

Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (F1 red 4 sec.).

(xii) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(xiii) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(xiv) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(xv) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(xvi) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(xvii) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

(b) Marine waters regulations: These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(i) Fishing hours: Twenty-four hours per day year around, except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(ii) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a steelhead license, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

(iii) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(iv) All species: Release all fish except up to two hatchery steelhead may be retained per day.

[Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 232-28-619, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 232-28-619, filed 3/30/99, effective 5/1/99; 98-15-081 (Order 98-122), § 232-28-619, filed 7/15/98, effective 8/15/98; 98-06-031, § 232-28-619, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 232-28-619, filed 8/27/97, effective 9/27/97.]

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Statutory Authority: RCW 77.12.040. 97-07-076 (Order 97-50), § 232-28-619, filed 3/19/97, effective 5/1/97; 96-11-079 (Order 96-45), § 232-28-619, filed 5/13/96, effective 6/13/96; 95-19-011 (Order 95-114), § 232-28-619, filed 9/7/95, effective 10/8/95; 95-10-027, § 232-28-619, filed 4/26/95, effective 5/27/95; 95-05-008 (Order 95-11), § 232-28-619, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.055 and 77.12.040. 93-21-070 (Order 617), § 232-28-619, filed 10/20/93, effective 4/16/94; 92-01-084 (Order 524), § 232-28-619, filed 12/16/91, effective 4/16/92.]

Chapter 232-32 WAC

COOPERATIVE WILDLIFE PROJECTS

WAC

232-32-010 through 232-32-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-32-010	Purpose. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-010, filed 9/5/84.] Repealed by 99-11-003 (Order 99-43), filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 77.12.040.
232-32-020	Definitions. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-020, filed 9/5/84.] Repealed by 99-11-003 (Order 99-43), filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 77.12.040.
232-32-030	Information required from volunteer groups. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-030, filed 9/5/84.] Repealed by 99-11-003 (Order 99-43), filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 77.12.040.
232-32-040	Review and selection process. [Statutory Authority: RCW 75.52.050. 88-17-030 (Order 317), § 232-32-040, filed 8/12/88. Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-040, filed 9/5/84.] Repealed by 99-11-003 (Order 99-43), filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 77.12.040.
232-32-050	Criteria used in selecting cooperative wildlife projects. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-050, filed 9/5/84.] Repealed by 99-11-003 (Order 99-43), filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 77.12.040.
232-32-060	Procedures for revocation of a cooperative wildlife project. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-060, filed 9/5/84.] Repealed by 99-11-003 (Order 99-43), filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 77.12.040.
232-32-070	Priority for eggs, seed, juveniles, broodstock, and department facilities. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-070, filed 9/5/84.] Repealed by 99-11-003 (Order 99-43), filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 77.12.040.

WAC 232-32-010 through 232-32-070 Repealed. See Disposition Table at beginning of this chapter.

Title 236 WAC

GENERAL ADMINISTRATION, DEPARTMENT OF

Chapters

236-12

State capitol grounds traffic and parking regulations.

236-20

State vehicle marking requirements and exceptions.

236-47

Division of purchasing.

236-48

Office of state procurement.

- 236-49 Relationship and procedures between division of purchasing and state agencies.
- 236-100 Flood mitigation standards for state agencies.

Chapter 236-12 WAC

STATE CAPITOL GROUNDS TRAFFIC AND PARKING REGULATIONS

- WAC**
- 236-12-065 Repealed.
 - 236-12-470 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business.
 - 236-12-500 Violations unlawful.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 236-12-065 Camping. [Order 76-2, § 236-12-065, filed 3/15/76.] Repealed by 99-19-022, filed 9/7/99, effective 10/8/99. Statutory Authority: RCW 43.17.060, 43.19.125 and 46.08.150.

WAC 236-12-065 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-12-470 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business. No person shall carry any firearm or other dangerous weapon on the state capitol grounds or in any building on the state capitol grounds: Provided, That this regulation shall not apply to duly authorized federal, state, and local law enforcement officers or to any federal, state, and local government employee authorized to carry firearms in the course of their public employment; nor shall any person carry into any building on the state capitol grounds any voice-amplification equipment, blow horns, sirens, or other similar noise-producing devices which may be used to disrupt the conduct of state business by state employees.

[Statutory Authority: RCW 43.17.060, 43.19.125 and 46.08.150. 99-19-022, § 236-12-470, filed 9/7/99, effective 10/8/99; 81-11-001 (Order 81-1), § 236-12-470, filed 5/7/81; Order 76-7, § 236-12-470, filed 10/18/76.]

WAC 236-12-500 Violations unlawful. A violation of any of these regulations is unlawful. All violators are subject to removal from the state capitol grounds by Washington state patrol capitol detachment.

[Statutory Authority: RCW 43.17.060, 43.19.125 and 46.08.150. 99-19-022, § 236-12-500, filed 9/7/99, effective 10/8/99. Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-500, filed 4/7/78.]

Chapter 236-20 WAC

STATE VEHICLE MARKING REQUIREMENTS AND EXCEPTIONS

- WAC**
- 236-20-020 Definitions.
 - 236-20-030 Approval of distinctive insignia.
 - 236-20-040 Exceptions to marking requirements.

WAC 236-20-020 Definitions. Agencies—As used in this chapter, the word "agencies" includes state departments, offices, agencies, boards, commissions[,] or institutions financed in whole or in part by funds appropriated by the legislature.

[Statutory Authority: RCW 46.08.065. 99-18-029, § 236-20-020, filed 8/25/99, effective 9/25/99; Order 75-8, § 236-20-020, filed 11/17/75.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 236-20-030 Approval of distinctive insignia. Agencies may request approval of a distinctive insignia [for use] in lieu of the state seal in marking vehicles. A standard decal must include the words "State of Washington", agency's name and "for official use only". The request for approval shall be sent to the the director of general administration. A scale drawing in color, or other example, shall accompany the request. The director or designee will approve or deny the request [and] notify the agency.

[Statutory Authority: RCW 46.08.065. 99-18-029, § 236-20-030, filed 8/25/99, effective 9/25/99; Order 75-8, § 236-20-030, filed 11/17/75.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 236-20-040 Exceptions to marking requirements. (1) Requests for exceptions shall be forwarded to the director of general administration by the head of the agency owning or controlling the vehicle. Requests for exceptions normally will not be granted unless the vehicle is used more than 50% of the time for law enforcement, confidential public health work, public assistance fraud or support investigative purposes.

(2) Vehicles leased or rented on a casual basis for a period less than ninety days and not issued a state exempt license plate need not be marked.

(3) Vehicles issued confidential license plates under the provisions of section 2, chapter 169, Laws of 1975 1st ex. sess. and chapter 46.08 RCW, are exempt from marking requirements.

[Statutory Authority: RCW 46.08.065. 99-18-029, § 236-20-040, filed 8/25/99, effective 9/25/99; Order 75-8, § 236-20-040, filed 11/17/75.]

Chapter 236-47 WAC

DIVISION OF PURCHASING

- WAC**
- 236-47-001 through 236-47-017 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 236-47-001 Purpose. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-001, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.
- 236-47-002 Authority. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-002, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.

