



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**

REVISION DATE  
2/20/18

PAGE NUMBER  
1 of 7

NUMBER  
**DOC 220.010**

**POLICY**

TITLE

**CONTRACTS**

**REVIEW/REVISION HISTORY:**

- Effective: 9/1/82
- Revised: 9/6/85
- Revised: 2/12/01
- Revised: 4/18/03
- Revised: 8/8/07
- Revised: 8/25/08
- Revised: 3/29/10
- Revised: 5/1/14
- Revised: 2/20/18

**SUMMARY OF REVISION/REVIEW:**

Changes throughout for clarification, read carefully.


**APPROVED:**

Signature on file

\_\_\_\_\_  
**STEPHEN SINCLAIR**, Secretary  
Department of Corrections

1/22/18

\_\_\_\_\_  
Date Signed

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**REFERENCES:**


DOC 100.100 is hereby incorporated into this policy; [RCW 39.26](#); [RCW 39.34](#); [RCW 42.52](#); [RCW 42.56](#); [RCW 43.17.095](#); [RCW 43.19](#); [ACA 4-4011](#); [ACA 4-4070](#); [ACA 7D-08](#); [DOC 200.055 Sustainable Purchasing](#)

**POLICY:**


- I. The Department will promote open and fair competition and transparency in all contracts for goods and services, in compliance with applicable federal and state laws and regulations.
- II. Contracts and Legal Affairs (CLA) provides oversight for the Department’s contracts, working with internal and external partners to establish timely, legally defensible, and fiscally responsible contracts, amendments, procurements, and other agreements.
- III. The Department of Enterprise Services (DES) is the purchasing agent for the State and has established minimum guidelines for procurement of goods and services.
- IV. For the purposes of this policy, a contract is any agreement, written or oral, that creates an obligation, right, or liability for the Department. An agreement may be a binding contract even though one party provides something of value to the other party at no charge.
  - A. All contracts, regardless of dollar amount or source of funding, require a written document specifying the agreement between the Department and the contractor.
- III. This policy applies to the initial procurement or contract and every amendment, renewal, or extension thereafter.

**DIRECTIVE:**

- I. Responsibilities
  - A. The Contracts Administrator:
    1. Is delegated signature authority for contract activities by the Secretary,
    2. Is responsible for the coordination and administration of contracts and procurements,
    3. Ensures compliance with applicable federal and state laws and regulations,

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4. Maintains the intergovernmental agreements list on the Department's website per RCW 39.34,
  5. Reports information on all contracts, except intergovernmental agreements, to DES, and
  6. Approves/denies protests relating to contract awards or post-award activities.
- B. CLA employees will:
1. Offer technical assistance, direction, and advice to employees,
  2. Advise and/or participate in contract negotiations to ensure compliance with statutes (e.g., Revised Code of Washington), rules and policies, as well as sound legal, program, fiscal, and contract management principles,
  3. Conduct dispute and fact finding reviews related to contract awards or post-award activities,
  4. Assist in Department-wide rulemaking and coordination to ensure any Washington Administrative Code (WAC) amendment, adoption or repeal is processed in a timely manner following the procedures adopted by the Office of the Code Reviser,
  5. Work closely with the Training and Development Unit to identify and meet training requirements for employees who review, manage, and approve contracts,
  6. Maintain and update required approval processes and contract information systems,
  7. Advise community agencies, providing services under contract, that they have the opportunity to make suggestions to the Contract Manager regarding policies applicable to their contract, and
  8. Issue and maintain resources and bulletins containing Department-wide procedures for developing, processing, and executing contracts. Procedures include requirements that:
    - a. Specify in the contract the duties and responsibilities of the contracting party and terms related to the maintenance and confidentiality of all departmental data and records per RCW 42.56. [4-4011] [4-4070] [7D-08]


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b. Initiate contracting activities and obtain appropriate approvals using DOC 08-084 Contract Form.

