

or appropriate: (a) Permit for release of fish or wildlife; (b) procedures for applying for a hydraulic project approval (HPA), and (c) description of methods that will be used to provide the volunteer group with fish, bird, or animal food or other available supplies. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-040, filed 9/5/84.]

**WAC 232-32-050 Criteria used in selecting cooperative wildlife projects.** The following criteria will be considered by the department in ranking project proposals for funding. These criteria are not rigid but are intended to guide the department in selecting projects that are feasible, cost effective, and complementary with other department programs.

(1) Game commission policy: The game commission policies, adopted in 1980, as amended, will be used, along with other criteria, to rank project proposals. Policies include the following: (a) The first management priority will be to establish and perpetuate the highest quality wildlife habitat, with the second priority being to provide recreation opportunity in the form of hunting, fishing, and wildlife enjoyment; and (b) within habitat capabilities, wildlife will be managed according to the following priorities: Natural reproduction rather than stocking; native species of wildlife; and species which provide the most recreational opportunities for hunting, fishing, and wildlife viewing.

(2) Program goals, objectives, and priorities: Project proposals will be ranked according to their adherence to program goals, objectives, and priorities, as outlined in department species plans and regional operational plans. When production or rearing projects are considered, potential conflicts or competition with other species of fish and wildlife, including food fish and shellfish, will be considered.

(3) Costs versus benefits: Project proposals will be evaluated and ranked according to expected ratio of costs to public benefits. Costs will include both money and man-days; benefits may include direct benefits to wildlife or habitat and benefits to the public in terms of recreational opportunities or increased knowledge about wildlife.

(4) Educational value. Consideration will be given to a project's value in educating and informing the public about the life history and needs of wildlife.

(5) Capabilities of volunteer groups. When considering the renewal or refunding of projects, the relative success of that project and the overall capability of a particular volunteer group in managing cooperative projects and producing results will be considered; this will include the amount of department supervision or assistance required to accomplish the project. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-050, filed 9/5/84.]

**WAC 232-32-060 Procedures for revocation of a cooperative wildlife project.** The following criteria and

procedures will be followed when the department considers revocation or actually revokes a cooperative wildlife project:

(1) The department may revoke a cooperative project agreement for the following reasons: (a) A violation of agreement provisions; (b) unavailability of adequate biological or financial resources to continue participation by the department; and (c) the development of unacceptable biological or resource management conflicts.

(2) When the department decides that a cooperative project is in danger of being revoked, a certified letter will be sent to the contact person, with the volunteer group responsible for the project advising him or her of the problem and either setting conditions for continuation of the project, or attempting to arrange a meeting to discuss ways of bringing the cooperative agreement into compliance or resolving other problems that might result in revocation.

(3) When the department decides that a cooperative project should be terminated, a certified letter to that effect will be sent to the contact person within the volunteer group responsible for the project. The exact termination date will be determined by the severity of the problem which requires revocation. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-060, filed 9/5/84.]

**WAC 232-32-070 Priority for eggs, seed, juveniles, broodstock, and department facilities.** The following priorities will be followed in allocating eggs, seed, juveniles, broodstock, or using rearing space at department hatcheries and other facilities:

- (1) Needs of the department of game
- (2) Needs of other public agencies in Washington
- (3) Cooperative wildlife projects
- (4) Exchange agreements with agencies outside Washington
- (5) Sales. [Statutory Authority: 1984 c 72. 84-18-065 (Order 237), § 232-32-070, filed 9/5/84.]

## Title 236 WAC

### GENERAL ADMINISTRATION, DEPARTMENT OF

#### Chapters

- |         |  |
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| 236-12  | State capitol grounds traffic and parking regulations.                                     |
| 236-20A | Display of flags—State capitol grounds.  |
| 236-28  | Small works roster.  |
| 236-47  | Division of purchasing.  |
| 236-70  | A rule to facilitate private investment in energy conservation for state-owned facilities. |

## Chapter 236-11 WAC

COMPLIANCE WITH STATE ENVIRONMENTAL  
POLICY ACT

## WAC

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236-11-030	Adoption by reference.
236-11-040	Integration of SEPA procedures with other governmental operations.
236-11-050	Applications for exemptions within the department of general administration.
236-11-060	Timing of the EIS process.
236-11-070	Facility acquisition.
236-11-080	Public notice requirements.
236-11-090	EIS decision levels.
236-11-100	Policies and procedures for conditioning or denying permits or other approvals.
236-11-110	Designation of responsible official.
236-11-120	SEPA information center.
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**WAC 236-11-010 Authority.** This chapter is promulgated pursuant to RCW 43.21C.120. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-010, filed 9/25/84.]

**WAC 236-11-020 Scope and coverage of this chapter.** (1) Compliance with the rules of this chapter shall constitute procedural compliance with SEPA for an "action" as defined in WAC 197-11-704.

(2) The rules of this chapter contain no sections relating to the notice/statute of limitations provisions of chapter 43.21C RCW. To utilize these provisions, the department of general administration shall follow the statutory language and any applicable regulations of the department of ecology. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-020, filed 9/25/84.]

**WAC 236-11-030 Adoption by reference.** The department of general administration hereby adopts the sections or subsections of chapter 197-11 WAC by reference.

## WAC

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[Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-030, filed 9/25/84.]

**WAC 236-11-040 Integration of SEPA procedures with other governmental operations.** To clarify threshold decisions and to categorize department actions applicable to the environment protection process, typical department of general administration actions have been identified as follows:

(1) Category I. Projects which will normally require an EIS.

(a) Construction projects – (determined by environmental checklist).

(i) Projects requiring preparation of major state construction plans.

(ii) Projects undertaken for another state agency or applicant where the assessment process identifies significant known or potential impacts.

(b) All department of general administration projects where the assessment process identifies known or potential significant environmental impact.

(c) Procurement and/or disposal of hazardous materials or substances.

(2) Category II. Projects which may require EIS or further assessment.

(a) Construction projects.

(i) Repair and alteration projects requiring a major change in energy requirement or source.

