

Title 236 WAC

GENERAL ADMINISTRATION, DEPARTMENT OF

- Chapters**
- 236-10** Compliance with State Environmental Protection Act.
 - 236-11** Compliance with State Environmental Policy Act.
 - 236-12** State capitol grounds traffic and parking regulations.
 - 236-16** Capitol Lake and adjoining lands and roadways.
 - 236-20** State vehicle marking requirements and exceptions.
 - 236-20A** Display of flags—State capitol grounds.
 - 236-24** Waiver of public bidding requirements for water projects.
 - 236-28** Small works roster.
 - 236-47** Division of purchasing.
 - 236-48** Office of state procurement.
 - 236-49** Relationship and procedures between division of purchasing and state agencies.
 - 236-50** State records committee rules.
 - 236-54** Public records—Archives.
 - 236-56** Public records.
 - 236-60** Suggested design and construction standards of sidewalk and curb ramps for the physically handicapped person without uniquely endangering the blind.
 - 236-70** A rule to facilitate private investment in energy conservation for state-owned facilities.

- 236-32-060** Eligibility confirmed—Denied. [Order 76-4, § 236-32-060, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-070** Application form—Attached documents. [Order 76-4, § 236-32-070, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-080** Loans which cannot be made. [Order 76-4, § 236-32-080, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-100** Denial of loans. [Order 76-4, § 236-32-100, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.

Chapter 236-10 WAC

COMPLIANCE WITH STATE ENVIRONMENTAL PROTECTION ACT

WAC

- 236-10-010** Authority.
- 236-10-015** Impact of guidelines on the department.
- 236-10-020** Scope and coverage of this chapter.
- 236-10-030** Adoption by reference.
- 236-10-040** Integration of SEPA procedures with other governmental operations.
- 236-10-050** Timing of the EIS process.
- 236-10-060** Summary of information which may be required of a private applicant.
- 236-10-070** Sensitive areas.
- 236-10-080** Preparation of EIS by persons outside the lead agency.
- 236-10-090** Designation of responsible official.
- 236-10-100** SEPA public information center.
- 236-10-110** Severability.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 236-32

FISHERMEN LOAN PROGRAM

- 236-32-001** Purpose. [Order 76-4, § 236-32-001, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-010** Earned income. [Order 76-4, § 236-32-010, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-020** Productive commercial fisherman. [Order 76-4, § 236-32-020, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-030** Financial assistance not otherwise available. [Order 76-4, § 236-32-030, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-040** Soundness of loan. [Order 76-4, § 236-32-040, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.
- 236-32-050** Coordination with department of fisheries. [Order 76-4, § 236-32-050, filed 3/30/76.] Repealed by 78-09-110 (Order 78-5), filed 9/5/78. Statutory Authority: RCW 43.17.060 and 75.44.050.

WAC 236-10-010 Authority. This chapter is promulgated pursuant to RCW 43.21C.120.

[Order 76-5, § 236-10-010, filed 5/14/76.]

WAC 236-10-015 Impact of guidelines on the department. The department of general administration fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the requirements of the SEPA guidelines in the best manner possible within the existing constraints of its dollar and manpower resources.

[Order 76-5, § 236-10-015, filed 5/14/76.]

WAC 236-10-020 Scope and coverage of this chapter. (1) It is the intent of the department of general administration that compliance with the guidelines of this chapter shall constitute complete procedural compliance with SEPA for any "action" as defined in WAC 197-10-040(2).

(2) The guidelines of this chapter contain no sections relating to the notice/statute of limitations provisions of RCW 43.21C.080, 43.21C.085 and 43.21C.087. To utilize these provisions, the department of general administration shall follow the statutory language and any applicable regulations of the department of ecology.

[Order 76-5, § 236-10-020, filed 5/14/76.]

WAC 236-10-030 Adoption by reference. The department of general administration hereby adopts by reference the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA guidelines" adopted by the state of Washington, council on environmental policy)

WAC

- 197-10-020: Purpose.
- 197-10-040: Definitions.
- 197-10-050: Use of the environmental checklist form.
- 197-10-060: Scope of a proposal and its impacts.
- 197-10-160: No presumption of significance for non-exempt actions.
- 197-10-170: Categorical exemptions.
- 197-10-175: Exemptions and nonexemptions applicable to specific state agencies.
- 197-10-180: Exemptions for emergency actions.
- 197-10-190: Use and effect of categorical exemptions.
- 197-10-200: Lead agency—Responsibilities.
- 197-10-203: Determination of lead agency—Procedures.
- 197-10-205: Lead agency designation—Governmental proposals.
- 197-10-210: Lead agency designation—Proposals involving both private and public construction.
- 197-10-215: Lead agency designation—Private projects for which there is only one agency.
- 197-10-220: Lead agency designation—Private projects, licenses from more than one agency when one is city/county.
- 197-10-225: Lead agency designation—Private projects, license from more than one state agency.
- 197-10-230: Lead agency designation—Specific proposals.
- 197-10-235: Local agency transfer of lead agency status to a state agency.
- 197-10-240: Agreements as to lead agency status.
- 197-10-245: Agreements between agencies as to division of lead agency duties.
- 197-10-260: Dispute as to lead agency determination—Resolution by CEP.
- 197-10-270: Assumption of lead agency by another agency with jurisdiction.
- 197-10-300: Threshold determination requirement.
- 197-10-305: Recommended timing for threshold determination.
- 197-10-310: Threshold determination procedures—Environmental checklist.

WAC

- 197-10-320: Threshold determination procedures—Initial review of environmental checklist.
- 197-10-330: Threshold determination procedures—Information in addition to checklist.
- 197-10-340: Threshold determination procedures—Negative declarations.
- 197-10-345: Assumption of lead agency status by another agency with jurisdiction—Prerequisites, effect and form of notice.
- 197-10-350: Affirmative threshold determinations.
- 197-10-355: Form of declaration of significance/nonsignificance.
- 197-10-360: Threshold determination criteria—Application of environmental checklist.
- 197-10-365: Environmental checklist.
- 197-10-370: Withdrawal of affirmative threshold determination.
- 197-10-375: Withdrawal of negative threshold determination.
- 197-10-390: Effect of threshold determination by lead agency.
- 197-10-400: Duty to begin preparation of a draft EIS.
- 197-10-410: Predraft consultation procedures.
- 197-10-425: Organization and style of a draft EIS.
- 197-10-440: Contents of a draft EIS.
- 197-10-442: Special considerations regarding contents of an EIS.
- 197-10-444: List of elements of the environment.
- 197-10-450: Public awareness of availability of draft EIS.
- 197-10-455: Circulation of the draft EIS—Review period.
- 197-10-460: Specific agencies to which draft EIS shall be sent.
- 197-10-465: Agencies possessing environmental expertise.
- 197-10-470: Costs to the public for reproduction of environmental documents.
- 197-10-480: Public hearing on a proposal—When required.
- 197-10-485: Notice of public hearing on environmental impact of the proposal.
- 197-10-490: Public hearing on the proposal—Use of environmental document.
- 197-10-495: Preparation of amended or new draft EIS.
- 197-10-500: Responsibilities of consulted agencies—Local agencies.
- 197-10-510: Responsibilities of consulted agencies—State agencies with jurisdiction.
- 197-10-520: Responsibilities of consulted agencies—State agencies with environmental expertise.
- 197-10-530: Responsibilities of consulted agencies—When predraft consultation has occurred.
- 197-10-535: Cost of performance of consulted agency responsibilities.
- 197-10-540: Limitations on responses to consultation.
- 197-10-545: Effect of no written comment.

WAC

- 197-10-550: Preparation of the final EIS—Time period allowed.
- 197-10-570: Preparation of the final EIS—When no critical comments received on the draft EIS.
- 197-10-580: Preparation of the final EIS—Contents—When critical comments received on draft EIS.
- 197-10-600: Circulation of the final EIS.
- 197-10-650: Effect of an adequate final EIS prepared pursuant to NEPA.
- 197-10-652: Supplementation of a lead agency of an inadequate final NEPA EIS.
- 197-10-660: Use of previously prepared EIS for a different proposed action.
- 197-10-690: Use of a lead agency's EIS by other acting agencies for the same proposal.
- 197-10-695: Draft and final supplements to a revised EIS.
- 197-10-700: No action for seven days after publication of the final EIS.
- 197-10-710: EIS combined with existing planning and review processes.
- 197-10-840: Application of agency guidelines to ongoing actions.

[Order 76-5, § 236-10-030, filed 5/14/76.]

WAC 236-10-040 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 almost always require EIS.

(a) Master plan

(b) Construction project - (determined by environmental assessment)

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

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

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

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

(e) 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) Real property acquisitions already covered by EIS for the project or covered by an EIS on the master plan in which the proposed action has been identified with no significant change in scope.

(c) Construction project, with no significant change in scope, which is an integral part of a master plan for which a final EIS has been filed, and all known environmental impacts have been considered.

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

(3) Category III. Application for exemptions within the department of general administration. Each "action" as defined in SEPA-WAC 197-10-040 (2)(a) thru (c), of the department shall have a form completed and retained in the division file. This form shall show the "action" and "exemption" decisions 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. Two copies of this completed form shall be submitted to the division of facilities planning for review and approval or disapproval.

(4) Category IV. Division exemptions. The department of general administration has reviewed SEPA, the council on environmental protections rules and regulations adopted pursuant thereto, and its own programs and concludes that the activities of the following divisions of the department are exempt by virtue of WAC 197-10-040(2), 197-10-150 through 197-10-190. Archives and records management, capitol buildings and grounds, communications, data processing service center, fiscal and management center, motor transport, personnel office, state mail service, surplus property office, purchasing, and lease and property. If any of the aforementioned divisions become involved in any "action" as defined in WAC 197-10-040 (2)(a) thru (c), which is not exempt, then these guidelines will apply and the division supervisor must integrate these department procedures with their operations.

(5) Category V. CEP exemptions of agency activities. Pursuant to Administrative Order No. 76-12, dated June 3, 1976, issued by the council on environmental policy, all of the activities of the division of banking and the division of savings and loan associations of the department of general administration under programs they administer as of December 12, 1975, except for building construction, are exempt from the threshold determination and environmental impact statement requirements of chapter 43.21C RCW and chapter 197-10 WAC.

[Order 76-6, § 236-10-040, filed 8/31/76; Order 76-5, § 236-10-040, filed 5/14/76.]

WAC 236-10-050 Timing of the EIS process. Any agency submitting a public works request or space request to the department of general administration shall be regarded as the lead agency. It will be the sole responsibility of any agency submitting a public works request or space request to determine whether the action is exempt and, if not, to prepare environmental checklists, make threshold determinations, declarations of nonsignificance or significance, prepare draft and final EIS's and

conduct public hearings. If an EIS is required for any public works request or space request the working draft EIS must be prepared concurrently or prior to the completion of the design development phase as defined in S.F.96.82 (Rev.7-75) Conditions of Agreement Section C, 1 thru 4.

[Order 76-6, § 236-10-050, filed 8/31/76; Order 76-5, § 236-10-050, filed 5/14/76.]

WAC 236-10-060 Summary of information which may be required of a private applicant. (1) There are three areas of these guidelines where an agency is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

The responsible official may determine that any information supplied by a private applicant is insufficient and require further information, if in the judgment of the responsible official the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may choose to voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 197-10-365 either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. Agencies may not require a complete assessment of "mini-EIS" at this stage. (See WAC 197-10-310.)

(3) Threshold determination. The responsible official shall make an initial review of a completed checklist without requiring more information from a private applicant. If, and only if, the responsible official determines as a result of its initial review that the information available to it is not reasonably sufficient to determine the environmental impacts of the proposal, the responsible official, may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the responsible official information accessible to the responsible official is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. (See WAC 197-10-330.)

(4) Draft and final EIS preparation. If the guidelines of the lead agency so provide, an EIS may be prepared by the applicant under the direction of the responsible official. (See WAC 197-10-420.) Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a pre-draft

consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier.

(5) If the responsible official determines that an EIS is required the applicant will be provided the option of the following impact statement preparation methods:

(a) Applicant prepares the EIS under the supervision and to the satisfaction of the department responsible official.

(b)(i) Applicant posts a mutually agreed upon deposit.

(ii) The department retains a mutually agreed upon and independent consultant to prepare the document.

(iii) The consultant prepares the document under and to the satisfaction of the department responsible official.

(iv) The consultant is paid from the deposit and the balance of the deposit is returned. The applicant will be provided an itemized accounting of the expenditures made.

(6) Threshold determination appeal procedures. In the event that the threshold determination results in an appeal by the private applicant within 15 calendar days from listing in the appropriate register, the following procedures shall be followed:

(a) The responsible official will review its decision with particular emphases on the areas of appeal. The responsible official may request further information of the applicant. The decision of the responsible official shall be final and shall be in writing with copies to the project file, the applicant, each protestant, and department SEPA public information center.

(b) The responsible official will act upon the appeal within one week of receipt. If more time is required, the applicant will be advised in writing of the anticipated schedule.

[Order 76-6, § 236-10-060, filed 8/31/76; Order 76-5, § 236-10-060, filed 5/14/76.]

WAC 236-10-070 Sensitive areas. In its actions, the department shall respect "environmentally sensitive areas" and their modified exemption criteria which have been adopted and displayed by local governments pursuant to WAC 197-10-177.

[Order 76-5, § 236-10-070, filed 5/14/76.]

WAC 236-10-080 Preparation of EIS by persons outside the lead agency. (1) Preparation of the EIS is the responsibility of the lead agency, by or under the direction of its responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official of the lead agency. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with the provisions of these guidelines and the guidelines of the lead agency.

(2) An EIS may be prepared by a private applicant or agent there, or by an outside consultant retained by either a private applicant or the lead agency. In such case, the responsible official within the lead agency shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to

be undertaken, as well as the organization of the resulting document.

(3) If a person other than the lead agency is preparing the EIS, the responsible official will coordinate any pre-draft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency. The responsible official shall allow any private party preparing an EIS access to all public records of the lead agency which are relevant to the subject matter of the EIS, pursuant to chapter 42.17 RCW (public disclosure and public records law; Initiative 276, (1973)).

(4) Private applicants shall participate in the preparation of the EIS; however, the final authority over content shall be the responsible official.

(5) No private applicant shall be required to participate in the preparation of an EIS except when consistent with the guidelines of the lead agency. A private applicant may, however, volunteer to provide any information or effort desired, so long as the contents and organization of the resulting EIS are supervised and approved by the responsible official as required by this section.

(6) The provisions of this section apply to both the draft and final EIS.

[Order 76-5, § 236-10-080, filed 5/14/76.]

WAC 236-10-090 Designation of responsible official. (1) Within the department of general administration the ultimately responsible official is the director.

(2) The division of facilities planning is the responsible official for overall direction and control of environmental protection within the department of general administration and the division shall maintain the department SEPA public 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) All capital budget line items of the department will be submitted to the division of facilities planning for environmental assessment prior to submittal to OPP and FM.

(5) All public work requests, Form A15 (repair and/or remodel), originating within the department must first be submitted to the division of facilities planning together with an environmental checklist and significant or nonsignificant declaration, or work form that the action is exempt.

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

(7) 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, etc., and when specific contents of an EIS impacts a particular (GA) division, then that EIS will be sent to the affected division head for review and response. The affected division's 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.

(8) A private applicant will follow the procedures as outlined in WAC 236-10-060.

[Order 76-5, § 236-10-090, filed 5/14/76.]

WAC 236-10-100 SEPA public information center.

(1) The departmental SEPA public information center shall be located in the Office of the Division of Facilities Planning, 106 Maple Park, Olympia, Washington 98504.

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

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

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

(3) In addition, the agency shall maintain the following registers at its information center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and a contact person or office form which further information may be obtained:

(a) A "proposed declaration of nonsignificance register" which shall contain a listing of all current proposed declarations of nonsignificance.

(b) An "EIS in preparation register" which shall contain a listing of all proposals for which the agency is currently preparing an EIS, and the date by which the EIS is expected to be available.

(c) An "EIS available register" which shall contain a listing of all draft and final EISs prepared by the agency during the previous six months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.

