

Chapter 468-601 WAC
LEASES WITH PRIVATE ENTITIES FOR RETAIL SERVICES AT PARK AND RIDE LOTS
—ACCOMMODATIONS FOR LOCAL BUSINESS

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WAC

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WAC 468-601-010 Leases with private entities. Washington state department of transportation (WSDOT) may enter into lease agreements with private entities allowing them to operate franchises for food or beverage services, restaurants, grocery and convenience stores, or other services that are of benefit to the traveling public at park and ride lots owned by the department if the following conditions are met:

- The leased property is not presently needed for highway purposes.
- The agreement contains such terms and conditions as will ensure that the leased property will be used in a manner that is not inconsistent with the functions and operations of the applicable park and ride lot.
- The agreement protects the state and the local transit agency from commercial harm or other type of harm.
- The department ensures it receives best value for use of the property by using a competitive procurement process or other reasonable manner to solicit proposals.
- The agreement provides that the state is compensated in legally sufficient amounts for the use of the underlying right of way; that oversight and management of the agreement is provided for; and that any remaining compensation is distributed as required by law including, but not limited to, RCW 47.04.295 and 47.66.070.
- The term of a concession contract will generally not exceed ten years, unless WSDOT determines that necessary construction or other capital improvements to be undertaken at the site warrant a longer term.

[Statutory Authority: RCW 47.04.295. WSR 13-12-070, § 468-601-010, filed 6/5/13, effective 7/6/13.]

WAC 468-601-020 Competitive selection process. When entering into lease agreements with private vendors for retail concessionaire or franchise services at its park and ride lots, WSDOT shall conduct a competitive and transparent procurement process. The selection process shall comply with all applicable state laws and policies that govern WSDOT. All solicitation documents shall clearly indicate the process to be followed including, but not limited to, the following:

- Notification of solicitation via the Washington electronic business solution (WEBS) website;
- Appointment of a procurement coordinator;
- A schedule of procurement activities;
- Proposer/submitter question and answer period;
- Public notification of apparently successful proposer/submitter;
- An optional proposer/submitter debrief; and
- Complaint and protest procedures.

[Statutory Authority: RCW 47.04.295. WSR 13-12-070, § 468-601-020, filed 6/5/13, effective 7/6/13.]

WAC 468-601-030 Notification to local businesses. WSDOT shall make reasonable efforts to contact similar retail businesses within a one-fourth mile radius of the park and ride entrance, and shall provide a notice of proposed action for park and ride locations that are under consideration for retail operations. WSDOT shall give local businesses the opportunity and a meaningful amount of time to prepare and submit a compliant proposal through the competitive process.

[Statutory Authority: RCW 47.04.295. WSR 13-12-070, § 468-601-030, filed 6/5/13, effective 7/6/13.]

WAC 468-601-040 Local business preference. Preference in competing for lease agreements shall be given to established local businesses. To be eligible for the preference, an established local business must be offering a similar product or service at a retail outlet that is located within a one-fourth mile radius of the entrance of the park and ride facility; and the retail outlet must have been in operation for at least one hundred twenty days prior to the scheduled solicitation date. A competitive procurement preference shall be granted in each of the following ways:

- The procurement process must allow for the established local retailer to be notified that WSDOT has received one or more letters from potential retailers indicating their intent to compete for a lease at the subject park and ride lot. Upon notification, the established local retailer shall be granted an opportunity to submit a proposal. The period of time allowed for the local retailer's submission of a compliant proposal shall not be less than the time allowed for other proposers to respond; and

- Eligible local businesses shall receive local preference scoring during the evaluation phase of the selection process. WSDOT shall add five percent of total possible points to the final scoring of the site proposal.

[Statutory Authority: RCW 47.04.295. WSR 13-12-070, § 468-601-040, filed 6/5/13, effective 7/6/13.]