236-47-003	Designation of the state agency. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-003, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-052	Repealed.
236-47-004	Statement of policy. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-004, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-061	Repealed.
236-47-005	Eligibility. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-005, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-071	Form of bid, quote or proposal.
236-47-006	Terms and conditions. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-006, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-079	Standard specifications.
236-47-007	Compliance and utilization. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-007, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-081	Repealed.
236-47-008	Financing and service charges. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-008, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-082	Repealed.
236-47-009	Inventory controls and accounting systems. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-009, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-083	Acceptance of alternate bid, quote or proposal.
236-47-010	Return of donated property. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-010, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-084	Repealed.
236-47-011	Nonutilized donable property. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-011, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-085	In-state preference bids.
236-47-012	Audit. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-012, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-093	Repealed.
236-47-013	Consultation with advisory bodies and private groups. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-013, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-094	Partial award.
236-47-014	Cooperative agreements. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-014, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-096	Bid award preference.
236-47-015	Forms. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-015, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-097	Repealed.
236-47-016	Records retention. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-016, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-098	Rejection.
236-47-017	Liquidation. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-017, filed 6/8/84.] Repealed by 99-06-001, filed 2/17/99, effective 3/20/99.	236-48-099	Acceptance of terms.
		236-48-101	Repealed.
		236-48-111	Handling of bids and proposals if publicly opened.
		236-48-121	Mistakes in bid(s) or proposals detected prior to opening.
		236-48-122	Mistakes in bid(s) or proposals detected during or after bid opening.
		236-48-123	Disclosure of information.
		236-48-124	Informalities in bids, quotes, or proposals.
		236-48-132	Notice of cancellation or rejection of bids.
		236-48-141	Protests and appeals—Form and substance.
		236-48-142	Office of state procurement protest procedure prior to award.
		236-48-143	Office of state procurement protest procedure after award.
		236-48-151	Repealed.
		236-48-153	Delivery date.
		236-48-155	Repealed.
		236-48-162	Repealed.
		236-48-163	Repealed.
		236-48-164	Repealed.
		236-48-165	Change in product offered.
		236-48-166	Contract extension.
		236-48-167	Additions or deletions to contract or purchase order.
		236-48-190	Surplus property disposal priorities.
		236-48-230	Leases.
		236-48-250	Use of credit, charge cards or purchasing cards.
		236-48-251	Distribution of credit, charge cards or purchasing cards.
		236-48-252	Credit limits.
		236-48-253	Payment of credit or purchasing card bills.
		236-48-254	Repealed.
		236-48-300	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

236-48-005	Exceptions to formal sealed bid procedure. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-005, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-005, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-005, filed 8/26/83; Order 77-2, § 236-48-005, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
236-48-009	Bids in general. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-009, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-009, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-009, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
236-48-023	Nonacceptance. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-023, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-023, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-023, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
236-48-026	Reapplication or reinstatement. [Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-026, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-026, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.

WAC 236-47-001 through 236-47-017 Repealed. See Disposition Table at beginning of this chapter.

Chapter 236-48 WAC

OFFICE OF STATE PROCUREMENT

WAC

236-48-003	Definitions.
236-48-005	Repealed.
236-48-009	Repealed.
236-48-011	Public notice.
236-48-012	Receipt of bids, quotes or proposals.
236-48-013	Amendment of invitation for bid, request for quotation or request for proposal.
236-48-021	Supplier lists.
236-48-023	Repealed.
236-48-024	Removal or suspension.
236-48-025	Appeal, reapplication or reinstatement.
236-48-026	Repealed.
236-48-035	Bid guarantee.
236-48-036	Performance guarantees.
236-48-041	Repealed.
236-48-051	Repealed.

- 236-48-041 Telegraphed bids. [Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-041, filed 8/26/83; Order 77-2, § 236-48-041, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-051 Telephone bids. [Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-051, filed 8/26/83; Order 77-2, § 236-48-051, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-052 Facsimile bids. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-052, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-052, filed 8/22/89, effective 9/22/89.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-061 Hand carried bids. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-061, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-061, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-061, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-081 Interpretation of specifications. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-081, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-081, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-081, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-082 Request for samples, descriptive literature. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-082, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-082, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-082, filed 8/26/83; Order 77-2, § 236-48-082, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-084 Prebid conferences. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-084, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-084, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-084, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-093 Award. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-093, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-093, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-093, filed 8/26/83; Order 77-2, § 236-48-093, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-097 Standard notice of award. [Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-097, filed 8/26/83; Order 77-2, § 236-48-097, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-101 Time of bids. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-101, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-101, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-101, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-151 Violation of contract terms. [Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-151, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-151, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-151, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-155 Recording of conversations. [Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-155, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-155, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-162 Product fitness. [Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-162, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-162, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-163 Nondiscrimination. [Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-163, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-163, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-164 Price escalation. [Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-164, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-164, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-254 Gasoline credit cards. [Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-254, filed 8/26/83.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
- 236-48-300 Enforcement of rules and regulations. [Order 77-2, § 236-48-300, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.

WAC 236-48-003 Definitions. As used in this chapter the following terms shall have the following meanings; additional terms shall have meanings as outlined under WAC 236-49-010:

(1) **Agency.** Shall include state of Washington institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. "Agency" does not include the legislature but does include colleges, community colleges and universities who choose to participate in state contract(s).

(2) **All or nothing award.** A method of award resulting from a competitive solicitation by which the purchaser will award all items to a single bidder.

(3) **Alternate.** A substitute offer of goods and services which is not at least a functional equal in features, performance and use and which materially deviates from one or more of the specifications in a competitive solicitation.

(4) **Bid.** A written offer to perform a contract to purchase or supply goods or services in response to an invitation for bid.

(5) **Bidder.** A supplier who submits a bid, quotation or proposal.

(6) **Bidder's bond.** As used in RCW 43.19.1915 shall mean either a bid guarantee or performance guarantee as addressed herein and as further outlined in WAC 236-48-035 through 236-48-036.

(7) **Brand.** A specification identifying a manufacturer of the goods described in a competitive solicitation to identify a standard of quality against which other products will be evaluated.

(8) **Confidential information.** Any information meeting the criteria in RCW 42.17.310 or any information designated as confidential pursuant to state law.

(9) **Contractor.** Individual, company, corporation, firm, or combination thereof with whom purchaser develops a contract for the procurement of goods and services.

(10) **Delegated authority.** Authority to purchase goods and/or services delegated to an agency by office of state procurement pursuant to RCW 43.19.190(4) and which is delegated in one of the following forms:

(a) **General.** Those purchases delegated by the office of state procurement which are common to multiple state agencies.

(b) **Specific.** Those purchases delegated to specific agencies for continuing individual commodity requirements.

(c) **Limited.** Those purchases delegated to a specific agency for one-time commodity requirements.

(11) **Direct buy limit.** Dollar amount pursuant to RCW 43.19.1906(2) below which competition is not required.

(12) **Director.** Except where otherwise specifically noted shall mean the state purchasing and material control director, who is the assistant director, office of state procurement.

(13) **Emergency purchase.** A purchase made pursuant to RCW 43.19.200 in which the normal competitive purchasing procedures have been waived by a declaration of emergency issued by the agency director as defined in RCW 43.19.200.

(14) **Equal.** An offer of goods and/or services which meets or exceeds the quality, performance and use of the specifications identified in a competitive solicitation.

(15) **Fair market price.** The price determined by the purchasing activity to be consistent with current market value for the goods or services being purchased from community rehabilitation programs and eligible programs of the department of social and health services which has been determined pursuant to RCW 43.19.530.