(4) Each of the registers required by subsection (3) hereof shall be kept current and maintained at the information center for public inspection. In addition, the registers, or updates thereof containing new entries added since the last mailing, shall be mailed once every two weeks to those organizations and individuals who make written request therefor, unless no new proposals are placed on the registers, in which event a copy of the register or update shall be mailed when a new proposal is added. Agencies may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

(5) The documents required to be maintained at the information center shall be available for public inspection, and copies thereof shall be provided upon written request. Agencies may charge for copies in the manner provided by chapter 42.17 RCW, and for the cost of mailing.

[Order 76-5, § 236-10-100, filed 5/14/76.]

WAC 236-10-110 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.

[Order 76-5, § 236-10-110, filed 5/14/76.]

Chapter 236-11 WAC

COMPLIANCE WITH STATE ENVIRONMENTAL POLICY ACT

WAC

236-11-010	Authority.
236-11-020	Scope and coverage of this chapter.
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.
236-11-130	Severability.

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.

[Title 236 WAC—p 6]

WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.
197-11-650	Purpose of this part.

WAC

197-11-655 Implementation.
 197-11-660 Substantive authority and mitigation.
 197-11-680 Appeals.
 197-11-700 Definitions.
 197-11-702 Act.
 197-11-704 Action.
 197-11-706 Addendum.
 197-11-708 Adoption.
 197-11-710 Affected tribe.
 197-11-712 Affecting.
 197-11-714 Agency.
 197-11-716 Applicant.
 197-11-718 Built environment.
 197-11-720 Categorical exemption.
 197-11-722 Consolidated appeal.
 197-11-724 Consulted agency.
 197-11-726 Cost-benefit analysis.
 197-11-728 County/city.
 197-11-730 Decision maker.
 197-11-732 Department.
 197-11-734 Determination of nonsignificance (DNS).
 197-11-736 Determination of significance (DS).
 197-11-738 EIS.
 197-11-740 Environment.
 197-11-742 Environmental checklist.
 197-11-744 Environmental document.
 197-11-746 Environmental review.
 197-11-748 Environmentally sensitive area.
 197-11-750 Expanded scoping.
 197-11-752 Impacts.
 197-11-754 Incorporation by reference.
 197-11-756 Lands covered by water.
 197-11-758 Lead agency.
 197-11-760 License.
 197-11-762 Local agency.
 197-11-764 Major action.
 197-11-766 Mitigated DNS.
 197-11-768 Mitigation.
 197-11-770 Natural environment.
 197-11-772 NEPA.
 197-11-774 Nonproject.
 197-11-776 Phased review.
 197-11-778 Preparation.
 197-11-780 Private project.
 197-11-782 Probable.
 197-11-784 Proposal.
 197-11-786 Reasonable alternative.
 197-11-788 Responsible official.
 197-11-790 SEPA.
 197-11-792 Scope.
 197-11-793 Scoping.
 197-11-794 Significant.
 197-11-796 State agency.
 197-11-797 Threshold determination.
 197-11-799 Underlying governmental action.
 197-11-800 Categorical exemptions.
 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.
 197-11-875 Other agencies.

WAC

197-11-880 Emergencies.
 197-11-890 Petitioning DOE to change exemptions.
 197-11-900 Purpose of this part.
 197-11-902 Agency SEPA policies.
 197-11-904 Agency SEPA procedures.
 197-11-906 Content and consistency of agency procedures.
 197-11-908 Environmentally sensitive areas.
 197-11-910 Designation of responsible official.
 197-11-912 Procedures on consulted agencies.
 197-11-914 SEPA fees and costs.
 197-11-916 Application to ongoing actions.
 197-11-918 Lack of agency procedures.
 197-11-920 Agencies with environmental expertise.
 197-11-922 Lead agency rules.
 197-11-924 Determining the lead agency.
 197-11-926 Lead agency for governmental proposals.
 197-11-928 Lead agency for public and private proposals.
 197-11-930 Lead agency for private projects with one agency with jurisdiction.
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
 197-11-938 Lead agencies for specific proposals.
 197-11-940 Transfer of lead agency status to a state agency.
 197-11-942 Agreements on lead agency status.
 197-11-944 Agreements on division of lead agency duties.
 197-11-946 DOE resolution of lead agency disputes.
 197-11-948 Assumption of lead agency status.
 197-11-950 Severability.
 197-11-955 Effective date.
 197-11-965 Adoption notice.
 197-11-985 Notice of assumption of lead agency status.
 197-11-990 Notice of action.

[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.]

[Title 236 WAC—p 10]

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

236-12-001	Promulgation.
236-12-010	"Director" defined.
236-12-011	"State capitol grounds" defined.
236-12-012	"Vehicle" defined.
236-12-013	"Campus security patrol" defined.
236-12-014	"Way open to public."
236-12-020	Objectives of traffic regulations.
236-12-030	Traffic control.
236-12-040	Parking spaces.
236-12-050	Rented and reserved parking spaces.
236-12-060	Tourists and visitors.
236-12-061	Service and delivery vehicles.
236-12-065	Camping.
236-12-070	Speed.
236-12-080	Regulatory signs and directions.
236-12-085	Marking.
236-12-120	Parking within designated spaces.
236-12-130	Impoundment of vehicles.
236-12-131	Impoundment without prior notice.
236-12-132	Impoundment of abandoned vehicles.
236-12-133	Notice and redemption of impounded vehicles, hearing.
236-12-140	Special traffic and parking regulations and restrictions authorized.
236-12-150	Advertising and solicitation activities.

PERMITS

236-12-200	Authorization for issuance of permits.
236-12-220	Allocation of rented parking space and priorities of applicants.
236-12-225	Liability of state.
236-12-250	Special event permits.
236-12-290	Parking fees.
236-12-295	Free parking permits for carpools/vanpools.
236-12-300	Parking fee payments.
236-12-320	Responsibility of person to whom rental parking space or permit is issued.
236-12-340	Violation, fines.

GENERAL

236-12-430	Demonstrations, parades—Obstructing traffic, state business—Prohibiting.
236-12-440	Permits for demonstrations, parades, processions.
236-12-450	Prohibiting access to areas of capitol grounds.
236-12-460	Regulating access to capitol buildings and parking garages.
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.
236-12-600	Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

236-12-090	Pedestrians—Right of way. [Order 12, § 236-12-090, filed 12/19/73; § 8, filed 8/19/64.] Repealed by 78-05-006 (Order 78-3), filed 4/7/78. Statutory Authority: RCW 46.08.150.
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- 236-12-100 Parking. [§ 9, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-110 Car pool permits. [§ 10, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-210 Numbering of parking areas—Permit designation. [§ 16, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-230 Allocation of reserved parking space. [§ 18, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-240 Visitors and guests. [§ 19, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-260 Permit revocations. [§ 21, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-270 Vehicle and drivers licenses required. [§ 22, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-280 Permit periods. [§ 23, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-310 Display of permits. [§ 26, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-330 Violations unlawful. [Order 12, § 236-12-330, filed 12/19/73; § 28, filed 8/19/64.] Repealed by 78-05-006 (Order 78-3), filed 4/7/78. Statutory Authority: RCW 46.08.150.
- 236-12-400 Regulatory signs, markings, barricades, etc. [§ 29, filed 8/19/64.] Repealed by Order 12, filed 12/19/73.
- 236-12-410 Impounding of vehicles. [Order 12, § 236-12-410, filed 12/19/73; § 30, filed 8/19/64.] Repealed by 78-05-006 (Order 78-3), filed 4/7/78. Statutory Authority: RCW 46.08.150.
- 236-12-420 Effective date. [Order 12, § 236-12-420, filed 12/19/73; § 31, filed 8/19/64.] Repealed by 78-05-006 (Order 78-3), filed 4/7/78. Statutory Authority: RCW 46.08.150.

WAC 236-12-001 Promulgation. Pursuant to the authority granted by chapters 43.19, 46.08, and 79.24 RCW, the director of the department of general administration hereby establishes the following regulations to govern pedestrian and vehicular traffic and parking upon state lands which are a part of the state capitol grounds.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-001, filed 4/7/78; Order 12, § 236-12-001, filed 12/19/73; 8/19/64.]

WAC 236-12-010 "Director" defined. "Director" as used herein shall mean the director of the department of general administration.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-010, filed 4/7/78; Order 12, § 236-12-010, filed 12/19/73; filed 8/19/64.]

WAC 236-12-011 "State capitol grounds" defined. "State capitol grounds" as used herein shall mean those grounds designated as state capitol grounds, including the east capitol campus, Sylvester Park, the old capitol building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

[Statutory Authority: RCW 46.08.150. 83-16-026 (Order 83-2), § 236-12-011, filed 7/27/83; 78-05-006 (Order 78-3), § 236-12-011, filed 4/7/78; Order 76-2, § 236-12-011, filed 3/15/76; Order 12, § 236-12-011, filed 12/19/73.]

WAC 236-12-012 "Vehicle" defined. "Vehicle" as used herein shall mean all mechanical transportation devices defined as vehicles in the motor vehicle laws and of the state of Washington including motorcycles and motor-driven cycles.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-012, filed 4/7/78; Order 12, § 236-12-012, filed 12/19/73.]

WAC 236-12-013 "Campus security patrol" defined. The "campus security patrol" as used herein shall mean the Washington state patrol as provided under chapter 43.43 RCW.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-013, filed 4/7/78.]

WAC 236-12-014 "Way open to public." "Way open to public" as used herein shall mean any road, alley, lane, parking area, parking structure, path or any place private or otherwise adapted to and fitted for travel that is in common use by the public with the consent expressed or implied of the owner or owners, and further shall mean public play grounds, school grounds, recreation grounds, parks, park ways, park drives, park paths.

[Statutory Authority: RCW 46.08.150. 83-16-026 (Order 83-2), § 236-12-014, filed 7/27/83.]

WAC 236-12-020 Objectives of traffic regulations. The objectives of these traffic regulations are:

- (1) To protect and control pedestrian and vehicular traffic;
- (2) To assure access at all times for emergency equipment;
- (3) To facilitate the work of state government by assuring access for its vehicles and those of its employees and visitors and by assigning the limited parking space for the most efficient use.
- (4) To promote energy conservation.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-020, filed 4/7/78; Order 12, § 236-12-020, filed 12/19/73; § 1, filed 8/19/64.]

WAC 236-12-030 Traffic control. The motor vehicle laws and other traffic laws of the state of Washington are applicable to pedestrian and vehicular traffic on the state capitol grounds, and are hereby adopted and made a part hereof by reference. In case of conflict between the provisions of the motor vehicle laws or other traffic laws of the state of Washington and these regulations, the laws of Washington shall govern.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-030, filed 4/7/78; Order 12, § 236-12-030, filed 12/19/73; § 2, filed 8/19/64.]

WAC 236-12-040 Parking spaces. The director shall formulate plans for the marking and numbering of parking areas and spaces and shall designate parking spaces for visitors, service vehicles, employees and others as well as areas in which parking is prohibited. The director may designate and set aside specific parking and travel areas for motorcycles, motor-driven cycles and/or bicycles, and they may be operated or parked only in those specified areas.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-040, filed 4/7/78; Order 12, § 236-12-040, filed 12/19/73; § 3, filed 8/19/64.]

WAC 236-12-050 Rented and reserved parking spaces. Parking is authorized only in properly designated areas. Permits may be issued by the director to identify vehicles that are authorized to park in designated areas. No person shall stop, park or leave any vehicle, attended or unattended, in any parking space marked "reserved," unless properly authorized to do so by the director. Rented parking spaces shall not be loaned in excess of 30 days or assigned, except as authorized by the director. These regulations apply to vehicles owned by the state and any other governmental unit or agency as well as to privately-owned vehicles.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-050, filed 4/7/78; Order 12, § 236-12-050, filed 12/19/73; § 4, filed 8/19/64.]

WAC 236-12-060 Tourists and visitors. Tourists and visitors may park vehicles without fee in areas designated for their use, subject to the traffic and control regulations, or in metered parking areas on the state capitol grounds provided, however, that the prescribed parking fee shall be paid prior to parking. Employees of the state of Washington who are employed on the state capitol grounds may not park in spaces set aside and marked for visitors, tourists and other special purposes between the hours of 7:00 a.m. and 5:00 p.m. on normal working days, unless authorized to do so by the director.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-060, filed 4/7/78; Order 12, § 236-12-060, filed 12/19/73; § 5, filed 8/19/64.]

WAC 236-12-061 Service and delivery vehicles. Service or delivery vehicles may park in specifically designated areas on the state capitol grounds, provided, a parking permit is obtained before parking in such areas.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-061, filed 4/7/78.]

WAC 236-12-065 Camping. Camping on the state capitol grounds is prohibited.

[Order 76-2, § 236-12-065, filed 3/15/76.]

WAC 236-12-070 Speed. Vehicles on the state capitol grounds may not be operated at a speed in excess of 20 miles per hour or in excess of such lower speed as is reasonable and prudent in the circumstances or as may be posted. Vehicles in parking garages located on the state capitol grounds may not be operated at a speed in excess of 12 miles per hour.

[Order 12, § 236-12-070, filed 12/19/73; § 6, filed 8/19/64.]

WAC 236-12-080 Regulatory signs and directions. Pedestrians and drivers of vehicles shall obey regulatory signs posted by the director. Pedestrians and drivers of vehicles shall also comply with directions given in the control and regulation of traffic by uniformed state patrol officers and department of general administration parking controllers. No person shall move or alter any sign, barricade or other structure used for traffic and/or parking regulation, including painted stripes or marking

utilized in traffic and parking control, without the authorization of the director.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-080, filed 4/7/78; Order 12, § 236-12-080, filed 12/19/73; § 7, filed 8/19/64.]

WAC 236-12-085 Marking. The marking of streets, parking lots and garages shall be as follows:

- (1) Yellow areas—no standing
- (2) White areas—crosswalks (no stopping in crosswalks) and parking stalls (no stopping in parking stalls without a permit or payment of fee)
- (3) Red areas—no stopping.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-085, filed 4/7/78; Order 12, § 236-12-085, filed 12/19/73.]

WAC 236-12-120 Parking within designated spaces. No vehicle shall be parked so as to occupy any portion of more than one parking space as designated in the parking area, or so as to occupy any portion of a fire lane or other area in which parking is prohibited. No parking space shall be occupied by more than one vehicle at any given time, except as authorized by the director.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-120, filed 4/7/78; Order 12, § 236-12-120, filed 12/19/73; § 11, filed 8/19/64.]

WAC 236-12-130 Impoundment of vehicles. Any vehicle parked on the state capitol grounds may be subject to impoundment for cause as specified under WAC 236-12-131 and 236-12-132 of these regulations. Neither the state nor its officers or employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-130, filed 4/7/78; Order 12, § 236-12-130, filed 12/19/73; § 12, filed 8/19/64.]

WAC 236-12-131 Impoundment without prior notice. A vehicle may be impounded without prior notice having been made to notify the owner of the possibility of this action in the following circumstances:

- (a) When in the judgment of the campus security patrol the vehicle is obstructing or may impede the flow of traffic; or
- (b) When in the judgment of the campus security patrol the vehicle poses an immediate threat to public safety; or
- (c) By order of the director or chief of the state patrol or their designees, when a vehicle is unlawfully parked in "reserved" parking spaces.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-131, filed 4/7/78.]

WAC 236-12-132 Impoundment of abandoned vehicles. A vehicle on the state capitol grounds may be impounded after notice of such proposed impoundment has been securely attached to and conspicuously displayed on said vehicle for a period of twenty-four hours prior to such impoundment when such vehicle is abandoned as that term is defined in RCW 46.52.102.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-132, filed 4/7/78.]

WAC 236-12-133 Notice and redemption of impounded vehicles, hearing. (1) Not more than forty-eight hours after impoundment of any vehicle, the campus security patrol shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to the campus security patrol. The notice shall be mailed to the registered owner at the address provided by the Washington state department of motor vehicles or the corresponding agency of any state. The notice shall contain the full particulars of the impoundment, redemption, and opportunity for hearing to contest the propriety of the impoundment as hereinafter provided.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner or person authorized by the registered owner and who produces proof of authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) Any person so redeeming a vehicle impounded shall pay the cost of such impoundment (towing and storage), together with any such fines as are outstanding against the vehicle if impounded under WAC 236-12-131 and 236-12-132.

(c) Any person seeking to redeem a vehicle impounded under WAC 236-12-131 and 236-12-132 has a right to a hearing to contest the validity of impoundment or the amount of towing and storage charges and such person shall have his or her vehicle released when such person makes such request for hearing in writing to the Thurston County district court. Any person to whom such vehicle has been released shall post a bond with the court within seven days after the vehicle has been released to cover the fines and charges. If the owner fails to appear for the hearing, the bond will automatically be forfeited to cover the fines and charges which become immediately due and payable.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-133, filed 4/7/78.]

