



**State of Oregon**  
**Department of Administrative Services**  
**Transportation, Purchasing & Print Services Division**



**Purchasing - Policy**

<b>Subject:</b> Facsimile Signature to Execute Final Contract Documents	<b>Number:</b> 107-3-260
<b>Approval:</b>	<b>Effective Date:</b> July 12, 2000
<b>Summary:</b>  The purpose of this policy is to provide guidance to state agencies to accept a facsimile signature as an electronic signature when executing final contract documents and subsequent contract and amending activities in lieu of an original ink signature	
<b>Authority:</b> ORS 192.835(5), ORS 192.835(7); ORS 192.840	
<b>Applicability:</b> All state agency contracting documents (excluding all solicitation document types)	
<b>Definition:</b> For the purpose of this policy: “Electronic Signature” means any letters, characters or symbol manifested by electronic or similar means executed or adopted by a party with an intent to authenticate a writing. A writing is electronically signed if an electronic signature is logically associated with such writing  “Writing” includes handwriting, printing, typewriting and all other methods and means forming letters and characters upon paper, stone, wood or other materials. “Writing” also includes information that is created or stored in any electronic medium and is retrievable in perceivable form.	
<b>Policy:</b> Unless provided by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature. Each state agency may accept electronic signatures to execute final contracting documents when: <ol style="list-style-type: none"> <li>1. Contracting activities comply with all state rule and statutory requirements.</li> <li>2. An Agency demonstrates evidence that the facsimile signature in fact indicates the person’s intent to be bound to the specifically identified contract document. An agency may meet this requirement by:             <ol style="list-style-type: none"> <li>a. Requiring a facsimile of the entire contract document with signature page OR</li> <li>b. Requiring a facsimile of the signature page only when accompanied by a signed statement identifying the following:                 <p style="margin-left: 40px;">“I, _____, ____ [title] _____, received a copy of Contract No. _____ [and type of contract document] between the State of Oregon acting by and through _____ and _____, by facsimile from _____ on _____, 20__. On _____, 20__, I signed the printed form of this [type of contracting document] without change from the electronically transmitted document. A copy of the signature page from this [type of contracting document] containing my signature and dated _____, 20__, is included with this facsimile transmission.”</p> </li> </ol> </li> <li>3. An Agency contract file contains follow-up evidence of documents with original ink signature from signatory for all contracts more than \$1,000,000.</li> </ol>	



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4. An Agency determines that the contract file should contain follow-up evidence of documents with original ink signature from signatory for all contracts less than \$1,000,000.

**Revision Date:**