

**BY ORDER OF THE SECRETARY
OF THE AIR FORCE**



**DEPARTMENT OF DEFENSE INSTRUCTION
1125.03**

**DEPARTMENT OF THE AIR FORCE
INSTRUCTION 34-124**

20 DECEMBER 2022

Services

**VENDING FACILITY PROGRAM FOR
THE BLIND ON DEPARTMENT OF
THE AIR FORCE PROPERTY**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Air Force Policy Directive 34-1, *Air Force Services*, and supplements Department of Defense Instruction (DoDI) 1125.03, *Vending Facility Program for the Blind on Department of Defense-Controlled Federal Property*. The DoDI is printed word-for-word in regular font without editorial review. Department of the Air Force (DAF) supplementary material is printed in bold font and indicated by “(Added)(DAF)”. It provides uniform guidance on the vending facility program for the blind on federal property under Department of the Air Force control. This instruction does not apply to full-service food facilities, mess attendant services, or other services supporting the operation of a military dining facility. It has been developed in collaboration between the Deputy Chief of Staff for Manpower, Personnel and Services (AF/A1), the Deputy Chief of Space Operations for Human Capital (SF/S1), the Chief of the Air Force Reserve (AF/RE) and the Director of the Air National Guard (NGB/CF). This publication applies to the entire Department of the Air Force, including the Regular Air Force, the United States Space Force, the Air Force Reserve, and the Air National Guard (when located on federal property). Ensure all records generated as a result of processes prescribed in this publication adhere to AFI 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with Department of the Air Force Records Disposition Schedule, which is located in Department of the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the office of primary responsibility using Department of the Air Force Form 847, *Recommendation for Change of Publication*; route DAF

Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented at any level, but all supplements must be routed to the office of primary responsibility of this publication for coordination prior to certification and approval. The authorities to waive wing, unit or delta level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See Department of the Air Force Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*, for a description of the authorities associated with the tier numbers. Submit requests for waivers through the chain of command to the appropriate tier waiver approval authority or alternately to the requestor’s commander for non-tiered compliance items.

SUMMARY OF CHANGES

This publication has been changed to a Department of the Air Force Instruction (DAFI) to incorporate the United States Space Force (USSF).



Department of Defense
INSTRUCTION

NUMBER 1125.03

December 22, 2009

Incorporating Change 1, Effective December 1, 2017

USD(P&R)

SUBJECT: Vending Facility Program for the Blind on DoD-Controlled Federal Property

References: See Enclosure 1

1. **PURPOSE.** This Instruction:

a. Reissues DoD Directive (DoDD) 1125.3 (Reference (a)) as a DoD Instruction in accordance with the authority in DoDD 5124.02 (Reference (b)).

b. Assigns responsibilities in compliance with section 107 et seq. of title 20, United States Code and chapter 3, part 395 of title 34, Code of Federal Regulations (References (c) and (d)), and establishes the following policies within the Department of Defense:

(1) Uniform policies for application of priority accorded the blind to operate vending facilities.

(2) Requirements for satisfactory vending facility sites on DoD-controlled property; and

(3) Vending machine income-sharing requirements on DoD-controlled property.

c. Prescribes requirements and operating procedures for the vending facility program for the blind on DoD-controlled Federal property.

d. Does NOT apply to full food services, mess attendant services, or services supporting the operation of a military dining facility.

2. **APPLICABILITY.** This Instruction applies to:

a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

b. Vending facility sites on DoD-controlled property.

c. (Added)(DAF) This instruction applies to Department of the Air Force installations and locations in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that a DoD Component having accountability for real property shall extend priority on such property to the blind when implementing Reference (c).

a. The blind shall be given priority in the establishment and operation of vending facilities.

b. The blind shall be given priority in the award of contracts to operate cafeterias.

c. In conjunction with acquisition or substantial alteration or renovation of a building, satisfactory sites shall be provided for operation of blind vending facilities. **(Added)(DAF) A determination that a building contains a satisfactory site is presumed if the State licensing agency and the on-site official consult and agree that the site or sites provided are satisfactory.**

d. Specified income from vending machines operated on DoD-controlled property by a DoD Component either directly or by contract shall be given to State licensing agencies.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. DoD Component requirements and operating procedures are described in Enclosure 3.