WAC 236-12-140 Special traffic and parking regulations and restrictions authorized. Upon special occasions causing additional heavy traffic and during emergencies, the director may impose emergency traffic and parking regulations and restrictions.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-140, filed 4/7/78; Order 12, § 236-12-140, filed 12/19/73; § 13, filed 8/19/64.]

WAC 236-12-150 Advertising and solicitation activities. No advertising, solicitation, or promotional activities shall be conducted or engaged in on any portion of the state capitol grounds in such a manner as to

damage or destroy public property, block or close off road ways and parking areas, block or interfere with ingress and egress to the state capitol grounds or to any building situated thereon, or in any manner interfere with the conduct of state government business. Advertising and solicitation for commercial purposes shall not be conducted or engaged in on any portion of the state capitol grounds except with prior approval of the director.

[Order 76-2, § 236-12-150, filed 3/15/76; Order 12, § 236-12-150, filed 12/19/73; § 14, filed 8/19/64.]

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 236-12-220 Allocation of rented parking space and priorities of applicants. The rented parking spaces available on the state capitol grounds shall be allocated by the director among applicants for parking spaces in such manner as will best effectuate the objectives of these regulations. Unless in his opinion the objectives of these regulations would otherwise be better served, the director shall observe the following priorities in the issuance of permits to applicants:

(1) Physically handicapped state employees and officials

(2) Car pools consisting of three or more persons per vehicle

(3) Other state employees and officials, in order of date of application, except where the director determines that accomplishment of official duties requires assignment of space.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-220, filed 4/7/78; Order 12, § 236-12-220, filed 12/19/73; § 17, filed 8/19/64.]

WAC 236-12-225 Liability of state. The state assumes no liability for vehicles parked on the state capitol grounds or in parking garages located on the state capitol grounds. Only a license, not bailment, is created by the rental of parking spaces or issuance of a permit to park on state property.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-225, filed 4/7/78; Order 12, § 236-12-225, filed 12/19/73.]

WAC 236-12-250 Special event permits. Any state official, agency or department sponsoring or making arrangements for conferences, meetings, schools, seminars or other special events which will require special traffic control and parking arrangements will confer with the director as to such arrangements.

[Order 12, § 236-12-250, filed 12/19/73; § 20, 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.]

WAC 236-12-300 Parking fee payments. Fees are payable in advance. Payments may be made by cash or check or by payroll deduction plan. For the payroll deduction plan, monthly payments should be accomplished by the initiation of a form to be designated by the director. Since retroactive deductions are not authorized, cash or check payments must be made for any month in which a payroll deduction has not been withheld. Checks

[Title 236 WAC—p 14]

should be made payable to the department of general administration and forwarded to the Parking Office, 218 General Administration Building, Mail Stop EF-13. Payment must be received not later than the tenth day of each month. The person to whom the parking space is rented, upon termination of use of his parking space, shall personally notify the parking office prior to such termination of use.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-300, filed 4/7/78; Order 12, § 236-12-300, filed 12/19/73; § 25, filed 8/19/64.]

WAC 236-12-320 Responsibility of person to whom rental parking space or permit is issued. The person to whom a rental parking space or permit is issued pursuant to these regulations shall be responsible for all violations of these regulations involving the vehicle for which the rental parking space or permit was issued: *Provided, however,* That such responsibility shall not relieve other persons who violate these regulations.

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-320, filed 4/7/78; Order 12, § 236-12-320, filed 12/19/73; § 27, filed 8/19/64.]

WAC 236-12-340 Violation, fines. Parking violations will be processed by the Thurston County district court and parking fine shall be paid thereto within seven days after issuance of the violation, however, parking meter expiration payments shall be made to the department of general administration. Parking violations may be appealed within ten days of the violations by initiating a hearing, in writing, before the Thurston County district court. The fines for parking violations shall be as follows:

VIOLATIONS	FINES	AFTER 7 DAYS
(a) Metered and reserved parking	\$ 5.00	\$10.00
(b) All other parking violations	\$10.00	\$15.00

[Statutory Authority: RCW 46.08.150. 78-05-006 (Order 78-3), § 236-12-340, filed 4/7/78.]

GENERAL

WAC 236-12-430 Demonstrations, parades—Obstructing traffic, state business—Prohibiting. No person[,], singly, or in combination with others, shall engage in demonstrations or parades in such a manner as to disrupt the orderly flow of pedestrian or vehicular traffic on the state capitol grounds or the conduct of state business by state employees on the state capitol grounds or in any buildings on the state capitol grounds.

[Statutory Authority: RCW 43.17.060, 43.19.125 and 46.08.150. 81-11-001 (Order 81-1), § 236-12-430, filed 5/7/81; Order 12, § 236-12-430, filed 12/19/73; Order 4, § 236-12-430, filed 2/10/69; Emergency Order 2, § 236-12-430, filed 12/18/68.]

Reviser's note: RCW 34.04.058 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 236-12-440 Permits for demonstrations, parades, processions. Any person or group of persons desiring to conduct a demonstration, parade[,] or procession on the state capitol grounds shall apply to the director for written approval. Application must be made, in writing, at least four days, excluding Saturdays, Sundays and holidays, prior to the time the demonstration, parade, or procession is to take place.

[Statutory Authority: RCW 46.08.150, 79-05-005 (Order 79-01), § 236-12-440, filed 4/11/79; 78-05-006 (Order 78-3), § 236-12-440, filed 4/7/78; Order 12, § 236-12-440, filed 12/19/73; Order 4, § 236-12-440, filed 2/10/69; Emergency Order 2, § 236-12-440, filed 12/18/68.]

Reviser's note: RCW 34.04.058 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 236-12-450 Prohibiting access to areas of capitol grounds. No member of the general public shall be permitted in any area of the state capitol grounds which is identified by a sign indicating that such area is private and not open to the public.

[Order 12, § 236-12-450, filed 12/19/73; Order 3, § 236-12-450, filed 2/10/69; Emergency Order 1, § 236-12-450, filed 12/18/68.]

WAC 236-12-460 Regulating access to capitol buildings and parking garages. No person shall enter or remain in any state capitol building other than during normal office hours, unless properly authorized to do so. No person shall enter or remain in any state capitol parking garage at any time, unless properly authorized to do so.

[Order 76-2, § 236-12-460, filed 3/15/76; Order 12, § 236-12-460, filed 12/19/73.]

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. 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, 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 and constitutes a misdemeanor as provided in RCW 46.08.170.

[Statutory Authority: RCW 46.08.150, 78-05-006 (Order 78-3), § 236-12-500, filed 4/7/78.]

WAC 236-12-600 Effective date. These regulations shall become effective when adopted pursuant to chapter 34.04 RCW and shall remain in full force and effect until amended or changed under the provisions of said chapter.

[Statutory Authority: RCW 46.08.150, 78-05-006 (Order 78-3), § 236-12-600, filed 4/7/78.]

**Chapter 236-16 WAC
CAPITOL LAKE AND ADJOINING LANDS AND ROADWAYS**

WAC	
236-16-001	Promulgation.
236-16-010	Definitions.
236-16-020	Motorboats—Prohibitions.
236-16-025	Water skiing, etc.—Prohibited.
236-16-030	Launching sites—Motorboat routes.
236-16-040	Compliance with laws required.
236-16-050	Operation by manual means or by sail—Construction.
236-16-060	Use of roadways.
236-16-070	Penalties.
236-16-080	Effective date.
236-16-100	Muffling device required.
236-16-110	Docks, floats, piers, etc.—Speed.
236-16-120	Application of algaecides, etc.

WAC 236-16-001 Promulgation. Pursuant to the authority granted by chapters 46.08 and 43.19 RCW, the director of the department of general administration hereby promulgates the following rules and regulations with respect to Capitol Lake and its adjoining lands and roadways.

[Promulgation, filed 4/15/65.]

WAC 236-16-010 Definitions. For the purpose of these rules:

- (1) "Boat" shall include any vehicle or device capable of being operated in the water;
- (2) "Motorboat" shall include any vehicle, device, or boat which is in itself a self-propelled unit and whether or not machinery is the principal source of propulsion;
- (3) "Operate" shall mean to navigate or otherwise use a boat or motorboat.
- (4) "Public transportation vehicles" shall include any motor vehicle operated by the state, county, city, or other public agency.

[Statutory Authority: RCW 46.08.150, 78-09-016 (Order 78-4), § 236-16-010, filed 8/8/78; § 1, filed 4/15/65.]

WAC 236-16-020 Motorboats—Prohibitions. The operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

[Order 75-5, § 236-16-020, filed 6/23/75; § 2, filed 4/15/65.]

WAC 236-16-025 Water skiing, etc.—Prohibited. Water skiing and the use of surfboards or other similar devices pulled behind a motorboat is prohibited on all areas of Capitol Lake unless prior written authorization

is first obtained from the director of general administration.

[Order 75-5, § 236-16-025, filed 6/23/75. Formerly WAC 236-16-020 (part).]

WAC 236-16-030 Launching sites--Motorboat routes. All boats which shall be operated on Capitol Lake shall be launched **only** at designated launching sites approved by the director of general administration. If a motorboat is launched at any designated site north of the railroad trestle from which a motorboat is authorized to be launched, it shall proceed to the area wherein the operation of motorboats is permitted through designated approach channels only.

[§ 3, filed 4/15/65.]

WAC 236-16-040 Compliance with laws required. All boats operating on Capitol Lake shall be equipped and operated in conformity with all state, county, and municipal laws, ordinances and regulations which are pertinent thereto.

[§ 4, filed 4/15/65.]

WAC 236-16-050 Operation by manual means or by sail--Construction. Nothing in these rules shall be so construed as to prevent the operation of any motorboat in any prohibited area if the sole means of propulsion used is by paddle, oar, or other manual means or solely by means of canvas or sail.

[§ 5, filed 4/15/65.]

WAC 236-16-060 Use of roadways. All buses, trucks, cargo trailers and similar equipment which exceed a five ton load limit and similar heavy duty vehicles are prohibited from traveling on the West Parkway Road and other roadways posted for restrictive use. This provision shall not apply to public transportation vehicles.

[Statutory Authority: RCW 46.08.150. 78-09-016 (Order 78-4), § 236-16-060, filed 8/8/78; § 6, filed 4/15/65.]

WAC 236-16-070 Penalties. These rules and regulations will be enforced under the provisions of RCW 46.08.160 and 46.08.170 and violations will be punished pursuant thereto.

[§ 7, filed 4/15/65.]

WAC 236-16-080 Effective date. The effective date of these rules and regulations shall be when adopted pursuant to chapter 34.04 RCW and RCW 46.08.150.

[§ 8, filed 4/15/65.]

WAC 236-16-100 Muffling device required. The exhaust of every internal combustion engine used on any motorboat shall be muffled by an efficient muffling device or system which reasonably muffles the noise of the exhaust. The use of a cutout, bypass, or similar muffler elimination device, is prohibited, except when used by motorboats competing in a regatta, race, or other special event, or on trial runs and tuneups therefor, for which

prior written authorization has first been obtained from the director of general administration.

[Order 7, § 236-16-100, filed 7/23/69; Emergency Order 6 (part), filed 6/5/69.]

WAC 236-16-110 Docks, floats, piers, etc.--Speed. No person shall operate any motorboat at any time on Capitol Lake at a rate of speed in excess of five miles per hour within a distance of fifty feet from the shore or from any float, dock, pier, or other similar installation bordering on or placed in Capitol Lake unless prior written authorization is first obtained from the director of general administration.

[Order 75-5, § 236-16-110, filed 6/23/75; Order 7, § 236-16-110, filed 7/23/69; Emergency Order 6 (part), filed 6/5/69.]

WAC 236-16-120 Application of algacides, etc. No person shall deposit or apply in any manner any algacide, weedicide or pesticide in the waters of Capitol Lake or to the immediate shoreline thereof, without first obtaining the prior written approval of the director of general administration.

[Order 7, § 236-16-120, filed 7/23/69; Emergency Order 6 (part), filed 6/5/69.]

Chapter 236-20 WAC STATE VEHICLE MARKING REQUIREMENTS AND EXCEPTIONS

WAC

236-20-010	Promulgation.
236-20-020	Definitions.
236-20-030	Approval of distinctive insignia.
236-20-040	Exceptions to marking requirements.

WAC 236-20-010 Promulgation. The purpose of this chapter is to establish procedures for obtaining approval for the use of a distinctive departmental, office, agency, institutional or commission insignia in marking of state owned or controlled vehicles and for permitting exceptions to the vehicle marking requirements.

[Order 75-8, § 236-20-010, filed 11/17/75.]

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

[Order 75-8, § 236-20-020, filed 11/17/75.]

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. The request for approval shall be sent to the department of general administration and shall include the number of vehicles to be marked and a description of the heraldry aspects of the insignia. A scale drawing in color, or other example, shall accompany the request. The department of general administration will review the request, and, if it deems the insignia to be appropriate and the request

meritorious it will submit the insignia to the next meeting of the automotive policy board for its consent.

[Order 75-8, § 236-20-030, filed 11/17/75.]

WAC 236-20-040 Exceptions to marking requirements. (1) Requests for exceptions to vehicle marking requirements for vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes shall be forwarded to the director of general administration by the head of the agency owning or controlling the vehicle. Vehicles will be identified by make, model, year and state license number. The justification will include type of activity in which the vehicle will be used, percentage of time used in this activity, general area where the activity will take place, and location where the vehicle will be garaged when not being used for official business. Requests for exception 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.

(4) The above exceptions are the only exceptions to the marking requirements which will be granted.

[Order 75-8, § 236-20-040, filed 11/17/75.]

Chapter 236-20A WAC

DISPLAY OF FLAGS--STATE CAPITOL GROUNDS

WAC

236-20A-001	Promulgation.
236-20A-004	"State capitol grounds" defined.
236-20A-010	Flag plazas.
236-20A-020	Display of flags on state buildings.

WAC 236-20A-001 Promulgation. Pursuant to the authority granted by chapters 34.04 and 43.19 RCW, the director of the department of general administration hereby establishes the following rules and regulations to govern the display of flags on the state capitol grounds.

[Order 76-3, § 236-20-001 (codified as WAC 236-20A-001), filed 3/15/76.]

WAC 236-20A-004 "State capitol grounds" defined. "State capitol grounds" shall be construed to be those grounds designated by statute as state capitol grounds, including the east capitol campus, Sylvester Park and the old capitol building.

[Order 76-3, § 236-20-004 (codified as WAC 236-20A-004), filed 3/15/76.]

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.]

WAC 236-20A-020 Display of flags on state buildings. The United States flag and the Washington state flag may be displayed from buildings on the state capitol grounds in such place and in such manner as the director of general administration may direct. No flags other than the United States flag and the Washington state flag may be displayed upon any pole or other place designated for the official display of flags, except as provided by law or directed by the governor of the state of Washington.

[Order 76-3, § 236-20-020 (codified as WAC 236-20A-020), filed 3/15/76.]

Chapter 236-24 WAC

WAIVER OF PUBLIC BIDDING REQUIREMENTS FOR WATER PROJECTS

WAC

236-24-010	Purpose.
236-24-020	Waiver of public bidding requirements--Procedure.
236-24-030	Approval or disapproval.

WAC 236-24-010 Purpose. The purpose of this chapter is to implement the provisions of section 5(2), chapter 1, Laws of 1977 1st ex. sess.

[Order 77-3, § 236-24-010, filed 5/17/77.]

WAC 236-24-020 Waiver of public bidding requirements--Procedure. A request by the department of ecology or the department of social and health services for a waiver of any public bidding requirements for a project authorized by sections 3 or 4 of chapter 1, Laws of 1977 1st ex. sess., and financed with funds appropriated in chapter 1, Laws of 1977 1st ex. sess. shall be in writing and addressed to the director, department of general administration. The submission shall be an original and three copies, each being signed by the agency head, and shall contain the following information:

- (1) Nature of the project and its location;
- (2) The section of chapter 1, Laws of 1977 1st ex. sess., under which the project has been authorized;
- (3) The section of chapter 1, Laws of 1977 1st ex. sess. from which the funds to finance the project have been appropriated;
- (4) The public bidding requirements applicable to the project;
- (5) A detailed statement of the facts which constitute the emergency condition which prompted the request for a waiver;

(6) A detailed statement of the manner in which the public interest would be detrimentally affected if the public bidding requirements were to be followed for the project in question.

