

Non-Instructional Operations and Business Services

Vending Machines

I. Purpose

This policy establishes procedures to govern vending machines installed in school district facilities.

II. General Statement of Policy

It is the policy of the school district to contract for, supervise, maintain, and account for the proceeds from vending machines located in district facilities in a manner that is fair, that maximizes the revenues from those machines, and that establishes controls to avoid fraud, theft, or the appearance of impropriety.

III. Authorization

Automatic vending machines for the dispensing of food, beverages, or other approved items are authorized in any facility in the district provided all contracts for such vending machines are approved by the school board, as provided in this policy.

IV. Supervision; Approval; Location

- A. All vending machines will be under the supervision of the school principal or other person in charge of the facility in which the machine is located. That administrator will be responsible to supervise the operation of the machine so as to be in compliance with this policy and any applicable laws.
- B. The items to be dispensed from a vending machine located in a school facility will be approved by the principal or other person in charge of that facility. All food, beverages, or other items approved will be appropriate to the school setting and consistent with Policy 533 (Student Wellness - Food, Nutrition and Physical Activity). In the event a written complaint is filed with the district regarding the approval or disapproval of any item, the superintendent, after proper review, will make the final determination.
- C. Vending machines may be approved that will dispense items only during certain hours, through the use of timers or other means. Vending machines should not be operated in competition with the school cafeteria or food service. The principal or other person in charge of the school facility may regulate the hours of operation of any machine.
- D. Vending machines will be located to meet any applicable building, fire or life/safety

codes, and to provide convenience of operation, accessibility, and ease of maintenance. The principal or other person in charge of the facility will review the location of each machine with appropriate maintenance and food service staff.

- E. All vending machines will comply with district advertising guidelines as set forth in district policy.

V. Contract Approval

- A. All contracts for the purchase or rental of vending machines must be authorized by the school board.
- B. If it is estimated that the aggregate receipts from all vending machines located in a school district facility will be \$10,000 or more in a fiscal year, the contract for any vending machine in that facility must be awarded after the receipt of sealed bids and in compliance with state law.
- C. If it is estimated that the aggregate receipts from all vending machines located in a district facility will be less than \$10,000 in a fiscal year, the contract for any vending machine in that facility may be awarded after the receipt of two or more quotations after taking into consideration conformity with the specifications, terms of delivery, other conditions imposed in the call for quotations, and compliance with state law.
- D. The contracting process will be conducted in compliance with state law. A copy of this policy will be included in any specifications or request for proposals or quotations. A record will be kept of all bids or quotations received with the names, amounts, and successful bidder indicated. All bids and quotations will be kept on file as a public record for a period of at least one year after their receipt.
- E. Any bid or quotation must specify all commissions to be paid from the machine and any other non-commission amounts to be paid as a result of the award of the contract. The non-commission amounts include, but are not limited to, cash payments, in-kind payments, equipment donations, scholarship contributions, bonus payments, or other payments or contributions of any kind or nature. The non-commission amounts will be reduced to a cash equivalency and will be specified on the bid or quotation as an additional amount to be paid for the award of the contract.
- F. If a contract contains a provision allowing exclusivity, such as all machines in the building carrying only a certain manufacturer's brand of beverage or merchandise, that provision must be reviewed by the administration prior to requesting bids or quotations to ensure that it does not conflict with other contracts of the district.
- G. All contracts for vending machines must be approved by the board. Any contract not made in compliance with this policy will be void. Any district employee signing an unauthorized contract may be subject to personal liability thereon and may be disciplined for said action.

- H. All vending machines are to be installed at the expense of the facility in which they are located. All financial responsibility for the maintenance and repair of machines will remain with the individual facility in which they are located to the extent not addressed in the contract.
- I. No teacher, administrator, district employee, or board member will be interested, directly or indirectly, in a vending machine contract with the district or personally benefit financially therefrom.

VI. Accounting

All financial activity related to the operation of district vending machines will be accounted for in accordance with district policy.

Legal References:

Minn. Stat. § 123B.20 (Dealing in School Supplies)

Minn. Stat. § 123B.52 (Contracts)

Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)

Minn. Stat. § 471.87 (Public Officers, Interest in Contract; Penalty)

Cross References:

Policy 210 (Conflict of Interest – School Board Members)

Policy 533 (Student Wellness - Food, Nutrition and Physical Activity)

Policy 703 (Accounting)

Policy 905 (Advertising)

Policy

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INDEPENDENT SCHOOL DISTRICT NO. 273

Edina, Minnesota