Enterprise Services Policy No. POL-DES-090-00

Delegated Authority 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 39.26.090
* State Law [RCW 28B.10.029](https://app.leg.wa.gov/RCW/default.aspx?cite=28B.10.029)
* State Law [RCW 39.26.130](https://apps.leg.wa.gov/rcw/default.aspx?cite=39.26&full=true#39.26.130)
* [OCIO Policy #121](https://ocio.wa.gov/policy/it-investments-approval-and-oversight-policy)

**See also:** DES Procedures: PRO-DES-090-00A

**Effective date**: {DATE}

**Last update**: N/A

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

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

# Reason for Policy

# This policy applies whenever an agency purchases or leases goods and/or services under Chapter 39.26 RCW. The goal is to provide each agency with authority that is tailored to fulfill the agency’s mission.

# POL-DES-090-00 Delegated Authority Policy

1. **Purchases of goods and services shall be made in accordance with RCW** [**39.26.090**](http://apps.leg.wa.gov/rcw/default.aspx?cite=39.26.090)**.**
   1. The DES Director will delegate to agencies authorization to purchase goods and services. The following delegations will be used:
      1. General Delegated Authority
      2. Additional Delegated Authority
      3. Interim Delegated Authority
   2. Washington State Higher Education Agencies may obtain goods and/or services under separate authority. See [RCW 28B.10.029](http://app.leg.wa.gov/RCW/default.aspx?cite=28B.10.029).
2. **General Delegated Authority** provided to agencies has these characteristics:
   1. Agencies receive their General Delegated Authority, which includes any special purchases, using the procedures listed in PRO-DES-090-00A.
   2. The amount of the General Delegated Authority will be specific as to the dollar amount for specific types of goods and services in three general categories: (i) goods, (ii) services, and (iii) Information Technology (IT) goods and services.
   3. Client services contracts must be within an agency’s General Delegated Authority.
   4. The amount of the General Delegated Authority applies regardless of the source of the funding for the procurement.
   5. An agency’s General Delegated Authority review schedule is provided in the agency’s general delegation letter, and the delegation continues until modified in writing by the DES Director.
   6. An agency’s General Delegated Authority does not relieve the agency from compliance with Chapter 39.26 RCW or from policies established by DES.
   7. If an agency is not in substantial compliance with the overall procurement policies as established by DES, the DES Director will not delegate authority to purchase goods and services to that agency.
   8. The DES Director may at any time and at his/her discretion withdraw or modify an agency’s General Delegated Authority based upon the agency’s procurement compliance, performance, and/or risk profile.
3. Agencies may be granted **Additional Delegated Authority**:
   1. To obtain Additional Delegated Authority an agency must 1) notify DES in advance regarding procurements that may exceed the agency’s delegated authority and 2) Use Delegated Authority Procedure PRO-DES-090-00A.
   2. DES may impose conditions when granting additional delegated authority to assist the agency to manage procurement-related risks.
   3. Grants of additional delegated authority are of limited duration, which is denoted in the letter from the DES Director granting the authority.
4. Only certain agencies may obtain **Interim Delegated Authority**:
   1. Any agency created after the effective date of this policy will work with DES to receive an Interim Delegated Authority.
   2. When applying for Interim Delegated Authority, agencies must use Delegated Authority Procedure PRO-DES-090-00A.
   3. Grants of Interim Delegated Authority are of limited duration, until a risk assessment is conducted.
5. **Proper use of delegated authority complies with all applicable Washington State procurement requirements and includes adherence to the following:**
   1. Agencies must use existing master contracts, or DES approved cooperative contracts, unless the contract cannot justifiably satisfy the agency’s needs.
   2. Agencies have unlimited delegated authority when:
      1. purchasing directly from a DES master contract or DES approved cooperative contract;
         1. if a master contract or DES approved cooperative contract requires a second tier competition, an agency’s delegated authority:
            1. is unlimited if DES conducts the competition; or
            2. is limited to an agency’s delegated authority if that agency conducts the competition.
   3. making emergency purchases as defined in RCW 39.26.130.
   4. For contracts that include a combination of goods and services, apply the category threshold that represents the predominant category for that procurement.
   5. General Delegated Authority levels are not cumulative; the levels applies to each contract term for services and information technology goods or services; and per purchase event for goods;
   6. For IT goods and services, agencies may also be required to receive approval from the Office of the Chief Information Officer (OCIO) per OCIO [Policy #121.](http://ofm.wa.gov/ocio/policies/documents/121.pdf) Agencies should confer with the OCIO and confirm if OCIO approval is required. DES will also be available to assist agencies.
   7. Agencies may implement additional procurement restrictions or requirements at the agency level so long as they are consistent with Chapter 39.26 RCW and DES procurement policies.

# History

## Adopted

{DATE}

## Replaces

DES-090-00 Direct Buy Policy REV 01-08-15