7. INFORMATION REQUIREMENTS. Within 90 days after the end of each fiscal year, the DoD Components shall forward to the Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)) the total number of applications for vending facility locations received from State licensing agencies; the number accepted; the number denied; the number still pending; the total amount of vending machine income collected (excluding income exempt from the income sharing requirements by paragraph 6.c. of Enclosure 3 of this Instruction); and the amount of such vending machine income disbursed to State licensing agencies in each State. These reporting requirements have been assigned Report Control Symbol DD-P&R(A)2210, according to Volume 1 of DoD Manual 8910.01(Reference (e)).

8. RELEASABILITY. **Cleared for public release.** *This instruction is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.*

9. SUMMARY OF CHANGE 1. The change to this issuance is administrative and updates references for accuracy.

10. EFFECTIVE DATE. This Instruction is effective *December 22, 2009*.



Gail H. McGinn

Deputy Under Secretary of Defense (Plans)
Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)

JOHN A. FEDRIGO

Principal Deputy Assistant Secretary
(Manpower and Reserve Affairs)

Enclosures

1. References
2. Responsibilities
3. DoD Component Requirements and Operating Guidance Glossary
- 4. (Added)(DAF) Sample Forms and Memorandums**

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 1125.3, “*Vending Facility Program for the Blind on Federal Property*,” April 7, 1978 (hereby canceled)
- (b) DoD Directive 5124.02, “*Under Secretary of Defense for Personnel and Readiness (USD(P&R))*,” June 23, 2008
- (c) Section 107 of title 20, United States Code, **(Added)(DAF) Randolph-Sheppard Act**
- (d) Chapter 3, part 395 of title 34, Code of Federal Regulations
- (e) DoD Manual 8910.01, Volume 1, “*DoD Information Collections Manual: Procedures for DoD Internal Information Collections*,” June 20, 2014, as amended
- (f) DoD Instruction 4165.70, “*Real Property Management*,” April 6, 2005
- (g) **(Added)(DAF) AFPD 34-1, Air Force Services, October 11, 2018**
- (h) **(Added) (DAF) AFI 33-322, Records Management and Information Governance Program, March 23, 2020**
- (i) **(Added) (DAF) DAFMAN 90-161, Publishing Processes and Procedures, April 15, 2022**
- (j) **(Added) (DAF) Public Law 74-732, Randolph Sheppard Act of 1936, June 20, 1936**
- (k) **(Added) (DAF) Public Law 83-565, Vocational Rehabilitation Amendments of 1954, August 3, 1954**

(Added)(DAF) Adopted Forms

(Added)(DAF) DAF Form 847, Recommendation for Change of Publication

ENCLOSURE 2

RESPONSIBILITIES

1. PDUSD(P&R). The PDUSD(P&R), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall establish policies and procedures and monitor the Vending Facility Program.

2. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall assign responsibilities and establish policy and procedures for appropriated fund contracts.

3. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components, in monitoring their respective programs, shall:

a. Approve or disapprove State licensing agency applications for permits and the provision of satisfactory sites.

b. Issue policies and procedures to designate and establish responsibilities of the on-site official.

c. Suspend or terminate a permit to operate a vending facility after consulting with the PDUSD(P&R) where circumstances warrant.

e. Ensure appropriate real property out-grants are accomplished in accordance with DoDI 4165.70 (Reference (f)) and consistent with References (c) and (d).

f. (Added)(DAF) Commander, Air Force Services Center administers this program on behalf of the Department of the Air Force and shall:

(1) (Added)(DAF) Approve or disapprove all blind vending permits after the Department of the Air Force Installation Mission Support Center, Office of the Staff Judge Advocate, Services Law Division, legal review.

(2) (Added)(DAF) Coordinate actions on applications for vending facility permits and determinations concerning satisfactory sites with Army and Air Force Exchange Service, as appropriate, when the designated sites may negatively affect the sales and patronage of Army and Air Force Exchange Service activities.

