

Board of County Commissioners Leon County, Florida

Policy No. 14-1

Title: Vending Machine Services Policy

Date Adopted: February 25, 2014

Effective Date: October 1, 2014

Reference: NA

Policy Superseded: NA

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a new Policy is hereby adopted.

I. PURPOSE

In the best interest of the health and convenience of County residents and employees who work in or visit County facilities or property, and in the interest of utilizing County resources wisely, the purposes of this Policy are to:

- A.** To establish requirements and guidelines for the installation and operation of vending machines on County Property.
- B.** To regulate the sale of food and beverages on County Property in order to:
 - 1. assure compliance with regulations of the State of Florida, the Fire Marshal and other regulatory agencies;
 - 2. manage County liability;
 - 3. control food and beverage locations, types of food and beverage services, including healthy choices, and other associated conditions;
 - 4. ensure that the sale of vending products does not conflict with other County agreements; and,
 - 5. provide for contract administration and verification of all vending commission payments received by the County.

II. SCOPE AND RESPONSIBILITY

This Policy governs the management and administration of all Vending Machines and any associated contracts for such machines designed to dispense food, beverages and other items located on any County Property, unless exempted as stated in the Policy.

- A. The Facilities Management Director shall have the primary responsibility for the management and administration of Vending Machines located on any County Property. County staff shall contact the Division of Facilities Management to report compliance issues with Vending Machines.
- B. Each Division Director shall be responsible for dissemination, implementation and compliance with this Policy for all Vending Machines located within the facilities they inhabit.
- C. The Policy shall apply to all County staff occupying or utilizing County Property.
- D. Except for Sections IV. D. 2-4, IV.G. and V., this Policy shall not be applicable to any Vending Machine managed or operated by a Constitutional Office or a Court-related Office.

III. DEFINITIONS

- A. A “Vending Machine” shall mean any device that dispenses food, drink or other items in return for monetary consideration.
- B. A “Vendor” shall mean any person who owns or operates a Vending Machine.
- C. “Constitutional Office” shall mean the officers and staff of the Clerk of Court, the Property Appraiser, the Sheriff, the Supervisor of Elections, and the Tax Collector.
- D. “Court-related Office” shall mean, as set forth in Section 29.008(1), Florida Statutes, the offices of the Circuit and County Courts, the Public Defender, the State Attorney, the Guardian Ad Litem, and the Clerk of the Circuit Court and County Courts performing Court-related functions.
- E. “County” shall mean Leon County, Florida.
- F. “County Property” shall mean any real property owned or leased by the County and shall include all facilities and curtilage appurtenant thereto.
- G. The “Vending Review Team” shall mean the County staff assigned to review vending operations and to make determinations regarding changes to operations, acceptability of products for resale, price increases, and additions/deletions of products.

IV. GENERAL PROVISIONS

- A. **Vending Machine Procurement.** It shall be the Policy of the County that all contracts for Vending Machine services are awarded in accordance with applicable laws, ordinances, and rules.
- B. **Vending Machine Permits.** The County does not regulate Vending Machine permits/licenses or any other sales operation.

C. Prohibition. The County prohibits the operation of any Vending Machines on County Property wherein the profits from the operation of such devices go to County employees, County Commissioners, or any other receiver other than the County General Administrative Fund.

D. Vending Machine Installation.

1. Vending Machine equipment may be installed on County Property only under the contractual terms of a formal award between a Vendor and the County. The solicitation for services shall be made under the requirements of the Leon County Purchasing and Minority, Women and Small Business Enterprise Policy.
2. Any County, Constitutional Office, or Court-related Office desiring installation of a Vending Machine on County Property shall make a prior written request to the Director of Facilities Management for the installation of a Vending Machine.
3. Prior to installation of any Vending Machine on County Property, Facilities Management will review submitted requests and conduct the following tasks:
 - a. Assess the proposed location of the Vending Machine(s) to ensure adequate space is available, which will include approvals by the Risk Manager and Facilities Management Director or his/her designee;
 - b. Evaluate and confirm sufficient electrical power is available and that the Vending Machine(s) meet the current electrical standards as approved within the Florida Electrical Code compliance manual;
 - c. Evaluate and certify the proposed Vending Machine(s) can be secured in such a way as to prevent it from being rocked, bounced or tipped.

If Facilities Management approves the installation, the contract/project manager shall contact the Vendor and obtain the Vending Machine(s) equipment, in accordance with the terms and conditions of any awarded contract.

4. Vending Machine equipment shall be kept to a minimum and should not be requested unless justified on the basis of service needs. All equipment with internal compressors for refrigeration of goods to be vended shall meet energy efficiency standards, as specified in the vending procurement and/or vending services contract. Vending Machines not meeting such standards may not be approved; and, if already installed, shall be disconnected and removed by the vendor.

E. Revenue. Revenue from the Vending Machine operations shall be deposited into the General Administrative Fund of the County. All payments of commissions must be made to "Leon County, Florida" in the form of a check by the Vendor, in accordance with the terms of the vending agreement and delivered to Facilities Management.