(16) **Formal sealed bid procedure.** Procedure by which the purchasing activity solicits written competitive bids or proposals from a sufficient number of prospective bidders thought to be of advantage to the state to assure adequate price and product competition by means of a written invitation for bid (IFB) or request for proposal (RFP) or other solicitation method setting forth specifications and all material and objectively measurable criteria for the intended purchase. Unless exception(s) are authorized in the solicitation document for electronic bid procedures, all bids are to be submitted in sealed envelopes to the location indicated in the bid documents and must be received by the time indicated therein. No disclosure of bids or bid information is made prior to the public bid opening. After the bid opening, all bid information shall be referred to the purchasing activity and treated as confidential working papers until after award at which time all bids become public information. The award is to be made in accordance with RCW 43.19.1911.

(17) **Goods and/or services.** Material, supplies, services, and equipment offered for sale by a supplier(s) and required by an agency to accomplish continuing and necessary functions and not otherwise statutorily exempted from chapter 43.19 RCW.

(18) **Informality.** An immaterial variation from the exact requirements of the competitive solicitation, having no

effect or merely a minor or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to bidders.

(19) **Invitation for bid.** The form utilized to solicit bids in the formal, sealed bid procedure and any amendments thereto issued in writing by the purchasing activity. Factors impacting cost and conditions of responsiveness and responsibility are normally evaluated. Noncost factors may be evaluated and all factors may be weighted if considered appropriate.

(20) **Office of state procurement.** The division of purchasing of the department of general administration in RCW 43.19.180 et seq. Whenever a purchase or sale is made by the office of state procurement on behalf of another agency, the office of state procurement is acting in the capacity of agent for such agency.

(21) **Prompt payment discount.** A discount offered by the bidder to encourage timely payment by purchaser within the stated term identified by bidder.

(22) **Proposal.** An offer to perform a contract to supply goods or services in response to a request for proposal.

(23) **Public agency.** Shall include all agencies outlined under RCW 39.34.020.

(24) **Purchase.** Shall include purchase, lease, renting or lease-purchase of goods and services.

(25) **Purchasing activity.** The office of state procurement or an agency authorized by state statute to conduct acquisition of goods and services or delegated that authority by the office of state procurement.

(26) **Quotation.** An offer to perform a contract to supply goods and/or services in response to a request for quotation.

(27) **Recovered material.** Goods containing recovered materials as defined in RCW 43.19.537 et seq. and federal, regional, or state guidelines approved by the director.

(28) **Request for quotation.** The form used to solicit written quotations in accordance with RCW 43.19.1906(2). The request and the quote in response may be either written or oral as specified by the purchasing activity. Factors impacting cost and conditions of responsiveness and responsibility are normally evaluated. Noncost factors may be evaluated and all factors may be weighted if considered appropriate.

(29) **Request for proposal.** The form utilized to solicit written proposals from potential suppliers. Both cost and noncost factors are evaluated in addition to conditions of responsiveness and responsibility to achieve best value. A weighted point assignment method of evaluation may be used if considered appropriate.

(30) **Requisition.** A standard state form which serves as a procurement request and which requests the office of state procurement to purchase stated requirements.

(31) **Sealed bid limit.** That dollar amount established by RCW 43.19.1906(2) or subsequently amended by the office of financial management due to inflationary trends above which the formal sealed bid procedure will be used.

(32) **Single source purchase.** A purchase of goods or services which is clearly and legitimately limited to a single source of supply.

(33) **Solicitation.** The process of notifying prospective bidders or offerors that the purchasing activity desires to receive competitive bids, quotes or proposals for furnishing goods or services. Also includes reference to the actual document used in that process.

(34) **Specifications.** The explicit requirements furnished with a competitive solicitation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the goods and/or services to be purchased or sold so as to enable the bidder or supplier to determine and understand requirements of the purchaser. Specifications may be in the form of a description of the physical or performance characteristics, a reference brand or both. It may include a description of any requirement for inspecting, testing, or preparing a material, equipment, supplies, or service for delivery.

(35) **State contract.** Contracts for goods and/or services administered by the office of state procurement on behalf of agencies which normally include quantity and fixed term. The contract document will identify the conditions under which usage by agencies is required.

(36) **State procurement officer.** An employee of the office of state procurement designated as a state procurement officer, contract administrator, or similar designation by the director, including, where appropriate, the director and other management personnel.

(37) **Supplier.** A vendor of purchased goods and services.

(38) **Supplier list.** List of potential bidders maintained by the office of state procurement or purchasing activity from which names may be drawn for solicitation of bids, quotes or proposals.

(39) **Used equipment.** Goods offered for sale to the state which do not have a full factory warranty and which are not being rented, leased, or otherwise in the actual possession of the state agency considering the purchase at the time of the purchase transaction.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-003, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-003, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-003, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-003, filed 1/28/77.]

WAC 236-48-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-009 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-011 Public notice. A listing or copy of all purchases being made through formal sealed bid by or through the office of state procurement shall be posted in the foyer of the office of state procurement and/or posted via internet website or made available via other electronic means. Purchases made by agencies shall be posted or otherwise

publicized by that purchasing activity in accordance with policy established by that agency.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-011, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-011, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-011, filed 8/26/83; Order 77-2, § 236-48-011, filed 1/28/77.]

WAC 236-48-012 Receipt of bids, quotes or proposals. The date and time selected for opening of bids, quotes or proposals shall be determined by the purchasing activity. Bidders shall be provided sufficient time to prepare and submit their bid, quote or proposal. The purchasing activity shall have the discretion to lengthen or shorten bid, quote or proposal dates, should special circumstances or needs dictate a shorter or longer time frame. When extending or shortening the time allowed to submit a bid, quote, or proposal, the purchasing activity shall issue an addendum notifying bidders of the revised opening/due date. If it is determined that this information will not reach bidders in time to respond, the purchasing activity shall attempt to notify each prospective bidder by telephone or other available means of communication. All bids must be received in the office of the purchasing activity by the date and time specified in the document or addenda. No deviations will be allowed. Late bids or proposals will be returned unopened unless retention is deemed by the purchasing activity to be in the best interests of the agency. Late bids or proposals may be opened only by authorized personnel for identification purposes. Quotations must be received by close of the normal business day on the date indicated. Late quotations will not be considered or returned to bidders. Time of receipt will be determined by the official time stamp located at the purchasing activity or in the case of electronic bids, time of receipt shall be as identified in the solicitation document issued by the purchasing activity.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-012, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-012, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-012, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-012, filed 8/26/83; Order 77-2, § 236-48-012, filed 1/28/77.]

WAC 236-48-013 Amendment of invitation for bid, request for quotation or request for proposal. An invitation for bid, request for quotation or request for proposal may be changed or amended by the purchasing activity, provided the change is issued prior to the opening date and time specified. Any material information provided a prospective bidder shall be furnished by the purchasing activity to all bidders receiving a copy of the original solicitation. Oral interpretations of contract terms and conditions shall not be binding.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-013, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-013, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-013, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-013, filed 1/28/77.]

WAC 236-48-021 Supplier lists. Supplier lists may be maintained by the office of state procurement. Opportunities for doing business with the office of state procurement include:

- (1) Register on supplier list; or
- (2) Review website maintained by the office of state procurement; or
- (3) Contact office of state procurement staff for information about current opportunities.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-021, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-021, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-021, filed 8/22/89, effective 9/22/89; Order 77-2 § 236-48-021, filed 1/28/77.]