(3) (Added)(DAF) Oversee, develop and publish current operational guidance and procedures for the Vending Facility Program for the Blind on Department of the Air Force installations.

4. ON-SITE OFFICIAL. The on-site official shall be the point of contact with State licensing agencies and shall:

- a. Consult with State licensing agencies on articles and services to be provided.
- b. Establish appropriate limitations on the location or operation of a vending facility upon finding that the granting of a priority under References (c) and (d) would adversely affect the interests of the United States. The On-Site Official shall justify this limitation in writing through the Head of the DoD Component concerned and the PDUSD(P&R) to the Secretary of Education for determination of whether the limitation is warranted.
- c. Notify State licensing agencies of acquisition or substantial alteration or renovation of property.
- d. Negotiate with State licensing agencies on other matters and adhere to guidance provided in Enclosure 3 of this Instruction.
- e. **(Added)(DAF) Ensure that the operator is in fact a state licensed blind person and that sighted employees or assistants are utilized only to the extent reasonably necessary.**
- f. **(Added) (DAF) Department of the Air Force installation commanders will serve as the on-site-official and must comply with established guidance and procedures set by the Air Force Services Center Commander. (T-1) For Department of the Air Force locations without installation commanders, the senior individual in command of the location serves as the “On-site Official.”**
- g. **(Added)(DAF) The Force Support Squadron Commander/Director provides the installation staff support relating to this instruction.**

ENCLOSURE 3

DoD COMPONENT REQUIREMENTS AND OPERATING GUIDANCE

1. The DoD Components in control of the maintenance, operation, and protection of Federal property shall take necessary action to ensure the requirements set forth in this enclosure are implemented for these properties.
2. The blind have a priority to operate vending facilities on DoD property, whenever feasible, in light of appropriate space and potential patronage. Implementation of this priority is not required when:
 - a. The number of people using the property is or will be insufficient to support a vending facility; or
 - b. The Secretary of Education determines that the limitation on the placement or operation of a vending facility is warranted pursuant to paragraph 4.b. of Enclosure 2 of this Instruction, which is binding on the DoD Component. Notice of the Secretary of Education's determination will be published in the Federal Register.
 - c. **(Added)(DAF) The on-site official determines, after conferring with Air Force Services Center, that the interests of the United States would be adversely affected if the priority were accorded.**
 - (1) (Added)(DAF) The installation's need to generate non-appropriated funds doesn't alter the priority for the blind to operate vending facilities.**
 - (2) (Added) (DAF) This factor alone is not sufficient to support a determination that the interests of the United States would be adversely affected.**
3. Applications for permits by the State licensing agency to operate vending facilities (except cafeterias) on DoD-controlled property must be submitted in writing to the Head of the DoD Component concerned through the on-site official. When an application is not approved, the Head of the DoD Component concerned shall advise the State licensing agency in writing and shall indicate the reasons for the disapproval. Permits shall describe the location of the vending facility and shall be subject to the following requirements:
 - a. The permit shall be issued in the name of the State licensing agency.
 - b. The permit shall be issued for an indefinite period of time subject to suspension or termination upon failure to comply with agreed-upon terms. It shall be subject to termination by either party on 60 days written notice to the other party, in cases of:
 - (1) Inactivation of the installation or activity.
 - (2) Loss of use of a building or other facility housing the vending facility.

(3) Change in the DoD Component's requirements for service.

(4) Inability of the State licensing agency to continue to operate the vending facility.

c. The permit shall provide that:

(1) No charge shall be made by the DoD Component to the State licensing agency for normal repair and maintenance of the building, cleaning areas adjacent to the designated vending facility boundaries, or trash removal from a designated collection point (not to include any hazardous waste).

(2) The State licensing agency shall be responsible for cleaning and maintaining the vending facility appearance and its security within the designated boundaries of such facility and for all costs of every kind in conjunction with vending facility equipment, merchandise, and other products to be sold, except as provided in subparagraph 3.c.(5) of this enclosure. Neither party shall be responsible for loss or damage to the other's property, unless caused by its acts or omissions. The State licensing agency shall also be responsible for the acts or omissions of the blind vendor, the vendor's employees, or agents.

