

CAMERON COUNTY

VENDING MACHINES POLICY AND PROCEDURES

In the interest of the health of County residents and employees who work in or visit County facilities, the Commissioners Court has adopted (Date) a policy for healthy vending machines and vending consolidation.

Cameron County recognizes the service and convenience that vending machines provide to County employees and the general public. The County will maintain vending machines in strategic locations throughout the County and peripheral properties where traffic patterns or other circumstances warrant their placement.

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I. PURPOSE

- A. To manage, control the sale of food and beverages, and identify requirements and guidelines for entering into contracts for installation and operation of vending machines on Cameron County property, as per defined Policies and Procedures.
- B. It is necessary for Cameron County to regulate the sale of food and beverages on County Property in order to:
 - 1. assure compliance with regulations of the Texas Department of State Health Services, the Texas Alcoholic and Beverage Control Commission, Fire Marshall and other regulatory agencies;
 - 2. manage Cameron County's liability exposure;
 - 3. control food and beverage locations, types of food and beverage services, and other associated conditions;
 - 4. ensure that the sale of these products does not conflict with any negotiated contracts or agreements;
 - 5. and provide for all contract and verification of all commission payments as received by County's Treasurer's Department.

II. SCOPE AND RESPONSIBILITY:

This policy covers Management and Administration of all Vending Machines and any associated term contracts for such machines designed to dispense food, beverages located in any County owned, leased or operated space or facility.

The Facilities Manager has primary responsibility for the management and administration of vending machines located in any Cameron County owned, leased or operated space or facility.

The Health Administrator has primary responsibility for periodic auditing of vending machines for compliance with nutrition standards outlined in this policy.

The Facilities Manager shall be responsible for dissemination, implementation and compliance with this policy for all vending machines operated by the department or located within their department facilities.

Department heads utilizing vending machines or who are responsible for vending machine contracts shall contact the Facilities Manager to report compliance issues with this policy.

III. POLICY

A. General Policies

1. It is the Policy of Cameron County that all contracts for vending machine services be awarded in accordance with applicable laws and rules and that those involved in the procurement process perform their responsibilities in a fiscally prudent and ethical manner.
2. The County does not regulate vending machine permits / licenses or any other sales operation. The County prohibits operation of machines on County Property of which profits go to County employees or County Elected Officials.
3. Vending operations on County Property / Facilities produce substantial revenue for the County. Efficiency in the administration and supervision of vending operations requires that all appointed and elected officials comply with these policies and procedures.

4. Vending machine equipment may be installed on County premises only under the terms of formal proposal award between the vending company and Cameron County. These proposal awards are approved only by Commissioners' Court.

Elected or appointed officials, or administrative heads desiring installation of vending equipment in their areas of operation should make a written request to the Facilities Manager for the required vending machine.

5. Building / Facilities Maintenance Department will inspect the premises and review the service requirements of such installations with the department. If the Building / Facilities Maintenance Department concurs that the installation is warranted, Purchasing will obtain the equipment under the awarded contracts (subject to Commissioners' Court approval).
6. Because of utility requirements, vending equipment should be kept to a minimum and should not be requested unless justified on the basis of service needs.
7. Prior to installation of any machines inside or outside of any County building, the location of all vending machines must be approved by the Commissioners' Court, after review and approval by the Safety Department and Facilities Management regarding electrical connections and machine safety concerns. Machines may not be located in corridors unless adequate space has been provided as determined by the Safety Department and Facilities Management.
8. Revenue from the vending installations other than those in regular revenue producing activities such as Parks, Bridges are credited to the General Administrative Fund of the County.
9. Vending machine companies will be ordered to remove any equipment that has not been installed in compliance with these policies and procedures. Purchasing Department will notify the Vending Machine Companies.

B. Vending Machine Markings

All Vending Machines must have a sticker on front surface of machine with the Vendor's name and contact phone number in order to address service and refund concerns.

The County will also place a County approval tag numbers on all approved machines located on County property. Vendors with machines identified without approval tag will be contacted to address removal.

If Vending Machine Company cannot be contacted, the machine(s) in question will be moved by Building Maintenance Department to a storage location and a sign will be placed at vacant location notifying vendor that the Vending Machine has been removed along with contact person's name and phone number (Building Maintenance Dept.) to arrange for pick-up of machine(s) in question.

C. Placement of Vending Machines

No independently owned vending machines will be allowed on County property without prior approval of the Commissioners' Court. Vending machines (discovered) placed on County property without Commissioners' Court approval shall be removed and placed in storage for pick-up by vendor. Snack vending machines may be permitted to operate on County property for the sale of food items to County employees and members of the public who use the facilities subject to the requirements noted in this policy.

The Facilities Manager or designee will authorize the placement of vending machines in strategic locations throughout the county where traffic patterns or other circumstances warrant their placement and subject to Commissioners' Court final approval.

1. Prior to installation, the location of new or replacement vending machines must be submitted to be reviewed and approved by the Facilities Manager and subject to Commissioners' Court approval.

Location and Security of Vending Machines:

Requests for obtaining new vending machines or relocating existing machines are to be submitted to the Facilities Manager who will make decisions based upon two major factors:

- a. The level and location of pedestrian traffic must warrant the placement of vending machines. 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).
- b. The location of vending machines must not be detrimental to or detract from the conduct of work activity. Potential noise or traffic

disturbances must be considered to insure performance of daily business will not be disturbed.

- c. In determining whether to locate a vending machine on County property the County will also consider:
 - 1. commission fees
 - 2. utilities
 - 3. maintenance
 - 4. trash removal; and
 - 5. costs; and
 - 6. any other consideration which may be required in such contract.

