

STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES  <b>Administrative Order <u>18-03</u></b>	DATE ISSUED: August 17, 2018
TO: <b>All DGS Personnel and Business Partners</b>  SUBJECT: <b>Electronic Signatures for Acquisitions</b>	EXPIRES: Until Rescinded  REFERENCES: SAM Chapter 1240; Administrative Order 16-04; California Civil Code §1633.1 <i>et seq.</i>  SUPERSEDES:

**Purpose**      The purpose of this policy is to establish the acceptance of electronic signatures (hereafter “e-signatures” or “e-sign”) for documents related to Department of General Services (DGS) acquisitions.

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**Scope**      This policy governs acquisitions conducted by DGS that utilize e-signatures to procure goods and services.

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**Background**      The Uniform Electronic Transactions Act (UETA), as adopted by California in Civil Code §1633.1 *et seq.*, permits the use of e-signatures for acquisitions by governmental entities. DGS Management Memos (MM) 17-03 and MM 18-03 established statewide policy on permissible types of e-signatures in conducting state business operations. This statewide policy was incorporated into the State Administrative Manual (SAM) Chapter 1240 on August 16, 2018.

As permitted by SAM 1240, DGS adopts this policy regarding electronic acquisitions in accordance with the Department’s strategic direction including, but not limited to, collaboration, effectiveness and sustainability.

Guidance on documents that must be submitted for DGS review and approval in paper format is maintained in the State Contracting Manual.

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**Policy**      The Department shall utilize e-signatures to streamline the acquisition process, regardless of dollar amount, whenever signing parties agree.

Individuals e-signing on behalf of DGS shall do so within their Acquisitions Commitment Authority (ACA) or their delegated authority as set forth in Form AD-27 Delegation of Authority (DOA).

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**Policy Cont.** When utilizing e-signatures, the Department shall:

Implement the following security procedures<sup>1</sup>:

- Confidentiality procedures to address accurate identification, authentication, authorization, and accountability,
- Integrity procedures to address non-repudiation,
- Availability procedures to address accessibility and recoverability

Store e-signed documents for the purpose of verifying the integrity of acquisitions and auditing their authenticity in a system of record by using an enterprise solution for electronic acquisitions records management.

Manage e-records in the same way as paper records with regard to retention and disposition as defined in Administrative Order 16-04.

Establish a working group to periodically review reported problems with the e-signature solution and make necessary improvements, if needed.

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**Limitations and Exclusions**

If a party (e.g., the contractor) is unwilling or unable to sign an acquisition document electronically, DGS shall accept wet-signed hardcopies. Civil Code §1633.5.

Federal and/or state law or policy may require the use of wet signatures for specific documents.

DGS will not require the use of digital signatures for electronic acquisitions.

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**Definitions**

**E-signature:** The UETA defines an e-signature as “an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.” Civil Code §1633.2(h). A method of an e-signature includes a “digital signature” as defined in Government Code §16.5.

**E-record:** Civil Code §1633.2(g) defines an electronic record (hereafter “e-record”) as “a record created, generated, sent, communicated, received, or stored by electronic means.”

**Electronic Acquisitions:** Electronic acquisitions are acquisitions conducted in whole or in part by electronic means that utilize e-signatures to procure goods and services. Examples of such electronic acquisitions include solicitations, contracts, or purchase orders.

**Wet signed:** A hardcopy (paper) document bearing an original handwritten signature, not scanned or photocopied.

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<sup>1</sup> <http://documents.dgs.ca.gov/ISPO/Procedures/E-Signature%20Security%20Procedures.docx>

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**Questions**

If employees have questions, concerns, or would like additional information regarding the acceptable use policy, please contact the DGS Office of Strategic Planning, Policy & Research via phone at (916) 376-5000.

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**Approval**

  
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**Daniel C. Kim**  
Director

  
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**Date**