(3) Articles sold at such vending facilities may consist of newspapers, periodicals, publications, confections, tobacco products, foods, beverages, chances for any lottery authorized by State law and conducted by an agency of a State within such State, and other articles or services traditionally found in blind-operated vending facilities operated under Reference (c), as determined by the State licensing agency, in consultation with the on-site official, to be suitable for a particular location. Articles and services may be automatically or manually dispensed.

(4) Vending facilities shall be operated in compliance with applicable Federal, State, interstate, and local laws and regulations, including those concerning health and sanitation, the environment, and building codes.

(5) Installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval of the on-site official and the State licensing agency. The initiating party shall pay the costs of installation, modification, removal, relocation, or renovation. In any case of suspension or termination of a permit to operate a vending facility on the basis of noncompliance by either party, the costs of removal from the building shall be borne by the non-complying party.

d. The permit shall also contain appropriate provisions for reimbursement or direct payment for support services such as utilities and telephone service.

e. (Added)(DAF) Send all applications for permits associated with Department of the Air Force properties to the Air Force Services Center. Send information copies to Army and Air Force Exchange Service, where appropriate. See Enclosure 4, Figure 1. for a sample permit to use in processing State licensing agency applications. Do not change the format, except as follows:

(a) (Added)(DAF) Add the variable local information, e.g., type, location, and size of facility, operating hours, etc.

(b) (Added)(DAF) List types of articles sold (such as newspapers) in attachment C to the permit. The State licensing agency determines what items and services the vending facility will stock after consulting with the on-site official and in accordance with this Instruction (see Enclosure 3, paragraph 3.c (3) above).

4. In the event the blind licensee fails to provide satisfactory service or otherwise fails to comply with the requirements of the permit issued to the State licensing agency, the on-site official shall, after coordinating with the Head of the DoD Component, notify the State licensing agency of this deficiency in writing and request corrective action within a specified reasonable time. The notice shall indicate that failure to correct the deficiency shall result in temporary suspension or termination of the permit, as appropriate. Suspension or termination action shall be taken by the Head of the DoD Component concerned after consultation with the PDUSD(P&R).

(Added)(DAF) The Department of the Air Force on-site-official will coordinate with the Air Force Services Center, who will recommend suspension or termination action after legal review and coordination through the Air Force Installation Mission Support Center, Office of the Staff Judge Advocate, Services Law Division; Civil Law and Litigation Directorate, Office of the Judge Advocate General (AF/JAC); Headquarters Air Force Director of Services (AF/A1S); and the Office of the Principal Deputy Under Secretary of Defense for Personnel and Readiness. (T-1)

5. Any DoD Component-acquired (purchased, rented, leased, or constructed), substantially altered, or renovated building is required to have one or more satisfactory sites for a blind-operated vending facility, except as provided in paragraph 5.a. of this enclosure.

a. A determination that a building contains a satisfactory site or sites is presumed if the State licensing agency and the on-site official consult and agree that the site or sites provided are satisfactory.

(1) The Heads of the DoD Components shall notify the appropriate State-licensing agency by certified or registered mail, return receipt requested, of buildings to be acquired or substantially altered or renovated. (See the U.S. Department of Education Web Site, Office of Special Education and Rehabilitative Services at www.ed.gov for appropriate agencies.) This notification shall be provided at least 60 days in advance of the intended acquisition date or the initiation of actual construction, alteration, or renovation. As a practical matter, the State licensing agency should be contacted early in the planning or design stage of a project. This notification shall:

(a) State that a satisfactory site(s) for the location and operation of a blind vending facility is (are) included in the plans for the building.

(b) Include a copy of a single line drawing indicating the proposed location of such site(s).

(c) Advise the State licensing agency that, subject to the approval of the DoD Component, it shall be offered the opportunity to select the location and type of vending facility to be operated by a blind vendor prior to completion of the final space layout of the building.