(ii) Repair and alteration projects affecting architectural character of buildings of recognized historical importance.

(b) Upgrading of existing space with significant change in use.

(c) Alteration projects entailing laboratory space which will utilize dangerous or hazardous chemicals, drugs, or radioactive materials.

(3) Category III. Division exemptions. Pursuant to WAC 197-11-875, except for building construction, all activities of the division of banking and the division of savings and loan associations are exempted.

(4) Category IV. Categorical exemptions. Pursuant to WAC 197-11-800, Part Nine except for limitations on categorical exemptions contained in chapter 197-305 WAC, the following divisions are exempted: Division of buildings and grounds, division of telecommunications, data processing service center, division of administrative services, division of motor transport, risk management, personnel office, division of purchasing and surplus property office and the state mail service. If any of the aforementioned divisions become involved in an action as defined in WAC 197-11-704 which is not exempt, then these rules will apply and the division supervisor must integrate these department procedures with their operations.

(5) Category V. Emergencies. Pursuant to WAC 197-11-880, actions which must be undertaken immediately or within a time too short to allow full compliance with this chapter, or chapter 197-11 WAC, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-040, filed 9/25/84.]

**WAC 236-11-050 Applications for exemptions within the department of general administration.** Each "action" as defined in Part Eight, WAC 197-11-704, of the department shall have a form completed and retained in the applicant's division files. This form shall show the action and exemption decision and be signed by the department of general administration representative making that decision. This form shall also show any threshold decision signed by the department representative. A copy of this completed form shall be submitted to the division of facilities planning for review and approval or disapproval. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-050, filed 9/25/84.]

**WAC 236-11-060 Timing of the EIS process.** (1) Public works request. Any agency submitting a public works request to the department of general administration shall be regarded as the lead agency. It will be the sole responsibility of an agency submitting a public works request to determine whether the action is exempt and, if not, to prepare an environmental checklist, make threshold determinations of nonsignificance or significance, prepare draft and final EIS's and conduct public hearings. If an EIS is required for any public works request the working draft EIS must be prepared concurrently or prior to the completion of the design development phase. Evidence of compliance with SEPA rules, chapter 197-11 WAC, must be provided to the department of general administration prior to implementing proposals.

(2) Space request. The department of general administration will normally assume responsibility as lead agency for space requests submitted to the department. However, if an EIS is required for a space request the agency submitting the space request may be assigned responsibility for preparing the draft and final EIS's and to conduct public hearings. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-060, filed 9/25/84.]

**WAC 236-11-070 Facility acquisition.** Facilities or real estate acquired under RCW 43.82.010 and which are subject to the provisions of chapter 197-11 WAC, SEPA rules, shall be environmentally administered as follows:

(1) Upon identification of plans to locate or relocate a state agency within a community, the department of general administration shall determine whether the proposal is categorically exempt, does not have a probable significant environmental impact, or does have a probable significant impact. If an EIS is required, the agency which will be the recipient of the facility or real estate may be assigned as lead agency as determined in WAC 236-11-060(2).

(2) Prior to publication of a determination of nonsignificance, or determination of significance, the department of general administration shall coordinate plans for acquisition with appropriate government officials and interest groups through the department of community development.

(3) Determinations of significance or nonsignificance, and any subsequent environmental review actions shall be publicized, with copies of determinations and review actions transmitted to appropriate government officials and interest groups. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-070, filed 9/25/84.]

**WAC 236-11-080 Public notice requirements.** (1) The department shall give public notice when issuing a DNS under WAC 197-11-340, or DS and scoping notice under WAC 197-11-360.

(2) The department may require an applicant to perform the public notice requirement at its expense.

(3) The department shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Mailing to public or private persons or groups who have expressed interest in the proposal, in a certain type of proposal, or proposals in the geographic area in which the proposal is located;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property, for site-specific proposals. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-080, filed 9/25/84.]

**WAC 236-11-090 EIS decision levels.** There are four levels of decisions involved in the EIS process.

(1) (a) Determination of eligibility for a categorical exemption.

(b) In determining whether a proposal is exempt from SEPA, the department shall respect "environmentally sensitive area" designations made by local governments under WAC 197-11-908 and the threshold levels adopted by cities/counties under WAC 197-11-800(1).

(2) Completion of an environmental checklist, Form GEN-FP-007, by the applicant in accordance with WAC 197-11-315 to determine if a proposal will have probable significant adverse environmental impact.

(3) Completion of a threshold determination by the lead agency in accordance with WAC 197-11-310 to determine if an EIS is required.

(a) Determination of nonsignificance (DNS), Form GEN-FP-008, which documents a decision that a proposal is not likely to have a significant adverse environmental impact and, therefore, not require an EIS.

(b)(i) Determination of significance (DS), Form GEN-FP-009, which documents a decision that a proposal is likely to have a significant adverse environmental impact and, therefore, an EIS is required.

(ii) Completion of scoping the proposal to limit an EIS to significant environmental issues.

(4) Completion of an environmental impact statement (EIS) which is the detailed statement required by RCW 43.21C.030 (2)(c).

(a) Completion of a draft EIS (DEIS) which informs decision makers and the public of a proposal and the mitigation measures which would avoid or minimize adverse impacts.

(b) Completion of a final EIS (FEIS) which revises the DEIS as appropriate and responds to comments received from decision makers and the public.

(c) Completion of a supplemental EIS (SEIS) which revises a draft or final EIS if there are substantial changes or significant new information on the proposal indicating probable significant adverse environmental impacts. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-090, filed 9/25/84.]

**WAC 236-11-100 Policies and procedures for conditioning or denying permits or other approvals.** (1)(a) It is department of general administration policy to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(b) The department shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources so that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or

safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The department shall develop plans and programs to economically house state government activities so as to provide maximum services to the people of Washington consistent with (b) of this subsection.

(2) Supplementary implementing instructions and procedures to the policies contained in this section are contained in department of general administration policies and procedures, chapter 7, section 3.

