



## **Purpose**

Inform Contractors and WSDOT staff of the transition to electronic signatures for the execution of Contracts. This will expand the use of electronic signatures and modernize our process to align with current industry practice.

## **Guidance**

To make this transition, WSDOT will be phasing this into our contracts between now and September 2021. The first phase will allow the Contractor to opt into electronic signing of the Contract. In September electronic signing of Contracts will become mandatory. The details are explained in the Implementation section of this bulletin.

The Contractor will be required to provide the following information to WSDOT HQ CAPS within three calendar days after the Award date when signing Contract execution documents with electronic signatures:

- Authorized signer's full name, email address and phone number
- Name of bonding agent, email address and phone number

WSDOT HQ CAPS will send the contract execution documents to the Contractor and bonding company for electronic signature using software provided by WSDOT – Adobe Sign. Password authentication is needed for the Contractor's signature as the Contract execution documents have been identified to require additional identity verification.

The Contract form has been updated to reference WSDOT's Contract Advertisement and Award website as the location for the Contract documents, including the Plans, Contract Provisions, and other contractually binding documents such as DBE forms. These documents will no longer be attached to the Contract when it is issued.

WSDOT will continue to provide a conformed set of Plans to the Contractor and Project Engineering offices for their convenience. However, it's important to understand that the official version of the Contract documents are on Contract Ad and Award's website.

## **Background**

Contract execution documents were previously omitted from the Construction Division's Electronic Signature Policy. For the past months we have continued to issue paper documents while WSDOT adjusted our processes to allow for electronic signatures.



Until now, Contracts were signed with handwritten signatures, the paper Contract form and a printed version of the Contract documents, including the Contract Provisions and Plans, were mailed to the Contractor and manually routed to the various signers to collect their handwritten signatures.

### **Implementation Plan**

Mandatory General Special Provision 1-03.3OPT2.GR1 must be incorporated into all Contracts issued after the date of this bulletin. This GSP provides the Contractor with an option to sign the Contract execution documents electronically or with traditional handwritten signatures. This option will be available until September 2021 when the 2022 Standard Specifications are issued.

At that time, the optional use of electronic signatures will be replaced with language that requires Contract execution documents to be signed electronically. The option for paper documents will no longer be available.

The Contract form has been updated to reference WSDOT's Contract Advertisement and Award website as the location of Contract documents. Effective immediately, all parties shall obtain official versions of the Contract documents from WSDOT's Contract Advertisement and Award website. For convenience, unofficial conformed plan sets will also be made available at that website.

**All Contracts awarded that references the 2022 Standard Specifications will require the use of electronic signatures on Contract execution documents.**

### **Resources**

GSP [1-03.3.OPT2.GR1](#)

2022 Standard Specification 1-03.3

[Contract Form \(272-006\)](#)

### **Contact Information**

Jon Keeth

[KeethJ@wsdot.wa.gov](mailto:KeethJ@wsdot.wa.gov)

360-705-7827

## 1-03.2 Award of Contract

Normally, Contract Award or Bid rejection will occur within 45 calendar days after Bid opening. If the lowest responsible Bidder and the Contracting Agency agree, this deadline may be extended. If they cannot agree on an extension by the 45 calendar day deadline, the Contracting Agency reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids. The Contracting Agency will notify the successful Bidder of the Contract Award in writing.

## 1-03.3 Execution of Contract

Within 3 calendar days of Award date (not including Saturdays, Sundays and Holidays), the successful Bidder shall provide the information necessary to execute the Contract electronically to the Contracting Agency. The Bidder shall send the contact information, including the full name, email address, and phone number, for the authorized signer and bonding agent to the Contracting Agency at [CAPS@wsdot.wa.gov](mailto:CAPS@wsdot.wa.gov).

Within 20 calendar days after the Award date, the successful Bidder shall return the signed Contracting Agency-prepared Contract, an insurance certification as required by [Section 1-07.18](#), a satisfactory bond as required by law and [Section 1-03.4](#), the Transfer of Coverage form for the Construction Stormwater General Permit with sections I, III, and VIII completed when provided, and shall be registered as a contractor in the state of Washington.

Until the Contracting Agency executes a Contract, no Proposal shall bind the Contracting Agency nor shall any Work begin within the project limits or within Contracting Agency-furnished sites. The Contractor shall bear all risks for any Work begun outside such areas and for any materials ordered before the Contract is executed by the Contracting Agency.

If the Bidder experiences circumstances beyond their control that prevents return of the Contract documents within 20 calendar days after the Award date, the Contracting Agency may grant up to a maximum of 20 additional calendar days for return of the documents, provided the Contracting Agency deems the circumstances warrant it.

## 1-03.4 Contract Bond

The successful Bidder shall provide an executed Contract Bond for the full Contract amount. This Contract Bond shall:

1. Be on a Contracting Agency-furnished form;
2. Be signed by an approved Surety (or Sureties) that:
  - a. Is registered with the Washington State Insurance Commissioner; and
  - b. Appears on the current Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner,
3. Be conditioned upon the faithful performance of the Contract by the Contractor within the prescribed time;