



**Agency Contract Reporting
(RCW 39.26.210)
Creating a Statewide, Searchable
Contracts Database**

2013 DES Training Conference & Trade Show

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WHY DO I HAVE TO REPORT?

- HB 2452 (2011-12) The legislation was designed to make the procurement process more transparent, competitive and efficient.
- Guiding principle of Procurement Reform:
 - OPEN GOVERNMENT
- Who cares?
 - Vendor community
 - Legislature
 - Other stakeholders
 - **The public – TAXPAYERS!**



RESULTS WASHINGTON

“Washingtonians expect their tax dollars to be put to the best possible use. That means investing in state services that are the most important to them, providing those services with excellence and then making results easily available to the public.”

GOAL #5: TRANSPARENCY AND ACCOUNTABILITY

“I know how my money is being spent”

Transparency	Procurement Reform	Accountability
Increase access to state government data from X to X by 20XX (TBD)	Increase the percentage of contract data available on a central website from zero to 100% by 2015	Increase the number of Results Washington outcome measures and leading indicators improving from X to X by 20XX (TBD)



<http://results.wa.gov/default.aspx>



AGENCY CONTRACT REPORTING (RCW 39.26.210)

All state agencies and higher education institutions are required under [RCW 39.26.210 \(1\) \(effective 1/1/2013\)](#) to annually submit a list of all contracts entered into or renewed during the previous fiscal year.

- **All contracts, except contracts exempted from disclosure, must be submitted to Department of Enterprise Services (DES) no later than September 1st of each year**
- **DES must maintain a publicly available list of all contracts entered into by agencies during each fiscal year.**



WHAT DATA DO I HAVE TO REPORT?

- Contracting agency
- Contractor legal name
- Contract purpose
- Effective dates and period of performance
- Value of the contract
- Funding source(s)
- Substantive modifications, if any
- How the contract was procured



Policy #DES-210-01

Agency Contract Reporting

- Enabling Legislation – RCW 39.26.210
- Purpose:
 - *“To foster transparency related to state processes and agency contracts.”*
 - *“Open government not only relies on the ability to collect data but is dependent on and is fostered by the ease in which this data can be readily accessed by all interested parties.”*



Policy #DES-210-01

Agency Contract Reporting

- What types of contracts must be reported?
 - All contracts entered into or renewed or amended in the prior fiscal year that has a statement of work **or** exceeds the Direct Buy limit, including:
 - Service contracts
 - Client service contracts
 - Direct buy agreements that include a statement of work
 - Goods and commodity contracts
 - Architectural and Engineering (A & E)
 - Software licenses – including click-through
 - on-screen license agreement that is accepted by the user by clicking a button.
 - Equipment and software maintenance



Policy #DES-210-01

Agency Contract Reporting

- What types of contracts must be reported? (Con't)
 - Revenue contracts
 - Contracts procured from Qualified Master Contracts
 - Only if the procurement results in an agency specific contract that includes a statement of work
 - » Example: Organization Development, Management Consulting, Information Technology Professional Services (ITPS)
 - Qualified Master Contract -
 - » DES Master Contracts; and
 - » Cooperative contracts that conform to all applicable Washington State procurement laws, rules, policies and trade agreements.
 - Optional: Public Works contracts
 - Legislation



Policy #DES-210-01

Agency Contract Reporting

- Exemptions from Contract Reporting
 - Purchase orders or field orders
 - **UNLESS THEY CONTAIN A SCOPE OF WORK**
 - Direct buy contracts EXCEPT those that contain a statement of work
 - Expert witness agreements
 - Non-fiscal agreements
 - Examples – Data share, MOU, confidentiality agreement
 - Interagency/Interlocal agreements (RCW 39.34)



Policy #DES-210-01

- Exemptions from Contract Reporting (Con't)
 - Loan agreements
 - Grant and sub-grant agreements
 - Contracts exempt from disclosure under another state law
 - Contract specifically exempted by the DES director.



COMPLIANCE

- Compliance
 - Agencies are expected to submit complete and timely contract reports. The agency's record of compliance will be factored into the agency's risk rating.

Non-compliance could affect your delegation of authority.



WHAT HAS HAPPENED SO FAR?

- **Developed a policy – DES-210-01**
- **Created business rules and developed an Excel reporting template**
- **Partnered with several agencies to test and provide feedback**
- **Created the Agency Contract Reporting web site**
 - ✓ **Posted policy, FAQ's, Excel template, training documentation**
- **Set up ContractReporting@des.wa.gov mailbox**



2013 Contract Reporting Pilot

- **20+ agencies volunteered**
- **Conducted two training sessions**
- **Reporting period: Due date October 1, 2013**
 - **January 1 – June 30, 2013**
- **DES collected the data and posted it to data.wa.gov**
- **Pilot Goals:**
 - **Receive feedback and suggestions from pilot agencies**
 - **Refine and improve the reporting tools and process**



2013 Contract Reporting Pilot

Examples of what pilot agencies have reported so far:

- **Data issues**
- **Excel reporting tool issues**
- **For ECMS agencies – WEBI tool issues**
- **Agency databases**
- **Contract universe**



What's next?

- **Pilot Opt-In Opportunities**
 - March and June 2014
- **Agencies not participating in the pilot or opt-ins**
- **DES will continue to improve the reporting process based on input from the pilot agencies**
- **Update FAQ's on a regular basis**
- **Improve data in extract report from Enterprise Contract Management System(ECMS)**



Questions

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Reporting Questions

ContractReporting@des.wa.gov

Spreadsheet and ECMS Extract Tool Questions:

ContractReporting@des.wa.gov

Visit the Agency Contract Reporting Website at

<http://www.des.wa.gov/services/ContractingPurchasing/PoliciesTraining/Pages/ContractsTransparency.aspx>