[Order 77-3, § 236-24-020, filed 5/17/77.]

WAC 236-24-030 Approval or disapproval. The director will base his decision on the request for waiver on the information contained in the written submission and such other information as he may obtain. The decision to approve or disapprove the waiver shall be made within five working days after receipt of the written submission in the department of general administration. The approval or disapproval will be typewritten on the written submission and signed by the director or his designee. Two signed copies will be returned to the requesting agency.

Information about the status of a request can be obtained from the deputy director by telephoning 206-753-5435.

[Order 77-3, § 236-24-030, filed 5/17/77.]

Chapter 236-28 WAC SMALL WORKS ROSTER

WAC

- 236-28-010 Purpose and authority.
- 236-28-020 Notice required by agency establishing small works roster.
- 236-28-030 Contractors application form—Information required.
- 236-28-070 Denial or removal of contractors from small works roster—Reasons.
- 236-28-080 Denial or removal from roster—Notice and hearing.

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 236-28-010 Purpose and authority. This chapter of the Washington Administrative Code is adopted pursuant to chapter 98, Laws of 1982, which requires the director of the department of general administration to adopt by rule a procedure to prequalify contractors for inclusion on a small works roster established by the state agencies enumerated in section 2, chapter 98, Laws of 1982. The procedure set forth in this chapter shall be utilized by those agencies in establishing a small works roster.

[Title 236 WAC—p 18]

[Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-010, filed 12/29/82.]

WAC 236-28-020 Notice required by agency establishing small works roster. Agencies desiring to establish an initial small works roster shall give notice to the contracting community encouraging contractors to submit applications for inclusion on the small works roster. Such notice may be given by advertisements in publications widely circulated to the contracting community, by notices mailed directly to trade associations or to individual contractors, or by any effort reasonably calculated to assure that all contractors in the state of Washington become aware of the opportunity to be included on the small works roster.

[Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-020, filed 12/29/82.]

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 236-28-070 Denial or removal of contractors from small works roster—Reasons. A contractor may be denied placement on or, after such placement, may be removed from, a small works roster for any one or more of the following reasons:

(a) The information set forth in the contractor's application is not accurate;

(b) The contractor fails to notify the agency maintaining the small works roster of any changes in the information set forth in its original application for placement on the small works roster within thirty days of the effective date of such change.

(c) The contractor has failed to respond to five solicitations for bids on jobs offered through the small works roster;

(d) The contractor's past performance demonstrates a lack of qualification in any specialty area indicated by the contractor in the application for placement on the small works roster;

(e) The contractor fails to complete and return to the agency maintaining the small works roster any periodic update submitted by the agency to determine the contractor's ongoing interest in maintaining its placement on the small works roster.

[Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-070, filed 12/29/82.]

WAC 236-28-080 Denial or removal from roster--
Notice and hearing. Whenever the agency maintaining a small works roster believes that grounds exist for denying an application for placement on a small works roster, or removing the name of a contractor from a small works roster, notice of said grounds shall be given to the contractor by first-class mail. If the contractor fails to object or request a hearing within twenty days after the mailing of said notice, then the denial or removal shall be made effective. If the contractor requests a hearing within forty-five days after the mailing of the notice, then a hearing will be conducted in accordance with chapter 34.04 RCW.

[Statutory Authority: RCW 39.04.150. 83-02-024 (Order 83-1), § 236-28-080, filed 12/29/82.]

Chapter 236-47 WAC DIVISION OF PURCHASING

WAC

236-47-001	Purpose.
236-47-002	Authority.
236-47-003	Designation of the state agency.
236-47-004	Statement of policy.
236-47-005	Eligibility.
236-47-006	Terms and conditions.
236-47-007	Compliance and utilization.
236-47-008	Financing and service charges.
236-47-009	Inventory controls and accounting systems.
236-47-010	Return of donated property.
236-47-011	Nonutilized donable property.
236-47-012	Audit.
236-47-013	Consultation with advisory bodies and private groups.
236-47-014	Cooperative agreements.
236-47-015	Forms.
236-47-016	Records retention.
236-47-017	Liquidation.

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

(1989 Ed.)

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.

[Title 236 WAC—p 19]

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.

(1989 Ed.)

[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 236-48 WAC

OFFICE OF STATE PROCUREMENT

WAC	
236-48-002	Purpose.
236-48-003	Definitions.
236-48-004	Procedure followed in the solicitation of bids.
236-48-005	Exceptions to competitive formal sealed bid procedure.
236-48-009	Bids in general.
236-48-011	Public notice.
236-48-012	Bidding or quoting time.
236-48-013	Amendment of invitation to bid.
236-48-021	Supplier lists.
236-48-023	Nonacceptance.

- 236-48-024 Removal or suspension.
 236-48-025 Appeal.
 236-48-026 Reapplication or reinstatement.
 236-48-035 Bid bond.
 236-48-036 Performance guarantees.
 236-48-041 Telegraphed bids.
 236-48-051 Telephone bids.
 236-48-052 Facsimile bids.
 236-48-061 Hand carried bids.
 236-48-071 Form of bid.
 236-48-079 Standard specifications.
 236-48-081 Interpretation of specifications.
 236-48-082 Request for samples, descriptive literature.
 236-48-083 Acceptance of alternate bid/quote.
 236-48-084 Prebid conferences.
 236-48-085 In-state preference bids.
 236-48-093 Award.
 236-48-094 Partial award.
 236-48-095 Exception to award to lowest responsible bidder.
 236-48-096 Preference—Institutional industries.
 236-48-097 Standard notice of award.
 236-48-098 Rejection.
 236-48-099 Acceptance of terms.
 236-48-101 Time of bids.
 236-48-111 Handling of bids at opening.
 236-48-121 Mistakes in bid detected prior to bid opening.
 236-48-122 Mistakes in bid detected during or after bid opening.
 236-48-123 Disclosure of bid information.
 236-48-124 Minor informalities or irregularities in bids or quotes.
 236-48-131 Cancellation of invitation to bid or rejection of all bids.
 236-48-132 Notice of cancellation or rejection of bids.
 236-48-141 Protests and appeals—Form and substance.
 236-48-142 Protest procedure prior to award.
 236-48-143 Protest procedure after award.
 236-48-151 Violation of contract terms.
 236-48-152 Offset against contractor payments.
 236-48-153 Delivery date.
 236-48-155 Recording of conversations.
 236-48-162 Product fitness.
 236-48-163 Nondiscrimination.
 236-48-164 Price escalation.
 236-48-165 Change in product offered.
 236-48-166 Extension.
 236-48-167 Additions or deletions to the contract.
 236-48-190 Surplus property disposal priorities.
 236-48-190-1 Surplus property—Exceptions to disposal priorities.
 236-48-191 Surplus property auction.
 236-48-192 Sealed bid—Surplus property.
 236-48-193 Negotiation—Surplus property.
 236-48-194 Guarantee of quality, etc., state responsibility for—
 Surplus property.
 236-48-195 Weight merchandise—Surplus property.
 236-48-196 Removal—Surplus property.
 236-48-197 Withdrawal from sale or rejection of bids—Surplus
 property.
 236-48-198 Sale of surplus property to state elected officials or
 employees.
 236-48-230 Leases.
 236-48-240 Late payments.
 236-48-250 Use of credit/charge cards.
 236-48-251 Distribution of credit/charge cards.
 236-48-252 Credit limits.
 236-48-253 Payments of credit card bills.
 236-48-254 Gasoline credit cards.
 236-48-300 Enforcement of rules and regulations.
- 236-48-022 Criteria for qualification. [Order 77-2, § 236-48-022, filed 1/28/77.] Repealed by 83-18-004 (Order 83-03), filed 8/26/83. Statutory Authority: Chapter 43.19 RCW.
 236-48-030 Bid forms. [§ 3, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-040 Telegraphed bids. [§ 4, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-050 Telephone bids. [§ 5, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-060 Hand carried bids. [§ 6, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-070 Letter bids. [§ 7, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-080 Standard specifications. [§ 8, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-090 Acceptance, rejection of bids. [§ 9, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-100 Time of bids. [§ 10, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-110 Alteration of bid prohibited. [§ 11, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-120 Handling of bids at opening. [§ 12, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-130 Delivery date guarantee. [§ 13, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-140 Complaints. [§ 14, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-150 Breach of contract. [§ 15, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-160 Penalty. [§ 16, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-161 Performance bonds. [Order 77-2, § 236-48-161, filed 1/28/77.] Repealed by 89-17-094 (Order 89-02), filed 8/22/89, effective 9/22/89. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538.
 236-48-200 Sale of surplus property to state elected officials or employees. [Order 75-7, § 236-48-200, filed 9/12/75.] Repealed by Order 77-1, filed 1/28/77.

WAC 236-48-002 Purpose. The purpose of this chapter is to set forth rules and regulations applicable to the purchase or sale of material, equipment, services and supplies by, through, or under authority delegated by, the office of state procurement.

[Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-002, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-002, filed 1/28/77.]

WAC 236-48-003 Definitions. As used in this chapter the following terms shall have the following meanings:

(1) **Agency.** Agency shall include 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. Agency does not include the legislature.

(2) **Alternate.** An alternate is material, supplies, equipment or services which is not at least a functional equal in features, performance or use of the brand, model or specification designated as the standard.

(3) **Equal.** An equal is material, equipment, supplies or services which equal or exceed the quality, performance and use of the brand, model or specifications designated as the standard.

(4) **Bid.** Bid means a written offer to perform a contract to purchase or supply material, equipment, services

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 236-48-001 Promulgation. [Promulgation, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-010 Bids—In general. [§ 1, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.
 236-48-020 Bidder's mailing list application. [§ 2, filed 1/21/66.] Repealed by Order 77-1, filed 1/28/77.

or supplies in response to a formal solicitation. In the case of oral solicitation of bid(s), written confirmation shall constitute the bid.

(5) **Bidder.** A supplier who submits a bid.

(6) **Buyer.** Any employee of the office of state procurement designated as a buyer, contract administrator, or similar designation by the director, including, where appropriate, the director and other management personnel. Also, where applicable, any employee(s) of a purchasing activity with similar duties.

(7) **Competitive formal sealed bid procedure.** Procedure by which the buyer solicits written bids or quotations from a sufficient number of prospective bidders to assure adequate price and product competition by means of a written invitation for bid (IFB) setting forth bid requirements. All bids are to be submitted in sealed envelopes to the location indicated in 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 public bid opening, all bid information shall be referred to the buyer and treated as confidential working papers until after award at which time all bids become public information.

(8) **Confidential information.** Any information meeting the criteria in RCW 42.17.310.

(9) **Description.** Description means identifying information distinctly and plainly set forth and sufficiently portrayed and explained to ensure that the product or service under consideration is uniquely identified.

(10) **Director.** Except where otherwise specifically noted the term "director" as used in these rules, shall mean the state purchasing and material control director, who is the assistant director, office of state procurement.

(11) **Emergency purchase.** Emergency purchase means a purchase made in response to unforeseen circumstances beyond the control of an agency which presents a real, immediate and extreme threat to the proper performance of essential functions and/or which may reasonably be expected to result in excessive loss or damage to property, bodily injury or loss of life.

(12) **Informality.** An informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids, having no effect or merely a trivial 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.

(13) **Invitation for bid.** An invitation for bid is the form utilized in the competitive, formal, sealed bid procedure.

(14) **Quotation.** An offer to perform a contract to purchase or supply material, equipment, services, or supplies in response to a request for quotation.

(15) **Request for quotation.** A request for quotation is the form used when purchases are solicited 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 buyer.

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

(17) **Specifications.** Specifications shall mean the explicit requirements furnished with an invitation for bid or request for quotation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the equipment, material, supplies or services to be purchased or sold so as to enable the bidder or supplier to determine and understand that which is to be supplied or sold. This information may be in the form of (a) description of the physical or performance characteristics; (b) a reference brand name; or (c) both. It may include a description of any requirement for inspecting, testing, or preparing a material, equipment, supplies, or service for delivery.

(18) **State purchasing division.** The state purchasing division is the office of state procurement of the department of general administration. Whenever a purchase or sale is made by an agency other than the office of state procurement, any reference to the office of state procurement in this chapter shall mean such agency. 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.

(19) **Supplier.** A vendor of purchased goods or services.

(20) **Purchaser.** Purchaser shall mean the state of Washington or the agency or agencies purchasing the material, equipment, supplies or services.

(21) **Purchase.** Wherever used in this chapter the term purchase shall also include leasing or renting or lease purchase.

(22) **Direct buy limit.** That dollar amount established by the supply management advisory board (SMAB) whereby competitive acquisition of equipment, supplies, or service is not required.

(23) **Sealed bid limit.** That dollar amount established by RCW 43.19.1906 (2) and (7), or pursuant thereto, by the office of financial management. Said amount may be lowered by the director, taking into consideration any advice of the supply management advisory board, pursuant to and consistent with chapter 43.19 RCW.

(24) **Contractor.** An individual, company, corporation, firm, or combination thereof with whom the state of Washington develops a contract for the procurement of goods and/or services.

(25) **Bid bond.** Financial guarantee submitted by bidder to protect the interest of the state should bidder decide to withdraw said bid.

(26) **Performance guarantee.** Financial guarantee submitted by contractor to ensure contractual performance.

(27) **Recovered materials.** "Recovered materials" means:

(a) "Post consumer waste" which is:

(i) Paper, paperboard, and fibrous wastes from buildings such as retail stores, office buildings, (and) homes, after the wastes have passed through their end-usage as a consumer item, including: Used corrugated boxes, old

newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage; and

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste; and

(iii) All other items containing plastics, yard waste, metals, glass, rubber, oil, or any other material that is suitable as feedstock in product manufacturing; and

(b) "Secondary waste" including manufacturing and other wastes such as:

(i) Dry paper and paperboard waste generated after completion of the papermaking process, that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets including: Envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations: Bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock;

(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

(iii) Wastes generated by the conversion of goods made from fibrous material, that is, waste rope from cordage manufacture, textile mill waste, and cuttings; and

(iv) Fibers recovered from waste water which otherwise would enter the waste stream.

(28) **Used equipment.** Goods offered for sale to the state which (a) do not have a full factory warranty, and (b) 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.

(29) **Purchased goods and services.** All materials, equipment, supplies, or services offered for sale by a supplier(s) and required by a state agency to accomplish continuing and necessary functions and not otherwise identified as a personal service under RCW 39.29.006(8) or an architectural and engineering service under RCW 39.80.020(5).

(30) **Supplier list.** List of potential bidders maintained by the office of state procurement from which names may be drawn for solicitation of bids/quotes.

[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 236-48-004 Procedure followed in the solicitation of bids. Whenever practicable the governing standard for state purchases is one of competitive bids in combination with a formal sealed bid procedure. The office of state procurement mails invitations for bid to a sufficient number of prospective bidders to elicit adequate competition, such suppliers being drawn from established supplier lists and from any other source thought to be of advantage to the state. Invitations to bid may call for bid prices with and without trade-in.

[Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-004, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-

004 (Order 83-03), § 236-48-004, filed 8/26/83; Order 77-2, § 236-48-004, filed 1/28/77.]

WAC 236-48-005 Exceptions to competitive formal sealed bid procedure. (1) **Emergency purchase.** Emergency purchases need not be procured through a formal sealed bid procedure. Unless revoked by the office of state procurement, all agencies have the delegated authority to make emergency purchases if notice of such a purchase and the reason therefor is transmitted to the office of state procurement immediately after the purchase is made, in accordance with RCW 43.19.200.

(2) **Purchases not exceeding five thousand dollars.** Purchases not exceeding five thousand dollars may be solicited by the state by other than a formal sealed bid procedure unless the director specifically requires a formal sealed bid.

(3) **Single source or special facilities, services or market conditions.** Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions may be acquired through direct negotiation with documented source selection.