WAC 236-48-023 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-024 Removal or suspension. The director, or designee, may remove or suspend a supplier from any supplier list(s) maintained by the office of state procurement for cause. Impacted state agencies will be notified of such action(s). Agencies may continue to do business with such supplier if they choose to do so or they may sever that relationship at their discretion. Examples of reasons for removal or suspension include but are not limited to the following:

- (1) Illegal act(s);
- (2) Repetitive failure to respond to invitations to bid;
- (3) Unreasonable number of "no bid" responses;
- (4) Any material failure to perform, e.g., delivery, quality;
- (5) Any significant detrimental change in supplier status, e.g., financial condition, lines carried, service ability;
- (6) Unauthorized product substitution, or representation of an alternate as an equal; or
- (7) Discriminatory practices.

Any supplier so removed or suspended shall be notified in writing of the reason(s) therefore, the conditions of any removal or suspension, and/or corrective action required for reinstatement.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-024, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-024, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-024, filed 8/26/83; Order 77-2, § 236-48-024, filed 1/28/77.]

WAC 236-48-025 Appeal, reapplication or reinstatement. Any supplier removed from a supplier list maintained by the office of state procurement or who is not placed upon such list after request, may appeal the decision to the director or designee. If such an appeal is made, it must be submitted in writing within ten days of notification of the action taken.

If a supplier's application to be placed on a supplier list has been refused, or if a supplier has been removed or suspended from such list, that supplier may reapply to be placed on such list, or apply for reinstatement when the conditions for reinstatement have been met.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-025, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-025, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-025, filed 1/28/77.]

WAC 236-48-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-035 Bid guarantee. When required in the competitive solicitation, all bidders shall provide with their bid a bid guarantee unilaterally payable to the purchasing activity. The amount of the bid guarantee shall be identified in the competitive solicitation document in dollars and shall be sufficient to cover damages to the purchasing activity in the event that bidder fails to accept a contract award with the purchasing activity. Failure of bidder to accept an award will result in forfeiture of the bid guarantee and such funds made payable to the Washington state treasury as liquidated damages.

Bid guarantees may be in the form of a certified check, cashier's check, escrow agreement, or irrevocable letter of credit drawn on a separate account in a banking or savings and loan institution regulated by the state of Washington or federal government, cash or a surety bond with a surety company. Surety bonds or escrow agreements must be on a form approved by the purchasing activity. Personal or company checks are not acceptable. Failure to submit a bid guarantee in the specified form will be a cause for rejection. Bid guarantees shall be returned to bidders after award of contract. Interest will not be paid on funds deposited directly with the state.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-035, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-035, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-035, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-035, filed 1/28/77.]

WAC 236-48-036 Performance guarantees. When required in the competitive solicitation, the successful bidder shall post a performance guarantee unilaterally payable to the purchasing activity. The amount of the performance guarantee shall be identified in the competitive solicitation in dollars and/or a percentage of contract worth sufficient to redress damages to the purchasing activity in the event of breach by the contractor(s). The required performance guarantee shall be in the form of a certified check, cashier's check, escrow agreement, irrevocable letter of credit drawn on a separate account in a banking or savings and loan institution regulated by the state or federal government, cash, or surety bond with a surety company. Surety bonds or escrow agreements must be on a form approved by the purchasing activity. Personal or company checks are not acceptable. The performance guarantee shall be held by the purchasing activity or deposited to the purchasing activity's account until contract terms have been fully executed to the satisfaction of the state. Interest will not be paid on funds deposited directly with the purchasing activity. Failure to submit a performance guarantee as required shall be grounds for contract termination.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-036, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-036, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-036, filed 8/22/89, effective 9/22/89.]

WAC 236-48-041 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-051 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-052 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-061 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-071 Form of bid, quote or proposal. To receive consideration, bids, quotes, and proposals must be legible and shall be made on the form provided by the purchasing activity, or on a letter containing the information. If a letter is used it must meet the satisfaction of the purchasing activity, be properly headed and signed, properly marked on the outside of the envelope, received by the date and time specified, and be accompanied by a signed and completed solicitation form provided by the purchasing activity. Unless otherwise authorized, bids, quotes and proposals must be filled out in ink or with electronic printer or other similar office equipment and properly signed by an authorized representative of the bidder. All changes and/or erasures shall be initialed in ink. Unsigned bids will be rejected on opening. However, the purchasing activity may accept such bids if it is determined that satisfactory evidence was submitted prior to opening date and time which clearly indicates the bidder's desire to be bound by his/her bid such as a signed cover letter.

In lieu of the requirement for an original signature as outlined above, the purchasing activity may implement a policy which authorizes the use of digital signature(s) or electronic submission of bid, quote or proposals provided that such policy provides adequate safeguards to ensure the integrity of the sealed bid process.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-071, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-071, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-071, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-071, filed 8/26/83; Order 77-2, § 236-48-071, filed 1/28/77.]

WAC 236-48-079 Standard specifications. Specifications contained in the competitive solicitation will, to the maximum extent feasible, be nonrestrictive so as to provide an equal basis for competition and participation by an optimum number of qualified bidders. The purchasing activity may specify a brand name or equal provided that the intent in doing so is to establish a standard of quality against which other brands will be evaluated. When doing so, the purchasing activity should not substitute the word "equivalent" for "equal" in the competitive solicitation document. All bids, quotes or proposals which offer a different trade name, make, or catalog number must state whether the item offered is an equal or an alternate, and literature which describes the item offered must be provided. The final decision as to whether an item is an equal or an alternate shall rest with the purchasing activity. In the event of discrepancies in specifications, or doubts as to meaning, the bidder shall immediately request clarification from the purchasing activity. To facilitate consistent responses and to ensure all bidders receive the same information, all such questions shall be directed only to that

person directly assigned by the purchasing activity or otherwise identified in the bid, quote or proposal document.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-079, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-079, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-079, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-079, filed 8/26/83; Order 77-2, § 236-48-079, filed 1/28/77.]

WAC 236-48-081 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-082 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-083 Acceptance of alternate bid, quote or proposal. The purchasing activity need not accept alternate bids, quotes or proposals but shall have the discretion to do so if it substantially conforms to the bid specifications. Unless their bid, quotation or proposal is clearly identified as an alternate, bidders warrant the goods and/or services offered to be at least equal to specifications indicated by purchaser and shall submit with their bid, quotation or proposal complete documentation to enable the purchasing activity to evaluate. Bids, quotations or proposals without sufficient documentation may be rejected. If a bidder misrepresents goods and/or services bid as being an equal when it is an alternate, their bid, quotation or proposal may be rejected and bidder will be liable for damages caused by the misrepresentation.

Where required by the purchasing activity, the bidder shall, at bidder's expense, provide product samples and/or descriptive literature with returned bid, quote or proposal. If not received within the required time period or as otherwise required, the purchasing activity may reject the bid, quote or proposal as nonresponsive. If not destroyed in testing or if sample is not required by the purchasing activity to be retained for demonstration purposes, bidders may request return of samples at their expense. Samples not claimed within ten days after notification may be disposed of as deemed necessary without cost to the purchasing activity.

If necessary, the purchasing activity may require competitive demonstrations at bidder's expense to ensure that the proposed product satisfactorily meets the purchaser's needs.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-083, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-083, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-083, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-083, filed 1/28/77.]

WAC 236-48-084 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-085 In-state preference bids. The office of state procurement shall compile a list of each state, relating to state purchasing practices, whose statutes or regulations grant a preference to suppliers located within that state or goods manufactured within that state. This list shall be updated on an annual basis and shall include only those states with currently active in-state preference clauses for procuring

goods and services and the list shall contain the percentage of preference allowed. States with only reciprocity legislation will not be included on the list. The office of state procurement shall compile the list and notify impacted state agency, college and university purchasing offices. In determining whether to assess a percentage increase against a bidder, and the amount of that increase, the purchasing activity will consider only the business address from which the bid or proposal was submitted. The purchasing activity will add the appropriate percentage increase to each bid or proposal bearing the address from a state with in-state preference rather than subtracting a like amount from Washington state bidders.