F. Removal. Vending Machine companies or Vendor shall be ordered to remove any equipment that has not been installed in compliance with this Policy. Facilities Management will give written notice to the Vendor requiring removal of their machine.

G. Facility Requirements.

1. Electrical

- a. All Vending Machines utilizing electrical power shall be grounded with an approved three wire cord and plug. All Vending Machines that distribute perishable foods shall have a lock on the power cord plug to prevent accidental or intentional disconnection. Facilities Management shall check all Vending Machines for compliance during installation.
- b. Vending Machines shall be properly wired and grounded to prevent electrical shock, and shall comply with applicable federal, state and local codes and standards. The Vendor shall be responsible for installation of electrical circuits when there are no existing circuits available, or if existing circuits are inadequate.
- c. All equipment with internal compressors for refrigeration of goods to be vended shall meet energy efficiency standards as specified in the vending procurement and/or resultant agreement.

2. General

All maintenance and repairs of the Vending Machine(s), and associated facilities, shall be the responsibility of the Vendor. No modifications to a building structure, electrical systems, plumbing, or any other part of the physical plant of any building or facility on County Property may be performed without prior written approval from the Division of Facilities Management and the Real Property Agent, if applicable. All authorized modifications shall be at the expense of the Vendor, unless otherwise agreed to by the County.

H. Agreement. An agreement between the County and the Vendor shall be required for all Vending Machine(s) services/placements. Such written agreement(s) shall contain provisions requiring compliance with health and sanitation standards, insurance requirements, regular re-stocking, procedures for handling of complaints/refunds, regular maintenance, locations for placement of machines, fees to the County, and other necessary or proper terms and conditions.

V. VENDING MACHINES

A. Vending Machine Markings

1. All Vending Machines shall have a sticker on the front surface of the machine with the Vendor's name and contact phone number.

2. The County shall place a County approval tag number on all approved Vending Machines located on County Property. This tag indicates approval of both the machine and location of the machine. Vendors with Vending Machines identified without a County approval tag number shall be required to remove the subject vending machine.
3. All Vending Machines shall be removed by the Vendor when so directed by Facilities Management. In the event that said Vending Machine(s) is not timely removed by the Vendor, Facilities Management may remove and otherwise dispose of same, in accordance with the terms of the vending contract or as otherwise set forth in law.

B. Placement of Vending Machines. No Vending Machines shall be permitted on County Property without prior approval of Facilities Management and under appropriate contract terms. Vending Machines placed on County Property without such approval shall be disconnected and subject to immediate removal.

The Facilities Management Director, or designee, may authorize the placement of Vending Machines in strategic locations on County Property where traffic patterns or other circumstances warrant their placement.

1. Prior to installation, the location of new or replacement Vending Machines shall be submitted for review and approval to the Facilities Management Director, or designee. Requests for obtaining new Vending Machines or relocating existing Vending Machines are to be submitted to the Facilities Management Director, or designee, who shall make any such decision based upon the following factors:
 - a. Building design criteria, including, but not limited to, floor live loads, Florida Building Code, Americans with Disabilities Act (ADA), etc.
 - b. The level and location of pedestrian traffic must warrant the placement of vending machine(s). In addition, the area must have adequate electrical outlets, waste containers, and reasonable security (i.e., sufficient lighting, unobstructed view for maintenance and security staff).
 - c. The location of Vending Machines must not be detrimental to or detract from the conduct of work activity. Potential noise or traffic disturbances shall be considered to insure the performance of business will not be disturbed.
 - d. In determining whether to locate a Vending Machine on County Property the Division of Facilities Management may also consider:
 - i. commission fees;
 - ii. utility consumption;
 - iii. maintenance requirements;
 - iv. trash removal;
 - v. costs;
 - vi. condition, aesthetics, risks, operating noise, odors, etc. associated with the Vending Machine;
 - vii. degree of service response by Vendor; and,
 - viii. any other consideration that may be required for such placement.

2. Vending Machines may not be located in corridors unless adequate space has been provided, as determined by the Risk Manager, Facilities Management, and the Fire Marshal. A County approval tag number issued by the Facilities Management Director, or designee, must be attached to all Vending Machines.
3. The Vending Machine may not in any way obstruct or otherwise interfere with emergency exits or access areas.
4. Vending Machines must be securely fastened to the wall, floor, or other structure, or otherwise secured in such a way as to prevent it from being rocked, bounced, or tipped. Fastening method shall be proposed to and approved in advance by the Division of Facilities Management.
5. Failure to comply with the provisions of this Policy may result in removal or disablement of the Vending Machine.

VI. FOOD AND BEVERAGE OPERATIONS

A. General Vending Machine and Product Handling Standards

1. All Vending Machines shall meet the standards of the National Automatic Merchandising Association and be listed in their latest "Listing of Letters of Compliance," or meet the standards of the National Sanitation Foundation and be listed in their "approved list," or the equivalent thereof.
2. No microwave oven will be allowed to be used in conjunction with a vending operation, unless approved for safety and other considerations by Facilities Management, who shall provide a written determination whether the Vending Machine will be allowed. No microwave ovens will be permitted in public areas.
3. All food and beverage products must be delivered and placed in Vending Machines in their original wrappers, or in a sanitized bulk dispenser that fits on the Vending Machine as a unit.

