

**WAC 468-17-030 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Award" means the formal decision by the department to accept a bid and the intent to enter into a contract with the bidder.

(2) "Commercially useful function" means the activity conducted by a firm responsible for the execution of the work of the contract and that is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. Additional requirements are discussed in WAC 468-17-060.

(3) "Condition of award (COA)" means that a prime contractor or consultant, on a design-bid-build or consultant agreement, commits to subcontracting with a public works small business enterprise (PWSBE) or veteran-owned business (VOB). On design-build or general contractor/construction manager contracts, all (PWSBEs) and VOBs in the quarterly small and veteran business plans are considered COA firms.

(4) "Consultant agreement" means a contract entered into by a public body for architectural and engineering services (performed pursuant to chapter 39.80 RCW) with another party, i.e., an independent individual or firm, in which the other party agrees to perform a service, render an opinion, or recommendations according to the consultant's methods and without being subject to the control of the public body except as to the result of the work.

(5) "Contract goal" means a percentage of the contract amount the prime contractor or prime consultant must meet with PWSBE and veteran-owned businesses.

(6) "Department" means the Washington state department of transportation (WSDOT).

(7) "Design-bid-build (DBB) contract" means a contract between a public body and another party in which the public body contracts separately with a designer and a contractor for the design and construction of a facility, portion of the facility, or other item specified in the contract. Designers and contractors bear no contractual obligation to one another under a DBB contract.

(8) "Design-build (DB) contract" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract as defined in chapter 39.10 RCW.

(9) "General contractor/construction manager (GC/CM)" means a contract between a public body and another party in which the party agrees to both build and manage the construction of the facility, portion of the facility, or other item specified in the contract as defined in chapter 39.10 RCW.

(10) "Good faith efforts (GFE)" means efforts to achieve a goal or other requirement of this chapter which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement. GFE is not necessary when a contract goal has been met.

(11) "Public works small business enterprise (PWSBE)" means a business certified by the office of minority and women's business enterprises, pursuant to WAC 326-20-087.

(12) "Quarterly small and veteran business plans" means documents design-builders are required to submit which outline the strategies

the organization will be utilizing to meet the established contract goals.

(13) "Tiered participation" means the amount of additional contract goal credit the prime contractor or prime consultant may receive for using PWSBE and VOBs of different designations, as detailed in WAC 468-17-080.

(14) "Veteran-owned businesses (VOB)" means a business certified by the Washington state department of veterans affairs, pursuant to RCW 43.60A.190.

[Statutory Authority: Chapter 39.19 RCW and RCW 47.28.030(3). WSR 24-20-080, s 468-17-030, filed 9/27/24, effective 10/28/24. Statutory Authority: RCW 39.04.155, 43.19.727, 47.01.101, and 47.28.030. WSR 21-19-031, § 468-17-030, filed 9/10/21, effective 10/11/21. Statutory Authority: RCW 34.05.310. WSR 21-07-127, § 468-17-030, filed 3/23/21, effective 4/23/21. Statutory Authority: RCW 39.04.155, 43.19.727, 47.01.101, and 47.28.030. WSR 19-12-026, § 468-17-030, filed 5/29/19, effective 6/29/19.]