

POLICY # DES-210-01	AGENCY CONTRACT REPORTING (RCW 39.26.210)
1) Purpose:	<p>This policy provides the following information:</p> <ol style="list-style-type: none"> 1) Agency contract reporting requirements. 2) Reporting timelines. 3) The required data elements to be reported. 4) Reporting exemptions.
2) Enabling Legislation: RCW 39.26.210 (1)	<p>Effective January 1, 2013, agencies must annually submit to the Department of Enterprise Service (DES) a complete list of all contracts entered into or renewed except for those that are otherwise exempt. This information will be maintained by DES and be made available for public inspection. The reporting period will be for the fiscal year, July 1 through June 30. Agency reports must identify:</p> <ol style="list-style-type: none"> 1) The contracting agency; 2) The contractor; 3) The purpose of the contract; 4) Effective dates and period of performance; 5) The cost of the contract and the funding source; 6) Any substantive modifications to the contract; and 7) Whether the contract was competitively procured or awarded on a sole source basis.
3) Contract Reporting Purpose	<p>The purpose of these reporting requirements is to:</p> <ol style="list-style-type: none"> 1) Promote transparency for all contracts for goods and services entered into by state agencies, unless specifically exempted. 2) Ensure the highest ethical standards, proper accounting for contract expenditures; 3) Centralize the location of information about state procurements and contracts; and 4) Provide state agency contract data to the public in a searchable manner.
4) Contract Reporting General Requirements:	<p>The following general requirements apply to all agencies that must report under RCW 39.26.210(1).</p> <ol style="list-style-type: none"> 1) State agencies must annually submit to DES a list of all contracts that the agency has entered into or renewed in the prior fiscal year. 2) The reporting period is for the fiscal year (July 1-June 30).

	<p>3) The report must be submitted to DES no later than September 1st of each year.</p> <p>4) The report must include any contract executed during the reporting period that has a statement of work or exceeds the Direct Buy limit.</p> <p>5) The annual list must include all the required data fields for each contract reported.</p>
5) Required data fields:	<p>Below is a list of the required data fields and a description of the information that each field is intending to capture.</p> <p>1) <u>Contracting Agency.</u> Field description: The name of the state agency that is a party to the contract.</p> <p>2) <u>Contractor name.</u> Field description: The name of the contractor as it appears in the contract document, who is the party to the contract.</p> <p>3) <u>Purpose of the contract.</u> Field description: The subject matter of the contract; the goods or services that the agency is procuring. The field will provide a list of categories with the ability to include an expanded description. If the contract includes multiple categories of goods and services, choose the category which accounts for the highest amount of expenditure.</p> <p>4) <u>Effective dates.</u> Field description: The date the contract becomes effective, not when work actually began. The ending date will be the date upon which no further work may be conducted under the contract or the date the contract term ends or expires.</p> <p>5) <u>Period of Performance.</u> Field description: The time frame in which the work is to occur or when the commodity must be delivered. The period of performance should always begin on or after the contract effective date and end on or prior to the contract expiration date.</p> <p>6) <u>The cost of the contract.</u> Field description: The total actual or estimated contract cost. The cost of a contract may differ depending on the contract type. For a commodity contract, the cost of the contract is the cost of the commodity purchased, excluding taxes. If the contract is a services contract, the cost is either the estimated cost of the services, the not to exceed cost listed in the contract or the actual amount paid under the contract. The agency will also have the option to include a brief explanation.</p>

	<p>7) <u>Funding source.</u> Field description: The funding source is the category of funds used for the contract. The funding source is either state funds, federal funds or private grant funds. For contracts that have more than one funding source, the agency will report the most dominant funding source.</p> <p>8) <u>Contract Modifications</u> Field description: Contract modifications are substantive changes made to an original contract. A substantive change is one that modifies the cost, scope or period of performance of the original contract.</p> <p>9) <u>Whether the contract was competitively procured or awarded as a sole source.</u> Field description: A contract is awarded by either a competitive process or a noncompetitive process. Noncompetitive processes include, sole source, sole source exempt from filing, emergency contracts and direct buy. A competitive process is one where more than one vendor is provided the opportunity to compete for the contract award.</p> <p>10) <u>Small Business Status (Optional).</u> Field description: The contractor's status as a small business as identified in the Washington Electronic Business Solution (WEBS) system.</p>
6) Contract Reporting Exemptions:	<p>Agencies will not be required to report the following:</p> <ol style="list-style-type: none"> 1) Purchase orders or Field orders 2) Direct Buy contracts except those contracts that include a statement of work. 3) Expert witness agreements. 4) Public works contracts (although agencies are encouraged to do so). 5) Non-fiscal agreements which are agreements that do not include a monetary component such as a data sharing agreement or confidentiality agreement. 6) Interlocal agreements and interagency agreements. 7) Grant and sub-grant agreements. 8) Loan agreements. 9) Contracts exempt from disclosure under another state law. 10) Contracts specifically exempted by the DES director.
7) Request for Reporting Exemptions	<p>Agencies may also request a reporting exemption for a specific contract or a category of contracts. The request should be in writing, addressed to the DES director, and signed by the agency head. The request must include a detailed explanation of the proposed exemption, why the</p>

	contract or contract category needs to be exempt, and how granting the request aligns with the intent of the law.
8) Definitions:	<p>“<u>Click thru agreement</u>” means an on-screen license agreement that is accepted by the user by clicking a button.</p> <p>“<u>Contract</u>” 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.</p> <p>“<u>Non-fiscal agreements</u>” means agreements that do not include a monetary component such as a data sharing agreement or confidentiality agreement.</p> <p>“<u>Qualified master contracts</u>” means:</p> <ol style="list-style-type: none"> 1) DES Master Contracts; and 2) Cooperative contracts that conform to all applicable Washington State procurement laws, rules, policies and trade agreements.
9) Compliance:	Agencies are expected to submit complete and timely contract reports. The agency’s record of compliance will be factored into an agency’s risk rating.
10) FAQs:	Click here to link to Frequently Asked Questions .
Previous Version:	<p>REV 01-08-15</p> <ul style="list-style-type: none"> • Refined to prevent inadvertent release of personal information. • Revised to provide improved clarity. • Added Section Numbering. • Added Revision Date. • Minor Formatting. • Move FAQs to centralized webpage.