B. Nutrition Standards for Vending Machine Beverages and Snacks

1. Beverages: 25% of beverages offered in each Vending Machine shall be one or a combination of the following:
 - a. Water;
 - b. Sports Drink;
 - c. Fruit based drinks containing at least 50% juice and no added caloric sweeteners;
 - d. All other non-caloric beverages, including diet sodas.

2. Snacks/Foods: 25% of snacks/foods offered in each Vending Machine shall meet the following criteria:
 - a. Not more than 35% calories from fat with the exception of nuts and seeds; snack mixes and other foods of which nuts are a part must meet the 35% standard;
 - b. Not more than 10% of calories from saturated fat;
 - c. Does not contain trans fats added during processing (hydrogenated oils and partially hydrogenated oils);
 - d. Not more than 35% total calories from sugar and caloric sweeteners with the exception of fruits and vegetables that have not have been processed with added sweeteners or fats;
 - e. At least one item meeting the snack criteria in each vending machine shall also meet the FDA definition of “low sodium” (-140 mg per serving);
 - f. At least one (1) 100-calorie snack pack.
3. Consultation: The Health & Well-Being Coordinator shall be available to consult with Vendors on item placement in Vending Machines, healthy item identification strategies, and consumer outreach and education. The Health & Well-Being Coordinator may consult with the Cooperative Extension Office on an as needed basis in relation to healthy item selection and identification strategies.

C. Vending Review Team

1. The Vending Review Team shall consist of the County staff assigned to review vending operations and to make determinations regarding changes to operations, acceptability of products for resale, price increases, and additions/deletions of products. The Team shall be appointed by the County Administrator and minimum membership shall include the Facilities Management Director, or designee, serving as the Chair, and the Health & Well-Being Coordinator.
2. The primary function of the Vending Review Team is to standardize Vending Machine operations to include, authorization of items offered in the machines, including additions and deletions to the master list.
3. The approved master product list will be reviewed as needed, but not less than annually by the Vending Review Team. All additions/deletions to this list must be recommended by the Vending Review Team.

VII. LIMITATIONS OF POLICY

- A. Vending Machines that offer the following shall not be permitted on County Property:
 1. Tobacco, prophylactics, sexually explicit items, alcoholic content beverages, lottery tickets, phone cards, etc.
 2. Cup beverage and/or machines requiring an external water source.

- B.** Microwaves associated with vending machines shall not be allowed in public areas on County Property.
- C.** Only those vending machines specified and awarded in the Vending Machine contract will be permitted on County Property.
- D.** Stand-alone dispensers and kiosks shall not be permitted on County Property.
 - 1. stand-alone dispensers shall mean any device that dispenses only gum, candy, nuts, or newspapers in return for monetary consideration
 - 2. kiosks shall mean any device that holds newspapers, magazines, or brochures. The kiosks are generally waterproof and set outdoors and contain items at no charge to the public.
- E.** This Policy does not apply to:
 - 1. Pay phones;
 - 2. ATM Machines;
 - 3. food prepared offsite that is sold to individuals and delivered to a County Facility/Building (e.g., pizza delivery services);
 - 4. packaged food that is sold by student organizations in fundraising efforts; (e.g., Girl Scout cookies);
 - 5. food and beverage services that are part of the programs or activities by outside groups, except that in such cases the sale of food or beverages must be included in the approval of such groups to use County facilities (e.g., United Way fundraising events, etc.);
 - 6. food and beverage services provided in the Snack Bar in the Courthouse or in other similar concession areas on County Property; and
 - 7. coffee services or water services provided by contracted vendors.

VIII. EXCEPTIONS TO THE POLICY

- A.** Exceptions to the requirements of this Policy may be granted by the County Administrator:
 - 1. when deemed to be in the best interest of the County; and
 - 2. when such exceptions do not violate existing contracts for food and beverage services.
- B.** Requests for exceptions must be made in writing, and approvals for a specific location, for a specified time or duration, and for an identified type of food or beverage service, shall be reduced to writing. Use of County Property may be subject to fees, commissions, or reimbursable charges.

IX. VENDOR SOLICITATIONS

The County may issue a competitive solicitation for selecting a Vendor(s) to provide Vending Machines and related services. Any solicitation for Vending Machines and related services should include a copy of the standard vending agreement form with a statement that the selected contractor (if any) shall execute the standard vending agreement and comply with all applicable laws and County requirements.

X. INSURANCE REQUIREMENTS

Each Vendor shall provide proof of insurance, in a form and amount approved by the County, to adequately protect the County from, and against, any and all liability associated with the placement or operation of any Vending Machine on County Property.

Adopted February 25, 2014