

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2021

COUNCIL BILL NO. CB21-0772  
COMMITTEE OF REFERENCE:

4 Safety, Housing, Education & Homelessness

5 **A BILL**

6 **For an ordinance amending the Revised Municipal Code of the City and County**  
7 **of Denver to update terminology from “illegal alien” to “worker without**  
8 **authorization” in accordance with state law.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** Section 20-90, D.R.M.C., is amended by deleting the language stricken and  
11 adding the language underlined to read as follows:

12 **Sec. 20-90. – Purpose.**

13 Pursuant to ~~HB 06-1343~~ In accordance with HB 21-1075, codified at § 8-17.5-101, et seq.,  
14 C.R.S., as amended, the State of Colorado prohibited political subdivisions of the state from entering  
15 into or renewing any public contract for services with a contractor who knowingly employs or  
16 subcontracts with ~~an illegal alien~~ a worker without authorization to perform work under the contract.  
17 Among other things, ~~HB 06-1343~~ HB 21-1075 requires contractors to confirm the employment  
18 eligibility of all employees who are newly hired to perform work under the public contract for services  
19 through the federal E-verify program. The purpose of this division 5 is to clarify and confirm the  
20 applicability of the requirements of ~~HB 06-1343~~ HB 21-1075 to certain contracts entered into by the  
21 City and County of Denver. This division is also intended to provide supplemental local procedures  
22 for enforcing the requirements of ~~HB 06-1343~~ in regard to HB 21-1075 regarding city contractors.

23 **Section 2.** Section 20-90.2, D.R.M.C., is amended by deleting the language stricken and  
24 adding the language underlined to read as follows:

25 **Sec. 20-90.2. – Verification and certification of employment eligibility under city contracts.**

26 (a) Prior to executing a contract, each prospective contractor shall certify that, at the  
27 time of the certification, it does not knowingly employ or contract with ~~an illegal alien~~ a worker  
28 without authorization who will perform work under the contract and that the contractor will  
29 participate in the e-verify program in order to confirm the employment eligibility of all employees  
30 who are newly hired for employment to perform work under the contract.

31 (b) Each contract shall include a provision that the contractor shall not:

32 (1) Knowingly employ or contract with ~~an illegal alien~~ a worker without authorization to  
33 perform work under the contract; or

1 (2) Enter into a contract with a subcontractor that fails to certify to the contractor that  
2 the subcontractor shall not knowingly employ or contract with ~~an illegal alien~~ a worker without  
3 authorization to perform work under the contract.

4 (c) Each contract shall also include the following provisions:

5 (1) A provision stating that the contractor has confirmed the employment eligibility of all  
6 employees who are newly hired for employment to perform work under the contract through  
7 participation in the e-verify program;

8 (2) A provision that prohibits the contractor from using the e-verify program procedures  
9 to undertake pre-employment screening of job applicants while the contract is being performed  
10 and that otherwise requires the contractor to comply with any and all federal requirements related  
11 to use of the e-verify program including, by way of example, all program requirements related to  
12 employee notification and preservation of employee rights;

13 (3) A provision that, if the contractor obtains actual knowledge that a subcontractor  
14 performing work under the contract knowingly employs or contracts with ~~an illegal alien~~ a worker  
15 without authorization, the contractor shall be required to:

16 a. Notify the subcontractor and the city within three (3) days that the contractor has  
17 actual knowledge that the subcontractor is employing or contracting with ~~an illegal alien~~ a worker  
18 without authorization; and

19 b. Terminate the subcontract with the subcontractor if within three (3) days of receiving  
20 the notice required pursuant to sub-subparagraph a. of this subparagraph (3) the subcontractor  
21 does not stop employing or contracting with the ~~illegal alien~~ worker without authorization; except  
22 that the contractor shall not terminate the contract with the subcontractor if during such three (3)  
23 days the subcontractor provides information to establish that the subcontractor has not knowingly  
24 employed or contracted with ~~an illegal alien~~ a worker without authorization.

25 (4) A provision that requires the contractor to comply with any reasonable request by  
26 the CDLE or the auditor made in the course of an investigation that the CDLE is undertaking  
27 pursuant to the authority established in section 8-17.5-102, C.R.S., as amended, or that the  
28 auditor is undertaking pursuant to section 20-90.3.

29 (d) If a contractor violates a provision of the contract required pursuant to subsections  
30 (b) or (c) of this section, the city may terminate the contract for a breach of the contract. If the  
31 contract is so terminated, the contractor shall be liable for actual and consequential damages to  
32 the city. Any such termination of a contract due to a violation of this section may also, at the  
33 discretion of any city department or agency responsible for soliciting contract bids and proposals,

