

 STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS  <b>POLICY</b>	APPLICABILITY <b>DEPARTMENT WIDE</b>		
	REVISION DATE 5/1/14	PAGE NUMBER 1 of 5	NUMBER <b>DOC 220.010</b>
	TITLE <b>CONTRACTS</b>		

**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

**SUMMARY OF REVISION/REVIEW:**

Adjusted personal contract to professional contract throughout  
 Policy I., III.A., and IV.A. - Adjusted language to reflect current practices  
 Added Policy II. to define terms  
 I.A.4. - Adjusted that intergovernmental agreements will be posted on the internet site  
 I.B.3. - Adjusted language for clarification  
 Added III.C. on filing/approval of sole source contracts  
 Added IV.E. on new attachment outlining the complaint/protest process  
 V.A. - Removed requirement that approved payments be recorded in the Enterprise Contracts Management System

**APPROVED:**

Signature on file

\_\_\_\_\_  
**BERNARD WARNER**, Secretary  
 Department of Corrections

3/31/14  
 \_\_\_\_\_  
 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](#); [ACA 4-4011](#); [ACA 4-4070](#); [ACA 7D-08](#)

**POLICY:**

- I. It is the intent of the Department to promote open competition and transparency for all contracts for goods and services. The Department will comply with applicable federal and state laws and regulations in exercising specific or delegated authorities. To the extent practicable, procurement of contracted services will be made by or with direction from Contracts and Legal Affairs for continuity in the writing, requirements, and awards of Requests for Proposal and bids for contracts.
  
- II. 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. Many types of documents can constitute a contract, including interagency agreements, memoranda, and letters. The words contract, agreement, and memorandum of understanding will be considered synonymous.
  
  - B. Agreements include the gathering, exchange, and standardization of information with other criminal justice agencies (e.g., Washington State Patrol, local law enforcement) and human service agencies (e.g., the Department of Social and Health Services).
  
- III. All contracts for professional, client, and intergovernmental services, regardless of dollar amount or source of funding, require a written document specifying the agreement between the Department and the contractor. This policy applies to the initial contract and every amendment, renewal, or extension thereafter.

**DIRECTIVE:**

- I. Responsibilities
  - A. The Contracts and Legal Affairs Administrator will:
    1. Have overall responsibility for the coordination and administration of contract development and signature authority for the Department.
  
    2. Ensure compliance with applicable state laws and regulations.

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3. Review appeals of protest decisions or disputes relating to contract awards or post-award activities.
  4. Maintain the listing of intergovernmental agreements on the Department's internet site per RCW 39.34.
  5. Report information on professional and client service contracts to the Department of Enterprise Services (DES).
- B. Contracts and Legal Affairs employees will provide oversight for the Department's contracting activities. To ensure services provided through professional, client, and intergovernmental contracts safeguard the financial and legal interests of the Department and meet statutory and regulatory requirements, Contracts and Legal Affairs employees will:
1. Manage required approval processes and contract information systems.
  2. Offer technical assistance, direction, and advice to employees.
  3. Issue and maintain resources and bulletins containing Department wide procedures for developing, processing, and executing Department contracts. Procedures include requirements to:
    - a. Specify in the contract the duties and responsibilities of the contracting party and terms related to the confidentiality of offender and Department records, and [4-4011] [4-4070] [7D-08]
    - b. Initiate contracting activities and obtain appropriate approvals using DOC 08-084 Contract Form on the Contracts SharePoint site.
  4. Work closely with the Training and Development Unit to identify and meet training requirements for employees who manage contracts.
  5. Advise community agencies providing services under contract with the Department that they have the opportunity to make suggestions to the Contract Manager for changes to Department policies applicable to their contract.
- C. The Contract Manager will be responsible for the day-to-day handling of the contract, which will include:
1. Providing technical assistance to contractors,
  2. Monitoring the progress of the contract and tracking the monitoring activities listed on the Contracts SharePoint site,

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3. Approving payment for contracted services, and
  4. Maintaining a contract monitoring file containing correspondence, payment related documents, and documentation of contract monitoring activities.
- D. 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. 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 Contracts and Legal Affairs, 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 Department contracts training and training on contract information systems, such as the Enterprise Contracts Management System (ECMS) and the Contracts SharePoint Site.

## III. Approvals/Review

- A. Per the approved chains listed on the Contracts SharePoint site, the Contract Manager will obtain approvals for all contracts and amendments before the solicitation and/or negotiation of the contract/amendment. Contracts and Legal Affairs employees will draft solicitations and contracts that secure the approved service.
- B. Drafted contracts do not require approval of individuals that initially approved the request for services, except when required by a conditional approval.
- C. Sole source contracts may require filing and approval by the DES before services begin. Filings and requests for approval will be made by Contracts and Legal Affairs employees.

## IV. Contract Management

- A. The signature of the Secretary or the Contracts and Legal Affairs Administrator is the final approval of the contract.
- B. Except in emergency situations, contractors will not start work until the contract is formally approved. If the contract term starts less than 35 days after submission to Contracts and Legal Affairs, the contract request will be regarded as late and an explanation will be required in the contract request.

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1. Emergency contracts will be 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.

C. Contracts and Legal Affairs employees will be responsible for conducting dispute and fact finding reviews related to contract awards or post-award activities.

D. Complaints and protests may be submitted per the Contract Complaints/ Procurement Protest Process (Attachment 1).

E. Contracts will be terminated by Contracts and Legal Affairs.

V. Fiscal Management

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

**DEFINITIONS:**

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

**ATTACHMENTS:**

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

**DOC FORMS:**

DOC 08-084 Contract Form