(4) **Used equipment.** The purchase of used equipment from private suppliers is generally considered by the office of state procurement to be a purchase falling within the exception set forth in subsection (3) of this section. A state agency desiring to purchase used equipment shall be responsible to determine what used equipment is available on the market and properly record this search. In the case of a purchase involving used equipment for less than the sealed bid limit, the agency need not submit the requirement to the office of state procurement. The purchase file located at the state agency shall be fully documented with agency determination as to fair market value. In the case of purchases exceeding the sealed bid limit, two written appraisals are required to be submitted to the office of state procurement with the purchase request. The purchase request file must contain justification for the acquisition of used equipment and include documentation to sufficiently establish fair market value. All appraisals must be from competent firms or persons not associated with the supplier or purchaser which certify that the agreed upon price represents a fair market value for the equipment. The appraisals will normally be made by individuals or firms knowledgeable of a particular market, not just knowledgeable of the equipment. For purchases exceeding the sealed bid limit, the appraisals must include a statement as to the fair market value of like goods if purchased new (e.g., with full factory warranty). All equipment with full factory warranty shall be purchased as new equipment.

(5) Purchases from institutional industries and other suppliers who, under law, receive a preference.

(6) Purchases from sheltered workshops and programs of the department of social and health services as required by law. Fair market value will be as determined by the office of state procurement.

[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.]

WAC 236-48-009 Bids in general. All bids or quotes are subject to the invitation for bid or request for quotations, the specifications and plans, the applicable contract terms and conditions and the rules and regulations of the office of state procurement set forth in this chapter. In the event of conflict among any of the above the following order shall govern:

- (1) Rules and regulations;
- (2) Specifications and plans; and
- (3) Applicable contract terms and conditions.

[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.]

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, Room 216, General Administration Building, Olympia, Washington 98504. Purchases made by colleges or universities shall be posted or otherwise publicized by the purchasing office of that college or university.

[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 Bidding or quoting time. The bidding or quoting time shall be as determined by the buyer involved. All invitations for bid shall provide sufficient time to allow bidders an opportunity to prepare and submit their bid. The buyer shall have the discretion to lengthen or shorten bid or quote times, should special circumstances or needs dictate a shorter or longer time frame. When extending or shortening the time allowed to submit a bid or quote, the buyer is to issue an addendum notifying bidders of the revised opening/due date. If it is determined that regular mail will not reach bidders in time to respond, the buyer shall attempt to notify each prospective bidder by telephone or other available means of communication. All bids must be received by the time specified for bid opening. No deviations will be allowed. Late bids will be returned unopened unless retention is deemed by the director to be in the best interests of the state. 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 office of state procurement.

[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 to bid. An invitation for bid may be changed or amended by the buyer involved, provided the change is issued in writing prior to the bid opening date. Any material information

provided a prospective bidder with regard to an invitation for bid, shall be furnished to all bidders receiving a copy of the original invitation. Oral interpretations of contract terms and conditions shall not be binding on the state unless confirmed in writing by the buyer.

[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 are categorized according to specific categories of purchased goods and services and are maintained and updated by the office of state procurement. Such lists are used by buyers to determine suppliers from which to solicit bids. Due to cost considerations not all suppliers are solicited for each bid invitation. In order to be considered for inclusion on a supplier list, suppliers must apply to the office of state procurement. The office of state procurement may deny issuance of a bid to a prospective supplier if such supplier fails to register on a given supplier list when requested. The office of state procurement may deny or limit placement on supplier list(s) for reason(s) outlined under WAC 236-48-024.

[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 Nonacceptance. If an application to be placed on a supplier list is refused, the applicant shall be advised in writing as to the reason for nonacceptance together with suggestions as to how the applicant might qualify in the future.

[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.]

WAC 236-48-024 Removal or suspension. The director, or designee, may remove or suspend a supplier from any supplier list(s) for cause. 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: 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. Any supplier removed from a supplier list 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.

[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 Reapplication or reinstatement. 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: 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.]

WAC 236-48-035 Bid bond. The office of state procurement may require a bid bond payable to the state in such amount and with such surety or sureties as may be determined by the buyer. Bid bonds may be in the form of a certified check, cashier's check, escrow agreement on a form approved by the office of state procurement or irrevocable letter of credit drawn on separate accounts in banking or savings and loan institutions regulated by the state of Washington, cash or a surety bond payable to the state of Washington. Personal or company checks are not acceptable. Failure to submit a bid bond in the specified form will be a cause for rejection. Bid bonds shall be retained by the state until contract(s) is awarded. Surety bonds and letters of credit will be returned to bidders after award of contract; cashier's and certified checks or cash will be returned via a state warrant in the amount of the deposit. Bidders who regularly conduct business with the state shall be permitted to file an annual bid bond in lieu of bid bonds for individual contracts in an amount determined by the state. When a bid bond is submitted, the bidder covenants that he/she will accept a contract award. Violation of this covenant will result in forfeiture of the bid bond and payment of the same into the Washington state treasury as and for liquidated damages.

[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 invitation for bid the successful bidder shall post a performance guarantee in amount(s) specified in the bid. The required performance guarantee shall be in the form of a surety bond with a surety company certified check, cashier's check, cash, escrow agreement on a form approved by the office of state procurement or irrevocable letter of credit unilaterally payable to the state of Washington, and drawn on separate accounts in banking or savings and loan institutions regulated by the state, or other form acceptable to the state of Washington. The performance guarantee shall

be held by the state or deposited to the state 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 state.

[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 Telegraphed bids. Telegraphed bids will not be accepted unless approved in advance by the buyer. Telegraphed withdrawals of bids will be accepted on all bids, provided they are received in written form before the opening of 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.]

WAC 236-48-051 Telephone bids. Telephone bids will not be accepted unless solicited under emergency purchase procedures. Telephone withdrawals of bids will not be accepted.

[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.]

WAC 236-48-052 Facsimile bids. Facsimile bids or quotations will not be accepted under any circumstances. A facsimile withdrawal of a bid or quotation may be accepted, provided that it is received prior to opening of bids or quotations, it meets the approval of the buyer and is immediately followed up in writing.

[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.]

WAC 236-48-061 Hand carried bids. Hand carried bids must be delivered to the bid supervisor at the office of state procurement or placed in the bid depository in the office of state procurement on or before the official bid opening time.

[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.]

WAC 236-48-071 Form of bid. To receive consideration, bids and quotes shall be made on the form provided by the office of state procurement, or on a letter containing the information. If a letter is used it must meet the satisfaction of the buyer, be properly headed and signed, properly marked on the outside of the envelope, received by the time specified, and be accompanied by a signed and completed bid form provided by the state.

Bids must be filled out in ink or with typewriter and properly signed by an authorized representative of the bidder. All changes and/or erasures shall be initialed in ink. The buyer may declare that a quotation (not a bid) prepared in pencil is a minor informality and may accept and consider a clear pencil quotation. Unsigned bids will be rejected on opening. However, the buyer may accept such bids if it is determined that satisfactory evidence

was submitted prior to bid opening which clearly indicates the bidder's desire to be bound by his/her bid such as a signed cover letter or bid bond.

[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 invitation for bid will, where practical, be nonrestrictive so as to provide an equal basis for competition and participation by an optimum number of qualified bidders. Unless otherwise specifically provided in the invitation for bid, reference to any equipment, material or supplies by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition. All bids 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 when available. The final decision as to whether an item is an equal or a satisfactory alternate shall rest with the office of state procurement. In the absence of a bidder's statement of a bid being an "alternate" it shall be evaluated as an "equal."

[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 Interpretation of specifications. In the event of discrepancies or omissions in the bid specifications, or doubt as to their meaning, the supplier shall immediately notify the office of state procurement in writing. In response, written instructions and/or addenda as required shall be sent to suppliers receiving the initial bid document. The office of state procurement will not be responsible for oral interpretations not confirmed in writing by the office of state procurement prior to bid opening.

[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.]

WAC 236-48-082 Request for samples, descriptive literature. The office of state procurement reserves the right to ask for samples, competitive demonstrations, and/or descriptive literature at the bidder's expense. Unless approved in advance by the buyer, samples must be identified to that bid. If not received within a reasonable period of time, as determined by the buyer, a bid may be rejected. If not destroyed in testing or required for quality control, bidders may request return of samples at their expense. Samples not claimed within ten days after written or verbal notification will be disposed of by the state.

[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.]

WAC 236-48-083 Acceptance of alternate bid/quote. The state shall be under no obligation whatever to accept alternate bids/quotes. However, the office of state procurement shall have the discretion to accept an alternate bid/quote if it can be shown that the alternate substantially conforms to the bid specifications. Bidder must submit complete documentation with bid sufficient to establish product comparison. Unless identified as an alternate, bidder warrants the product bid to be at least equal in quality and performance. If a bidder misrepresents his/her bid as being "an equal" when in fact it is "an alternate," his/her bid may be rejected and bidder will be liable for damages caused by the misrepresentation.

[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 Prebid conferences. Prebid conferences may be scheduled to address any questions regarding the invitation for bid. Changes to the invitation for bid shall not be binding upon the state unless confirmed in writing by the office of state procurement prior to bid opening.

[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.]

WAC 236-48-085 In-state preference bids. In accordance with the Laws of 1983 and chapter 43.19 RCW, the director of general administration shall compile a list of each state, relating to state purchasing, which statutes or regulations the director believes grant a preference to suppliers located within that state or to 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 will be responsible for the official compilation of the list and notification to impacted state agency, college and university purchasing offices. The notification shall be made by office of state procurement circular letter.

For the purposes of determining whether to assess a percentage penalty against a supplier's bid, and the amount of that penalty, the buyer in charge of the bid will consider only the business address from which the bid was submitted. It is recognized that under certain circumstances this will adversely affect bidders with in-state operations whose bids are prepared centrally in an out-of-state office.

Buyers will add the appropriate percentage penalty to each bid 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 for bid analysis and 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 solicited in accordance with chapter 43.19 RCW.

[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 Award. A contract shall be awarded to the lowest responsible and responsive bidder based upon, but not limited to, the following criteria where applicable and only that which can be reasonably determined:

(1) The price and the effect of term discounts (not less than thirty calendar days after receipt of goods or correct invoice, whichever is later). Consideration may be given to business and occupation tax returns from in-state suppliers and local sales and use tax cost differences between in-state suppliers. Price may be determined by life cycle costing if so indicated in the invitation for bid.

(2) The quality of the articles proposed to be supplied, their conformity with specifications and the purposes for which they are required.

(3) The ability, capacity and skill of the bidder to perform the contract or provide the services required.

(4) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(5) Whether the bidder can perform the contract within the time specified.

(6) The quality of performance on previous contracts for purchased goods or services.

(7) The previous and existing compliance by the bidder with the laws relating to the contract for purchased goods or services.

(8) Servicing resources, capability and capacity.

(9) Lack of uniformity or interchangeability, if such factors are important.

(10) The energy efficiency of the product as projected throughout the anticipated useful life of the product.

(11) The effect of reciprocity assessments, MWBE, institutional industries preferences or other preferences defined by statute or rule.

(12) Such other information as may be secured having a bearing on the decision to award the contract.

[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.]

WAC 236-48-094 Partial award. A buyer shall have the discretion to award on an "all or nothing" basis or to accept any portion of the items bid, excluding others unless the bidder stipulates all or nothing on his bid.

[Order 77-2, § 236-48-094, filed 1/28/77.]

WAC 236-48-095 Exception to award to lowest responsible bidder. Whenever, in the judgment of the office

[Title 236 WAC—p 30]

of state procurement, there is a reason to believe that the lowest responsible and responsive bid is not the best bid obtainable, all bids may be rejected and the office of state procurement may call for new bids or enter into direct negotiations to achieve the best possible bid.

[Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-095, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-095, filed 1/28/77.]

WAC 236-48-096 Preference—Institutional industries. Preference shall be given to the extent allowed by law:

(1) To those materials, equipment, supplies, and services provided by industries authorized and approved by the department of corrections.

(2) To bids from firms certified as minority or women-owned businesses by the office of minority and women's business enterprises (OMWBE).

(3) To products containing recovered material if indicated on the invitation for bid, provided that the bidder warrants those product(s) are functionally equivalent to the bid invitation specifications and provided that bid does not exceed the lowest responsive bid received for products without recovered material content otherwise meeting all bid specifications.

[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 Standard notice of award. A standard contract, or in the case of a direct purchase, a purchase order or field order, will normally be mailed to the successful bidder.

[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.]

WAC 236-48-098 Rejection. No notice will be sent to unsuccessful bidders submitting higher bid/quote pricing than awarded. Bidders whose bids are rejected as nonresponsive will be notified of the reasons for such rejection.

[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 shall be expressly limited to the terms and conditions of the contract/bid prescribed by the office of state procurement. All material alterations, additional or different terms proposed by the bidder shall be and are rejected unless otherwise provided for in writing by the director or his designee.

[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 Time of bids. All bids and withdrawals must be received on or before the time specified for bid opening at the place designated in the bid documents. No deviations will be allowed and late bids or withdrawals will be returned unopened. All bids shall be date and time stamped, prior to opening. Precautions will be taken to ensure security of bids. Bids which are received but which do not identify the invitation for bid or the time for bid opening may be opened but solely for identification purposes, and only by officially designated personnel.

[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.]

WAC 236-48-111 Handling of bids at opening. The person designated as 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 office of state procurement for recording. The bid form may not be completed, signed, amended or clarified after official opening time. The bid supervisor will, on request, read the documents in detail provided that sufficient time is available. Bids must remain under the control of the bid supervisor or staff.

[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 detected prior to bid opening. Mistakes in bids detected prior to bid opening may be corrected by the bidder withdrawing the original bid and submitting a corrected bid to the office of state procurement before the bid opening. If there is not sufficient time prior to bid opening to withdraw the original bid and submit a corrected bid, the bidder, or an authorized representative, may correct the mistake on the face of the original bid: *Provided*, The official opening time has not yet been reached. A corrected bid must be time stamped upon resubmission.

[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 detected during or after bid opening. Bidder mistakes in a bid detected during or after bid opening may not be corrected. If the bidder submits evidence in writing satisfactory to the director or designee that a mistake has been made by the bidder in the calculation of its bid, the director or designee may allow the bid 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 has been opened. Compliance with this section within the specified time limit, shall relieve the bidder of forfeiture of its bid bond.

[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 bid information. After award and distribution, the bids of all bidders shall be open to public inspection at the offices of the office of state procurement during normal office hours. Copies of documents subject to public disclosure will be made available upon request in accordance with departmental policy. Bidders must provide a self addressed stamped envelope to obtain bid results. A copy of awarded purchase order or contract will be provided. Unless noted to the contrary in a bid specification the office of state procurement assumes no responsibility for the confidentiality of submitted bids.

[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 Minor informalities or irregularities in bids or quotes. The director of the office of state procurement or designee reserves the right to waive minor informalities or irregularities as defined in WAC 236-48-003.

[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 236-48-131 Cancellation of invitation to bid or rejection of all bids. The office of state procurement reserves the right to reject all bids or to cancel an invitation or request. Examples of reasons for cancellation of an invitation, or request, or rejection of all bids are:

- (1) Inadequate or ambiguous specifications.
- (2) Specifications have been revised.
- (3) Supplies or services being purchased are no longer required.
- (4) Change in agency requirements.
- (5) All bids are deemed unreasonable or sufficient funds are not available.
- (6) Bids were not independently arrived at, or were submitted in bad faith.
- (7) A determination is made that all the necessary requirements of the bid process have not been met.
- (8) Insufficient competition.
- (9) For reasons which indicate that cancellation or rejection of all bids is clearly in the best interest of the state.

[Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-131, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-131, filed 8/26/83; Order 77-2, § 236-48-131, filed 1/28/77.]

WAC 236-48-132 Notice of cancellation or rejection of bids. In the event of a cancellation of an invitation or a request, or in the event all bids are rejected, all participating bidders will be notified by mail.

[Order 77-2, § 236-48-132, filed 1/28/77.]

WAC 236-48-141 Protests and appeals--Form and substance. All protests and appeals must be in writing

and signed by the protestant or appellant or an authorized agent. 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 director, any relevant exhibits referred to in the writing. Copies of all protests, appeals, and exhibits shall be mailed 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 office of state procurement.

[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 Protest procedure prior to award. After a bid opening, and prior to award, a bidder desiring to protest the bid of another bidder must send or deliver its protest to the buyer in charge of the bid as soon as possible after it becomes aware of the reason(s) for the protest. If the protest is mailed the protestant shall immediately notify the buyer in charge of the bid by telephone, or some other means of instant communication, that a protest is being made.