(2) Advise that the State licensing agency must respond within 30 days to the DoD Component, acknowledging receipt of the correspondence from the DoD Component and indicating whether it is interested in establishing a vending facility and, if interested, signifying its agreement or alternate selection of a location and its selection of type of vending facility. A copy of the written notice to the State licensing agency and the State licensing agency's response, if any, shall be provided to the Secretary of Education. **(Added)(DAF) This notification will be made through Air Force Services Center (see Enclosure 4, Figure 2. for memorandum template).**

(3) If the State licensing agency's response to the DoD Component indicates that it does not desire to establish and operate a vending facility and sets forth any specific basis other than the insufficiency of persons to support a vending facility, or if the State licensing agency does not respond within 30 days, then a site meeting the anticipated needs of the DoD Component shall be incorporated. Each such site shall have a minimum of 250 square feet for sale of items and for storage of articles necessary for the operation of a vending facility.

(4) If the State licensing agency indicates that the number of persons using the property is or will be insufficient to support a vending facility, then a satisfactory site to be operated under the auspices of the State licensing agency shall not be incorporated. The on-site official shall, through the Head of the DoD Component, notify the Secretary of Education of the State licensing agency's response. **(Added)(DAF) This notification will be made through Air Force Services Center (see Enclosure 4, Figure 3. for memorandum template).**

b. The requirement to provide a satisfactory site shall not apply:

(1) When fewer than 100 Federal employees are located in the building during normal working hours; or

(2) When the building contains fewer than 15,000 square feet to be used for Federal Government purposes and the Federal Government space is used to provide services to the general public.

(3) The provisions of subparagraphs 5.b.(1) and 5.b.(2) of this enclosure do not preclude arrangements under which blind vending facilities may be established in buildings of a size or with an employee population less than that specified. For example, if a building is to be constructed that will contain only 30 Federal employees, upon agreement of the on-site official and the State licensing agency, the DoD Component may decide to provide a satisfactory site for a blind vending facility.

c. When a DoD Component is leasing all or part of a privately-owned building in which the lessor or any of its tenants have an existing restaurant or other food facility in a part of the

building not covered by the lease, and operation of a vending facility would be in substantial direct competition with such restaurant or other food operation, the requirement to provide a satisfactory site does not apply.

6. Vending machine income generated by the Department of Defense shall be shared with State licensing agencies as prescribed in paragraph 6.a. of this enclosure. The on-site official is responsible for collecting and accounting for such vending machine income (as defined in Enclosure 2 of this Instruction) and for ensuring compliance with the requirements of paragraphs 6.a. through 6.d. of this enclosure.

a. The vending machine income-sharing requirements are as follows:

(1) One hundred percent of the vending machine income from vending machines in direct competition with blind-operated vending facilities shall be provided to the State licensing agency.

(2) Fifty percent of the vending machine income from vending machines not in direct competition with blind-operated vending facilities shall be provided to the State licensing agency.

(3) Notwithstanding paragraph 6.a.(2) of this enclosure, 30 percent of the vending machine income from vending machines not in direct competition with blind-operated vending facilities and located where at least 50 percent of the total hours worked on the premises occurs during other than normal working hours (as defined in Enclosure 2 of this Instruction), shall be provided to the State licensing agency.

(4) (Added)(DAF) All direct costs are deducted from gross income prior to calculating shared income. (T-1)

b. The determination of whether a vending machine is in direct competition with the blind-operated vending facility is the responsibility of the on-site official subject to the concurrence of the State licensing agency.

c. These vending machine income-sharing requirements do not apply to:

(1) Income from vending machines operated by or for the military exchanges or ships' store systems; or

(2) Income from vending machines, not in direct competition with a blind-operated vending facility, at any individual location, installation, or facility where the total of the vending machine income from all such machines at such location, installation, or facility does not exceed \$3,000 annually.

d. The payment to State licensing agencies under these income-sharing requirements must be made quarterly on a fiscal-year basis.

7. Pursuant to section 395.37 of Reference (d), whenever any State licensing agency for the blind determines that any DoD activity is failing to comply with the provisions of Reference (c) and all informal attempts to resolve the issues have been unsuccessful, the State licensing agency may file a complaint with the Secretary of Education.

