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720 VENDING MACHINES

I. PURPOSE

The purpose of this policy is to establish procedures to govern vending machines installed in school facilities in the school district.

II. GENERAL STATEMENT OF POLICY

The policy of the school district is to contract for, supervise, maintain and account for the proceeds from vending machines located in school facilities in a manner that is fair, that maximizes the revenues from those machines, allows those revenues to be included in the budget of the facility in which they are generated, 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 school facility in the school district provided that all contracts for such vending machines are approved by the school board as provided in this policy.

III. SUPERVISION; APPROVAL; LOCATION

- A. Finance and Operations Department is responsible for the vending machines and pouring rights.
- B. The items to be dispensed from a vending machine located in a school facility shall be approved by the Finance and Operations Department in charge of that facility. All food, beverages or other items approved shall be appropriate to the school setting. Machines dispensing cigarettes or tobacco products are not authorized under any circumstances. In the event a written complaint is filed with the superintendent regarding the approval or disapproval of any item, the school board, after proper review, shall make the final determination.
- C. Vending machines may be approved that will dispense items only during certain hours, through the use of timers or otherwise. Vending machines should not be operated in competition with the school cafeteria or food service. The Finance and Operations Department in charge of the school facility may regulate the hours of operation of any

machine.

- D. Vending machines shall be located to meet any applicable building or fire or life/safety codes and to provide convenience of operation, accessibility and ease of maintenance.

V. **CONTRACT APPROVAL**

- A. All contracts for the purchase or rental of vending machines shall be considered by the school board on a facility by facility basis.
- B. If the estimated aggregate receipts from all vending machines located in a school 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 compliance with Minnesota Statute, § 123B.52.
- C. If the estimated aggregate receipts from all vending machines located in a school 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 and after taking into consideration conformity with the specifications, terms of delivery, other conditions imposed in the call for quotations and compliance with Minnesota Statute, § 123B.52.
- D. The contracting process shall be conducted in compliance with Minnesota Statute, § 123B.52. A copy of this policy shall be included in any specifications or request for proposals or quotations. A record shall be kept of all bids or quotations received with the names, amounts and successful bidder indicated. All bids and quotations shall 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 shall be reduced to a cash equivalency and shall 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 pop, 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 school district.
- G. All contracts for vending machines must be approved by the school board. Any contract not made in compliance with this policy shall 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 the machines are located. All financial responsibility for the maintenance and repair of machines shall remain with the individual facility in which the machines are located to the extent not addressed in the contract.
- I. No teacher, administrator, school district employee or school board member shall be interested, directly or indirectly, in a vending machine contract with the school district or personally benefit financially therefrom.

VI. ACCOUNTING

- A. Proceeds from vending machine sales and contracts shall be under the control of the school board, shall be accounted for in one of the regular school district funds, and must be accounted for and reported in compliance with UFARS.
- B. An amount equal to the amount of the proceeds from the machines in each facility shall be included in the revenues of the facility in which the proceeds are generated. That amount may be expended in accordance with established expenditure procedures.
- C. Pursuant to the vending machine contract or otherwise, proper auditing and inventory control procedures shall be established to ensure that commissions are being correctly calculated and paid.

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: CHSD Policy 210 (Conflict of Interest-School Board Members)
CHSD Policy 702 (Accounting)