



**DocuSign**<sup>®</sup>

*The Global Standard in  
eSignature for Government*

**NDOR**

Nebraska  
Department of Roads

transportation.nebraska.gov

## Overview

The Nebraska Department of Roads (NDOR) is establishing an electronic process to more efficiently create, manage, sign, circulate, and retain agreements. A key component of this process includes using electronic signatures to execute agreements with you, our Customers.

In cooperation with the Office of the Chief Information Officer (OCIO), NDOR will use DocuSign<sup>®</sup> for electronically signing agreements. DocuSign<sup>®</sup> is a private provider of, among other services, cloud-based electronic signature technology. Additional information about DocuSign<sup>®</sup> can be found at [www.docusign.com](http://www.docusign.com).

NDOR intends to begin using DocuSign<sup>®</sup> to electronically sign agreements with the following Customers:

- Consultants
- Developers
- Government Entities, such as: FHWA, environmental agencies, state agencies, counties and cities
- Railroads
- Service Providers
- Utilities

## The First Step

Prior to using DocuSign<sup>®</sup> for signing an electronic agreement, NDOR and the Customer will sign, with a wet-ink signature, a paper Electronic Signature Authorization Agreement (ESAA).

## The Electronic Signing Process

After NDOR and the Customer determine they need an agreement, the Customer will work with NDOR to submit the proper information to include in the final agreement (such as Location Map, Scope of Services, Fee Proposal, etc.). NDOR will assemble the final agreement including exhibits.

NDOR will transmit the final agreement via DocuSign<sup>®</sup> to the email account of the person designated by the Customer to sign the agreement on behalf of the firm. The designated signer will input their DocuSign<sup>®</sup> access code, previously provided by NDOR, in order to access the agreement. The agreement will indicate each place on the agreement where the Customer's signature or initials are needed.

The agreement the Customer receives cannot be altered. The designated signer will electronically sign the agreement and confirm the signature. The signer may select any of DocuSign<sup>®</sup>'s pre-crafted signatures or use a touchpad and create his/her own unique signature. The Customer may, at this time, download a copy of the agreement with their signature, if desired.

DocuSign<sup>®</sup> will automatically forward the agreement to the next person for signing after the Customer has completed the signing process. The Customer will be notified after all parties have successfully electronically signed the agreement. The notification will contain a copy of the fully executed agreement for Customer's records. DocuSign<sup>®</sup> tracks and documents the transactions related to the agreement for reference by the parties.

## Implementation

NDOR will implement electronic signing of agreements in phases. NDOR's current anticipated timeline for beginning Phase 1 is early 2014 for all consultant professional service agreements. The timeline for implementing the process for additional agreements, such as LPA, Railroads, and Utilities, will be determined thereafter.

**Phase 1** – Consultant professional service agreements for State Projects

**Phase 2** – Other service provider agreements

**Phase 3** – Local Public Agencies, Railroads, Utilities, and others

## Frequently Asked Questions

### 1. How much will it cost me to sign NDOR agreements electronically thru DocuSign®?

You will not have to pay anything to sign an agreement electronically. NDOR will pay DocuSign® for all costs related to the signing transaction.

### 2. Do I need an account with DocuSign® to electronically sign agreements?

No, you will not need to sign up for a DocuSign® account. You will only need a secure email account to receive notices and sign agreements. You may choose to have a DocuSign® account for, among other reasons, the ability to view prior agreements.

### 3. How do I use DocuSign® to access the agreement?

NDOR will upload the agreement to DocuSign® for your signature. Next, you will receive an email from DocuSign® with a link that will take you directly to DocuSign®. You will enter a DocuSign® access code that will be provided to you. The agreement will automatically display for signing after you have entered the access code.

### 4. How do I use DocuSign® to sign the agreement?

DocuSign® will indicate where to affix your electronic signature. You will point and click in the designated area to sign and confirm your signature. DocuSign® will automatically forward the agreement to the next signing party.

### 5. Can I modify an electronic agreement after it is sent to me via DocuSign®?

No, after NDOR has uploaded the agreement to DocuSign®, the agreement is locked. You may then elect to sign the agreement sent to you, or decline the agreement if you find an error.

### 6. Once a new agreement has been electronically signed by both parties, will I still receive a paper copy in the mail?

No, when all parties have signed the agreement you will receive an e-mail from DocuSign® notifying you that all parties have signed the agreement. The notification will contain a copy

of the fully executed agreement for Customer's records. In addition, NDOR will retain a copy of the electronic signed agreement within its document management system.

### 7. I am going on vacation for the next two weeks; can I still sign agreements with NDOR during this time?

Yes, as long as you have access to your email, you will be able to review and sign agreements electronically.

### 8. Where can I find additional information on DocuSign®?

Additional Information about DocuSign® can be found at [www.docuSign.com](http://www.docuSign.com).

### 9. Who can I call if I have questions for NDOR?

Contact Information:

Brad Reid, Assistant Agreements Engineer  
402-479-3566  
[brad.reid@nebraska.gov](mailto:brad.reid@nebraska.gov)

## Legal Authority

### Uniform Electronic Transactions Act

The Uniform Electronic Transactions Act (UETA) was developed by the National Conference of Commissioners on Uniform State Laws to provide a legal framework for the use of electronic signatures and records in government or business transactions. UETA makes electronic records and signatures as legal as paper and manually signed signatures.

Forty-seven states, the District of Columbia, Puerto Rico, and the Virgin Islands have adopted the Uniform Electronic Transactions Act (UETA). Washington, Illinois, and New York have not adopted the UETA, though these states have adopted similar legislation governing how electronic transactions are handled.

Nebraska adopted the uniform act in 2000. Neb. Rev. Stat. § 86-612 et seq. Section 86-634 provides the following:

- (1) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
- (2) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.
- (3) If a law requires a record to be in writing, an electronic record satisfies the law.
- (4) If a law requires signature, an electronic signature satisfies the law.

While UETA does not require the use of electronic signatures, NDOR is hopeful that its Customers will find that the electronic signing process using DocuSign® is easy, simple, and efficient. Customers may, in accordance with Neb. Rev. Stat. § 86-632, refuse at any time to sign an agreement by electronic means. Customers' right to refuse to sign an electronic agreement cannot be waived by agreement. A Customer's written consent for electronic signature is conditioned by agreement with State on the Customer's agreement to provide State 45-day termination notice, in the event the Customer chooses to exercise the Customer's right to refuse pursuant to § 86-632. If the Customer chooses to exercise its right to refuse to sign an agreement by electronic means, the Customer shall then be responsible at the Customer's expense for printing, properly executing, and returning the signed agreement by First Class Mail to the State or to the applicable Local Public Agency.

The information contained herein should not be construed as legal advice. You should consult with your legal counsel if you have questions regarding the foregoing Legal Authority information.

NDOR provides the best possible statewide transportation system for the movement of people and goods.