This action will be used only when evaluating bids or proposals for award. In no instance shall the increase be paid to a supplier whose bid is accepted.

This WAC section applies only to formal invitations for bid and requests for proposals solicited in accordance with chapter 43.19 RCW.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-085, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-085, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-085, filed 8/26/83.]

WAC 236-48-093 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-094 Partial award. The purchasing activity shall have the discretion to award on an "all or nothing" basis as outlined in the competitive solicitation document or to accept any portion of the items bid, excluding others unless the bidder stipulates all or nothing in their bid.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-094, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-094, filed 4/12/91, effective 5/13/91; Order 77-2, § 236-48-094, filed 1/28/77.]

WAC 236-48-096 Bid award preference. In conducting purchases of goods and/or services, preference shall be given to the extent allowed by statute:

(1) Under RCW 43.19.534, to those goods and services produced in whole or in part by Class II inmate programs operated by the department of corrections as described in WAC 236-49-055.

(2) To goods containing recovered material as outlined under RCW 43.19.538 provided that the purchasing activity sets forth in the competitive solicitation a minimum percent content of recovered material that must be certified by the producer of the goods to qualify for the preference. Bids for goods so certified shall be given a preference of ten percent of the amount of the bid in determining the lowest responsive bid for any item or grouping of items to be awarded to a single bidder. This preference shall be separate from and applied after any other preferences allowed by statute. The minimum content of recovered material shall be not less than fifteen percent provided that for those goods for which the Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. §6901 et seq.), as amended, the minimum content of recovered material shall

not be less than specified in the most current adopted issue of those guidelines. The producer of the goods shall certify the post consumer and recovered or waste material content at the time of submitting bid. To qualify for the preference, the goods shall otherwise be at least functionally equal to all other specifications and use requirements. The preference shall be used for bid evaluation purposes only and the actual dollars bid shall be the contracted amount. In the event of a tie for lowest responsive bid between products otherwise meeting all bid specifications, the purchasing activity shall consider the larger post consumer material content as a factor in determining the award. Should the purchasing activity determine that the use of this preference does not encourage the use of more recovered material for reasons including inadequate competition, economics, environmental constraints, quality or availability, the purchasing activity shall issue, consider and award bids without the preference. For the purpose of meeting Resource Conservation and Recovery Act requirements for state agency purchase of goods complying with Environmental Protection Agency recovered or waste guidelines, the office of state procurement may adopt specifications requiring that only goods meeting these guidelines are responsive and may consider bids for such goods though the cost exceeds ten percent of goods not meeting such guidelines.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-096, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.534. 94-21-017, § 236-48-096, filed 10/6/94, effective 11/6/94. Statutory Authority: Chapter 43.19 RCW. 91-09-035, § 236-48-096, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-096, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-096, filed 8/26/83; Order 77-2, § 236-48-096, filed 1/28/77.]

WAC 236-48-097 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-098 Rejection. No rejection notice will be sent to unsuccessful bidders whose net pricing (or scoring) after evaluation is higher than awarded. Bidders whose bids are nonresponsive will be rejected and will be notified of the reasons for such rejection.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-098, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-098, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-098, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-098, filed 8/26/83; Order 77-2, § 236-48-098, filed 1/28/77.]

WAC 236-48-099 Acceptance of terms. Acceptance of bids, quotes, or proposals shall be expressly limited to the terms and conditions of the solicitation document issued by the purchasing activity. All material alterations, additional or different terms proposed by the bidder shall be rejected unless otherwise provided for in the solicitation document issued by the purchasing activity.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-099, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-099, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-099, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-099, filed 8/26/83; Order 77-2, § 236-48-099, filed 1/28/77.]

WAC 236-48-101 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-111 Handling of bids and proposals if publicly opened. The purchasing activity's official bid supervisor shall decide when the time set for bid opening has arrived and shall so declare to those present. The bid supervisor shall then personally and publicly open all bids and read pertinent information as determined by the purchasing activity for recording. The solicitation form may not be completed, signed, or amended by bidders after official opening time. The bid supervisor will, on request, read the documents in detail provided that sufficient time is available. All bids become the property of the purchasing activity when received and must remain under the control of the bid supervisor or staff.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-111, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-111, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-111, filed 1/28/77.]

WAC 236-48-121 Mistakes in bid(s) or proposals detected prior to opening. Mistakes in bids or proposals detected prior to opening may be corrected by the bidder by withdrawing the original bid or proposal and submitting a corrected bid or proposal to the purchasing activity before the time specified for opening. If there is not sufficient time prior to the time specified for opening to withdraw the original bid or proposal and submit a corrected bid or proposal, the bidder, or an authorized representative, may correct the mistake on the face of the original bid or proposal: Provided, That the corrected bid or proposal is time stamped by the purchasing activity upon resubmission prior to the time designated for opening.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-121, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-121, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-121, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-121, filed 1/28/77.]

WAC 236-48-122 Mistakes in bid(s) or proposals detected during or after bid opening. Bidder mistakes in a bid or proposal detected during or after bid opening may not be corrected. If the bidder submits evidence in writing satisfactory to the purchasing activity that a mistake has been made by the bidder in the calculation of its bid or proposal, the purchasing activity may allow the bid or proposal to be withdrawn: Provided, That the claim of mistake and the evidence in support thereof must be made and provided within three business days after the bid or proposal has been opened. Compliance with this section within the specified time limit, shall relieve the bidder of forfeiture of its bid guarantee. If the purchasing activity subsequently reissues the solicitation, the bidder having made the mistake may not participate in that bid or proposal.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-122, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-122, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-122, filed 1/28/77.]

WAC 236-48-123 Disclosure of information. After bids, quotes or proposals have been received, all such information becomes the property of the purchasing activity and shall not be released or otherwise distributed until after the evaluation has been completed and final award(s) announced. Evaluation team members shall maintain confidentiality of information to ensure the integrity of the process. After award and distribution of award information or posting of such information electronically for public review, the bids, quotes, and proposals of all bidders shall be open to public inspection at the offices of the purchasing activity during normal office hours. Copies of documents subject to public disclosure will be made available upon request in accordance with purchasing activity policy. The purchasing activity assumes no responsibility for the confidentiality of bids, quotes or proposals after award.

Any document(s) or information which the bidder believes is exempt from public disclosure per RCW 42.17.310 shall be clearly identified by bidder and placed in a separate envelope marked with bid number, bidder's name, and the words "proprietary data" along with a statement of the basis for such claim of exemption. The state's sole responsibility shall be limited to maintaining the above data in a secure area and to notify bidder of any request(s) for disclosure within a period of five years from date of award. Failure to so label such materials or failure to provide a timely response after notice of request for public disclosure has been given shall be deemed a waiver by the bidder of any claim that such materials are, in fact, so exempt.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-123, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-123, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-123, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-123, filed 8/26/83; Order 77-2, § 236-48-123, filed 1/28/77.]

WAC 236-48-124 Informalities in bids, quotes, or proposals. The purchasing activity reserves the right to waive informalities in bids, quotes or proposals.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-124, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-124, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-124, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-124, filed 8/26/83.]

