



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: 12/14/94

(2) Purpose: (1) Indicates conditions by which licensees may bid for location; (2) Delete repetitive language and relocate applicative terms to WAC 67-35-072; (3) Resolve conflict with WAC 67-35-070; (4) To change condition of termination of agreement.

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

- Repealed:
Amended: 67-35-070; 67-35-072; 67-35-910
Suspended:

(4) Authority for adoption:
Statute: 74-18
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 94-20-032 on 9/27/94 (date).

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

NONE

(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:

(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

- 31 days after filing
 Other (specify) _____ *

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

Emergency Rules

- Immediately
 Later (specify) _____

NAME (TYPE OR PRINT)

Bonnie Jindra

SIGNATURE

Bonnie Jindra

TITLE

Assistant Director, Administration

DATE

12-15-94

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 15 1994

TIME 9:32
WSR 94-01-064

AMENDATORY SECTION (Amending WSR 89-21-046, filed 10/13/89, effective 11/13/89)

WAC 67-35-910 Vendor agreement.

This VENDOR AGREEMENT entered in this day of , 19. . . by and between the Department of Services for the Blind, hereinafter referred to as the department, and, hereinafter referred to as the vendor.

Name and Address of Facility
City:, Washington

IT IS HEREBY AGREED:

1. The provisions of the permit and/or contract between the department and the property management as now exists and chapter 67-35 WAC (the business enterprise program rules), which described the rights and responsibilities of the department and the rights and responsibilities of the vendor, as presently exist are both by reference incorporated into and made part of this agreement.
2. The vendor is entitled to all profits of the vending facility, and vending machine revenue from site, except as provided for in WAC 67-35-140.
3. The vendor is responsible to submit reports to the department as required.
4. The vendor must maintain the business hours agreed upon or as stated in the permit and/or contract.
5. The vendor shall receive a copy of the permit and/or contract and all applicable department rules.
6. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:
\$1,000,000.00 each person personal injury,
\$1,000,000.00 each occurrence personal injury, and
\$1,000,000.00 each occurrence property damage or insurance coverage specified in the permit and/or contract, whichever is greater.
7. Vendors are accountable to the department for equipment assigned to their location. The vendor is responsible for maintaining the equipment in a clean and sanitary condition.
8. The vendor shall not discriminate in the employment of persons on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
9. The vendor or the vendor's employees shall not subject customers to discrimination or deny them participation in, or the benefits of the vending facility on the

ground of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.

10. The department staff shall provide management services as defined in WAC 67-35-030 on a systematic basis. Consultation shall occur at least on a semiannual basis.
11. The department may upon (~~thirty~~) forty-five days notice terminate the license and/or terminate the agreement with the vendor for failure to operate the facility in accordance with the permit and/or contract or the vending facility rules and shall provide an opportunity for a full evidentiary hearing as provided for in WAC 67-35-420, except in those instances where aggravated emergency conditions require immediate termination of license and/or termination of agreement and removal of the vendor due to gross neglect or misconduct, as provided for in WAC 67-35-430.
12. The vendor may terminate this agreement upon giving (~~thirty~~) forty-five days written notice to the department.
13. This agreement is automatically terminated when the permit or contract with the contracting agency is terminated.
14. The vendor will sign a facility equipment and stock agreement.

I HEREBY CERTIFY THAT I FULLY UNDERSTAND THE ARTICLES AND TERMS SET FORTH IN THE ABOVE AGREEMENT AND HAVE RECEIVED COPIES OF THE FACILITIES OPERATING PERMIT AND/OR CONTRACT AND THE BUSINESS ENTERPRISE PROGRAM RULES.

Signed: Date:, 19.
(Vendor)

Name of vendor:
(please type)

Signed: Date:, 19.
(Department of Services for the Blind)

Name of staff:
Title:

NEW SECTION

WAC 67-35-051 Licensees--Geographic availability--Certification. Licensees are required to indicate geographic availability at time of certification. 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. Their reinstatement will be determined by the business enterprise director in conjunction with the vendors' committee.

AMENDATORY SECTION (Amending WSR 92-10-024, filed 4/29/92, effective 5/30/92)

WAC 67-35-070 Selecting a vendor or licensee to operate a primary location vending facility. 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) If only one otherwise eligible (see subsections (2) through (8) of this section) vendor or licensee bids on an available vending location, that individual will receive that available location.

(2) 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))~~ (3) 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))~~ (4) 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)) (5) 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)) (6) 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)) (7) Be current in the payment of all federal and state taxes, Social Security taxes, unemployment taxes, and worker's compensation.

((+7)) (8) 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.

AMENDATORY SECTION (Amending Order 84-06, filed 4/16/84)

WAC 67-35-072 ((Available—vending—locations-)) Vendor status--Loss of any vending facility to the VF program. ((+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)) submit an application for facilities as they become available.~~

~~((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.))~~