



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Facilities, Finance and Analytics Administration
P.O. Box 45811, Olympia, Washington 98504-5811

MEMORANDUM

TO: DSHS Agency Contracts Database Users with Signing Authority

FROM: James O'Brien, Acting Chief
Central Contracts and Legal Services
Facilities, Finance and Analytics Administration, DSHS

DATE: April 2, 2020

SUBJECT: **Interim Guidelines for executing DSHS Contracts in the Agency Contracts Database using Electronic Signatures**

1. The Department of Social and Health Services (DSHS) Central Contracts and Legal Services office (CCLS) is currently working, in conjunction with the Technology Services Division (TSD) in the Office of the Secretary (OOS), on a solution for use and acceptance of electronic signatures for contracts that are created, prepared, signed, monitored and tracked using the Agency Contracts Database (ACD). CCLS plans to also release a formal DSHS Administrative Policy on Electronic Signatures in Contracts to accompany the ACD solution.

However, in light of current circumstances surrounding the COVID-19 pandemic, with the need for people to practice social distancing, until a more formal process can be fully vetted and formalized, the following Interim Guidelines will apply in situations where it is not currently safe or feasible for staff or contractors to use ink signatures to execute contracts.

2. If it is not possible to print and sign a hard copy of a contract document, DSHS and partner agency contract-signers may follow these steps:

Electronically Sign using Adobe Acrobat:

- A. Send approved contract document to Contractor as a PDF, with instructions to the recipient to open the PDF and insert a facsimile signature into the signature block, insert the date of signature into the date block, save the PDF with the signature and date thereof, and send the saved, signed and dated document back to you.

- B. Open PDF received from Contractor in Adobe Acrobat and insert facsimile signature and date on contract first page, in signature block, and save signed version.
- C. This fully executed PDF version should be emailed to the contractor.
- D. The contract signer can then put the contract in *signed status* in the ACD. The contract is now valid in terms of the ACD and interface partner data systems, including ProviderOne.

OR, Alternatively using Adobe Acrobat with ACD:

- A. Send approved contract document to Contractor as a PDF, with instructions to the recipient to open the PDF and insert a facsimile signature into the signature block, insert the date of signature into the date block, save the PDF with the signature and date thereof, and send the saved, signed and dated document back to you.
- B. Contract staff receive the PDF file and the DSHS/partner agency contract signer can then put the contract in Signed status in the ACD. The contract is now valid in terms of the data systems, including ProviderOne.
- C. Contract staff must maintain a list of contracts they have received and put into signed status in this manner so that they can later be printed and hard copies physically signed.
- D. When we are back in our offices, print the signature page of such contracts, sign, scan, file and mail copy to Contractor accordingly.

3. Verification and Signing Authority Rules Still Apply

- A. The use of an electronic signature does not in any way replace any administration or program level requirements for verification of an individual contractor's identity. Identity verification processes remain the responsibility of the DSHS staff executing the contract on behalf of DSHS. If verification identification requirements are not in place at the program or administration level, or if they have been waived by the administration or program, DSHS staff responsible for executing the contract must still ensure compliance with existing contract risk assessment, mitigation and monitoring requirements.
- B. This authority to use electronic signatures for contracts applies to anyone with ACD signing authority. This authority is not limited to Key Contract Coordinators.

4. Other considerations

CCLS has considered the following factors in developing and providing these interim guidelines:

- A. Is a signature actually required by some governing law, rule, or policy; or required by another party to the transaction?

- B. If not required, is a signature desirable for other substantive reasons, e.g. to emphasize the significance of a transaction or bind a party to the intent of a transaction to mitigate concerns of repudiation?
- C. Does the method of signing or the nature of the record adequately identify the signer?
- D. Does the method of signing adequately address the risks associated with the particular type of transaction while minimizing the barriers to conducting electronic transactions?
- E. Does the electronic signature method need to preserve the integrity of the electronic record being signed?

CCLS has concluded as follows for each of the above factors:

- A. Signature of all parties to DSHS contracts is required. See DSHS Administrative Policy 13.10 (Central Contracts and Legal Services).
- B. Not applicable. Signatures are required.
- C. The above-described method for affixing a digital or facsimile signature and date of signature, together with all supporting data and information required to be entered into and saved in the ACD, will adequately identify the signer.
- D. This electronic signature method, taken together with other DSHS Administrative Policies, the [DSHS Guide to Contracting](#), and required use of the ACD for creating, preparing, monitoring, tracking and recording signatures of DSHS contracts, does adequately address the risks associated with a contract execution transaction while minimizing barriers to conducting electronic transactions.
- E. This electronic signature method preserves the integrity of the electronic record being signed when it is used in conjunction with the ACD and other existing DSHS Administrative Policies and the [DSHS Guide to Contracting](#).