The buyer 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 the bidder(s) against whom the protest is made will be notified if longer time is necessary. If the protesting bidder or the bidder against whom the protest is made is not satisfied with the decision of the buyer, he/she shall have the right to appeal to the director. Such appeal must be received by the director within five business days after notification of the buyer'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 longer time is necessary.

Unless an emergency exists, award of the contract, if one is to be made, will be postponed until after the director has issued a decision.

[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 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 discovered prior to award. Such protests shall be received by the director not later than five business days after mailing of the award. If the protest is mailed the protestant shall immediately notify by telephone, or some other means of instant communication, the buyer 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.

[Title 236 WAC—p 32]

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 therefor. Such bidder shall then have five business days in which to appeal the decision 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 within ten business days after the decision is delivered to the bidder to whom the contract had been awarded. All bids shall then be rejected and new bids solicited.

[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 Violation of contract terms. If a contractor fails to deliver, or deliver on time, or there is discrepancy in the quality and/or quantity of services or merchandise received, or there is a default in any other contract provision, the purchaser shall notify the contractor. In the event of an unsatisfactory response from the contractor, the purchaser shall file a fully documented complaint with the office of state procurement.

The office of state procurement shall verify the complaint, note the same in the contractor's record and take appropriate action. Where a complaint is justified, the contractor shall be notified that an unsatisfactory condition exists and that the unsatisfactory condition must be cured within a stated time. If the condition is not so cured, the office of state procurement shall have the discretion to do any or all of the following: To remove the contractor from the relevant supplier list; demand performance of the contract; modify or cancel the contract and purchase elsewhere; and pursue any other legal remedies available.

[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.]

WAC 236-48-152 Offset against contractor payments. In addition to other methods of collection available, the office of state procurement may offset any damages for which the contractor is responsible against payments owing to the contractor from the purchaser or any other agency which may be indebted to the contractor.

[Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-152, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-48-152, filed 1/28/77.]

WAC 236-48-153 Delivery date. Whenever a specific delivery date has been stated, that date shall be an essential condition of the contract. If a contractor is unable to meet the delivery date, he/she shall notify the purchaser and the office of state procurement at the

earliest possible time. The contractor shall include in such notification the projected revised delivery date. The purchaser shall then have the option to cancel such revised dates, or cancel and purchase elsewhere.

[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 Recording of conversations. RCW 9.73.030 prohibits the recording or interception of the private conversations and communications of individuals without their knowledge and consent. A violation of this statute shall be considered grounds for cancellation of a contract and removal from all supplier lists.

[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.]

WAC 236-48-162 Product fitness. By submission of a bid, bidder warrants that the articles supplied under the contract conform to the specifications and functional performance requirements, and are fit for the purpose for which such goods are ordinarily employed.

[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.]

WAC 236-48-163 Nondiscrimination. Bidders and contractors must agree not to discriminate against any client, employee or applicant for employment or services because of race, creed, color, national origin, sex, marital status, age or the presence of any sensory mental or physical handicap with regard to, but not limited to, the following: Employment upgrading; demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; selection for training, rendition of services. It is further understood that any contractor who is in violation of this clause or an applicable affirmative action program shall be barred forthwith from receiving awards of any contract from the office of state procurement unless a satisfactory showing is made that discriminatory practices or noncompliance with applicable affirmative action programs have terminated and that a recurrence of such acts is unlikely.

[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.]

WAC 236-48-164 Price escalation. Contractors shall not be entitled to price escalation except where specifically provided for in writing in the contract.

[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.]

WAC 236-48-165 Change in product offered. A bidder or contractor shall not be allowed to substitute material, supplies, equipment or services from that offered: *Provided, however,* If the material, supplies, equipment or services offered are no longer available to the bidder or contractor for reasons beyond its control,

the office of state procurement 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 must be accompanied by samples, record of performance, certified copies of tests by impartial and recognized laboratories, and 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 contracted 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 using agency.

[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 Extension. If basic contract provisions allow, a contractor and the office of state procurement may covenant and agree that the contract in question may be extended for predetermined periods by the office of state procurement under the same terms and conditions as comprise the original contract.

The buyer shall have discretion to extend a contract with the justification for extension being documented. The contractor shall be notified in writing of the state's desire to extend prior to the termination date of the existing or extended contract. If the contractor does not wish to have the contract extended, he/she shall so notify the office of state procurement in writing. Extensions, to be effective, must be in writing and signed by authorized representatives of both the contractor and state.

[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 the contract. Within reason, the office of state procurement may increase or decrease the items, quantities, or locations specified in a contract.

[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 or transfer according to the following priorities:

- (1) State agencies (including state universities and colleges);
- (2) Other tax supported educational agencies;
- (3) Tax supported agencies, municipalities or political subdivisions within the state of Washington;
- (4) Sale to the general public including auction, sealed bid and negotiation;
- (5) Other action as needed, e.g., destruction where the item has no sale value.

[Order 77-2, § 236-48-190, filed 1/28/77.]

WAC 236-48-1901 Surplus property--Exceptions to disposal priorities Excess and/or surplus property may be disposed of without offering to other state agencies if the director of general administration determines that it is in the best interest of the state. In this event, the following guidelines will apply:

(1) Items will be transferred or sold for reasonable cost if practical.

(2) Items for which a reasonable cost cannot be obtained will be donated to a nonprofit organization (which is registered under state law and exempt from federal income tax liability) with an ongoing equipment rehabilitation program.

(3) Recipients of donated items, if not designated by the director of general administration, will be determined by state surplus property.

(4) Successful donees will be notified by state surplus property and removal will be the responsibility of the donee.

(5) Items that can be documented to have a higher overhead cost than can be realized from their sale, can, at the discretion of the director of general administration, be scrapped or dumped if there is not an acceptable donee organization available.

(6) All surplus actions, including those described in the regulation, will require submittal of the appropriate surplus document form to general administration.

[Statutory Authority: RCW 43.19.1919, 89-18-004 (Order 89-3), § 236-48-1901, filed 8/24/89, effective 9/24/89.]

WAC 236-48-191 Surplus property auction. Auctions shall be advertised to the general public, provisions being made for interested parties to inspect items either at the auction site or user's location.

[Order 77-2, § 236-48-191, filed 1/28/77.]

WAC 236-48-192 Sealed bid--Surplus property. Public notice shall be given of the sealed bid and the date set for public bid openings. In addition, information will be provided to interested parties describing the merchandise in question, together with an opportunity for inspection of the same.

[Statutory Authority: Chapter 43.19 RCW, 83-18-004 (Order 83-03), § 236-48-192, filed 8/26/83; Order 77-2, § 236-48-192, filed 1/28/77.]

WAC 236-48-193 Negotiation--Surplus property. Negotiation shall be the method of disposal whenever it is determined by the director that such procedure is the most advantageous to the state. The reasons for choosing negotiation shall be set forth in writing and placed in the file relating to the disposition.

[Order 77-2, § 236-48-193, filed 1/28/77.]

WAC 236-48-194 Guarantee of quality, etc., state responsibility for--Surplus property. All sales of surplus property are "as is," and the state takes no responsibility for and makes no guarantees with respect to items sold: *Provided*, That the state shall make a statement of the

condition of the merchandise, including major known defects, before sale. No sale shall be invalid due to defects discovered after sale which may have been discovered by a reasonable inspection of the property before sale.

[Order 77-2, § 236-48-194, filed 1/28/77.]

WAC 236-48-195 Weight merchandise--Surplus property. If the property to be disposed of is measured by weight, the successful bidder shall furnish to the custodian of the property, a certified weight ticket showing the gross tare and net weight of the shipment with a notation on the ticket of the driver on or off of the vehicle for each load. The empty and loaded weight ticket must bear the same date. Weighing shall take place at the certified public scale nearest to the point of pickup.

[Order 77-2, § 236-48-195, filed 1/28/77.]

WAC 236-48-196 Removal--Surplus property. Surplus property must be removed within a reasonable time after purchase, or if a specific time is stated, within that time.

[Order 77-2, § 236-48-196, filed 1/28/77.]

WAC 236-48-197 Withdrawal from sale or rejection of bids--Surplus property. The state may withdraw from sale the item(s) scheduled for disposal at any time prior to the formation of a contract. The state may also reject any or all bids if the best interests of the state so require.

[Statutory Authority: Chapter 43.19 RCW, 83-18-004 (Order 83-03), § 236-48-197, filed 8/26/83; Order 77-2, § 236-48-197, filed 1/28/77.]

WAC 236-48-198 Sale of surplus property to state elected officials or employees. Surplus property available for disposal under the provisions of RCW 43.19.1919 shall not be sold to state elected officials, officers or employees, except at public sale: *Provided, however*, An item valued at less than \$400 and declared surplus of a personal nature such as a chair, desk or bookcase, which in some way depicts or represents the office in which he has served, may be sold to an elected official after leaving office at private sale for its fair market value: *Provided further*, That a retiring commissioned officer of the Washington state patrol or other state-wide law enforcement activity may purchase his or her career service revolver at private sale for its current fair market value.

[Statutory Authority: Chapter 43.19 RCW, 83-18-004 (Order 83-03), § 236-48-198, filed 8/26/83; Order 77-2, § 236-48-198, filed 1/28/77.]

WAC 236-48-230 Leases. If an agency, in the exercise of its delegated authority, leases material, supplies, equipment, or services the state standard form lease shall be used. Any deviations therefrom must be approved as to form by the office of state procurement and the attorney general's office.

[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 236-48-240 Late payments. The purchaser should make payment expeditiously in order to benefit from prompt payment discounts. If the purchaser fails to make timely payment, the contractor may invoice for a minimum of one dollar or a maximum of one percent per month, on the amount overdue. Complaints made to the office of state procurement with regard to late payment will be referred to the purchaser. For effective communication and supervision, copies of correspondence dealing with delays in payment should be directed to the buyer in charge of the contract.

[Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. 89-17-094 (Order 89-02), § 236-48-240, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-240, filed 8/26/83; Order 77-2, § 236-48-240, filed 1/28/77.]

WAC 236-48-250 Use of credit/charge cards. All credit/charge cards, other than those for gasoline, vehicle rental, travel, and telephone, shall be ordered by the director of an agency or designee. It shall not be mandatory upon an agency to obtain credit or charge cards.

[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. Agency heads (or their designees) shall institute a system for responsibility, control and distribution of credit/charge 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: 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 cards will be to its advantage, the source will be the existing state contract. The director 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: 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 Payments of credit card bills. Statements received from the financial institution or

firm issuing credit 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 imposed by credit card issuers.

[Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-253, filed 8/26/83.]

WAC 236-48-254 Gasoline credit cards. Whenever possible, users of state gasoline credit cards shall utilize self-service pumps when servicing state vehicles.

[Statutory Authority: Chapter 43.19 RCW. 83-18-004 (Order 83-03), § 236-48-254, filed 8/26/83.]

WAC 236-48-300 Enforcement of rules and regulations. All rules and regulations will be strictly enforced and failure to comply may be a cause for the rejection of a bid or cancellation or termination of a contract.

[Order 77-2, § 236-48-300, filed 1/28/77.]

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	Delegated authority.
236-49-040	Types of purchasing.
236-49-060	Cooperative purchasing.
236-49-061	Cooperative purchasing program fee.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

236-49-050	Emergency purchases. [Order 77-2, § 236-49-050, filed 1/28/77.] Repealed by 78-02-060 (Order 78-1), filed 1/23/78. Statutory Authority: RCW 43.19-.190 (11) and (12).
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WAC 236-49-001 Purpose. The purpose of this chapter is to set forth rules and regulations governing the relationship and procedures between the office of state procurement and state agencies.

[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:

(1) **Field order.** A standard state form used to make withdrawals from existing state contracts established by the office of state procurement or where agency direct purchases have been authorized.

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

(3) **Purchase order.** A standard state form signed by an authorized agent of the office of state procurement

which notifies the contractor to provide the stated material, equipment, supplies or services under the terms and conditions set forth thereon.

(4) Purchase requisition. A standard state form which serves as a procurement request and which authorizes the office of state procurement to provide stated requirements.

(5) Office of state procurement. The office of state procurement means the division of purchasing of the department of general administration.

(6) 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 salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies.

(7) Delegated authority.

(a) General. Those purchases delegated annually 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.

[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 material, supplies, services (except personal services) and equipment (except data processing and telephone equipment/systems) 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. Primary authority for the purchase of specialized equipment, instructional and research material for their own use rests with the colleges, community colleges and universities. Primary authority for the purchase of materials, supplies and equipment for resale to other than public agencies rests with the state agency concerned. The legislature has the responsibility of making purchases necessary for the operation of the legislature. Primary authority for purchase of automatic data processing equipment and telephone equipment/systems rests with the department of information services.

The office of state procurement has authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify types of material, equipment, services and supplies: *Provided*, That acceptance of the purchasing authorization by a state agency

does not relieve such agency from conformance with RCW 43.19.190 through 43.19.1939, as now or hereafter amended, from chapter 236-48 WAC, or from policies established by the director after consultation with the state supply management advisory board. The delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies, chapter 236-48 WAC or RCW 43.19.190 through 43.19.1939.

[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 Delegated authority. The office of state procurement shall administer all purchases and sales for state agencies except those for which the agencies have statutory or delegated authority. Delegated purchases are set forth in: (1) General authorities; (2) specific authorities; and (3) limited authorities. All delegations must be given in writing prior to the purchase or sale.

[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.]

WAC 236-49-040 Types of purchasing. Acquisition of purchased goods and services by the office of state procurement is divided into three major types:

(1) State contracts: Term contracts for material, supplies, services, and equipment in common use by state agencies. The contract document will identify the condition(s) under which usage by state agencies is required.

(2) Materials management center: The office of state procurement maintains a materials management center for the storage and distribution of a wide variety of supplies in high common use. Any agency which is in need of such supply items must purchase from the materials management center regardless of whether authority to purchase such supply items has been delegated to it. In addition, the materials management center also handles the maintenance, repair and servicing of office equipment used by state agencies in their servicing areas.

(3) Single acquisitions: Specific material, supplies, equipment or service acquisitions by the office of state procurement for which authority has not been delegated, for which there is no existing contract, or which the materials management center is unable to supply, must be made by submitting a purchase requisition to the office of state procurement. Such requisition must refer to any applicable Washington state specifications, standards and qualified products lists unless otherwise provided by the director or designee. Requests to use specifications, standards or qualified products which differ from the established Washington state specifications, standards and qualified products must be in writing to the director or designee. A purchase requisition must describe the items requisitioned in such detail and in such full and

explicit terms as to be easily understood by bidders. Diagrams, specimens, samples and other illustrative material should be included with a requisition, where appropriate. If a proprietary item is required, the agency must attach adequate justification. After consultation with the using agency, the office of state procurement may select equal or alternate items offered by bidders if the equal or alternate items offered will perform the same function as the specified item and if the quality is equal or greater.

[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.]

WAC 236-49-060 Cooperative purchasing. Under the authority of chapter 39.34 RCW, political subdivisions may enter into an interlocal cooperative purchasing agreement with the office of state procurement. Participation is voluntary—A political subdivision may use state contracts and purchase orders when the office of state procurement provides therefore.

[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 Cooperative purchasing program fee. In order to distribute contract copies to political subdivisions in a manner similar to that provided for state agencies, it is necessary to require payment of an annual fee to cover costs. This fee may be adjusted periodically to reflect current program costs. When the nature of a contract requires that the political subdivision orders be prepared by the office of state procurement, an additional charge per order processed may be assessed.

[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.]

Chapter 236-50 WAC

STATE RECORDS COMMITTEE RULES

WAC

236-50-010 Regular meeting dates.

WAC 236-50-010 Regular meeting dates. The state records committee's regular meeting dates shall be the first Wednesday of each month at 10:30 o'clock a.m. at the archives and records center, Olympia, Washington.

[Order 1, § 236-50-010, filed 10/15/71.]

Chapter 236-54 WAC

PUBLIC RECORDS--ARCHIVES

WAC

236-54-010 Purpose.
236-54-020 Definitions.
236-54-030 Description of central and field organization of the division of archives and records management.
236-54-040 Operations and procedures.

(1989 Ed.)

236-54-050 Public records available.
236-54-060 Public records officer.
236-54-070 Office hours.
236-54-080 Requests for public records--Archives--Scheduled.
236-54-090 Copying.
236-54-100 Exemptions:
236-54-110 Review of denials of public records requests.
236-54-120 Protection of public records.
236-54-130 Records index.
236-54-140 Communication with division--Address.
236-54-150 Adoption of form.
236-54-990 Appendix A--Management organization chart of state archivist.
236-54-99001 Appendix B--Form--Request for public records.

