



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Department of Services for the Blind

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: 03-09-92

(2) Purpose:

Selecting a vendor or licensee to operate a primary location vending facility.

(3) Citation of existing rules affected by this order:

Repealed: WAC 67-35-080 Vendor Scoring - Explanation  
Amended: WAC: 67-35-070 Selecting a licensee or vendor to operate vending facility-  
Suspended: Procedure.

(4) Authority for adoption:

Statute: RCW 74.18  
Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date)

Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: There are 4 new large vending facilities available and they should not be awarded under current system. The new language fosters competition, reduces dependence upon the program and corrects a glaring inequity in implementation of the law and makes the process consistent with statute and due process and fairness.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

- 31 days after filing  
 Other (specify) \_\_\_\_\_ \*
- Immediately  
 Later (specify) \_\_\_\_\_

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAR 06 1992

TIME: 3:24 AM

WSR 92-07-012

NAME (TYPE OR PRINT)

Shinley A. Smith

TITLE

Director

DATE

03-06-92

AMENDATORY SECTION (Amending Order 85-12, filed 8/30/85)

WAC 67-35-070 SELECTING A ((LICENSEE-OR)) VENDOR OR LICENSEE TO OPERATE A PRIMARY LOCATION VENDING FACILITY ((--PROCEDURE)). (({+})--To select--a--licensee--or--vendor--to--operate--an--available--vending--facility, a--score--is--computed--for--each--licensee--or--vendor--The--two--vendors--and--two--licensees--having--the--two--highest--scores--in--each--respective--category--as--defined--in--WAC--67-35-030--will--be--interviewed--by--a--panel--representative--of--the--vendors--committee,--the--BEP--director,--and--the--building--manager--The--vendor--or--licensee--who--will--operate--the--available--vending--facility--will--be--chosen--in--this--interview.

(2)-Vendor score determination:

(a)--A--basic--evaluation--score--will--reflect--a--vendor's--level--of--competency,--as--measured--by--the--financial--activities--of--the--vending--facility--compared--with--vending--facilities--whose--operations--are--similar.

(b)--A--vendor--will--receive--one--additional--point--for--each--year--of--experience--in--the--vending--facility--program--up--to--five--points.

(c)--The--basic--evaluation--score--for--a--vendor--is--determined--by--using--three--items--reported--on--the--vendor's--monthly--report:--Gross--income,--cost--of--goods--purchased--and--other--operating--expenses,--and--net--proceeds--The--cost--of--goods--purchased--and--other--operating--expenses,--gross--income--and--net--proceeds--is--determined--and--converted--into--a--percentage--of--gross--income--The--percentages--in--each--category--are--converted--to--points,--as--shown--in--WAC--67-35-080,--and--the--sum--of--the--two--separate--scores--become--the--basic--evaluation--score--The--basic--evaluation--score--for--each--of--the--most--current--four--quarters--will--be--averaged,--and--this--average--plus--points--earned--by--seniority--becomes--the--evaluation--score.

(d)--To--achieve--relative--ranking--of--vendor--and--licensee--effectiveness,--vending--facilities--have--been--grouped--into--three--classifications: Cafeterias,--vending--machine--facilities,--and--other--facilities--Other facilities--consist--of--dry--stands,--snack--bars--and--lunch--counters--Any vending--facility--which--as--a--result--of--modification,--belongs--in--a--different--facility--classification--will--be--assigned--to--that--classification--and--will--use--the--average--percentages--applicable--to--that--classification--The--vendors--committee--in--conjunction--with--the--director--of--the--business--enterprise--program--will--group--similar--vending--facilities.

(e)--For--each--group--of--vending--facilities,--the--national--average--percentage--is--used--to--calculate--each--item--used--in--the--evaluation--These--average--percentages--will--be--taken--from--the--previous--year's--Randolph--Sheppard--Vending--Facility--Program--Annual--Report,--which--is--provided--by--the--United--States--Department--of--Education,--Office--of--Rehabilitation--Services--Administration--The--percentages--used--in--the--evaluation--are--the--net--proceeds--to--gross--income--and--the--cost--of--goods--purchased--and--other--operating--expenses--Each--federal--fiscal--year,--the--vendors--shall--be--informed--in--writing--of--the--average--percentages--and--to--which--classification--their--vending--location--is--assigned.

(f)--Any--vendor--who--has--not--provided--the--department--with--current--monthly--financial--statements--will--not--be--eligible--to--bid--on--available--locations.

(3)-Licensee score determination:

(a)--Individuals--completing--department--sponsored--training--The--licensee's--score--will--be--the--total--points--correct--on--the--preliminary--tests,--the--final--examination,--and--the--Randolph--Sheppard--test--The--BEP--director--will--assure--that--the--potential--number--of--points--remain--consistent--from--quarter--to--quarter.

(b)--Challenge--test--licensee's--basic--evaluation--score--will--be--the--score--he/she--receives--on--the--challenge--test.)) When a primary location vending facility becomes available, the business enterprise staff will send a written "notice of availability" to all vendors and all licensees as indicated by WAC 67-35-060.

A licensee or vendor bidding on the available primary location must submit their interest in writing to the department by 5:00 p.m. on the closing date of the bid. Bids received after the closing time and date will not be considered and the bids will be returned to the bidder.

ELIGIBILITY REQUIREMENTS TO BID ON A PRIMARY LOCATION

To be eligible to bid on a primary location the following must apply:

(1) A vendor must have been assigned to and have actively operated their present location for a minimum of twelve months. If there are no eligible bidders on a primary location, bids will be accepted from vendors who are eligible and have less than twelve months at their present location.

(2) Vendors must have provided the department with current monthly financial statements and have shown a cumulative total net profit on their last twelve months financial statements. Vendors who have not operated a vending facility for twelve consecutive months must use their certification test score for bidding purposes.

(3) Former vendors, who operated a vending facility within the last twelve months, and have provided the department with their most current monthly financial statements, must show a cumulative total net profit on their last twelve months financial statement. If they have not been a business enterprise vendor within the last twenty-four months, they will be required to take the certification test and they will use this score for bidding purposes.

(4) Licensees must have completed the agency sponsored training program and have taken the certification test and received a passing score of seventy percent or better.

(5) Vendors, former vendors, and licensees must include a completed job application with their bid indication. Additional information is encouraged but is not a replacement for the application.

(6) Be current in the payment of all federal and state taxes, Social Security taxes, unemployment taxes, and worker's compensation.

(7) Not owe the department of services for the blind for any back rents, missing equipment, or back inventories.

INTERVIEW PANEL COMPOSITION

The interview panel will include one representative of the business enterprise program, one representative of the vendors committee, and one representative of the building management of the available location.

APPLICATION SCREENING PROCESS

The interview panel will receive and review all of the applications of the vendors who responded to the notice of availability plus applications of the licensees with the top two scores on the certification test.

Applicants will be selected based on their education and prior work experience in: Operating a similar food service facility to the one on the notice of availability, operating a different type of food service facility, participation in the business enterprise program all state meetings, and vendor committee meetings, or other program support and career enhancement training programs at colleges or universities.

Each panel member will select five applicants. Those applicants as well as the two licensees will be scheduled for an interview. The total number of applicants to be interviewed will not exceed seventeen.

THE INTERVIEW PROCESS

During the interview the panel will complete an applicant rating form for each applicant. The panel will rate each applicant on the interview questions and will use those ratings as guidelines for final selection. The panel selects the applicant who will operate the location.

All interviewed applicants will be notified of the results of the interview.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 67-35-080 VENDOR SCORING--EXPLANATION.