8. (Added)(DAF) Vending Operations Reporting Contact. Immediately report any contact by non-Department of Defense sources with any Department of the Air Force installation concerning requests for or questions about the program's benefits or entitlements to Air Force Services Center. (Exception: Routine contractor communications regarding appropriated fund or nonappropriated fund actions). Provide Department of the Air Force Services Center concurrent installation information reports. Inform the appropriate organizations listed for each of the following contact situations:

a. (Added)(DAF) Air Force Civilian Welfare Fund for contacts affecting nonappropriated fund instrumentalities subject to Air Force Civilian Welfare Fund jurisdiction.

b. (Added)(DAF) Army and Air Force Exchange Services for contacts affecting Army and Air Force Exchange Services activities.

c. (Added)(DAF) Assistant Secretary of the Department of the Air Force for Acquisition, Technology & Logistics (SAF/AQ) for contacts affecting appropriated fund activities.

d. (Added)(DAF) Take no action on such contacts without specific guidance and authorization from Air Force Services Center. This requirement applies to all such contacts with activities on Department of the Air Force installations, including those with Army and Air Force Exchange Services activities. (T-1)

9. (Added)(DAF) The "On-site Official" provides Air Force Services Center with immediate notification of any complaint filed by the State licensing agency or Force Support Squadron. Provide concurrent notice to the Air Force Services Center, and to the Army Air Force Exchange Service, as appropriate. This paragraph does not apply to disputes that arise under any appropriated fund or nonappropriated fund contracts. Process such disputes under the disputes procedures prescribed in the applicable contracts.

10. (Added)(DAF) The "On-site Official" submits all correspondence concerning determinations that United States interests would be adversely affected directly to Air Force Services Center. Provide information copies to Army and Air Force Exchange Service (Enclosure 3, para 8.b.), where appropriate.

(Added) (DAF) ENCLOSURE 4

(Added)(DAF) SAMPLE FORMS

Figure 1. Sample Application and Permit for Vending Facility on Federal Property

<p style="text-align: center;">DEPARTMENT OF EDUCATION Office of Human Services Rehabilitation Services Administration Washington D.C.</p> <p>APPLICATION AND PERMIT FOR ESTABLISHING A VENDING FACILITY ON FEDERAL PROPERTY AS AUTHORIZED BY P.L. 74-732, AS AMENDED BY P.L. 83- 565 AND SECTION 107 OF TITLE 20, UNITED STATES CODE (RANDOLPH- SHEPPARD ACT)</p> <p>The _____ of the State of _____ requests approval of _____ to place a vending facility on the property located at _____.</p> <p>SATISFACTORY SITE. This location meets the criteria of a satisfactory site as defined in 34 CFR 395.1(q). Attachment A documents exceptions.</p> <p>TYPE, LOCATION, AND SIZE OF FACILITY. Type of facility _____; facility location _____; Facility size _____. Attachment B is the Floor Plan. Attachment C lists the types of articles to be sold and services to be offered. Attachment D lists the required fixtures and equipment and specifies who must provide them. Attachment E lists the location, type, and number of vending machines that constitute all or part of the facility. The facility will operate _____ days of the week from _____ A.M. to _____ P.M., beginning _____.</p> <p>MACHINE INCOME SHARING. Attachment F lists the type and location of each vending machine on this property and the specific income-sharing provisions in 34 CFR 395.32 applicable to each machine. Disburse vending machine income to the State licensing agency on at least a quarterly basis (fiscal year) unless a mutual agreement specifies otherwise.</p> <p>FOR OTHER TERMS AND CONDITIONS SEE ATTACHMENT G.</p> <p>Sample application and permit for establishment of a vending facility on federal property (cont.)</p>
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Approving Property On-site Official

Approving State licensing agency Official

Title

Date

Title

Date

FIRST M. LAST, Rank, USAF
Randolph-Sheppard Act Program

Attachments:

- A. List of Exceptions
- B. Floor Plan
- C. Types of articles to be sold and services offered
- D. Required fixtures and equipment
- E. Location, type, and number of vending machines
- F. Type and location of vending machines and the specific income-sharing provisions
- G. Other Terms and Conditions