WAC 236-54-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of general administration, division of archives and records management with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure--Campaign finances--Lobbying--Records; and in particular with sections 25--32 of that act, dealing with public records.

[Order 11, § 236-54-010, filed 12/3/73.]

WAC 236-54-020 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or punched cards, discs, drums and other documents."

(3) **Division of archives and records management.** The division of archives and records management is established by chapter 40.14 RCW. The division of archives and records management shall hereinafter be referred to as the "division." Where appropriate, the term division also refers to the staff and employees of the division of archives and records management.

(4) **Archives.** Those public records of state and local governmental agencies of continuing historical value transferred to the custody and jurisdiction of the division of archives after their legal, financial and administrative values have ceased.

(5) **Division records.** Those records pertaining to the operations of the division of archives and records management.

(6) **Scheduled records.** Those public records scheduled for transfer to and disposition from the records center but which remain under the jurisdiction of the agency of record origin.

[Order 11, § 236-54-020, filed 12/3/73.]

WAC 236-54-030 Description of central and field organization of the division of archives and records management. Division of archives and records management. The division is an administrative service and regulatory agency. The administrative office of the division and its

[Title 236 WAC--p 37]

staff are located at the Archives and Records Center Building, Olympia, Washington.

[Order 11, § 236-54-030, filed 12/3/73.]

WAC 236-54-040 Operations and procedures. The division of archives and records management is the primary archival and records management agency of Washington state government. The division is organized as depicted in Appendix A. Through its several sections and operating units it carries on the following functions:

- (a) Manages the archives of the state of Washington;
- (b) Centralizes the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (c) Inspects, inventories, catalogs, and arranges retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (d) Insures the maintenance and security of all state public records and establishes safeguards against unauthorized removal or destruction;
- (e) Establishes and operates such state records centers as may from time to time be authorized by appropriation for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;
- (f) Establishes policies and procedures for operation of the state-wide records management, essential records protection and archival programs and operation of the state records center, archival, and microfilm bureau facilities;

(g) Operates a central microfilm bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; approves microfilming projects undertaken by state departments and all other agencies of state government; and maintains proper standards for this work;

(h) Maintains necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly supervises such destruction of public records as shall be authorized by law;

(i) Provides assistance to agencies of local government in records management related matters;

(j) Manages a state-wide essential records protection program including the operation of an essential records storage facility, and serves as depository for essential record microfilms for local government agencies.

[Order 11, § 236-54-040, filed 12/3/73.]

WAC 236-54-050 Public records available. All public records of the division as defined in WAC 236-54-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 236-54-100.

[Order 11, § 236-54-050, filed 12/3/73.]

[Title 236 WAC—p 38]

WAC 236-54-060 Public records officer. (1) The divisional records shall be in the charge of the public records officer designated by the department of general administration. The person so designated shall be located in the administrative office of the department of general administration. The public records officer shall be responsible for the following: The implementation of the division's rules and regulations regarding release of public records, coordinating the staff of the division in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

(2) The archival records in the custody of the division shall be in the charge of the state archivist. The state archivist shall be located in the state archives and records center building. The state archivist shall be responsible for the following: The implementation of the division's regulations regarding the release of archival records, coordinating the staff of the division in this regard and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

(3) The scheduled records in the custody of the division shall be in the charge of the public records officer designated by the agency of record origin. The public records officer of the agency of records origin shall be responsible for implementation of the agency's rules and regulations regarding the release of public records and coordinating with the staff of the state archives in this regard insofar as records of his agency in the custody of the state archivist are concerned.

[Order 11, § 236-54-060, filed 12/3/73.]

WAC 236-54-070 Office hours. Divisional records, archives and scheduled records shall be available for inspection and copying during the customary office hours of the division. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 11, § 236-54-070, filed 12/3/73.]

WAC 236-54-080 Requests for public records—Archives—Scheduled. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(A) Divisional records.

(1) A request shall be made in writing upon the form prescribed in WAC 236-54-150 which shall be available at the division's administrative office or at the department of general administration's administrative office. The form shall be presented to the department of general administration's public records officer at his office, or if he is not available, to any member of the division's staff at the administrative office of the division, during

customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the division's current index, an appropriate description of the record requested.

(B) Archives.

(1) A request shall be made in writing upon a form prescribed by the division which shall be available at the state archives and records center. The form shall be presented to the state archivist, or to any other member of the division's staff, if the state archivist is not available, at the state archives building, during customary office hours. The requests shall include the same information as that supplied for public records of the division.

(C) Scheduled records.

(1) Requests for scheduled records in the custody but not under the jurisdiction of the state archives, must be made through the office of record origin in accord with the rules and regulations regarding the release of public records by that agency as published in the Washington Administrative Code in compliance with chapter 1, Laws of 1973. An approved request form or letter of authorization from an appropriate agency of records origin must then be presented to the state archivist, or a member of the division's staff, thereby granting access. The request or letter of authorization shall include the same or nearly the same identifying information as that supplied for public records of the division.

(d) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record request.

[Order 11, § 236-54-080, filed 12/3/73.]

WAC 236-54-090 Copying. No fee shall be charged for the inspection of public records. The division shall charge a fee of 25 cents per page of copy for providing copies of public records and for use of the division's copy equipment. This charge is the amount necessary to reimburse the division for its actual costs incident to such copying.

[Order 11, § 236-54-090, filed 12/3/73.]

WAC 236-54-100 Exemptions. (1) The division reserved the right to determine that a public record or archive record requested in accordance with the procedures outlined in WAC 236-54-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the division reserves the right to delete

identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer or state archivist will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 11, § 236-54-100, filed 12/3/73.]

WAC 236-54-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director of the department. The director shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 11, § 236-54-110, filed 12/3/73.]

WAC 236-54-120 Protection of public records. Records will be made available to the requestor subject to the following restrictions:

(a) The records may not be removed from the area designated.

(b) The quantity of records may be limited in consonance with the requested use.

(c) All possible care will be taken by the requestor to prevent damage to the records.

(d) Records may not be marked or altered in any way.

(e) Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is prohibited.

(f) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.

(g) Records may not be cut or mutilated in any way.

(h) Records must be kept in the order in which received.

(i) All copying of records will be accomplished by departmental personnel.

(j) Records will be returned to the public records officer or his designee by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 236-54-070.

[Order 11, § 236-54-120, filed 12/3/73.]

WAC 236-54-130 Records index. (1) Index. The division has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

"(c) Administrative staff manuals and instructions to staff that affect a member of the public;

"(d) Planning policies and goals, and interim and final planning decisions;

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or it is asked to determine or opine upon, the rights of

the state, the public, a subdivision of state government, or of any private party;

"(g) Public records accessioned into the archive proper of the state of Washington;

"(h) Scheduled records in the custody of the state archives."

(2) **Availability.** The current index promulgated by the division shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 11, § 236-54-130, filed 12/3/73.]

WAC 236-54-140 Communication with division--Address. All communications with the division including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the division's decisions and other matters, shall be addressed as follows: Department of General Administration, c/o Public Records Officer, General Administration Building, Olympia, Washington 98504.

[Order 11, § 236-54-140, filed 12/3/73.]

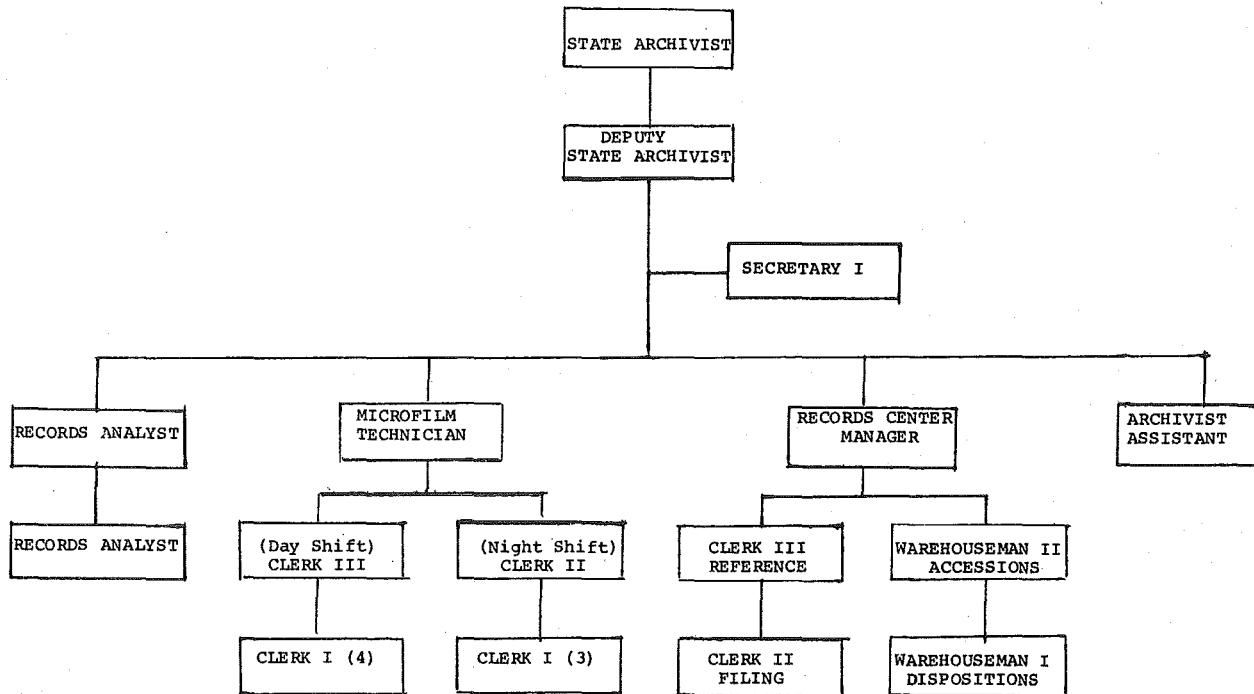
WAC 236-54-150 Adoption of form. The division hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix B entitled "Request for public record."

[Order 11, § 236-54-150, filed 12/3/73.]

WAC 236-54-990 Appendix A--Management organization chart of state archivist.

APPENDIX A

AGENCY	150	General Administration
PROGRAM	030	Archives and Records Management



[Order 11, Appendix A (codified as WAC 236-54-990), filed 12/3/73.]

WAC 236-54-99001 Appendix B--Form--Request for public records.

APPENDIX B

REQUEST FOR PUBLIC RECORDS

Name of Requestor:

Address:

Phone:

Date of Request:

Time of Request:

Nature of Request:

- 1. Index Reference -----
-
-
-
-
-
-

Signature -----

For Office Use Only:

- (1) Request Granted Record Withheld Record Withheld In Part
- (2) If withheld, name the exemption contained in section 31, chapter 1, Laws of 1973 which authorizes the withholding of the record or part of record: Subsection (1) ().
- (3) If withheld, briefly explain how the exemption applies to the record withheld.
- (4) If request granted, time -----, day -----

[Order 11, Appendix B (codified as WAC 236-54-99001), filed 12/3/73.]

Chapter 236-56 WAC
PUBLIC RECORDS

- WAC 236-56-010 Purpose.
- 236-56-020 Scope-conflict with other regulations.
- 236-56-030 Definitions.
- 236-56-040 Description of central and field organization of department of general administration.

236-56-050	Organizations, operations and procedures.
236-56-060	Public records available.
236-56-070	Public records officer.
236-56-080	Office hours.
236-56-090	Requests for public records.
236-56-100	Copying.
236-56-110	Exemptions.
236-56-120	Review of denials of public records requests.
236-56-130	Protection of public records.
236-56-140	Records index.
236-56-150	Address for requests.
236-56-160	Adoption of form.

WAC 236-56-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of general administration with the provisions of chapter 1, Laws of 1973 (Initiative 276) (chapter 42.17 RCW), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

[Order 75-6, § 236-56-010, filed 8/20/75.]

WAC 236-56-020 Scope-conflict with other regulations. This chapter is intended to apply only to those divisions, sections, and agencies of the department of general administration for which separate rules and regulations on the subject of public records have not been or may not be promulgated. In case of any conflict between these rules and regulations, and other rules and regulations adopted for any division, section or agency of the department of general administration, adopted prior to or subsequent to these regulations, such other rules and regulations shall control and these rules and regulations shall be deemed inapplicable to such a division, section or agency.

[Order 75-6, § 236-56-020, filed 8/20/75.]

WAC 236-56-030 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **Department of general administration.** The department of general administration is established by chapter 43.19 RCW. The department of general administration shall hereinafter be referred to as the "department." Where appropriate, the term department also refers to the staff and employees of the department of general administration.

[Order 75-6, § 236-56-030, filed 8/20/75.]

WAC 236-56-040 Description of central and field organization of department of general administration.

[Title 236 WAC—p 42]

The department is an administrative, service and regulatory agency. The administrative office of the department and its staff are located at the General Administration Building, Olympia, Washington 98504. The department maintains permanent and temporary field offices and stations at other locations throughout the state of Washington for administrative convenience, but the central administrative office is the only place at which public records are permanently stored and the only place at which the department will accept requests for information or copies of public records and agency decisions.

[Order 75-6, § 236-56-040, filed 8/20/75.]

WAC 236-56-050 Organizations, operations and procedures. The department of general administration is the primary business and service agency of Washington state government.

The department is organized and reorganized from time-to-time pursuant to chapter 43.19 RCW and other provisions of Washington law. Detailed charts or records of the structure and organization of the department and its divisions will be made available to the public by request on the same terms and conditions as any other public record maintained by the agency.

Through its various divisions and operating units it carries on the following functions:

(1) Purchases and/or leases all goods and services needed by all state agencies with limited exceptions; disposes of unneeded personal property of all state agencies at public or private sale; contracts for testing of all goods and provides the manner of inspection of all goods on delivery, storage and distribution;

(2) Maintains an inventory record of all state owned personal property;

(3) As the contracting agency for the state of Washington, administers and manages the federal surplus property program and the U.S.D.A. donable food program including direct distribution;

(4) Manages the central stores operation for volume buying and leasing of supplies, equipment, and services for all state agencies including large warehousing facilities for centralized storage and distribution of items of common use;

(5) Acts as agent for all state agencies in the purchasing, leasing or renting of real estate needed for offices, warehouses, or similar purposes; acquires by purchase, lease and/or construction, real property to lease or sublet to state agencies; purchases land required for the four year and community colleges; performs property management for the east capitol site on rentals and leases and supervises income therefrom for bond redemption;

(6) Supervises the design and construction of new buildings and alterations in the capitol group and does comprehensive planning for the capitol area; provides similar services for other state buildings and all state institutions, four year colleges and community colleges, except the University of Washington and Washington State University, and all other agencies which do not maintain their own architectural staff;

(7) Supervises and conducts comprehensive facilities planning programs for all state agencies throughout the state to provide most efficient utilization of space, consolidation and grouping of agencies, and to determine needs for additional capital projects;

(8) Maintains and has the care, custody and control of all buildings and grounds of the capitol group including the west campus, east capitol site, Deschutes Basin, Deschutes Parkway and Capitol Lake including all access roads and the maintenance and care of all parking facilities;

(9) Maintains, manages and operates all parking facilities at the state capitol including promulgation of rules and regulations relative to pedestrian and vehicular traffic on the capitol grounds; supervises and manages rental income from parking facilities for bond redemption; maintains, manages and operates the Washington state motor pool;

(10) Maintains and operates a centralized messenger service for state agencies on and off the capitol grounds in the Olympia-Lacey-Tumwater area;

(11) Maintains and manages the general administration facilities and services revolving fund for recovery from all state agencies of costs incurred in the rendering of services, furnishing equipment, supplies, materials, providing or allocating facilities, and for all costs of operating and maintaining, repairing, remodeling or furnishing any building structure facility and all pertinent grounds connected therewith;

(12) Supervises the chartering, examination, regulation, liquidation or merging of all state banks, mutual savings banks, small loan companies, industrial loan companies, industrial development corporations, savings and loan institutions, credit unions and similar financial institutions or companies;

(13) Operates and manages the state archives, records center and records management program for state and local records and an essential records program to assure the continuity of civil government; operates a centralized microfilm bureau; supervises and manages within the facilities and services revolving fund the recovery of costs incurred in this program;

(14) Operates and manages the forms management center; provides guidance to state agencies in forms development and design, maintains inventories of standard forms for support of all state activities; coordinates forms procurement requirements with the state printer;

(15) Supervises, manages and operates the state data processing service center including all software and data communications, systems development and agency coordination, programming and systems, as well as operations;

(16) Manages, administers and operates statewide communications systems including statewide intercity telephone system (SCAN), WATS, CENTREXES, data communication, and similar systems; provides counsel and assistance to all state agencies relative to development of communication systems; administers and manages coordination of state systems with other governmental entities as required;

(17) Acts in conjunction with and in support of the state capitol committee in the designing and developing of overall plans, amendments and modifications of the capitol campus in its entirety;

(18) Provides staff support on various matters to the administrative board, state purchasing advisory committee, Washington state management improvement council, and various other committees.