- d. Machines may not be located in corridors unless adequate space has been provided as determined by the Fire Marshall. An approval notice issued by the Facilities Manager must be attached to all vending machines.

- e. The vending machine may not in any way obstruct or otherwise interfere with emergency exits or access areas.

- f. 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.

- g. Failure to comply with these provisions may result in removal or disablement of the vending machine.

D. Facility Requirements

1. Plumbing

For machines that require an external water source, connections must be made from a potable water supply. In the event this is not possible, the vending machine owner will be responsible for establishment of an alternative source.

Plumbing installation, when needed, shall include valves and backflow prevention devices that comply with State and local code requirements. Fixtures and other installations are expected to appear neat and professional.

2. Electrical

All vending machines utilizing electrical power shall be grounded with an approved three wire cord and plug. All machines vending perishable foods shall have a lock on the power cord plug to prevent accidental or

intentional disconnection. County Building Facilities Manager will check all machines for compliance during installation.

Vending machines must be properly wired and grounded to prevent electrical shock, and must comply with applicable federal, state and local codes and standards. The vending machine owner is responsible for installation of electrical circuits when there are no existing circuits available, or if existing circuits are inadequate.

3. General Facility Requirements

All maintenance and repairs will be the responsibility of the vending machine owner, unless otherwise agreed upon by the Facilities Maintenance Division of Facilities Management Department.

No modifications to building structure, electrical systems, plumbing, or any other part of the physical plant of any County building may be performed without prior approval from the Facilities Maintenance Department. In the case of a property leased by the County, the Real Property Agent assigned to the property will perform additional review of proposed facility modifications. All authorized modifications will be at the expense of the vending machine owner, unless otherwise agreed upon by the County.

E. Payment of Commissions

All payments of Commissions must be made to the Cameron County Treasurers Department – in the form of a check by Vendor - on a monthly basis and payable to Cameron County.

F. Food and Beverage Operations

1. All vending machines must 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. Any microwave oven used in conjunction with a vending operation must be approved for safety by the County Facilities Maintenance Division prior to installation.
3. All food and beverage products must be delivered and placed in machines in their original wrappers or in a sanitized bulk dispenser that fits on the machine as a unit.
4. The areas surrounding all machines are to be kept clean and proper waste and/or recycling receptacles shall be provided in the immediate area
5. All food vending machines must comply with the Texas Health and Safety Code Chapter 431, Code of Federal Regulations 229.211-229.222 and the Texas Administrative Code Title 25 part 1, Chapter 229 subchapters F

and.N. Machines not complying with the above criteria or the State law shall be removed from service.

G. 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. Gatorade or (equivalent)
 - c. Fruit based drinks containing at least 50% juice and no added caloric sweeteners.
 - c. 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:
 - II. 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
 - III. Not more than 10% of calories from saturated fat
 - IV. Does not contain trans fats added during processing (hydrogenated oils and partially hydrogenated oils)
 - V. Not more than 35% total weight from sugar and caloric sweeteners with the exception of fruits and vegetables that have not have been processed with added sweeteners or fats
 - VI. 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)
 - VII. At least one (1) 100 calorie snack

3. Consultation: Department of Health and Human Services will be available to consult with vendors on item placement in machines, healthy item identification strategies, and consumer outreach and education.

H. Limitations of Policy

1. This policy includes food and beverage sales through
 - a. vending machines – public areas
 - b. vending machines – non public areas

2. Machines not allowed in County Buildings
 - a. tobacco
 - b. refrigerated food, sandwich machines
 - c. cup beverage and/or machines requiring an external water source
 - d. only machines as specified and awarded in the Vending machines Proposal will be allowed in County facilities.

3. This policy excludes
 - a. Newspaper Machines
 - b. Pay phones
 - c. ATM Machines
 - d. Non profit (Comm. Court approved) Vending machines
 - e. food prepared offsite which is sold to individuals and delivered to a County Facility / Building (e.g., pizza delivery services);
 - f. Packaged food which is sold by student organizations in fund-raising efforts; (e.g., Girl Scout cookies);
 - g. food and beverage services which 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., Charro Days etc.)

I. Exceptions to the policy

1. Exceptions to this policy may be made only by Commissioners' Court
 - a. when deemed to be in the best interest of Cameron County
 - b. when such exceptions will not violate existing contracts for food and beverage services nor unfairly compete with the approved service.
2. Requestes for exceptions must be made and approved in writing, and approvals for a specific location, for a specified time or duration, and for an identified type of food or beverage service. Use of County facilities may be subject to fees, commissions and / or reimbursable charges. As part of the request, vendors will be required to submit evidence of a valid certificate for the facility issued by the State of Texas Board of Health Vendors will be required to show evidence of insurance coverage written in an amount and under terms and conditions as specified by the County Attorney.
3. Non-profit "charitable organizations" machines.
These machines will not be part of RFP.
These Vending machines will require Commissioners Court approval (in Writing) prior to placing at County Buildings.

IV PROCEDURES

A. Solicitation of Vending Contractors

1. Cameron County will advertise for proposals that will achieve best value in selecting a contractor or contractors to provide vending services. In developing the desired qualifications and selecting a contractor, all Departments shall comply with these County Policies on Vending machine

service providers, selection, and monitoring.

2. Cameron County issuing a solicitation for Proposals for vending machine services should include a copy of the attached standard Cameron County Machine Agreement form in its solicitation documents, with a statement that the selected contractor (if any) will be expected to sign the standard Cameron County Vending Machine Agreement and comply with all applicable statutory and County requirements. This agreement should have a term of one year with the expiration date identified and an allowance for a one year extension.