



## Chapter 13: Purchasing and Contracts

### Administrative Policy 13-20

**Resource Contact:** Contracts and Purchasing Manager      **Established:** March 15, 1990

**References:** Chapters 39.26 and 39.19 RCW      **Revisions Effective:** May 3, 2017  
Department of Enterprise Services Procurement Policies  
Ecology Policies 13-01, 13-02, and 13-04  
Policy 17-01, Attachment A  
[Ecology Purchasing Directives](#)

## Managing Bids and Contracts for Goods and Services

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**Purpose:** To ensure Ecology complies with Department of Enterprises Services (DES) procurement policies, and Ecology purchasing policies and directives when developing, executing, or managing bids or contracts for goods and services.

**Application:** This policy applies to all Ecology employees. Represented employees refer to the Collective Bargaining Agreement provisions that may supersede any portion of this policy.

### 1. Establishing Definitions.

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**Competitive Solicitation:** A documented, formal process that provides an equal and open opportunity to bidders and ends in a selection based on predetermined criteria in published bidding documents. These include Invitation for Bid (IFB), Request for Proposal (RFP), Request for Quote (RFQ), and Request for Qualifications and Quote (RFQQ).

**Emergency:** A set of unforeseen circumstances beyond the control of Ecology that either (a) present a real, immediate, and extreme threat to the proper performance of essential functions; or (b) may reasonably be expected to result in material loss or damage to property, bodily injury, or loss of life, if immediate action is not taken.

**Evidence of Competition:** Documentation that Ecology solicited responses from multiple firms to select a vendor, and the resulting bid information.

**Sole Source:** A contractor providing goods or services that are so unique or the goods or services are only available at the location required, that the contractor is clearly and justifiably the only practical source to provide the goods or services.

### 2. Contracts and Purchasing Unit Provides Guidance for Competitive Bids and Non-Competitive Contracts.

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The Contracts and Purchasing Unit provides guidance in-person, by phone, or on the intranet for complying with state procurement laws and DES procurement policies.

With few exceptions, state laws require that goods and services – including public works and facility management services – must be procured through a competitive solicitation process. Architectural and engineering design consultant services follow a performance-based selection process (RCW 39.80), and Ecology works with DES for any need.

For non-competitive direct-buy contracts, sole source contracts, emergency contracts, and interagency agreements, the Contracts and Purchasing Unit helps staff understand and meet legal and policy requirements, and provides templates. Ecology uses DES master contracts whenever possible.

**3. Contracts and Purchasing Unit Reviews All Bids and Contracts for Compliance.**

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Employees work with the Contracts and Purchasing Unit for all bids and contracts. No work may be performed before the Contracts and Purchasing Unit reviews and approves all bids and contracts for completeness, legal enforceability, accuracy, and compliance with state law, DES procurement policies, Ecology policies, and other state requirements.

Employees incorporate Contracts and Purchasing Unit's changes and edits into their bid and contract documents. All bids and contracts must be written.

**4. Human Resources Approves Decision to Contract for Service Contracts and Amendments.**

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The Human Resources' Decision to Contract Form (070-212) is required every time a program considers a service contract, even if renewing or amending a contract for previously contracted work. Managers must complete the form as soon as the scope of work, budget, and schedule of the project are identified. Approval from the Human Resources Office is required before bidding and contracting can begin.

**5. Program Staff Determine Scope of Work and Deliverables.**

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Program staff determine the purpose, scope of work, special terms and conditions, specifications/statement of work, deliverables, due dates, and budget. The bid and contract must clearly state Ecology's performance expectations and the deliverables required of the contractor.

**6. Assistant Attorney General May Review Contracts Before Execution.**

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The Assistant Attorney General (AAG) for Ecology reviews any bid or contract at the request of the Contracts and Purchasing Unit or program staff. The AAG reviews contracts that are politically sensitive; have very high dollar limits; are not a standard boilerplate; or require special legal attention. A requested change to the standard bid or contract language may require AAG approval.

**7. Program Budget Manager Reviews Contracts for Funding.**

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Program budget managers ensure appropriate funds are available and the budget stated is correct before a contract is executed.

**8. Program Staff Administer Contracts After They are Awarded.**

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Once a contract is awarded, program staff are responsible to administer the contract and determine whether the contractor has completed work according to the contract and in a satisfactory manner, before approving payments to the contractor.

**9. Ecology Uses Qualified Public Resources When Possible.**

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Program staff consider using public resources before bidding or contracting for a good or service. Interagency Agreements according to Chapter 39.34 RCW are used for contracts between public agencies.

Public resources may include:

- Ecology employees.
- Past projects with other state, local, and federal agencies, or educational institutions.
- People and resources in other Washington State agencies or educational institutions.
- Federal and local agencies with similar functional responsibilities and requirements.
- Other states that have encountered similar problems or tasks.
- State Surplus.

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**10. Ecology Considers Office of Minority and Women’s Business Enterprises Goals.**

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Office of Minority and Women’s Business Enterprises (OMWBE) has established goals for contracts awarded to minority and women-owned businesses. Staff are encouraged to consider these goals when bidding. Contracts and Purchasing Unit helps staff identify applicable goals for their bid or contract.

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**11. Authorized Ecology Official Signs Contract Last.**

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Staff use the Signature and Authority Matrix (Attachment A to Policy 17-01) to determine who is authorized to sign a contract or amendment. The Ecology representative’s signature is the final signature to execute a contract or amendment when Ecology is the authoring party.

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**12. New Total Dollar Amounts for Amendments Help Determine Signature Authority.**

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For contract amendments, staff follow the same level of signature authority as the original contract, unless the new total dollar contract amount is greater than the original. In that case, staff use the Signature and Authority Matrix to determine if the new total dollar amount requires a higher level of signature authority.

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**13. Program Staff Maintain Bid File.**

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Program staff establish and maintain a bid file to contain all of the following:

- Completed and signed Human Resources’ Decision to Contract form, if required.
- Evidence of required filings with DES, if any.
- All bidding documents generated by Ecology, including solicitation, amendments, addenda, appendices, exhibits, and other supporting documentation.
- Vendor bids, bid posting notices, and correspondence related to the bidding and contract.
- Evidence of Competition (bid evaluation results summary).
- Copy of the resulting awarded contract. The original signed copy must be in Fiscal.

The only exception to the above is when the Contracts and Purchasing Unit handles the bidding process. In those cases, the original bid file is stored in Fiscal, but the program maintains the contract file. Fiscal maintains a file for original signed contracts that is used for payment purposes.

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**14. Fiscal Office and Program Manage Contract Records.**

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The Fiscal Office manages the following contract records:

- Original contract and amendments.
- Original Face Sheet.
- Original signed A-19s with a copy of associated invoices.

- Record of payments.
- Record of retainage withheld.
- Record of encumbrances/adjustments.

The program manages the following records:

- Copy of contract and amendments.
- Copy of Face Sheet.
- Copy of signed A-19s with original invoices.
- Support documentation for invoices.
- Correspondence and other documents related to the contract.
- Deliverable documents, reports, data, etc.

Approved:



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Chief Financial Officer

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