

WAC 200-305-010 Definitions. The definitions set forth in chapter 39.26 RCW and in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Affiliate" means a person in a business relationship who either directly or indirectly controls or has the power to control the other or a third party who controls or has the power to control both. Factors used to determine control include:

- (a) Interlocking management or ownership;
- (b) Identity of interests among family members;
- (c) Shared facilities and equipment;
- (d) Common use of employees; or

(e) A business entity organized following the debarment or proposed debarment of a person which has the same or similar management, ownership, or employees as the person that was debarred or proposed for debarment.

(2) "Conviction" means:

(a) A judgment or any other determination of guilt of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or plea, including a plea of nolo contendere; or

(b) Any other resolution that is the functional equivalent of a judgment, including probation before judgment and deferred prosecution. A disposition without the participation of the court is the functional equivalent of a judgment only if it includes an admission of guilt.

(3) "Covered transaction" means submitting a bid, having a bid considered, entering into a state contract, or subcontracting on a state contract.

(4) "Debarring official" means the director of the department of enterprise services or the director's designee, who shall exercise the authority to debar or fine in lieu of debarment.

(5) "Fine in lieu of debarment" means an alternative to debarment, for certain causes that otherwise could result in debarment, but for which a monetary penalty, under the circumstances, may be more appropriate than debarment.

(6) "Investigating official" means a person appointed to investigate the merits of a debarment referral.

(7) "Service" or "service of process" means, for any delivery required under this chapter, personal delivery, delivery by U.S. postal mail service, electronic mail delivery, or delivery by other reasonable commercially acceptable means of delivery.

[Statutory Authority: RCW 43.19.011, 39.26.200 and 2015 c 44. WSR 18-21-055, § 200-305-010, filed 10/9/18, effective 11/9/18. Statutory Authority: RCW 39.26.200 and 43.19.011. WSR 13-09-069, § 200-305-010, filed 4/17/13, effective 5/18/13.]