(3) The department responsible official may:

(a) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(b) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(4) The procedures in WAC 197-11-660 must be followed when conditioning or denying permits or other approvals. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-100, filed 9/25/84.]

**WAC 236-11-110 Designation of responsible official.** (1) Within the department of general administration the ultimate responsible official is the director.

(2) The division of facilities planning is the responsible official for overall direction and control of environmental reviews within the department of general administration and the division shall maintain the department SEPA information center.

(3) When the department of general administration is the lead agency, the operational responsibility for determining if the department's involvement is an "action" and if the department's "action" is "exempt" shall be controlled by the division of facilities planning.

(4) The division of facilities planning shall review and agree or disagree with all project or program exemptions, environmental checklists and determinations of nonsignificance or significance initiated within the department. In the event that there is disagreement with the initiator of the project, the decision of the responsible official, division of facilities planning, shall be final.

(5) The department's responsibilities as consulted agency will be coordinated by the division of facilities planning. When the department of general administration is responding as the consulted agency to a draft EIS and when specific contents of an EIS impacts a particular division of the department of general administration,

then that EIS will be sent to the affected division director for review and response. The affected division's response comments and/or recommendation will then be incorporated into the overall department response and sent to the department of general administration responsible official for final approval.

(6) Any decision of the responsible official, division of facilities planning, shall be final until such time as it is superseded by the director, department of general administration. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-110, filed 9/25/84.]

**WAC 236-11-120 SEPA information center.** (1) The department SEPA information center shall be located in the Division of Facilities Planning, Department of General Administration, Olympia, Washington 98504.

(2) The following documents shall be maintained at the department's SEPA information center:

(a) Copies of all determinations of nonsignificance filed by the agency, for a period of one year.

(b) Copies of all EIS's prepared by the agency, for a period of three years. Draft EIS's which have been superseded by a final EIS need not be maintained at the center.

(3) The agency shall maintain the following information at its center:

- (a) Current SEPA statutes and administrative codes;
- (b) Current directives and regulations;
- (c) Department SEPA policies, procedures and correspondence;

(d) Blank forms for determinations, environmental checklists, and others as required. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-120, filed 9/25/84.]

**WAC 236-11-130 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. [Statutory Authority: RCW 43.21C.120. 84-20-015 (Order 84-02), § 236-11-130, filed 9/25/84.]

**Chapter 236-12 WAC  
STATE CAPITOL GROUNDS TRAFFIC AND  
PARKING REGULATIONS**

WAC

PERMITS

- 236-12-200 Authorization for issuance of permits.
- 236-12-290 Parking fees.
- 236-12-295 Free parking permits for carpools/vanpools.

PERMITS

**WAC 236-12-200 Authorization for issuance of permits.** The director may issue parking permits in the

parking areas of the capitol grounds designated by him to state officials, state employees, state agencies for official cars and to such other individuals as he may determine require parking facilities to aid in carrying out state business. The purpose for which parking permits are issued is to facilitate the conduct of government by providing state employees and visitors convenient parking while on the capitol campus for official purposes. Parking spaces may not be used for other purposes such as the conduct of private business or the storage of personal property. Repeated use of assigned parking spaces for such purposes may result in the cancellation of parking privilege. [Statutory Authority: RCW 46.08.150. 85-19-001 (Order 85-02), § 236-12-200, filed 9/5/85; Order 12, § 236-12-200, filed 12/19/73; § 15, filed 8/19/64.]

**WAC 236-12-290 Parking fees.** The fees for rental parking shall be as follows:

PARKING FEES	AUTOMOBILE	MOTOR- CYCLE/ MOTOR- DRIVEN CYCLE
(a) Covered space (garage)	\$ 10.00/month	\$5.00/month
(b) Open space (lots/streets)	\$ 5.00/month	\$3.00/month
(c) Parking-by-the-day	\$ 1.00 per day maximum	
(d) No charge for visitors or tourists except where mechanical devices or meters are installed for general or specific area use.		
(e) No charge for carpools/vanpools to which permits have been issued in accordance with WAC 236-12-295.		

[Statutory Authority: RCW 46.08.150. 85-19-001 (Order 85-02), § 236-12-290, filed 9/5/85; 78-05-006 (Order 78-3), § 236-12-290, filed 4/7/78; Order 12, § 236-12-290, filed 12/19/73; Order 11, § 236-12-290, filed 5/22/72; Order 9, § 236-12-290, filed 8/14/70; § 24, filed 8/19/64.]

**WAC 236-12-295 Free parking permits for carpools/vanpools.** Parking permits shall be issued to carpools and vanpools without charge subject to the terms and conditions set forth herein. To be eligible for such permits, the carpool/vanpool must consist of at least three persons per vehicle. The application must be submitted by a state employee, and shall include the names of all other persons who are members of the carpool or vanpool. Members of carpools/vanpools to which permits are issued under this section shall not be eligible for issuance of any other parking permits.

Permits issued under this section shall expire at the end of three months from the date of issuance. Application for renewal must be presented in person to the parking office at least two weeks prior to the expiration date.

It shall be the responsibility of all members of a carpool/vanpool to which a parking permit is issued hereunder to notify the parking office of any changes in the ridesharing arrangements which affect the eligibility of the carpool/vanpool for the permit. [Statutory Authority: RCW 46.08.150. 85-19-001 (Order 85-02), § 236-12-295, filed 9/5/85.]

**Chapter 236-20A WAC**

**DISPLAY OF FLAGS—STATE CAPITOL GROUNDS**

WAC  
236-20A-010 Flag plazas.

**WAC 236-20A-010 Flag plazas.** The flag plazas on the east and west capitol campus are designated as the official locations for display of the United States and Washington state flags on the state capitol grounds. The United States flag and the Washington state flag will be flown permanently at these locations.

The flags of visiting United States governors and dignitaries and other flags may be flown at the discretion of the governor of the state of Washington.

No other flags will be flown on any poles at the east or west capitol flag plazas. [Statutory Authority: RCW 43.19.125. 85-10-037 (Order 85-01), § 236-20A-010, filed 4/29/85; Order 76-3, § 236-20-010 (codified as WAC 236-20A-010), filed 3/15/76.]