WAC 236-48-132 Notice of cancellation or rejection of bids. In the event of a cancellation of a competitive solicitation or if all bids are rejected, all bidders will be notified by mail, facsimile or electronic means by the purchasing activity.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-132, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-132, filed 4/12/91, effective 5/13/91; Order 77-2, § 236-48-132, filed 1/28/77.]

WAC 236-48-141 Protests and appeals—Form and substance. Purchasing activities shall make available to bidders upon request a copy of their policy which outlines how the protest review process will be administered within their agency. All protests and appeals must be in writing, signed by the protestant or appellant or an authorized agent and

delivered within the time frame(s) outlined by the protest policy. Protests must be addressed to that individual within the purchasing activity assigned review responsibilities. Such writing must state all facts and arguments on which the protestant or appellant is relying as the basis for its action. Such protestant or appellant shall also attach, or supply on demand by the purchasing activity, any relevant exhibits related, or referred to in the protest. Copies of all protests, appeals, and exhibits shall be mailed, faxed or delivered by the protestant or appellant to the bidder or bidders against whom the protest is made at the same time such protest, appeal, and exhibits are submitted to the purchasing activity.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-141, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-141, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-141, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-141, filed 1/28/77.]

WAC 236-48-142 Office of state procurement protest procedure prior to award. Prior to award, a bidder desiring to protest the bid of another bidder, the specifications or the manner in which the solicitation process has been conducted must notify the state procurement officer in charge of the solicitation of his/her intent to file a protest as soon as possible after he/she becomes aware of the reason(s) for the protest. Such protest(s) must be received not later than five business days after notification has been given to the state procurement officer of bidder's intent to protest. Should the protest not be received within that time frame, the state procurement officer may proceed with the award.

The state procurement officer shall consider all of the facts available and issue a decision in writing within ten business days after receipt of the protest, unless more time is needed. The protestant and, where applicable, the bidder(s) against whom the protest is made will be notified if additional time is necessary. If the protesting bidder or the bidder against whom the protest is made is not satisfied with the decision of the state procurement officer, he/she shall have the right to appeal to the director, office of state procurement. Such appeal must be received by the director within five business days after notification of the state procurement officer's decision. The director shall consider all of the facts available and issue a decision in writing within ten business days after receipt of the appeal, unless more time is needed. The appealing bidder will be notified if additional time is necessary.

Unless an emergency exists as determined by the director, award of the contract, if one is to be made, will be postponed until after the director has issued a decision. Unless the director subsequently considers it necessary to pursue further clarification(s), the decision of the director on the protest is final.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-142, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-142, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-142, filed 1/28/77.]

WAC 236-48-143 Office of state procurement protest procedure after award. Protests after award will not be considered unless the protest concerns a matter which arises after the award or could not reasonably have been known or dis-

covered prior to award. Such protests shall be received by the director, office of state procurement not later than five business days after distribution of the award information by the office of state procurement. If the protest is mailed the protestant shall immediately notify by telephone, or some other means of instant communication, the state procurement officer in charge of the bid and the bidder that has received the award that a protest is being made. The director shall consider all of the facts available and issue a decision on the protest within ten business days after receipt thereof, unless more time is needed. In such event, the protestant and the bidder that has received the award shall be notified of any delay. If the director upholds the award, the decision of the director is final, unless the director subsequently considers it necessary to pursue further clarifications.

If the director finds that the award should not have been made he/she shall notify the bidder which received the award of his/her intent to cancel the award and the reasons therefore. The bidder that has received the award shall then have five business days after receipt of notification in which to appeal the decision to cancel the award to the director of general administration. The director of general administration shall consider all of the facts available and issue a decision within ten business days after receipt of the appeal, unless more time is needed. If more time is needed, the appellant and the protestant shall be so notified.

If the director of general administration agrees that the award should be canceled he/she shall order the director of the office of state procurement to cancel the award. Unless the director of general administration subsequently considers it necessary to pursue further clarifications, the decision of the director of general administration shall be final.

If an award is cancelled, the director, office of state procurement, after consideration of all pertinent factors, may decide to reject all bids, quotes or proposals and solicit new bids, quotes or proposals. Barring such a decision, an award shall be made to the next lowest responsive and responsible bidder.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-143, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-143, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-143, filed 1/28/77.]

WAC 236-48-151 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-153 Delivery date. Whenever a specific delivery date has been stipulated by the purchasing activity in a solicitation document, that date shall be an essential condition of any contract subsequently entered into by the parties. If a contractor is unable to meet the delivery date, he/she shall notify the purchasing activity at the earliest possible time. The contractor shall include in such notification the proposed revised delivery date. The purchaser shall then have the option to accept such revised dates, or cancel and purchase elsewhere. The purchasing activity shall have the option of pursuing liquidated damage provisions or other legal remedies outlined in the solicitation document, statute or regulation.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-153, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-153, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-153, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-153, filed 1/28/77.]

WAC 236-48-155 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-162 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-163 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-164 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-165 Change in product offered. After award, a contractor shall not be allowed to substitute goods or services from that offered: Provided, however, If the goods or services offered are no longer available to the contractor for reasons beyond its control or if the short term needs of an agency are more fully met by the proposed substitute goods or services, the purchasing activity may consider a request by the bidder or contractor for substitution. All such requests must be in writing, must set forth the reasons the product or service is no longer available, and/or must be accompanied by samples, record of performance, certified copies of tests by impartial and recognized laboratories, or such additional data as the purchaser may request. Samples and data shall be furnished sufficiently in advance to allow for investigation before a decision is made. The bidder or contractor shall warrant that the substitute article is equal or better than the specified article. If the change results in any cost savings to the bidder or contractor, the cost savings shall be reflected in full in a reduction in price to the purchasing activity. State contracts may only be amended by the office of state procurement.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-165, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-165, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-165, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-165, filed 1/28/77.]

WAC 236-48-166 Contract extension. If contract provisions allow, a contractor and the purchasing activity may mutually agree to extend a contract for predetermined periods pursuant to the terms and conditions included in the original contract.

Justification for extension must be fully documented in the contract file. The decision to pursue a contract extension shall include a review of price competitiveness, changes in the marketplace for such commodity or service, and/or other relevant factors. The contractor shall be notified in writing of the purchasing activities desire to pursue a contract extension prior to the expiration date of the contract. Extensions, to be effective, must be in writing and signed by authorized representatives of both the contractor and purchasing activity.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-166, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-166, filed 4/12/91, effective

5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-166, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-166, filed 8/26/83; Order 77-2, § 236-48-166, filed 1/28/77.]

WAC 236-48-167 Additions or deletions to contract or purchase order. Where consistent with statutory and contract provisions, the office of state procurement may increase or decrease the items, quantities, delivery locations or agencies specified in a state contract or purchase order. Contract provisions shall specify the extent to which this option may be exercised. Where consistent with statute and contract provisions, purchasing activities may do likewise for purchases which they administer.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-167, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-167, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-167, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-167, filed 8/26/83; Order 77-2, § 236-48-167, filed 1/28/77.]

WAC 236-48-190 Surplus property disposal priorities. Excess and/or surplus property will be offered for sale, transfer, or donation as designated below and according to the following priorities:

- (1) Sale or transfer to state agencies (including state universities and colleges);
- (2) Sale or transfer to other tax-supported educational agencies;
- (3) Sale or transfer to tax-supported agencies, municipalities or political subdivisions within the state of Washington;
- (4) Sale or transfer to public benefit nonprofit corporations;
- (5) Donation of surplus, tangible personal property to qualified shelters as described in and in accordance with RCW 43.19.1920.
- (6) Sale to the general public including by auction, sealed bid and negotiation; and
- (7) Other action as needed, such as destruction where it has been determined that the item has no sale value.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-190, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.1919. 94-22-056, § 236-48-190, filed 11/1/94, effective 12/2/94. Statutory Authority: RCW 43.19.1919 and HB 2106. 92-09-016, § 236-48-190, filed 4/3/92, effective 5/4/92; Order 77-2, § 236-48-190, filed 1/28/77.]