The structure, operations and procedures of the department may change from time-to-time as prescribed by Washington law. The foregoing statements are not intended to be exhaustive or represented to be accurate in the indefinite future. Detailed information on the operation and procedures of the department at any given time will be available at the central administrative offices of the department and supplied upon request on the same terms and conditions as any other public record held by the department.

Titles 236, 50 and 419 WAC all pertain to the operation of the department of general administration or specific divisions or sections thereof.

[Order 75-6, § 236-56-050, filed 8/20/75.]

WAC 236-56-060 Public records available. All public records of the department, as defined in WAC 236-56-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided in chapter 1, Laws of 1973 (chapter 42.17 RCW) or other provisions of law.

[Order 75-6, § 236-56-060, filed 8/20/75.]

WAC 236-56-070 Public records officer. The department's public records shall be in the charge of the public records officer designated by the department. The office of the person so designated shall be located in the administrative office of the department. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 75-6, § 236-56-070, filed 8/20/75.]

WAC 236-56-080 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 75-6, § 236-56-080, filed 8/20/75.]

WAC 236-56-090 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be

inspected or copies or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the department's staff, if the public records officer is not available, at the administrative office of the department during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the department's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 75-6, § 236-56-090, filed 8/20/75.]

WAC 236-56-100 Copying. No fee shall be charged for the inspection of public records. The department shall charge a fee of 25¢ per page of copy for providing copies of public records and for use of the department's copy equipment. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying.

[Order 75-6, § 236-56-100, filed 8/20/75.]

WAC 236-56-110 Exemptions. (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 236-56-090 is exempt under the provisions of section 31, chapter 1, Laws of 1973 (chapter 42.17 RCW) or some other applicable provision of law.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 75-6, § 236-56-110, filed 8/20/75.]

[Title 236 WAC—p 44]

WAC 236-56-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request for review must be accompanied by a copy of the written statement by the public records officer or other staff member which constituted or accomplished the denial.

(2) Upon receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer to the director of the department. The director shall consider the matter and either affirm or reverse such denial. A final decision by the director (or, in his absence, one entitled to act on his behalf) shall be made promptly and within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 75-6, § 236-56-120, filed 8/20/75.]

WAC 236-56-130 Protection of public records. Records will be made available to the requester subject to the following restrictions:

- (a) The records may not be removed from the area designated.
- (b) The quantity of records may be limited in conformance with the requested use.
- (c) All possible care will be taken by the requester to prevent damage to the records.
- (d) Records may not be marked or altered in any way.
- (e) Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is prohibited.
- (f) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.
- (g) Records may not be cut or mutilated in any way.
- (h) Records must be kept in the order in which received.
- (i) All copying of records will be done by departmental personnel.
- (j) Records will be returned to the public records officer or his designee by the requester when no longer required and no later than the end of the customary office hours as set forth in WAC 236-56-080.

[Order 75-6, § 236-56-130, filed 8/20/75.]

WAC 236-56-140 Records index. (1) INDEX. The department has available to all person [persons] a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public a subdivision of state government, or of any private party.

(2) AVAILABILITY. The current index promulgated by the Department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 75-6, § 236-56-140, filed 8/20/75.]

WAC 236-56-150 Address for requests. All communications with the department including but not limited to the submission of materials pertaining to its operation and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the department's decisions and other matters, shall be addressed as follows: Department of General Administration, Attn: Public Records Officer, General Administration Building, Olympia, Washington 98504.

[Order 75-6, § 236-56-150, filed 8/20/75.]

WAC 236-56-160 Adoption of form. The department hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix "A," entitled "Request for public record." [Form—Request for public records, was not attached when filed.]

[Order 75-6, § 236-56-160, filed 8/20/75.]

Chapter 236-60 WAC

SUGGESTED DESIGN AND CONSTRUCTION STANDARDS OF SIDEWALK AND CURB RAMPS FOR THE PHYSICALLY HANDICAPPED PERSON WITHOUT UNIQUELY ENDANGERING THE BLIND

WAC	
236-60-001	Purpose.
236-60-005	Scope.
236-60-010	Definition.
236-60-020	Design standards.
236-60-030	Advance warning system for the blind.
236-60-040	Types of suggested textures.
236-60-050	Curb ramp types.
236-60-060	Curb ramp typical.
236-60-070	Curb ramp—Type "A."

(1989 Ed.)

236-60-080	Curb ramp—Type "B."
236-60-090	Curb ramp—Type "C."
236-60-100	Factors to be considered.

WAC 236-60-001 Purpose. The purpose of this chapter is to provide several suggested model design, construction, and location standards to aid counties, cities, and towns in constructing curb ramps to allow reasonable access to the crosswalk for physically handicapped persons without uniquely endangering blind persons in accordance with chapter 137, Laws of 1977 ex. sess. (chapter 35.68 RCW).

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-001, filed 1/24/78.]

WAC 236-60-005 Scope. The design construction and location standards set forth in chapter 236-60 WAC are suggestions only, and must be read in conjunction with the requirements of RCW 35.68.075 and any applicable code.

If these suggested standards are followed they should be used as a guide and not as a substitute for engineering judgment based on the conditions existing at any particular location.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-005, filed 1/24/78.]

WAC 236-60-010 Definition. As used in this chapter, the following words shall have the following meanings:

(1) Handicapped pedestrian – a pedestrian, or person in a wheelchair, who has limited mobility, stamina, agility, reaction time, impaired vision or hearing, or who may have difficulty walking, with or without assistive devices.

(2) Curb ramp – an interruption in a curb with a ramp from roadway to walk which forms a part of the accessible route of travel, no part of which projects into the roadway. It includes a center ramp and two shoulder slopes.

(3) Center ramp – the sloped surface providing pedestrian access to the roadway.

(4) Shoulder slope – the sloped flared sides on each side of the center ramp, providing a gradual incline from the edge of the center ramp to the sidewalk.

(5) Landing – a level area at least as wide as and, as long as, the width (except as otherwise provided), and within or at a terminus of, a stair or ramp, but not less than 5'["10" in width.

(6) Main pedestrian path – the walkway used by the pedestrian traffic clear of utility poles, signs, and parking meters.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-010, filed 1/24/78.]

WAC 236-60-020 Design standards. The following construction standards are applicable to all curb-ramps set forth in this chapter.

(1) The width of the center ramps shall be at least thirty-six inches.

(2) Shoulder slopes shall not exceed one inch in 6.

[Title 236 WAC—p 45]

(3) The center ramp slope shall not exceed 1 in 12 and the cross slope shall not exceed 1 in 50.

(4) Curb ramps should contain a slip-resistant surface.

(5) The site of the curb ramp should be graded and drained to eliminate pooling of water or the accumulation of ice or water on the ramp, the ramp landing, or at the toe of the ramp.

(6) Handrails shall not be used at any point of access along the curb ramp.

(7) Curb ramps should be outside of the main pedestrian path.

(8) Whenever curb ramps are placed in the main flow of pedestrian traffic, the following standards prevail:

- (a) Align with the direction of pedestrian traffic.
- (b) Advance warning system.

(9) The curb ramp should be distinguished from surrounding surfaces either by color or texture.

(10) There should be no abrupt change in elevation to exceed 1/2 inch.





(11) A landing 5 feet x 5 feet should be located at top and bottom of every curb ramp.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-020, filed 1/24/78.]

WAC 236-60-030 Advance warning system for the blind. Whenever curb ramps are placed in the main flow of pedestrian traffic, an advance warning system is necessary in order to aid the blind. Warning materials should be adapted to local conditions. This texture should be in advance of a ramp curb. (See WAC 236-60-060.)

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-030, filed 1/24/78.]

WAC 236-60-040 Types of suggested textures.

WAC 236-60-040 TYPES OF SUGGESTED TEXTURES	
1	 <p>Tactile surface, such as using metal insert in concrete, with recessed pattern, and remove insert.</p>
2	 <p>Brick-Masonry (Rough finish)</p>
3	 <p>Aggregate stones shall be 5/8 inches maximum.</p>
4	 <p>Traffic Buttons - not more than 1/4 inch high, 2 to 4 inches on center. Bright color. Buttons may be part of the concrete surface pattern.</p>

Notes:

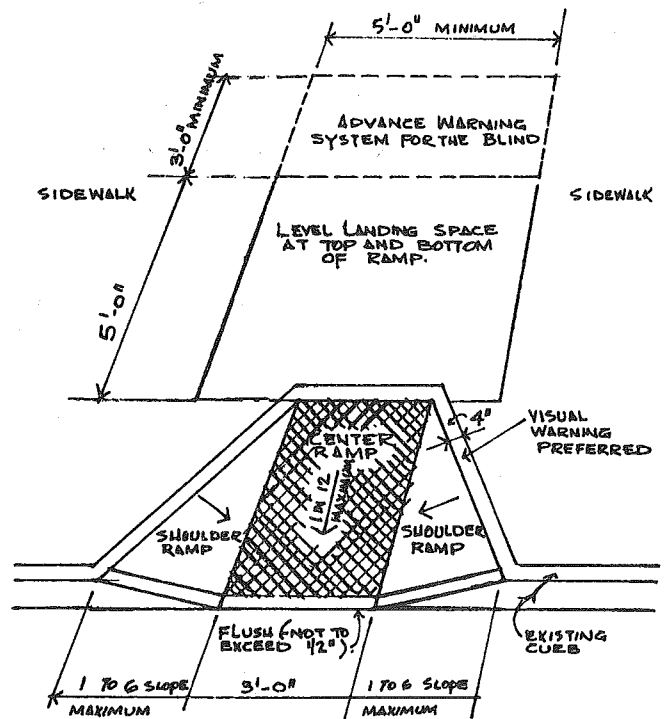
- (a) Type No. 1 is recommended for the center ramp surface.
- (b) These standards are not a substitute for engineering judgment. They provide design guidance.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-040, filed 1/24/78.]

WAC 236-60-050 Curb ramp types. The curb ramp depicted in WAC 236-60-060 is the suggested design for a typical curb ramp including warning system. The drawings contained in WAC 236-60-070, 236-60-080, and 236-60-090 show the suggested location for curb ramps in three different but typical curb situations. All of these drawings are guidelines and are intended to show design concept.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-050, filed 1/24/78.]

WAC 236-60-060 Curb ramp typical. The following is a design for a typical curb ramp:

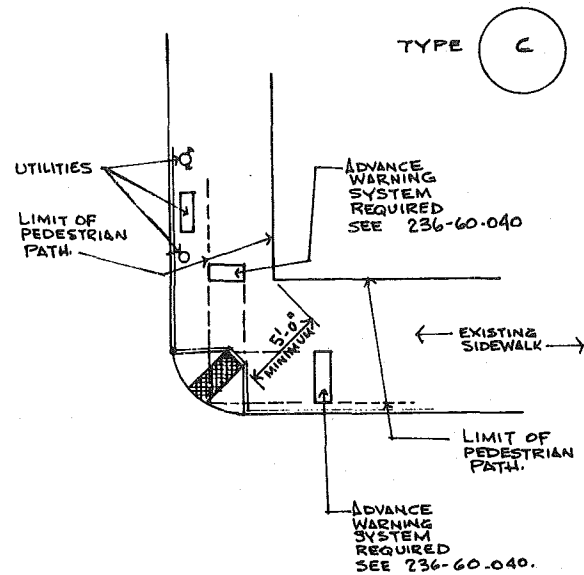
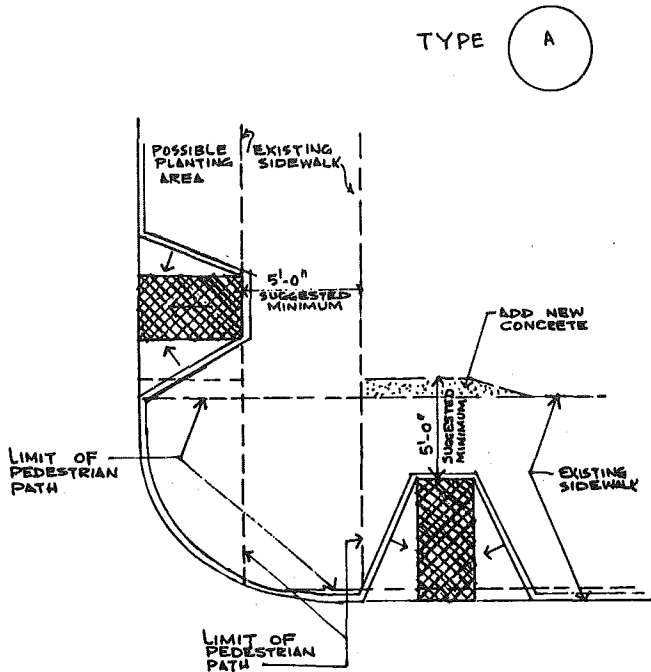


- (1) Texturing of center ramp recommended, with metal grid placed in wet concrete and then removed to leave ridged surface pattern. Pattern not to exceed 1/2" width.
- (2) Advance warning strip (shown dotted), necessary when ramp is in direct line of main pedestrian path.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-060, filed 1/24/78.]

WAC 236-60-070 Curb ramp--Type "A."

WAC 236-60-090 Curb ramp--Type "C."

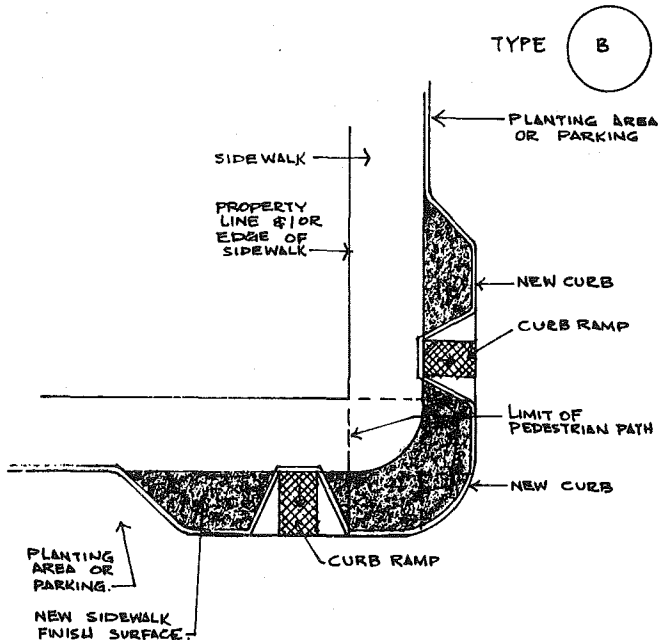


This curb ramp type is acceptable when utilities are a conflict and/or the street grade exceeds twenty-five to one (4%).

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-070, filed 1/24/78.]

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-090, filed 1/24/78.]

WAC 236-60-080 Curb ramp--Type "B."



- (1) This curb ramp type can be used with the existing planting area or with the sidewalk extension into the parking area.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-080, filed 1/24/78.]

WAC 236-60-100 Factors to be considered. Factors which should be considered by a city, town or county when deciding whether to follow or deviate from the design, surface textures and/or location standards set forth in this chapter include, but are not limited to, the following:

- (1) Street alignments and curb configurations that are substantially different from the curb situations shown.
- (2) An adjacent driveway or loading ramp.
- (3) Unusual sidewalk textures in the vicinity.
- (4) Steeper street grades.
- (5) Utility vaults.
- (6) Whether a different design or location would assist the handicapped pedestrian without uniquely endangering the blind.

[Statutory Authority: RCW 35.68.076. 78-02-066 (Order 77-5), § 236-60-100, filed 1/24/78.]

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.

[Title 236 WAC—p 48]

(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.]