**Chapter 236-28 WAC**  
**SMALL WORKS ROSTER**

WAC  
236-28-030 Contractors application form—Information required.  
236-28-040 Repealed.  
236-28-050 Repealed.  
236-28-060 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

236-28-040 Contractors to be categorized general or specialty—Categories of special contractors enumerated. [Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-040, filed 12/29/82.] Repealed by 84-19-058 (Order 84-1), filed 9/19/84. Statutory Authority: RCW 34.04.025.  
236-28-050 Contractors categorized by size of projects—Categories enumerated. [Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-050, filed 12/29/82.] Repealed by 84-19-058 (Order 84-1), filed 9/19/84. Statutory Authority: RCW 34.04.025.  
236-28-060 Minority or women's business enterprise—Defined. [Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-060, filed 12/29/82.] Repealed by 84-19-058 (Order 84-1), filed 9/19/84. Statutory Authority: RCW 34.04.025.

**WAC 236-28-030 Contractors application form—Information required.** Contractors desiring to be included on a small works roster established by a state agency pursuant to chapter 98, Laws of 1982, shall submit a completed application form on a form prescribed by the director, department of general administration. Copies of the form may be obtained from the division of engineering and architecture and will contain the following information:

- (a) Name of contracting firm, including designation as corporation, partnership, sole proprietorship, or otherwise;
- (b) Address of contracting firm;
- (c) Telephone number of contracting firm;

- (d) State contractor's license number;
- (e) Indication of type of construction firm by categories enumerated; on the form.
- (f) State of Washington department of revenue tax number;
- (g) An indication of those counties in which the contractor is interested in being considered for projects;
- (h) Indication whether contractor is certified as a minority or women's business enterprise pursuant to chapter 326-20 WAC.

Upon receipt of the application, the agency shall enter the information set forth therein into its small works roster, and send a copy of the information which is entered to the applicant contractor. Contractors should not consider themselves to be enrolled in a small works roster until they have received this verification.

It is the responsibility of the contractor to notify the agency of any incorrect information set forth on the notice of verification, and to notify the agency of any change in the information set forth in its application as such changes may occur from time to time. [Statutory Authority: RCW 34.04.025. 84-19-058 (Order 84-1), § 236-28-030, filed 9/19/84. Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-030, filed 12/29/82.]

**WAC 236-28-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 236-28-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 236-28-060 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 236-47 WAC**  
**DIVISION OF PURCHASING**

WAC  
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**WAC 236-47-001 Purpose.** The purpose of this chapter is to set forth rules and regulations applicable to the acquisition, warehousing, and distribution of federal surplus property by, through, or under the authority delegated by the state purchasing division. This chapter constitutes the state of Washington plan of operation required by 40 U.S.C. § 484 (j) and 41 C.F.R. § 101-



44.202. (Exhibit 12.) [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-001, filed 6/8/84.]

**WAC 236-47-002 Authority.** The director, department of general administration, state of Washington, is authorized by RCW 39.32.010 through 39.32.060, to acquire, warehouse, and distribute surplus property to all eligible donees in the state. Authority is granted under RCW 39.32.020 to enter into cooperative agreements (Exhibit 1).

Prior to submission of this plan to the administrator of general services administration (GSA), general public notice of the proposed plan was published for a period of sixty calendar days and interested parties were given a period of thirty calendar days in which to submit comments. These comments, as well as the relative needs and resources of all public agencies and other eligible donees, were considered in developing the plan of operation. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-002, filed 6/8/84.]

**WAC 236-47-003 Designation of the state agency.** The plan shall be administered by the property redistribution office (PRO), material management center, department of general administration. This office has complete responsibility and authority to carry out the requirements of acquiring, warehousing, and distributing federal surplus property in the state of Washington pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended. This office is supervised by the surplus commodities supervisor for state/federal surplus property. Staffing, structure, and organizational status are shown in Exhibit 2. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-003, filed 6/8/84.]

**WAC 236-47-004 Statement of policy.** The state agency operates a "want list" oriented system to serve eligible donees and will aim for direct shipment of allocated items from the holding agencies to the donee's place of intended use. Donees are encouraged to submit a listing of items needed. The state agency employees will be guided by these requests in their search and selection of property. This equipment will be distributed on the basis of need, resources, and ability to utilize the property.

Small miscellaneous items will be available from the distribution center, eight hours per day, five days per week. Bulletins are mailed to all donees listing property available in the distribution center. They are mailed on Fridays to provide equal opportunity for all donees on Monday to telephone their requests.

The state agency will recommend to GSA the certification of donee screeners which are qualified and required in accordance with FPMR 101-44.116.

The state agency will make distribution of available property to eligible organizations in the state on a fair and equitable basis determined by their relative needs, resources, and ability to utilize the property. Elements of these are as follows:

- (1) Relative needs:
  - (a) Interest and expression of need on the part of the donee in the property available;
  - (b) Type and quantity of property received by donee to date;
  - (c) Economic condition of agency, activity, or institution;
  - (d) Critical or urgent need;
  - (e) Geographic location (urban, suburban, or rural).
- (2) Relative resources:
  - (a) Availability and sources of funds (grants, donations, taxes);
  - (b) Equipment availability;
  - (c) Alternate resources available.
- (3) Ability to utilize:
  - (a) Ability of the donee to select and remove property from the distribution center or federal activity on a timely basis;
  - (b) Contemplated length of time and frequency of use;
  - (c) When item can be put in use;
  - (d) Ability to repair or maintain property.

Where competing requests are received for property items, the state agency will make a determination as to the donee based on the evaluation of the criteria above.

Donees which suffer or experience a loss of property due to a local disaster such as fire, flood, tornado, etc., will be given a temporary priority for all requested property. Special efforts will be made to locate and distribute needed property to them. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-004, filed 6/8/84.]

