

ADMINISTRATIVE REGULATION 2020-05

MAYOR JOHN SUTHERS

DATE: June 1, 2020

TOPIC: Electronic Signature Authority for City Agreements and Other Documents

LEGAL AUTHORITY: City Charter §§ 3-10(b) and 15-30
City Code § 1.2.314
15 U.S.C. §§ 7001, et seq.
C.R.S. §§ 24-71.3-101, et seq.

1.0 Purpose and Scope: This Administrative Regulation authorizes and sets forth the City process for obtaining Electronic Signatures on City agreements and other documents requiring signatures, as authorized by the "Electronic Signatures in Global and National Commerce Act" and the Colorado "Uniform Electronic Transactions Act."

2.0 Terms Defined: "Electronic Signature" – a signature provided on an agreement or other document as set forth below, through electronic means, including the utilization of, but not limited to, programs such as DocuSign, PandaDoc, eversign, Adobe Sign, SignRequest, and eSignLive, or a signature typed or inserted into an agreement or other document using word processing programs or software.

3.0 Procedures:

3.1 In General: Pursuant to City Charter § 3-10(b), the Mayor shall perform all executive and administrative functions of the City, including promulgation of administrative regulations.

The City Code requires signatures on various documents, records and acts of the City. Historically, signatures provided on behalf of the City have been traditional, "wet-ink" signatures. Under Federal and Colorado State Law, including the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., and the Uniform Electronic Transactions Act, as adopted by the Colorado General Assembly and codified at C.R.S. § 24-71.3-101 et seq., certain agreements and other documents may be executed by Electronic Signature.

Pursuant to this Administrative Regulation, the following types of agreements and other documents requiring signatures may be executed by electronic means, through an Electronic Signature:

- Checks
- Contracts and agreements
- Performance bonds
- Purchase orders
- Requisitions (internal)
- All documents, records and acts of the City that require signature by any person, including applicants, or City employees or officials.

Notwithstanding the foregoing, the following documents are specifically excluded from this Administrative Regulation, and may not be executed with Electronic Signatures:

- Deeds
- Easements
- Leases
- Letters of Credit
- Transferable records (Notes)

If any party to the transaction does not agree to utilize Electronic Signatures, then the parties shall execute the agreement or other document with traditional, wet-ink signatures.

Examples of programs that may be utilized to provide and obtain Electronic Signatures include, but are not limited to, DocuSign, PandaDoc, eversign, Adobe Sign, SignRequest, and eSignLive.

3.2 Contract and Agreement Language: Clear consent to the use of Electronic Signatures should be obtained in order to avoid disputes regarding the effectiveness of Electronic Signatures. The following clause, or substantially similar language, may, when practical, be included in contracts and agreements that are intended to be executed through Electronic Signatures:

“This Agreement and all other documents contemplated hereunder may be executed using electronic signatures with delivery via facsimile transmission, by scanning and transmission of electronic files in Portable Document Format (PDF) or other readily available file format, or by copy transmitted via email, or by other electronic means and in one or more counterparts, each of which shall be (i) an original, and all of which taken together shall constitute one and the same agreement, (ii) a valid and binding agreement and fully admissible under state and federal rules of evidence (*as applicable*), and (iii) enforceable in accordance with its terms.”

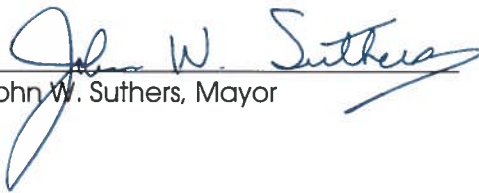
3.3 Procedure: Prior to obtaining an Electronic Signature and/or finally executing any document with Electronic Signatures that is subject to this Administrative Regulation, the responsible City Department or Municipal Enterprise shall ensure that all other requirements related to the execution of City documents, including but not limited to, any necessary approval as to form by the Office of the City Attorney, attestation by the City Clerk, and compliance with monetary amounts for signature authority, have been satisfied.

4.0 Miscellaneous

4.1 This Administrative Regulation shall be effective as of **June 1, 2020**, and shall remain in effect until amended or rescinded.

4.2 This Administrative Regulation shall supersede and rescind Mayoral “Regulation A” regarding Electronic Signatures, dated March 19, 2020, which was issued pursuant to the Mayor’s “Proclamation and Declaration of Emergency” dated March 16, 2020 due to confirmed cases in the City of Colorado Springs of the 2019 Novel Coronavirus, COVID-19.

4.3 This Administrative Regulation shall be filed with the City Attorney and made available for public inspection on the City’s website.


John W. Suthers, Mayor

APPROVED AS TO FORM:



Office of the City Attorney