

WSR 23-15-020
EXPEDITED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed July 7, 2023, 2:11 p.m.]

Title of Rule and Other Identifying Information: WAC 326-20-087
Public works small business enterprise.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: Amends RCW 39.19.030(7) to adopt rules
under chapter 34.05 RCW, Administrative Procedure Act, governing a
public works small business certification program.

Reasons Supporting Proposal: Passing of SB [2SSB] 5268.

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

Statute Being Implemented: WAC 326-20-087 [appears as filed by
agency].

Rule is not necessitated by federal law, federal or state court
decision.

Name of Proponent: Office of minority and women's business enter-
prises, governmental.

Name of Agency Personnel Responsible for Drafting, Implementa-
tion, and Enforcement: Sharon Harvey, 1110 Capitol Way South, Suite
150, Olympia, 360-704-8437.

This notice meets the following criteria to use the expedited
adoption process for these rules:

Content is explicitly and specifically dictated by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROC-
ESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEAR-
INGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE
RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU
OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EX-
PRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Julie Brack-
en, Washington State Office of Minority and Women's Business Enterpri-
ses, 1110 Capitol Way South, Suite 150, Olympia, WA 98504, phone
360-664-9750, fax 360-586-7079, email rules@omwbe.wa.gov, AND RECEIVED
BY October 3, 2023.

July 7, 2023
Julie Bracken
Public Records Officer
Rules Coordinator
Records Manager

OTS-4747.1

NEW SECTION

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

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

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

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