**WAC 236-47-005 Eligibility.** The state agency will contact and instruct all known potential donees in the state on the procedures to follow in establishing their eligibility to participate in the surplus property program. Contacts will be made by letter, telephone calls, meetings and conferences with the groups listed below, supplemented when necessary by news releases and informational bulletins.

(1) In establishing a listing of the potential donees the state agency will use the standards and guidelines set forth in FPMR 101-44.207 as well as the following sources:

- (a) Public agencies:
  - (i) Listings of cities and towns;
  - (ii) Listings of counties, judiciary, state departments, divisions, councils, commissions, institutions, etc.;
  - (iii) Listings of local departments, divisions, commissions, councils, etc.
- (b) Nonprofit tax-exempt units:
  - (i) State departments and others for listings of all local units approved or licensed by them;
  - (ii) Existing listings of units now eligible to participate in the surplus property program;
  - (iii) Inquiries, letters, telephone calls, etc., received relative to eligibility.

(2) As a condition of eligibility each unit will be required to file with the state agency:



(a) An **Application for eligibility** signed by the chief executive/administrative officer accepting the terms and conditions under which the property will be transferred.

(b) A written authorization signed by the chief executive/administrative officer of the donee activity, or a resolution of a governing board designating one or more representatives to act for the applicant, obligate any necessary funds and execute issue sheets.

(c) An **Assurance of compliance** in accordance with GSA regulations and requirements indicating acceptance of the civil rights law which states they will not discriminate on the basis of race, color, national origin, sex, age, or handicap.

(d) The legal name of applicant, address, and telephone number and their status as a public agency or nonprofit tax-exempt educational or public health unit.

(e) Proof of tax exemption under Section 501 of the Internal Revenue Code of 1954 (for nonprofit units only).

(f) Proof that the applicant is approved, accredited, or licensed in accordance with FPMR 101-44.207.

(g) Details and scope of their program including different activities and functions.

(h) Listing as to the types and kinds of equipment, vehicles, machines, or other items needed.

(i) Financial information to help in evaluating their relative needs and resources.

Eligibility approvals of all skilled nursing homes, intermediate care facilities, alcohol and drug abuse centers, programs for older individuals, and any other programs that are certified, approved, and/or licensed will be updated each year. All other approvals of eligibility will be updated every three years. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-005, filed 6/8/84.]

**WAC 236-47-006 Terms and conditions.** As a condition of eligibility, the donee will be required to file an application for eligibility with the state agency. Each form must be signed by the chief executive/administrative officer of the donee organization agreeing to the requirements prior to the donation of any surplus property. The certifications and agreements, and the terms, conditions, reservations and restrictions are printed on this document and on the reverse side of each state agency warehouse issue sheet and invoice (Exhibit 3).

The state agency will impose the statutory requirement that all property acquired by donees must be placed into use within one year of donation and be used for one year thereafter.

Following are periods of additional restriction established by the state agency:

(1) All passenger motor vehicles and items with a unit acquisition cost of three thousand dollars or more – an additional six-month period of restriction will be added, making a total of eighteen months from the date the property is placed in use.

(2) Aircraft (except combat-type) and vessels (fifty feet or more in length) with a unit acquisition cost of three thousand dollars or more – a total of sixty months

from the date the property is placed in use. Such donations shall be subject to the requirements of the conditional transfer document (Exhibits 4 and 5).

(3) Aircraft (combat-type) – restricted in perpetuity. Donations of combat-type aircraft shall be subject to the requirements of a conditional transfer document (Exhibit 6).

When considered appropriate, the state agency may impose such terms, conditions, reservations, and restrictions as it deems reasonable on the use of donable property other than passenger motor vehicles or items with a unit acquisition cost of three thousand dollars or more.

The state agency will impose on the donation of any surplus item of property, regardless of unit acquisition cost, such conditions involving special handling or use limitations as the general services administration may determine necessary because of the characteristics of the property.

The state agency may amend, modify, or grant release of any term, condition, reservation, or restriction it has imposed on donated item of personal property. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-006, filed 6/8/84.]

**WAC 236-47-007 Compliance and utilization.** At least once during the period of restriction, state agency personnel will review all passenger motor vehicles and issued items with an original acquisition cost of three thousand dollars or more to determine that these items are being utilized in accordance with the purposes for which acquired. Review will consist of physical inspections and written certification or utilization of property by donees.

Also during the physical review, the state agency representative will insure that the donee is complying with any special handling conditions or use limitations imposed on items of property by GSA in accordance with FPMR 101-44.108. The review will include a survey of donee compliance with the statutory requirement that all items of property acquired by the donee since the last utilization survey have been placed into use within one year of acquisition and used for one year thereafter. Written reports on utilization and compliance review will be made and placed on file.

The state agency shall provide adequate assurance that they will initiate appropriate investigations of alleged fraud in the acquisition of donated property or misuse of such property. The FBI and GSA will be notified immediately of any cases involving alleged fraud. Further, GSA shall be advised of any misuse of donated property. The state agency will take necessary actions to prosecute cases of fraud or misuse and will assist GSA and other federal and state agencies in investigating such cases.

All passenger motor vehicles and all items having an acquisition cost of three thousand dollars or more will be identified at the distribution center by a blue stock tag. Separate warehouse issue sheets will be prepared for each of these items and will include the following statement:

NOTE: Compliance Item  
See Terms and Conditions on the reverse side of this form

All passenger motor vehicles registered by the department of licensing will show the state agency as lien holder. When the vehicle has been used in compliance with the terms and conditions, and eighteen months of use have expired, the state agency will release the title to the donee. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-007, filed 6/8/84.]

**WAC 236-47-008 Financing and service charges.** A revolving fund established by legislative action finances the acquisition and distribution of federal surplus property and is designed to maintain a working capital reserve to cover one year of operational expenses. These reserve moneys are invested in interest-bearing accounts and certificates as authorized by state law.