WAC 236-48-230 Leases. For goods to be leased with an option to purchase or lease-purchased, agencies are responsible for coordinating the finance agreement where applicable with the office of state treasurer prior to the purchasing activity conducting the purchase.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-230, filed 7/19/99, effective 8/19/99; 91-09-035, § 236-48-230, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-230, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-230, filed 1/28/77.]

WAC 236-48-250 Use of credit, charge cards or purchasing cards. All credit, charge cards or purchasing cards, other than those for gasoline, vehicle rental, travel, and telephone, shall be ordered by the director of an agency or design-

nee. It shall not be mandatory upon an agency to obtain credit, charge cards or purchasing cards.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-250, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-250, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-250, filed 8/26/83.]

WAC 236-48-251 Distribution of credit, charge cards or purchasing cards. Agency heads (or their designees) shall institute a system for responsibility, control and distribution of credit, charge or purchasing cards within each agency. Control shall be so structured that, upon request of the office of state procurement, each agency will be able to report the number of cards used, the type of cards used, the amount of purchases made by card within a stated time together with any problems they have encountered.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-251, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-251, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-251, filed 8/26/83.]

WAC 236-48-252 Credit limits. When an agency determines that the use of credit, charge or purchasing cards will be to its advantage, the source will be the existing state contract. The office of state procurement will establish an aggregate credit limit for each agency. Each agency director will then establish a credit limit for each card ordered within that aggregate limit. Any requests for exception to the agency aggregate monetary limit must be made in writing by the agency head to the director, office of state procurement, who will approve or deny. Dollar limitations shall not apply to travel related expenditures such as food, lodging, airfare, and vehicle rental.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-252, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-252, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-252, filed 8/26/83.]

WAC 236-48-253 Payment of credit or purchasing card bills. Statements received from the financial institution or firm issuing credit or purchasing cards shall be handled in the same manner as an invoice bearing a prompt payment discount. Payments shall be made in full each month to avoid late payment penalties or interest charges imposed by credit card issuers.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-48-253, filed 7/19/99, effective 8/19/99; 83-18-004 (Order 83-03), § 236-48-253, filed 8/26/83.]

WAC 236-48-254 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-48-300 Repealed. See Disposition Table at beginning of this chapter.

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Chapter 236-49 WAC

RELATIONSHIP AND PROCEDURES BETWEEN DIVISION OF PURCHASING AND STATE AGENCIES

WAC

236-49-001	Purpose.
236-49-010	Definitions.
236-49-020	Washington state purchasing structure.
236-49-030	Repealed.
236-49-040	Repealed.
236-49-055	Preference for correctional industries Class II products.
236-49-060	State purchasing cooperative.
236-49-061	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

236-49-030	Delegated authority. [Statutory Authority: Chapter 43.19 RCW. 91-09-034, § 236-49-030, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-49-030, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-030, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
236-49-040	Types of purchasing. [Statutory Authority: Chapter 43.19 RCW. 91-09-034, § 236-49-040, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-49-040, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-040, filed 1/28/77.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.
236-49-061	Cooperative purchasing program fee. [Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-49-061, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-49-061, filed 8/26/83.] Repealed by 99-13-138, filed 6/18/99, effective 7/19/99. Statutory Authority: Chapter 43.19 RCW.

WAC 236-49-001 Purpose. The purpose of this chapter is to outline the purchasing structure within the state of Washington and to identify the responsibilities of, and relationships between, those purchasing activities. The requirements by which state agencies shall conduct their acquisitions are outlined in general authorities delegated by the office of state procurement and/or via policy outlined by higher educational facilities.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-49-001, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-49-001, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-001, filed 1/28/77.]

WAC 236-49-010 Definitions. As used in this chapter the following terms shall have the following meanings; additional terms shall have meanings as outlined under WAC 236-48-003:

(1) Materials management center. That activity managed by the department of general administration office of state procurement whose function is to provide for the:

(a) Centralized storage and distribution of commonly used supplies and equipment to ensure administrative efficiency and economy in such purchases by state agencies;

(b) Centralized storage of agency goods, backhaul of agency goods from remote locations to Olympia and management of the administration and distribution of the emergency

food assistance program (TEFAP) funding and food commodities in accordance with federal regulations.

(2) Political subdivision. Any agency, political subdivision, or unit of local government of Washington state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of Washington state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state of the United States.

(3) Public benefit nonprofit corporation. An entity registered with the office of secretary of state as outlined by RCW 39.34.055 which maintains a tax exempt status under 26 U.S.C. Sec. 501 (c)(3) with the Internal Revenue Service and which is receiving local, state or federal funds either directly or through a political subdivision.

(4) Purchase order. A standard state form used by the office of state procurement and institutions of higher education and signed by an authorized official of the purchasing activity which notifies the contractor to provide the stated material, equipment, supplies, or services under the terms and conditions set forth thereon or as outlined in the contract.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-49-010, filed 7/19/99, effective 8/19/99; 91-09-034, § 236-49-010, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538, 89-17-094 (Order 89-02), § 236-49-010, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-010, filed 1/28/77.]

WAC 236-49-020 Washington state purchasing structure. The office of state procurement has been charged by the legislature with the responsibility to purchase all goods and/or services needed for the support, maintenance and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Colleges, community colleges and universities have statutory authority for conducting their own acquisitions but shall implement policies and procedures which adhere to statutory provisions and legislative intent outlined under applicable sections of chapter 43.19 RCW. The legislature has the responsibility of making purchases necessary for the operation of the legislature.

The office of state procurement has authority to delegate to state agencies other than institutions of higher education authorization to purchase or sell goods or services required by that agency which agencies may purchase and shall identify guidelines by which those agencies shall conduct their acquisitions. Agencies receiving delegation of authority must remain in substantial compliance with procurement statutes, regulations and requirements outlined by the office of state procurement to obtain continued delegation of authority.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-49-020, filed 7/19/99, effective 8/19/99; 91-09-034, § 236-49-020, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538, 89-17-094 (Order 89-02), § 236-49-020, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-020, filed 1/28/77.]

WAC 236-49-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-49-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 236-49-055 Preference for correctional industries Class II products. The following provisions outline purchase requirements for correctional industries, Class II goods and services:

(1) Correctional industries will identify the goods and services available for purchase through the office of state procurement and confirm the same in writing to the director of the department of general administration at least one hundred twenty days before the expiration of any existing contract(s). The writing from correctional industries will include a request that the office of state procurement tender to correctional industries a mandatory use contract to sell these goods and services to state agencies, the legislature and departments in accordance with RCW 43.19.534. A mandatory use contract as defined in the procurement document will be executed between the office of state procurement and correctional industries that complies with state law and covers all specified Class II goods and services that are produced in whole, or in part, by correctional industries.

(2) All goods and services covered by the general administration mandatory use contract are to be purchased from correctional industries. General administration will administer these contracts.

(3) Any state agency, branch of the legislature or department may apply for an exemption from the correctional industries purchase preference by using the form developed by general administration. If the request for exemption is approved, that approval shall apply for the specified product or product line for a period of one year from the date of approval of the exemption. The approval shall apply to all customers of that agency requesting that product or product line.