ATTACHMENT G
OTHER TERMS AND CONDITIONS

1. Both parties must comply with 34 CFR 395.16. The Department of the Air Force issues this permit for an indefinite period of time subject to suspension or termination on the basis of noncompliance by either party with any of the agreed upon terms and conditions of the permit. By mutual agreement, the State licensing agency and the property agency or owner may terminate the permit after providing notice of the intended termination, including the reason therefore and supporting documentation to the other party. Both parties must comply with all regulations issues in Title VI of the Civil Rights Act of 1964. Reason for denial of the application must be presented in writing to the state.
2. The (DAF installation) may not charge the State licensing agency for normal repair and maintenance of the building, for cleaning areas adjacent to the designated vending facility boundaries, or for removing trash from a designated collection point.
3. The State licensing agency is responsible for cleaning, maintenance, and security of the vending facility and for all costs relating to vending facility equipment, merchandise, and other commercial products, except as provided in paragraph 6. Neither party is responsible for loss or damage to the other's property unless proximately caused by acts or omissions. The State licensing agency is jointly and severally liable for acts or omission of the blind vendor and his or her employees or agents.
4. Vendors must operate facilities in compliance with applicable health, sanitation, and building codes, ordinances, and regulations.
5. The "On-site Official" and the State licensing agency must approve all vending-facility projects, including installation, modification, relocation, removal, and renovation. The initiating party shall pay the costs of installation, modification, relocation, removal, or renovation. If officials suspend or terminate a permit because of noncompliance, the non-complying party bears all costs for removing vending machines from the building.
6. The (AF installation) provides utility support and bills the State licensing agency. The State licensing agency must pay no later than 30 days after receiving the bill.
7. This permit is issued for an indefinite period of time, subject to these suspension and termination stipulations:
 - a. Permits are suspended or terminated when any party fails to comply with agreed upon terms after notice to the other party or when any party fails to correct non-complying performance.
 - b. Permits are terminated upon receipt of 60 days written notice when the Department of the Air Force closes an installation or activity or changes its requirements for services; when the building that contains the vending site can no longer be used for that purpose; or when the State licensing agency can no longer continue to operate the vending facility.

Figure 2. Sample Letter Format to Notify the State licensing agency of a suitable site for a vending facility

<p>MEMORANDUM FOR (State licensing agency)</p> <p>FROM:</p> <p>SUBJECT: Randolph-Sheppard Act Amendments – ACTION MEMORANDUM</p> <p>1. In accordance with Randolph-Sheppard Act as amended, enclosed is a line drawing of a building (to be constructed) (designated for substantial alteration or renovation) (to be acquired) at _____. The Department of the Air Force has designated a general-purpose satisfactory site for the blind-operated vending facility, which is identified on the drawing. Installation officials consider this location to be most conveniently accessible to the majority of the _____ Federal employees projected to work in the facility. If it is decided that this number is sufficient to support a vending facility, please indicate a concurrence or counterproposal, and provide a description of the type of vending facility desired. If this site is deemed unsatisfactory, and not subject to Department of the Air Force approval, there will be an opportunity to select the location and type of vending facility to be operated before the final space layout of the building is complete. However, if it is unsuitable to establish such a facility in this building, or if it is not the intent, please advise.</p> <p>2. In the event a response and/or explanation detailing the decision against establishing a vending facility is not provided within 30 days, it will be assumed that the number of employees using this building is or will be insufficient to support such a facility.</p> <p>Signature block of on-site official (Note: On-site official is the Installation Commander. For Department of the Air Force locations without installation commanders, the senior individual in command of the location serves as the “On-site Official.”)</p> <p>Attachment: Line Drawing</p> <p>cc: Department of Education Region Air Force Services Center, Commander</p>
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Figure 3. Sample Memorandum to Department of Education if a State licensing agency responds and declines because of insufficiency of persons to support a vending facility

