

State of Washington

DEPARTMENT OF SERVICES FOR THE BLIND
(agency name)

Administrative Order No. 84-06

(1) I, PAUL DZIEDZIC, director of DEPARTMENT OF SERVICES FOR THE BLIND

do promulgate and adopt at 921 Lakeridge Drive, Room 202, Olympia, WA 98504
(place)
the annexed rules relating to:

WAC 67-35 -- Vending Facility Program for the Blind

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 84-06-005
filed with the code reviser on March 7, 1984. These rules shall take effect:
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
 at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, _____, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____ which directs that the _____

(agency)

has authority to implement the provisions of _____

(name of act or RCW citation)

XX (c) This rule is promulgated under the general rule-making authority of the DEPARTMENT OF SERVICES FOR THE BLIND

(agency)

as authorized in RCW Chapter 194, Laws of 1983, Section 18

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to RCW and chapter 1-12 WAC.

STATE OF WASHINGTON

FILED

APPROVED AND ADOPTED April 11 19 84

APR 16 1984

By Paul Dziedzic
Paul Dziedzic
Director

CODE REVISER'S OFFICE
WSR 84-09-048

Title

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-020 ((PUBLIC-INFORMATION)) APPLICATION--HOW TO APPLY. The public may obtain additional information about the program, including how to apply for services by contacting the vending facility program ((supervisor)) staff (the vending facility program administrator and vending facility program assistant) at the Department of Services for the Blind, 921 Lakeridge Drive, #202, Olympia, WA 98504-0088, phone (206) 754-1224, toll-free 1-800-552-7103; or by contacting department of services for the blind offices located in several large cities of the state. An application for service under the vending facility program may be made to a vocational rehabilitation counselor located in any office of the department of services for the blind.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-030 TERMS DEFINED. The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.

(5) "Challenge test licensee" means a person who has prior work experience and/or training in food service and food service management and who takes the challenge test and is licensed by the department to operate a vending facility in the vending facility program.

(6) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.

(7) "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, social security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.

((6)) (8) "Department" means the Washington department of services for the blind.

((7)) (9) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.

((8)) (10) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States including the department of defense and the United States postal service, or any other instrumentality wholly owned by the United States.

(11) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.

((9)) (12) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.

((10)) (13) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

(14) "Net proceeds" - (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors.)

((11)) (15) "Other property" means property which is not federal property.

((12)) (16) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the department is authorized to establish a vending facility.

((13)) (17) "Public building" means any building which is owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building ~~((and designated by the department as being appropriate for inclusion in the vending facility program))~~: PROVIDED, ~~((HOWEVER,))~~ That any vending facility or vending machine under the jurisdiction and control of ~~((another established state or))~~ a local board ~~((or authority responsible for its maintenance and operation,))~~ of education shall not be ~~((designated))~~ included without the consent and approval of ~~((such state or))~~ that local board ~~((or authority))~~.

((14)) (18) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

((15)) (19) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of ((45)) 34 C.F.R., section ((1369-32)) 395.8 (a), (b), and (c) ~~((and d))~~.

((16)) (20) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and tables for seating. Vending machines may be part of a cafeteria.

(b) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.

(c) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.

(d) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as snack bars,

lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.

(e) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.

((e)) (f) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.

((f)) (21) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-040 ELIGIBILITY. To be eligible to enter the ((training)) program to become a blind licensee, the applicant must meet the following requirements:

- (1) Blind as defined in WAC 67-35-030(2);
- (2) A citizen of the United States;
- (3) Determined eligible for vocational rehabilitation services under ((45)) 34 C.F.R., sections ((4364-34-and-4364-35)) 361.33;
- (4) Found by a vocational rehabilitation counselor's thorough diagnostic study to possess adequate alternative skills to the use of vision in reading, writing and independent travel;
- (5) ((Has--successfully--completed--a-work-evaluation-in-vending-facility-management-conducted-in-Seattle-by-the-vending-facility--program-staff)) Be referred to the business enterprise program by a vocational rehabilitation counselor;
- (6) Receive a passing grade on the business enterprise screening test;
- (7) Successfully complete two on-the-job evaluations at two different vending facilities operated by licensed vendors. Facilities used as on-the-job training sites will be chosen by the vendors committee in conjunction with the business enterprise director. Each on-the-job evaluation will be of two weeks duration;
- (8) Successfully complete a vendor training program arranged by the business enterprise director or meet the requirements set forth in WAC 67-35-055, or meet the requirements set forth in WAC 67-35-056.