(4) However, goods or services produced by Class II correctional industries programs which primarily replace goods manufactured or services obtained from outside the state of Washington are not subject to the criteria contained in subsection (3) of this section, and shall be purchased solely from correctional industries.

(5) Correctional industries, Class II purchasing requirements supersede the second proviso of RCW 43.19.190(2), where correctional industries offers the goods or services through state contract and the goods are manufactured and/or services are obtained from outside the state of Washington.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-49-055, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.534, 94-21-017, § 236-49-055, filed 10/6/94, effective 11/6/94.]

WAC 236-49-060 State purchasing cooperative. The office of state procurement may establish a state purchasing cooperative composed of state agencies, political subdivisions and authorized private nonprofit entities. The office of state procurement may also enter into agreements with other purchasing cooperatives outside the state as it deems appropriate. Authorized entities desiring to purchase goods or services from contracts or purchases administered by the office of state procurement shall first ensure current membership in the state purchasing cooperative. Participants may utilize

state contracts, participate in procurement training activities sponsored by the office of state procurement and benefit from staff expertise and/or assistance in administering their own procurement programs. The office of state procurement shall fully recover costs of administering this program from members.

[Statutory Authority: Chapter 43.19 RCW. 99-15-070, § 236-49-060, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-49-060, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-49-060, filed 8/26/83.]

WAC 236-49-061 Repealed. See Disposition Table at beginning of this chapter.

Chapter 236-100 WAC

FLOOD MITIGATION STANDARDS FOR STATE AGENCIES

WAC

236-100-013	Definitions.
236-100-015	Flood mitigation standards.
236-100-016	Exemptions.

WAC 236-100-013 Definitions. (1) "Agency" or "agencies" as used in this section means all Washington state agencies, boards, commissions, and all state institutions of higher education.

(2) "Development" means any man-made change to improved or unimproved real estate, including but not limited to: Buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(3) "Facility" means something built to serve a particular function other than a structure.

(4) "New construction," for flood plain management purposes, means structures for which the start of construction commenced on or after the effective date of this regulation, WAC 236-100-001 through 236-100-016.

(5) "Property" or "properties" refer to state-owned developments, structures, facilities, and/or the contents of the structure in which the state has an interest.

(6) "Risk manager" means the assistant director of the office of risk management, department of general administration, or his/her designee.

(7) "Special flood hazard areas" refers to areas subject to inundation by a flood having a one percent or greater probability of being equaled or exceeded during any given year. This flood, which is referred to as the one hundred-year flood or the base flood, is the national standard on which the flood plain management and insurance requirements of the National Flood Insurance Program are based. Special flood hazard areas and one hundred-year flood plains are identified on flood insurance rate maps developed and issued by the Federal Emergency Management Agency.

(8) "Structure" means a walled and roofed building, including any gas or liquid storage tank, that is principally above ground and affixed to a permanent site.

(9) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

[Statutory Authority: RCW 43.17.060 and chapter 43.19 RCW. 00-01-104, § 236-100-013, filed 12/16/99, effective 1/16/00. Statutory Authority: Chapters 43.17 and 43.19 RCW. 91-08-057, § 236-100-013, filed 4/2/91, effective 5/3/91.]

WAC 236-100-015 Flood mitigation standards. (1) When planning the location, acquisition, and/or construction of state-owned developments, structures, or property, one hundred-year flood plains and special flood hazard areas, as identified on flood insurance rate maps or by other available sources, shall be avoided whenever feasible.

(2) If it is necessary to locate, acquire, and/or construct state-owned developments, structures, new construction, or substantial improvements within one hundred-year flood plains and/or special flood hazard areas, agencies must then adhere to the regulations of the National Flood Insurance Program (44 CFR Ch. 1).

(3) In addition to subsection (2) of this section, for all new construction and substantial improvements, both within and outside of any one hundred-year flood plain and/or special flood hazard area, the elevation of the lowest floor, including the basement, shall be at least the greater of either:

- (a) One foot above the one hundred-year flood elevation; or
- (b) At the five hundred-year flood elevation.

To achieve this flood protection, state agencies shall, whenever feasible, locate structures outside of one hundred-year flood plains and special flood hazard areas rather than filling in land within one hundred-year flood plains and/or special flood hazard areas.

(4) Developments, new construction, or substantial improvements which do not meet the requirements of subsections (2) and/or (3) of this section must receive an exemption as specified in WAC 236-100-016(2).

(5) For leased structures with state-owned contents, agencies shall avoid one hundred-year flood plains and/or special flood hazard areas, whenever feasible. If it is necessary for agencies to lease property within one hundred-year flood plains and/or special flood hazard areas, then such leased structure or structures and related development shall meet the minimum requirements of the National Flood Insurance Program. Exemptions from these requirements for leased property must be obtained from the office of risk management pursuant to WAC 236-100-016(2).

[Statutory Authority: RCW 43.17.060 and chapter 43.19 RCW. 00-01-104, § 236-100-015, filed 12/16/99, effective 1/16/00. Statutory Authority: Chapters 43.17 and 43.19 RCW. 91-08-057, § 236-100-015, filed 4/2/91, effective 5/3/91.]

WAC 236-100-016 Exemptions. (1) Exemptions from the elevation requirements of WAC 236-100-015(3) are granted automatically for:

- (a) Facilities where their use and purpose require construction below one hundred-year flood plains and/or special flood hazard areas (e.g., fish pens, fish ladders, holding ponds, dams, etc.);
- (b) Roads, bridges, and highway facilities.

(2) All other exemptions from the elevation requirements of WAC 236-100-015 must be granted by the department of general administration, office of risk management. Agencies seeking an exemption must submit a purpose and use statement, including an explanation of why and how the structure, development, or substantial improvement will not comply with these flood mitigation standards. This information must be submitted in writing to the Risk Manager, Department of General Administration, Office of Risk Management, 303 General Administration Building, P.O. Box 40127, Olympia, Washington 98504. These requests will be reviewed on a case-by-case basis, and the risk manager will issue a letter of exemption no later than fourteen days after receipt of such request, if in his/her sole discretion it is appropriate to do so.

Denials of any exemptions may be appealed in writing to the Director of the Department of General Administration, 218 General Administration Building, MS: AX-22, Olympia, Washington 98504 within thirty days of the date of the denial letter.

[Statutory Authority: RCW 43.17.060 and chapter 43.19 RCW. 00-01-104, § 236-100-016, filed 12/16/99, effective 1/16/00. Statutory Authority: Chapters 43.17 and 43.19 RCW. 91-08-057, § 236-100-016, filed 4/2/91, effective 5/3/91.]

Title 240 WAC

GOVERNOR, OFFICE OF THE

Chapters

240-10 State employee combined charitable contributions program.

Chapter 240-10 WAC

STATE EMPLOYEE COMBINED CHARITABLE CONTRIBUTIONS PROGRAM

WAC

240-10-030 Definitions.

WAC 240-10-030 Definitions. (1) Committee - The Washington state employee combined fund drive committee described in WAC 240-10-010.

(2) State employee combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees conducted annually to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services for the benefit of human beings:

- (a) Delivery of health care to ill or infirm individuals;
- (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;
- (c) Health research for the benefit of ill or infirm individuals;
- (d) Delivery of education, training, and care to physically and mentally handicapped individuals;
- (e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

(7) Local presence - Demonstration of direct and substantial presence in the local campaign community:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.

(b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific