Enterprise Services Policy No. POL-DES-210-01

Agency Contract Reporting Policy

**Applies to**: Any state office or activity of the executive branch of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in [RCW 28B.10.016](http://apps.leg.wa.gov/RCW/default.aspx?cite=28B.10.016) and correctional and other types of institutions.

**Authorizing sources**:

State Law[RCW 39.26.210(1)](http://apps.leg.wa.gov/rcw/default.aspx?cite=39.26.210)

**Effective date**: TBD

**Last update**: March 9, 2015

**Sunset review date**: 5 years from effective date

**Approved by**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Chris Liu, DES Director

Reason for Policy

This policy establishes agency contract reporting requirements. See RCW 39.26.210(1). The purpose of these reporting requirements is to promote state agency contract transparency, to centralize the location of contract purchase information, and to provide the public with agency contract spending information in a searchable manner. This policy will help ensure adherence to the highest ethical standards for, and proper accounting of, contract expenditures.

POL-DES-210-01 Agency Contract Reporting Policy

1. **Policy.**

State Agencies must annually submit to DES a list of all contracts that were entered into, amended, or in effect during the reporting period, except for those that are otherwise exempt.

* 1. “Contract” means an agreement for goods, commodities, information technology goods and services, personal services, purchased services and client services, as well as software licenses, click thru agreements and equipment maintenance.
  2. “Click thru agreement” means an on-screen license agreement that is accepted by the user by clicking a button. Agencies will report these contracts using the procedures in PRO-DES-210-01.
  3. The reporting period will be for the fiscal year, July 1 through June 30.
  4. The report must be submitted to DES no later than September 1st of each year.
  5. Contract reporting information will be maintained by DES and made available for public inspection.

1. **Exceptions.**

Agencies will not be required to report:

* 1. Purchase orders or Field orders.
  2. Direct Buy purchases that do not include a statement of work.
     1. “Statement of Work” (SOW) refers to the part of a contract that defines deliverables in addition to contract performance terms that the contractor is expected to meet. Those performance terms may be percentages of target outcomes, or payment points tied to milestones, or incentives for exceeding expectations, or anything that sets the rules for the project once the key stakeholders formally agree to its content.
  3. Expert witness agreements.
  4. Public works contracts (although agencies are encouraged to do so).
  5. Loan agreements.
  6. Contracts exempt from disclosure under another state law.
  7. Contracts specifically exempted by the DES director.

1. **Exemption.**

Agencies may request a reporting exemption for a specific contract or a category of contracts.

* 1. The request should be in writing, addressed to the DES director, and signed by the agency head.
  2. The request must include a detailed explanation of the proposed exemption, why the contract or contract category needs to be exempt, and how granting the request aligns with the intent of the law.

1. **Compliance.**

Agencies are expected to submit complete and timely contract reports. The agency’s record of compliance will be factored into an agency’s procurement risk assessment.

Procedures

**Procedure:** Enterprise Services Procedure #PRO-DES-210-01

Frequently Asked Questions

**FAQ**: Agency Contract Reporting Policy FAQ

History

## Adopted

TBD

## Replaces

DES-210-01 Agency Contract Reporting (Rev. 03-09-15)