AMENDATORY SECTION (Amending Order 83-09, Filed 12/15/83)

WAC 67-35-050 LICENSEE TRAINING. The department operates a training ((course)) program for those who have met the requirements in WAC 67-35-040. In accepting ((persons)) applicants into the training ((course)) program, preference is given to those who are in need of work, otherwise ((persons)) applicants are entered into the ((course)) program according to the earliest date of application. The department ((maintains)) provides or causes to be provided a ((course)) program which includes training and experience with written criteria which the trainee must achieve. The training ((course)) program is of undetermined length, and the time of completion depends upon the trainee's ability to meet the criteria set forth in the ((course)) program. Upon successful completion of the ((course)) program, the trainee

receives a license and is eligible for benefits granted a licensee in this chapter.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-055 LICENSEE--FORMER OR CURRENT OUT-OF-STATE. Any ((individual)) applicant who meets the requirements of WAC 67-35-040(1) through (6) and is currently licensed in another state in good standing or who formerly held a license which was terminated ((in this program)) without cause in the state of Washington may attempt ((for a minimum two week period, to demonstrate at a department operated training facility their knowledge and ability to manage a vending facility. If he/she is successful in this attempt, this trainee will be granted a license, will receive the minimum basic evaluation score of thirty five points, and will be eligible for benefits granted a licensee in this chapter)) to be recertified. To be recertified an individual must do the following:

(1) Indicate in writing to the department of services for the blind a request to become a licensed vendor.

(2) Successfully complete an on-the-job evaluation with a licensed vendor for a minimum period of three weeks at a vending facility to demonstrate his/her knowledge and ability to manage a vending facility. The facility to be used will be designated by the vendors committee in conjunction with the business enterprise program director.

(3) Successfully complete a written examination with a score of seventy or better. If he/she is successful in this attempt, this applicant will be granted a license and will receive the basic evaluation score he/she receives in the written examination and will be eligible for benefits granted a licensee in this chapter.

NEW SECTION

WAC 67-35-056 CHALLENGE TEST LICENSEE. An applicant who meets requirements of WAC 67-35-040 (1) through (6) and who wants to become a blind licensee and who has prior experience or training in food service management may request to be certified as a blind licensee.

The director of the business enterprise program in conjunction with the blind vendors committee will make a determination as to the individual's eligibility. If the individual is found to be eligible he/she will:

(1) Successfully complete an on-the-job evaluation with a licensed vendor for a minimum period of three weeks at a vending facility to demonstrate his/her knowledge and ability to manage a vending facility. The facility to be used will be designated by the vendors committee in conjunction with the business enterprise program director.

(2) Successfully complete a written examination with a score of seventy or better. If he/she is successful in this attempt, this applicant will be granted a license and will receive the basic evaluation score he/she receives in the written examination and will be eligible for benefits granted a licensee in this chapter.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY--PROCEDURE. (1) To select a licensee or vendor to operate an available vending facility, a ((basic-evaluation)) score is computed for each licensee or vendor. ((The--basic--evaluation--score--will reflect--an--operator's--level--of--competency--as--measured--by--the--financial activities--of--the--vending--facility--and--compared--to--vending--facilities which--operations--are--more--similar--than--dissimilar.--To--achieve--relative--ranking--of--vendor--and--licensee--effectiveness,--vending--facilities have--been--grouped--into--ten--classifications:--Dry--stands;--snack--bars under--\$100,000--annual--gross--sales;--snack--bars--over--\$100,000--annual gross--sales;--lunch--counters--under--\$100,000--annual--gross--sales;--lunch counters--over--\$100,000--annual--gross--sales;--cafeterias--under--\$100,000 annual--gross--sales;--cafeterias--from--\$100,000--to--\$200,000--annual--gross sales;--cafeterias--over--\$200,000--annual--gross--sales--and/or--those--with limited--income--percentage;--vending--machines--grouped--to--form--a--facility;--and--department--training--cafeteria.--For--each--group--of--vending facilities,--an--average--percent--is--calculated--for--each--item--used--in--the evaluation.--Points--are--assigned--to--percentages--which--deviate--from--the average--to--reward--superior--management--and--to--discourage--overpricing and--excess--profiteering.--One--point--for--each--year--of--experience--in--the vending--facility--program--up--to--five--years--and--.2--point--for--each--year of--experience--in--the--vending--facility--program--beyond--five--years--is added--to--the--basic--evaluation--score--to--obtain--the--final--evaluation score.--Each--federal--fiscal--year--the--average--percentage--for--the--three items--of--evaluation--will--be--calculated--for--each--of--the--ten--groups--of vending--facilities,--and--vendors--shall--be--informed--in--writing--of--the average--percentages--and--to--which--classification--their--vending--location is--assigned.--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.

(2) The basis-evaluation score for a vendor is determined by using three items reported on the vendor's quarterly report: Cost of merchandise sold; all other operating costs; and net profit. The vendor will separately report the value of any volunteer labor received which is essential to the operation of the facility; the cost of purchasing; leasing or renting equipment; and income received from any personnel training programs for the purpose of adjusting the category of "all other operating expenses." Income received from vending machines not managed or operated by the vendor shall not be considered in the evaluation process. Cost of merchandise sold, adjusted all other operating expenses, and adjusted net profit is determined and converted into a percentage of gross sales. The percentages in each category are converted to points, as shown in WAC 67-35-080, and the sum of the three separate scores becomes the basic-evaluation score. The basic-evaluation score for each of the most current two quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score except that the quarter in which a licensee or operator assumes responsibility for a new or different location shall not be included in the two most current quarters used in determining an evaluation score.

(3) A trainee shall receive a basic-evaluation score by the same method as set forth in subsection (2) of this section except that the period of basic-evaluation shall include those months when a trainee is in certification training and is managing a vending facility under the training program of the department of services for the blind. The basic-evaluation score shall be computed monthly, and adjustment factors are not used.

(4) The licensee or vendor applying for an available facility and having the highest evaluation score shall be designated the vendor of the available facility except as provided for in subsections (5) and (6) of this section.

(5) No vendor or licensee who has been designated to operate an available vending facility will within the next six months thereafter

be designated to operate a subsequently available vending facility, unless such vendor(s) or licensee(s) is (are) the only applicant:

(6) The loss of any vending facility to the vending facility program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the vending facility program, shall permit assignment of the next available vending facility to that vendor without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (5) of this section.

(7) A licensee or vendor who has applied for a vending facility under WAC 67-35-060 may upon request receive a review of the correctness of the selection process from the director of the department or his/her designee. The review must be requested within ten calendar days of the completion of the selection process for which the licensee or vendor has applied. The director or his/her designee will inform the licensee or vendor of the review findings within ten days of the request.)) The vendor or licensee having the highest score 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.

NEW SECTION

WAC 67-35-072 AVAILABLE VENDING LOCATIONS. (1) If only one vendor or licensee bids on an available vending location, that individual will receive that available location.

(2) No vendor or licensee who has been designated to operate an available vending facility will within the next six months thereafter be designated to operate a subsequently available vending facility, unless such vendor(s) or licensee(s) is (are) the only applicant.

(3) The loss of any vending facility to the vending facility program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the vending facility program, shall permit assignment of the next available vending facility to that vendor without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (2) of this section. This section prevails over WAC 67-35-070 with regard to selection of vendors. When a vendor loses the vending facility he/she will be required to indicate geographic availability and will be assigned the next available vending facility within the indicated geographic location. Any vendor who refuses the next available vending location will be required to make application for a subsequently available facility.

