

**WSR 23-21-006
PERMANENT RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed October 4, 2023, 4:11 p.m., effective November 4, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends RCW 39.19.030(7) to adopt rules under chapter 34.05 RCW, the Administrative Procedure Act, governing a public works small business certification program.

Citation of Rules Affected by this Order: Amending WAC 326-20-087.

Statutory Authority for Adoption: SB [2SSB] 5268 amends RCW 39.19.030(7).

Adopted under notice filed as WSR 23-15-020 on July 7, 2023.

Date Adopted: October 3, 2023.

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OTS-4747.1

NEW SECTION

WAC 326-20-087 Public works small business enterprise. (1) To foster small business participation, a race and gender-neutral certification program is created to eliminate obstacles to small business participation.

(2) Public works small business is a race and gender-neutral certification program that does not require social disadvantage under WAC 326-20-046. Other certification criteria, such as proof of economic disadvantage, ownership, business size, and control are required to be eligible for this program.

(3) Whenever issues arise regarding eligibility based on personal net worth, business size, ownership, and control which cannot be resolved by reference to these regulations, 49 C.F.R. Part 26 shall provide guidance to resolve such issues.

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