To maintain the revolving fund, service charges are assessed at a rate designed to cover all direct and indirect costs involved in acquiring and distributing federal surplus property. Emphasis will be placed on keeping the service charge to a minimum but at the same time providing the necessary service to donees and operating the agency on a sound financial basis. Factors considered in applying service charges are: Original acquisition cost, present value, screening cost, quantity, condition, desirability of property, transportation cost, loading and unloading cost, and administrative costs. Service charge funds may be used to improve or acquire office and warehouse facilities and to purchase necessary equipment and supplies to repair and rehabilitate equipment and to purchase replacement parts.

When the working capital reserve reflects an insufficient or excessive amount, service charges will be adjusted accordingly.

As a general guide and based on the listed factors and the following exceptions, the following schedule will be used in determining service charges:

Percent	Acquisition Cost
0-30	\$ 0.00 - 200.00
0-25	\$ 201.00 - 2500.00
0-15	\$ 2501.00 - 10000.00
0-7.5	\$ 10001.00 - 25000.00
0-3	(not to exceed \$5000.00) above \$25001.00

**EXCEPTIONS.**

The following exceptions to the above schedule have been developed to address two important areas which are frequently encountered. These two areas are incorrect condition code assignment and acquisition cost. Corrections of condition code or adjustment of acquisition costs will be coordinated with the GSA regional office.

**Condition code** - When an obviously incorrect condition code has been assigned, the correct code will be used for discount purposes.

**Acquisition cost** - When an incorrect acquisition cost has been detected, there will be an adjustment for service charge purposes which will reflect the correct acquisition cost. This figure will be assigned by research of available records for similar equipment or supplies, including federal stock/pricing manuals.

Special or extraordinary costs may be added to the service charge as follows:

(1) **Rehabilitated property** - Direct costs for rehabilitating property will be added to the service charge.

(2) **Overseas property** - Additional direct costs for returning the property may be added.

(3) **Long-haul property** - Charges for major items with unusual costs may be added. Any such costs which are anticipated will be discussed with the donee prior to shipment.

(4) **Special handling** - An additional charge may be made for dismantling, packing, crating, shipping, delivery, and other extraordinary handling charges.

(5) **Screening** - Extraordinary costs incurred in screening property may be added.

Minimum service charges are assessed in cases where the state agency provides document processing only and no other direct costs are involved. Based on an analysis of state agency expenses, where direct transfers of property to eligible donees are made, the service charge will be discounted approximately twenty-five percent for locating and screening the material, and ten percent for direct pickup by the donee, based on the service charge that would have been assessed if the property had been transferred from the state agency distribution center. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-008, filed 6/8/84.]

**WAC 236-47-009 Inventory controls and accounting systems. Inventory control.**

The following actions will be the responsibility of the state agency in acquiring items for the distribution center inventory and subsequent reallocation to donees.

Immediately upon receipt, property is moved into a receiving area for check-in. Shipping documents and the applicable S.F. 123 and its attachments are used to check and identify property. Overage and shortage reports, and supplemental S.F. 123's will be prepared in accordance with the requirements of the Federal Property Management Regulations (FPMR) 101-44.115 and mailed to the GSA regional office. Upon verification of the description, condition, and quantity, a stock tag is prepared and attached to the commodity with the following data:

- Allocation number.
- Item number.
- Unit acquisition cost.
- Description, including serial number if applicable.
- Unit of measure.
- Unit service and handling charge.

Following verification of receiving information, individual stock record cards are prepared on all items having an individual acquisition cost of five dollars or more. All actions, including receipt, issue and inventory status,

are recorded on this card. The stock record card will be retained on file for not less than three years after the property has been issued.

A complete physical inventory will be taken annually of all material in possession of the state agency. Shortages and overages are listed on the annual inventory report which is used to record inventory adjustments and must be approved by the supervisor before posting to stock cards. Adjustments are made only when all reasonable efforts have been exhausted to determine the reason for variance. A statement explaining the variances will be included in the corrected inventory report.

**Accounting systems.**

A state approved double entry accounting system will be used. It will include a chart of accounts, a general ledger with accounts for all assets, liabilities, income and expense, and journals for all original record of transactions. It will identify and separately account for funds accumulated from service charges. Monthly and year-end reports will be provided for management visibility and program control. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-009, filed 6/8/84.]

**WAC 236-47-010 Return of donated property.**

When a determination has been made that property has not been put into use by a donee within one year from the date of receipt of the property or has not used the property for one year thereafter under terms and conditions of the application for eligibility, if the property is still usable the donee must:

- (1) Return the property at its own expense to the state agency distribution center. Property returned by a donee will be received into inventory stock control for reissuance to other donees; or
- (2) Retransfer the property to another eligible donee as directed by the state agency; or
- (3) Make such other disposal as the state agency may direct.

The state agency will periodically emphasize this utilization requirement when corresponding and meeting with donees and when surveying the utilization of donated property at donee facilities. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-010, filed 6/8/84.]

**WAC 236-47-011 Nonutilized donable property.** All property in the possession of the state agency for six months which cannot be utilized by eligible donees shall be reported to GSA for disposal authorization in accordance with FPMR 101-44.205. In accordance with this regulation the state agency shall:

- (1) Transfer the property to another state agency or federal agency; or
- (2) Sell the property by public sale; or
- (3) Abandon or destroy the property.

In the event of disposal by transfer to another state agency or by public sale, the state agency may seek such reimbursement as is authorized in accordance with

FPMR 101-44.205. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-011, filed 6/8/84.]

**WAC 236-47-012 Audit.** An internal audit of the state agency will be conducted by the department of general administration annually.

A fiscal audit and a performance review (external audit) will be conducted every two years by the state auditor's office in accordance with normal audit procedures for a public agency. The fiscal audit and the performance review will cover the conformance of the state agency with the state plan of operation and the requirements of FPMR 101-44.202. Copies of all audits will be made available to GSA, with a full report of corrective actions taken with respect to any exceptions or violations.

GSA representatives shall review state agency operations periodically and may, for appropriate reasons, conduct its own audit of the state agency following due notice to the governor of the reasons for such audit. Financial records and all other books and records of the state agency shall be made available to all authorized federal activities. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-012, filed 6/8/84.]

