

Office of Legal Services RAGY Guidelines

State law requires DGS when reviewing contracts to "...consider all other relevant factors, such as clarity of language and legality, and shall utilize its legal staff as necessary to facilitate the approval process." These guidelines are intended to set expectation for DGS Office of Legal Services' (OLS) clients and customers as to how we fulfill the mandate of facilitating the approval of contracts.

RAGY – Return to Agency memo – The purpose of a RAGY is to inform the contracting department that their contract has not been approved at this time; where the contract has short-comings; and where possible, changes that can be made to ensure that the contract can withstand a possible legal challenge.

Communications: The OLS contract review process will include communications with the client regarding deficiencies identified in a contract prior to a RAGY. The intent of these communications (phone or email) is to provide the client the opportunity to address issues that can be resolved quickly (correctable within the normal ten working day approval period) and minimize the overall time necessary to get a contract approved.

Clarity: The RAGY memo and all other communications with the client should be written in plain English. A full description of identified contracting issues should be provided. Suggestions or examples should be provided when possible to aid departmental procurement staff in resolving the issue identified.

Consistency: OLS will strive for consistent review of similar contracts. This will not be done at the expense of ignoring newly identified substantive legal issues that could jeopardize the validity of the contract. In some cases, an "approval memo" may be appropriate if the identified issue does not materially affect the legal integrity of the contracting.

Concrete: The focus of contract legal review is on the legality of the contract and protecting the interests of the State (See the State Contracting Manual, Volume 1). The contract justifications and assurances are the responsibility of the contracting departments, and OLS will review to ensure that they meet legal sufficiency.