

PROCUREMENT INFORMATION MEMORANDUM

Date Issued: February 26, 2019

Number: 19-002

Effective Dates: Date Issued Until Modified or Retired

Subject: **Electronic Signatures and Contracts Records Retention**

I. REFERENCE

Wis. Stat. § 16.71

Wis. Stat. §§ 137.11 – 137.20

Wis. Admin. Code Chapter Adm 12

II. PURPOSE

This Procurement Information Memorandum (PIM) provides agencies with policy guidance on the use of an electronic signature solution.

Agencies must ensure that the proper individuals are authorizing documents that obligate the State in specific contractual and purchasing events.

Agencies must also maintain proper documentation of procurement activities to meet internal administrative needs, legal demands and program and audit requirements.

III. SCOPE

The State Bureau of Procurement has an enterprise subscription to an electronic signature solution, used primarily to execute documents which require signature in contractual, purchasing, procurement or other agreements related to the acquisition of goods and services. This includes but is not limited to contract renewals, new contracts, grants, software licensing and certain activities related to projects.

Beyond purchasing or procurement-related agreements, there are advantages to leveraging electronic signature in other programs or functional areas, and the Bureau intends to facilitate that use in a manner that is compliant with the terms of the subscription and state accounting rules. See Section V.

All documents will be retained according to the Retention Disposition Authorizations (RDAs). The electronic signature system is **not** considered an official system of record for documents that are signed within it. Should a state agency determine these records will also be exclusively maintained in an electronic format, agencies must additionally meet the standards and requirements for the management of electronic records as outlined in Wis. Stat. § 137.20 and Wis. Admin. Code [Chapter ADM 12](#).

IV. SIGNATURE METHODS

Wisconsin Statutes expressly authorize the use of electronic signatures. On any document where a signature is required, an electronic signature is legally sufficient (Wis. Stat. § 137.15(4)). More specifically, an electronic signature on a contract or other document “may not be denied legal effect or enforceability solely because it is



in electronic form.” Wis. Stat. § 137.15(1). While use of electronic signatures is not mandated by law, an electronic signature has the same legal effect as a physical signature.

Accordingly, the following signature methods shall be accepted for documents that obligate the State in specific contractual and purchasing events:

a) Physical Signatures

A physical signature signed by an individual who has been properly delegated to obligate the State in contractual and purchasing events shall be an accepted signature method. This does not include a stamp of an authorized individual’s signature. The physical wet signature must be executed by the appropriately delegated individual.

b) Electronic Signatures

An electronic signature executed by an individual who has been properly delegated to obligate the State in contractual and purchasing events shall be an accepted signature method. The electronic signature must require an authentication of the signer, and that authentication must be retained as a record of the contract or purchasing event. The approved electronic signature method is the e-signature solution offered as an enterprise contract.

V. USE OF ELECTRONIC SIGNATURE SOLUTION

The Bureau is the central administrator of the enterprise e-Signature program. Agencies will need to request approval and/or access to the program from the Contract Manager under the following circumstances:

- 1) Agency did not use DocuSign in the past and intends to be established as a new user;
- 2) Agency used DocuSign in the past and intends to expand the use of the tool to new users or program areas not related to the purchasing function; or
- 3) Agency intends to build an integration or interface between DocuSign and any other application.

Agency programs or functions outside of purchasing/procurement will first contact their agency central purchasing office to request access to eSignature. The agency central purchasing office will work with the Bureau to provide information about the estimated volume of transactions and users that program will add to the enterprise subscription, and whether the agency intends to build integrations or interfaces with high volume applications.

The Bureau will determine whether the addition of that program’s volume fits the scope of the contract. Upon approval, the Bureau will set up the necessary sub-accounts in the system to ensure that usage can be tracked by program area or function. The agency will then be responsible for monitoring utilization through reports that are generated from the system.

VI. FREQUENTLY ASKED QUESTIONS

1. How much will my agency be charged for our use of the system?

During the first year of the subscription (November 2018-October 2019), the Bureau intends to charge agencies



based on their proportion of total Ch. 16 goods and services spending which is the method used to charge for other procurement support services through the annual assessment. After the first year, the charge back method is likely to change based on actual envelope count per agency.

2. Will my agency be charged per-user?

No, not at this time. The subscription allows for an unlimited number of users without additional charge. See Question 1.

3. Who can I contact for support and more information about the eSignature program?

The Bureau's Knowledge Management, Improvement and Training (KIT) section will be responsible for account set up, minor troubleshooting and training. For more information, contact doawispro@wisconsin.gov.

V. ADDITIONAL REFERENCE MATERIAL

[General Records Schedule: Purchasing & Procurement \(11/11/13\)](#)

[Wisconsin eSignature \(DocuSign\) User Guide](#)