- C. The Procurement Coordinator is responsible for the control and coordination in the competitive procurement process, serving as the sole point of contact for vendors.
- D. The Contract Manager is responsible for the day-to-day handling of the contract, which includes:
  - 1. Requesting a contract be drafted, submitting the contract through the appropriate chain of approval, and submitting the request electronically to the CLA unit,
  - 2. Responding to requests for additional information from the CLA unit,
  - 3. Providing technical assistance to contractors,
  - 4. Approving payment for contracted services, and
  - 5. Monitoring the progress of the contract and tracking any performance activities by maintaining a contract monitoring file containing correspondence, payment related documents, and documentation of contract activities.
- E. All employees involved in contracting will maintain strict ethical standards per RCW 42.52 and take caution to avoid any real or apparent conflict of interest.

## II. Types of Contracts

- A. The Department uses contracts for the procurement of goods and services for offenders and operations. Contracts include:
  - 1. Master Contracts (e.g., Correctional Industries, Information Technology) established by DES,
  - 2. Intergovernmental agreements for the gathering, exchange, and standardization of information with other governmental criminal justice agencies (e.g., Washington State Patrol, local law enforcement) and human service agencies (e.g., the Department of Social and Health Services, Washington Department of Veteran Affairs),
  - 3. Client services, which include Health Services, employment and training programs, residential care, and subsidized housing, and

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4. Professional services, which may include:
  - a. Services by a consultant serving as an objective adviser. Services may include:
    - 1) Conducting studies,
    - 2) Analyzing and evaluating technical issues, and/or
    - 3) Providing advice and training to improve managerial and administrative operations.
  - b. Sole source contracts that are awarded without competition to vendors providing goods or services that are specialized or limited in availability,
  - c. Emergency contracts awarded to resolve unforeseen circumstances beyond the Department's control that either present a real immediate threat to the proper performance of essential state functions, or that may result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken, and
  - d. Architectural and engineering opportunities for new construction, major repairs and alterations, and equipment established by DES and managed by Capital Programs.

### III. Solicitation

- A. Bid opportunities and results are available for public review on the DES Washington's Electronic Business Solution (WEBS) website at <http://des.wa.gov/services/ContractingPurchasing/Business/BidOpportunities/Pages/default.aspx>.
  1. Vendors may register with WEBS to receive notifications of bidding opportunities.
- B. Requests for new contracts/procurements and amendments to existing contracts must be submitted using DOC 08-084 Contract Form.

### IV. Approvals/Review

- A. CLA employees will approve, in consultation with the Contract Manager, all contracts/amendments before the solicitation, drafting, and/or negotiation of any contract/amendment.

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- B. Drafted contracts do not require additional approval from the individuals that initially approved the request for services, except when specifically requested by the Contract Manager.

V. Contract Management

- A. Contract data and state procurements over \$10,000 will be maintained in the DES Enterprise Contracts Management System (ECMS) and can be accessed through the CLA unit.
- B. The signature of the Secretary or the Contracts Administrator is required for the formal approval and execution of the contract.
- C. Except in emergency situations, contractors will not start work until the contract is formally approved and executed by all parties.
- D. Contract terms beginning less than 35 days after submission to the CLA will be regarded as late and an explanation will be required on the contract request.
- E. Procurement complaints and protests may be submitted per Attachment 1.
- F. Only CLA may terminate contracts.

VI. Fiscal Management

- A. Payment will not be made without a written contract or the written approval of the Contracts Administrator.


VII. Training

- A. Employees involved in developing, executing, or managing procurements or contracts must attend the required DES training before performing those functions. Exception requests will be submitted to CLA, which will coordinate and obtain any exceptions from the DES.
- B. Employees responsible for managing or working with contracts may be required to attend internal CLA contracts training on contract information systems (e.g., ECMS) and other electronic forms and databases maintained by the CLA.

**DEFINITIONS:**

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

**ATTACHMENTS:**

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[Contract Complaints/Procurement Protest Process \(Attachment 1\)](#)

**DOC FORMS:**

[DOC 08-084 Contract Form](#)