(4) Licensees will be required to indicate geographic availability at time of application. Any licensee who fails to bid on an available vending facility within the geographic area of availability will be removed from the bidding process and will be required to request reinstatement to the bidding process. His/her reinstatement will be determined by the business enterprise director in conjunction with the vendors committee.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-080 ((LICENSEE--OR)) VENDOR ((EVALUATION-FORM)) SCORING--EXPLANATION. ((A-licensee-or-vendor-may-accumulate-a-maximum--of-25-basic-evaluation-points-for-the-item-of-"cost-of-merchandise-sold"; a--maximum-of-20-basic-evaluation-points-for-the-item-of-"adjusted-all-other-operating-costs";-and-a-maximum-of-30--basic--evaluation--points-for--the--item-of-"adjusted-net-profit"-for-a-maximum-basic-evaluation score-of-75-points.

(1)-Dry-stands

For-the-item-of-"cost-of-merchandise-sold,"-the-average--percentage--shall--receive--20-points.--For-each--.5%-less-than-the-average,-1 point-shall-be-added,-to-a-maximum-of-5-additional-points.--For--each-.5%--greater--than--the--average,-1--point--shall-be-deducted-from-20 points,-to-a-minimum-score-of-zero.

For-the-item-of-"adjusted-all-other-operating-costs,"-the-average percentage-shall-receive-15-points.--For-each--.33%-less-than-the-average,-1-point-shall-be-added,-to-a-maximum-of-5-additional-points.--For each-.33%--greater--than--the--average,-1-point-shall-be-deducted-from--15 points,-to-a-minimum-score-of-zero.

For--the--item--of--"adjusted-net-profit,"-the-average-percentage shall-receive-20-points.--For-each-1%--greater--than--the--average,-1 point--shall-be-added,-to-a-maximum-of-10-additional-points.--For-each percentage-point-beyond-that-necessary-to--earn--30--points,-1--point shall--be-deducted-from-30-points.--For-each-1%--less-than-the-average, 1-point-shall-be-deducted-from-20-points,-to-a-minimum-score-of-zero.

(2) - Snack bar under \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(3) - Snack bar over \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(4) - Lunch counter under \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(5) - Lunch counter over \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(6) Cafeteria under \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(7) Cafeteria from \$100,000 to \$200,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .66% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .66% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .66% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(8) Cafeterias over \$200,000 annual gross sales and/or those with limited income

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each .5% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .5% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .5% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

~~(9) Vending machines grouped to form a facility~~

~~For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .2% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .2% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.~~

~~For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.~~

~~For the item of "adjusted net profit," the average percentage shall receive 20 points. For each .33% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .33% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .33% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.~~

~~(10) Department training cafeteria~~

~~For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.~~

~~For the item of "all other operating costs," the average percentage shall receive 15 points. For each .33% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .33% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .33% greater than the average, 1 point shall be deducted from 15 points, to a minimum of zero.~~

~~For the item of "net profit," the average percentage shall receive 20 points. For each .5% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .5% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .5% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.)~~ (1) The vendor may accumulate a maximum of twenty-five evaluation points for the item of "net proceeds" and a maximum of thirty points for the item of "cost of goods purchased and other operating expenses" for a maximum performance score of fifty-five points. The basic evaluation points for cafeterias, vending machine facilities and others will be scored as follows:

(2) For the item of "net proceeds" the average percentage shall receive twenty points. For each one percent greater than the average, one point shall be added, to a maximum of ten additional points. For each one percent less than the average, one point shall be deducted from twenty points, to a minimum score of zero.

(3) For the item of "cost of goods purchased and other operating expenses" the average percentage shall receive fifteen points. For each one percent less than the average, one point shall be added, to a maximum of five additional points. For each one percent greater than the average, one point shall be deducted from fifteen points, to a minimum of zero.

(4) The vendor's seniority points are added to the vendor's evaluation points to arrive at the total evaluation score.

NEW SECTION

WAC 67-35-082 ADMINISTRATIVE REVIEW. A licensee or vendor who has applied for a vending facility under WAC 67-35-060 may upon request receive a review of the correctness of the selection process from the director of the department or his/her designee. The review

must be requested within ten calendar days of the completion of the selection process for which the licensee or vendor has applied.