

Effective Date: October 18, 2018

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POLICY 1041

Cancels:

See Also: Chapter 39.04 RCW; Chapter 39.26 RCW; Chapter 39.34; Chapter 39.80 RCW; Chapter 77.12 RCW; Chapter 77.100 RCW; POL 1004

Approved by: /s/ Joe Stohr

POL1041 CONTRACTS AND AGREEMENTS

This policy applies to all WDFW employees and volunteers. However, if policies or procedures are in conflict with or are modified by a bargaining unit agreement, the agreement language shall prevail.

Definitions:

CAMP: The Capital and Asset Management Program

Contracting Authority: The position empowered to commit WDFW resources by entering into an agreement or contract.

Contracts and Purchasing Office: The office within the Financial Division responsible for coordinating and executing receivable, payable, and no-cost contracts for WDFW.

1. WDFW Employees Must Have the Statutory Authority to Enter into any Contract.

A WDFW employee may enter into a contract with one or more parties only if WDFW has the statutory authority to enter into such a contract and the employee has the delegated authority or has obtained the contracting authority's approval to enter into said contract.

2. The Fish and Wildlife Commission Delegates Contracting Authority to the Director.

The Fish and Wildlife Commission governs WDFW under its authority through Title 77 RCW and Chapter 43.300 RCW. The Fish and Wildlife Commission provides a written delegation of authority to the Director, which includes the delegation of authority to enter into contracts that are reserved for the Fish and Wildlife Commission by statute, subject to certain conditions. The Director may further delegate such authority provided that the delegation complies with the Fish and Wildlife Commission's delegation of authority.

3. The Director Delegates Contracting Authority to Specific WDFW Units.

The Director delegates contracting authority to specific WDFW units under WDFW Policy 1004.

CAMP is responsible for public works contracts under RCW 39.04; and architectural and engineering contracts under RCW 39.80.

The Wildlife Lands Division is responsible for WDFW lands use agreements, real property purchases and easements; and timber sales.

The Contracts and Purchasing Office is responsible for goods and services contracts under RCW 39.26; Interlocal Cooperation Act agreements under RCW 39.44; receivable grants and contracts; and various other contracts and agreements under Title 77 RCW.

4. WDFW Units with Contracting Authority Comply with and Enforce Statutes, Rules and Policies Related to those Contracts.

WDFW units that are delegated contracting authority by the Director are responsible for ensuring that contracting actions under their authority comply with laws, rules and policies governing those actions, including any conditions applicable to delegations of authority by the Fish and Wildlife Commission.

5. Project Managers are Responsible for Ensuring Performance under Contracts

Project managers who manage contracts are responsible for monitoring performance and ensuring that contractual terms are met by both WDFW and the other parties to those contracts.

For payable contracts, project managers must ensure that deliverables have been provided and payment terms have been met by the other party before authorizing payment.

6. WDFW Employees will Ensure that Contracts Comply with Bargaining Unit Agreements.

WDFW units with contracting authority will ensure that contracts that potentially contract out work previously performed by WDFW bargaining unit members work with WDFW's Human Resources Office for appropriate bargaining unit review and comment prior to entering into such contracts.

7. The Contracts and Purchasing Office Administers WDFW's Contracts Management System.

The Contracts and Purchasing Office administers the agency's contracts management system for contracts and agreements under the Contracts and Purchasing Office's authority, and public works/architectural and engineering contracts for CAMP.