**WAC 236-47-013 Consultation with advisory bodies and private groups.** An advisory board will be established representing both public and nonprofit donee agencies, institutions, and organizations and will be comprised of donee representatives from the various geographic locations of the state. The supervisor of the property redistribution office (PRO) will act as chairperson.

The board will meet annually or at the discretion of the chairperson. The membership may fluctuate to fully meet the interests of eligible activities in the state. The minutes of the meetings will be used to report on the donation program to the groups concerned, and the board will solicit expressions of need and interest from eligible donees so that the state agency and GSA may be advised of such requirements, including requirements for specific items of property.

Additionally, state agency staff will speak at meetings and public and private groups representing donee activities to explain the program, encourage participation and to obtain expressions of need and interest for surplus property. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-013, filed 6/8/84.]

**WAC 236-47-014 Cooperative agreements.** The property redistribution office of the state of Washington is authorized to enter into cooperative agreements through and by the director of the department of general administration with GSA for use of property, facilities, personnel, and services, with or without payment or reimbursement, for use by the state agency of any surplus personal property in its possession subject to conditions imposed by GSA. It is the desire of the agency to continue, renew, or enter into such agreements authorized under section 203(n) of the act. [Statutory Authority:

Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-014, filed 6/8/84.]

**WAC 236-47-015 Forms.** Application for eligibility (Exhibit 7).

Assurance of compliance (Exhibit 8).

Resolution (Exhibit 9).

Request for surplus personal property (donee want card - SASP-117) (Exhibit 10).

Donee identification card (Exhibit 11).

Copy of terms, conditions, reservations, and restrictions on reverse side of warehouse issue/invoice document (Exhibit 3).

Conditional transfer document - noncombat type aircraft (Exhibit 4).

Conditional transfer document - vessels (Exhibit 5).

Conditional transfer document - combat type aircraft (Exhibit 6). [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-015, filed 6/8/84.]

**WAC 236-47-016 Records retention.** Copies of all S.F. 123 allocations, warehouse issue sheets, invoice documents, log books, and all other official records of the agency will be maintained for no less than three years. Documents concerning items subject to restriction will be maintained for one year beyond the expiration of the restriction period. Whenever property is in compliance status, records will be maintained for one year after the case is closed. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-016, filed 6/8/84.]

**WAC 236-47-017 Liquidation.** Should a determination be made to liquidate the state agency, advance notice will be given to GSA in accordance with the specific requirements of FPMR 101-44.202 (c)(14) indicating the reason for such action including a schedule of time to effect the closure and a report of the property on hand for retransfer, sale, or destruction. Assets will be converted to cash and will be divided among the participating donees of the past two years based on a proration of the amount of service charges paid by each donee during the period. Records and accounting information will be retained for two years after closure. [Statutory Authority: Chapter 39.32 RCW. 84-13-008 (Order 84-01), § 236-47-017, filed 6/8/84.]

### Chapter 236-70 WAC

#### A RULE TO FACILITATE PRIVATE INVESTMENT IN ENERGY CONSERVATION FOR STATE- OWNED FACILITIES

#### WAC

236-70-010	Authority.
236-70-020	Purpose.
236-70-030	Scope and coverage of this chapter.
236-70-040	Definitions.
236-70-050	Department of general administration responsibilities.
236-70-060	State agency responsibilities.
236-70-070	Procurement of energy conservation measures and services with private financing.
236-70-080	Monitoring and reporting requirements.

**WAC 236-70-010 Authority.** This rule is promulgated pursuant to RCW 43.19.680(4) and is intended to administratively implement that statute. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-010, filed 11/30/84.]

**WAC 236-70-020 Purpose.** The purpose of this chapter is to establish rules which can be used to facilitate private investment in energy conservation measures and services for state-owned facilities. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-020, filed 11/30/84.]

**WAC 236-70-030 Scope and coverage of this chapter.** The scope of this chapter is to provide guidelines for state agencies acquiring private financing for energy conservation measures and services, and for administration of this rule by the department of general administration. This chapter does not provide authority or guidance for private financing of nonenergy related projects. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-030, filed 11/30/84.]

**WAC 236-70-040 Definitions.** The following words and terms have the following meanings for the purposes of this chapter:

(1) "Base period" means a preceding twelve-month period, or longer, selected as the standard for measurement of energy consumption and energy savings due to implementation of energy conservation measures or services.

(2) "Energy conservation maintenance and operating procedure" means modification or modifications in maintenance and operations of a facility, and any installations within the facility, which are designed to reduce energy consumption in the facility and which require no significant expenditure of funds.

(3) "Energy conservation measure" means an installation or modification of an installation in a facility which is primarily intended to reduce energy consumption or allow use of an alternative energy source.

(4) "Energy conservation service" means a service which provides preestablished levels of heating, cooling, lighting, and equipment use at reduced energy consumption levels. The services may include, but are not limited to, providing financing, design, installation, repair, maintenance, management, technical advice, and/or training.

(5) "Energy cost savings" means energy savings converted into dollar savings.

(6) "Energy savings" means the amount of energy expressed in standard units (e.g., therms, gallons, kilowatt hours) of energy saved by an energy conservation measure or service.

(7) "Facility" means a building, a group of buildings served by a central energy distribution system, components of a central energy distribution system, related structures and/or energy consuming appurtenances.

(8) "Net benefit" means the energy cost savings less the cost of the energy conservation measure or service provided.

(9) "Private investment or private financing" of energy projects means obtaining project funds by other than capital appropriation or governmental grants, and includes, but is not limited to, the following:

(a) "Guaranteed savings" means a program in which a company guarantees a user a predetermined reduction in energy costs. The company guarantees that energy costs plus all costs of the energy conservation measures or services provided will be less than the user's normal energy costs.

(b) "Leasing" means using a piece of property without transferring ownership. Leasing is an alternative to direct ownership of energy saving equipment. This is also known as an operating lease.

(c) "Municipal or capital leasing" means a tax exempt lease where the cost of equipment is amortized over the lease term. At the end of the lease period ownership passes to the lessee. This is also known as a lease purchase.

