

Vending Machine Operations in Public Buildings

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January 24, 2020 | 2020-R-0054

Issue

Explain what public buildings, including schools, are covered by the Department of Aging and Disability Services' (ADS) statutory authority regarding vending machine operations.

Summary

By law, ADS (formerly known as the Department of Rehabilitative Services, or DORS) has the right of first refusal on all vending services in any state or municipal building. These services include vending machines, snack bars, and cafeterias ([CGS § 10-303\(a\)](#), as amended by [PA 19-157](#)). (Federal law gives similar authority to ADS in federal buildings ([20 U.S.C. 107 et seq.](#)))

The law requires the authority in charge of state- or municipally-owned, operated, or leased property to grant ADS a permit to run any on-site vending operations. This permit gives ADS a right, superior to all others, to operate vending facilities in public buildings. ADS regulations require the authority in charge of the property to give written notice of its intent to establish a vending facility or install a vending machine on site.

Within 30 days after receiving notice, the executive director (now the ADS commissioner) or his or her designee must check the location of the proposed facility for its potential value as a vending facility to be operated by a blind vendor and either:

1. request a permit or
2. notify the state or municipal authority in writing of his or her decision not to request a permit.

According to ADS's Bureau of Education and Services for the Blind (BESB), the primary criteria used in evaluating a vending facility are (1) the availability of a blind individual to operate it and (2) whether the income-earning potential of the facility can support him or her. If the director requests a permit, the state or municipal authority must issue it, thereby authorizing ADS to establish and maintain a vending facility (including machines) on the property. If the executive director fails to respond to the notice within 30 days or indicates his decision not to request a permit, the state or municipal authority can contract for other vending services ([Conn. Agencies Res., § 10-303-18](#)).

ADS has interpreted the law to allow it to both license its own clients to operate vending services, as well as subcontract with food service companies who can place vending machines in public buildings.

The only exception to ADS's right of first refusal is a statutory provision allowing vendors who operated stands before the law's effective date (October 1, 1945) to continue in that capacity. The regulations governing the vending program, which ADS refers to as its Business Enterprise Program within BESB, do not specify exceptions to this rule. All other commissions received by BESB are reinvested in the Business Enterprise Program (staff salaries, support of blind operators, etc.), which does not receive a state appropriation.

According to BESB, there are approximately 1,200 vending operation locations in public buildings statewide, including approximately 90% of town halls. In practice, ADS does not seek to operate vending machines under certain circumstances. This includes in cases where the vending machine is not wanted or profitable (e.g., a rural town hall with a staff of 10 people).

In the case of schools, ADS does not operate vending machines located in school cafeterias. In those cases, the vending operation is considered a part of and performed within a wider contract for food services that the department would not seek to or be able to perform. ADS operates vending machines outside of school cafeterias, however. The department first contracted with Coca-Cola in 1999 and has renewed this contract twice since then through competitive solicitation for 5-year terms. (DAS oversees all contract bids and their execution.)

The contract allows school districts statewide to retain the commissions paid by Coca-Cola instead of placing those commissions (25% of sales revenues for beverages and 15% of sales revenues for snacks) into the BESB account. The school must use those funds for student activities. BESB had previously retained the commission payments in the case of sales in teachers' lounges, however no longer does as it was administratively burdensome to break out the comingled revenues. BESB similarly does not retain commissions from municipal parks and recreation vending operations.

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