all counts in the litigation. Although the plaintiffs have filed a notice of intent to appeal, the FAR Council has decided not to further extend the applicability date for the FAR coverage on Employment Eligibility Verification (FAR Subpart 22.18 and 52.222-54). Therefore, the FAR's E-Verify coverage will become applicable on September 8, 2009. No further Federal Register notice is needed.

Your agency contracting offices should take the necessary actions to implement E-Verify as of September 8<sup>th</sup>. These actions include—

- Ensuring that solicitations issued on or after September 8, 2009, include the clause at 52.222-54, Employment Eligibility Verification, as prescribed at FAR 22.1803 and in accordance with FAR 1.108(d)(1); and
- Initiating bilateral modifications to existing indefinite-delivery/indefinite-quantity contracts, in accordance with FAR 1.108(d)(3), to include the clause for future orders if the remaining period of performance extends beyond March 8, 2010, and the amount of work or number of orders expected under the remaining performance period is substantial.

Questions concerning this CAAC Letter should be directed to Ms. Meredith Murphy at 202.208.6925 or [meredith.murphy@gsa.gov](mailto:meredith.murphy@gsa.gov).