(d) "Shared savings" means a program in which the sole source of payment for energy conservation measures or services provided by a company is a predetermined percentage of the energy cost savings of the user resulting from the energy conservation measure or service.

(e) "Utility financing" means grants provided by utilities for energy conservation.

(f) "Vendor financing" means financing provided by an equipment supplier, equipment manufacturer, company or contractor.

(10) "Request for proposal" means the document which communicates information to prospective contractors and should include, but not be limited to:

- (a) A description of the problem;
- (b) Expected results from the project;
- (c) Extent and nature of anticipated contract services; and

(d) Criteria for evaluating proposals.

(11) "State agency" means all departments, boards, commissions, colleges, community colleges, and universities who own and operate state facilities, related structures, and/or appurtenances.

(12) "State-owned facilities" means those facilities which are owned outright by the state and those facilities which are being purchased by the state. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-040, filed 11/30/84.]

**WAC 236-70-050 Department of general administration responsibilities.** The department of general administration shall be responsible for:

(1) Providing technical assistance through inter-agency agreements.

(2) Developing standards for requests for proposal for private financing.

(3) Developing standards for bid documents for private financing.

(4) Developing standards for contract documents for energy conservation measures and services using private financing including the means of establishing the base period consumption, the methodology for computing energy savings and the method of payment.

(5) Soliciting bids or quotations for the lease or purchase of energy conservation measures using private financing for those state agencies included in RCW 43.19.190.

(6) Advertising for bids or proposals for energy conservation measures or services using private financing for those state agencies included in RCW 43.19.450.

(7) Developing procedures for evaluating financing proposals.

(8) Monitoring private financing contracts, conducting annual reviews and providing technical assistance as needed. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-050, filed 11/30/84.]

**WAC 236-70-060 State agency responsibilities.** State agencies seeking private financing of energy conservation measures or services will be responsible for:

(1) Notifying the department of general administration of their intent, and providing justification for project implementation.

(2) Completing all applicable maintenance and operational items as required by RCW 43.19.670. This does not preclude seeking energy conservation services to facilitate implementation of maintenance and operating procedures.

(3) Providing the department of general administration with substantive data, information, calculations, contracts, or other material which are necessary in determining the cost effectiveness of the project and the financial alternatives.

(4) Preparing, or acquiring services for the preparation of, requests for proposal for energy conservation measures and services using private financing.

(5) Providing building space and/or land for installation of energy conservation equipment.

(6) Providing maintenance and monitoring of installed energy conservation equipment unless otherwise specified.

(7) Reporting fuel and utility consumption survey information required by RCW 43.19.670 to the Washington state energy office.

(8) Providing for staff training on the function, operation and maintenance of energy conservation equipment.

(9) Reporting contract status on an annual basis to the department of general administration. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-060, filed 11/30/84.]

**WAC 236-70-070 Procurement of energy conservation measures and services with private financing.** (1) In procurement of energy conservation measures and services with private financing the state agency shall comply with:

(a) Public works statutes – Chapter 39.04 RCW;

(b) Purchasing statutes – Chapter 43.19 RCW; or

(c) Personal services statutes – Chapter 39.29 RCW.

(2) Whenever practicable, energy conservation measures or services shall be obtained by means of competitive bids and awarded to the lowest responsible bidder over the intended life of the contract.

(3) Whenever it is determined that energy conservation measures or services should be obtained by means other than by bidding, the state agency shall prepare a request for proposal. Proposals shall be obtained in writing and evaluated in accordance with the evaluation procedure contained in the request for proposal. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-070, filed 11/30/84.]

**WAC 236-70-080 Monitoring and reporting requirements.** The following procedures are set forth for monitoring private financing contracts and for reporting contract status to the department of general administration:

(1) The monitoring of installed energy equipment will be the responsibility of the state agency, unless otherwise specified, and will include reporting contractor response to maintenance and emergency situations to the department of general administration.

(2) The state agency will report facility operating changes, physical changes, equipment changes, equipment modifications or other changes which may affect energy consumption or base period figures to the department of general administration.

(3) The state agency, in cooperation with the department of general administration, will develop a schedule for annual review of private financing contracts for the purpose of: Evaluating projected "vs" actual energy savings; adjusting base period and energy savings formula; evaluating purchase options; evaluating contractor performance; and negotiating contract disagreements and other contract changes which may provide the state with a greater net benefit. [Statutory Authority: RCW 43.19.680(4). 84-24-030 (Order 84-03), § 236-70-080, filed 11/30/84.]

## Title 240 WAC

### GOVERNOR, OFFICE OF THE

#### Chapter

**240-10 State employee combined charitable contributions program.**

#### Chapter 240-10 WAC

#### STATE EMPLOYEE COMBINED CHARITABLE CONTRIBUTIONS PROGRAM

##### WAC

240-10-010	Committee established.
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**WAC 240-10-010 Committee established.** (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Executive Orders EO

84-13 and EO 84-15 a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington state employee combined fund drive committee.

(3) The committee shall be composed of not more than eight state employees appointed by the governor for three year terms, except that the terms of those first appointed shall be staggered with two persons appointed for one year, three persons appointed for two years, and three persons appointed for three years, as determined by the governor. The members shall be selected from the following groups:

- One member from an employee organization;
- One member from the legislative branch;
- One member from the judicial branch;
- Three members from state agencies;
- Two members from higher education.

(4) The committee shall elect a chairperson annually, and such other officers as may be needed.

(5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.

(6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 240-10-040 and 240-10-050).

(8) The committee shall annually print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

(10) The committee may establish departmental combined fund drive coordinators, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.

(11) The department of personnel shall provide the administrative support for the operation of the committee.

(12) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed. [Statutory Authority: RCW 41.04.035, 41.04.036 and 41.04.230. 86-02-015 (Order 85-2), § 240-10-010, filed 12/23/85.]

**WAC 240-10-020 Purposes.** (1) The following rules are promulgated to implement a payroll deduction plan