<p>MEMORANDUM FOR AIR FORCE SERVICES CENTER (Regional Office, Department of Education) IN TURN</p> <p>FROM:</p> <p>SUBJECT: Randolph-Sheppard Act Amendments – ACTION MEMORANDUM</p> <p>1. Reference this letter dated, _____, regarding the Randolph-Sheppard Act. Please find attached, (State licensing agency) a line drawing of a building (to be constructed; designated for substantial alteration or renovation; to be acquired) at _____. The drawing incorporated a proposed site for a blind-operated vending facility. A copy of this correspondence was furnished concurrently to AFSVC.</p> <p>2. According to notifications received from the State licensing agency that it does not desire a site for a blind-operated vending stand to be provided, per the attached letter. Therefore, and unless otherwise directed by the Secretary of Education, a satisfactory site for a blind-operated vending facility will not be incorporated in the final plans.</p> <p>(Signature block of On-site Official)</p> <p>Attachment: (State licensing agency) Letter, (date)</p> <p>cc: (as appropriate)</p>

GLOSSARY

DEFINITIONS

These terms and their definitions are for the purpose of this Instruction.

blind licensee. A blind person licensed by the State licensing agency to operate a vending facility on DoD-controlled property.

cafeteria. A food dispensing facility capable of providing a broad variety of prepared foods and beverages (including hot meals) primarily through the use of a line where the customer serves

himself or herself from displayed selections. A cafeteria may be fully automatic, or some limited waiter or waitress service may be available and provided within a cafeteria, and table or booth seating facilities are always provided. The DoD Component food dispensing facilities that conduct cafeteria-type operations during part of their normal operating day and full table-service operations during the remainder of their normal operating day are not “cafeterias” if they engage primarily in full table-service operations.

direct competition. The presence and operation of a DoD Component vending machine or a vending facility on the same DoD-controlled property as a vending facility operated by a blind vendor. Vending machines or vending facilities operated in areas serving employees, the majority of whom normally do not have access (in terms of uninterrupted ease of approach and the amount of time required to patronize the vending facility) to the vending facility operated by a blind vendor, shall not be considered to be in direct competition with the vending facility operated by a blind vendor.

DoD-controlled property. Federal property that is owned, leased, or occupied by the Department of Defense.

Federal employees. Civilian-appropriated fund and nonappropriated fund employees of the United States.

Federal property. Any building, land, or other real property owned, leased, or occupied by the Department of Defense in the United States.

individual location, installation, or facility. A single building or a self-contained group of buildings. A self-contained group of buildings refers to two or more buildings that must be located in close proximity to each other and between which a majority of the Federal employees working in such buildings regularly move from one building to another in the normal course of their official business during a normal working day.

license. A written instrument issued by a State licensing agency to a blind person, authorizing that person to operate a vending facility on DoD-controlled property.

military dining facility. A facility owned, operated, or leased and wholly controlled by the Department of Defense and used to provide dining services to members of the Armed Forces, including a cafeteria, military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

normal working hours. An 8-hour work period between the approximate hours of 0800 and 1800, Monday through Friday.

on-site official. The individual in command of an installation or separate facility or location. For the Pentagon Reservation only, the Washington Headquarters Services Director of the Defense Facilities Directorate is designated as the on-site official.

permit. The official approval given a State licensing agency by a department, agency, or instrumentality responsible for DoD-controlled property whereby a State licensing agency is authorized to establish a vending facility.

satisfactory site. An area fully accessible to vending facility patrons and having sufficient electrical, plumbing, heating, and ventilation outlets for the location and operation of a vending facility in compliance with applicable health laws and building requirements. A satisfactory site shall have a minimum of 250 square feet available for sale of items and for storage of articles necessary for the operation of a vending facility.

State. A State, the District of Columbia, the Commonwealth of Puerto Rico, a territory, or possession of the United States.

State licensing agency. The State agency designated by the Secretary of Education, to issue licenses to blind persons for the operation of vending facilities on Federal and other property.

substantial alteration or renovation. A permanent material change in the floor area of a building that would render it appropriate for the location and operation of a vending facility by a blind vendor.

United States. The several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

vending facility. Automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment that may be operated by blind licensees and that are necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles and services to be dispensed automatically or manually and that are prepared on or off the premises according to applicable health laws. Also includes facilities providing the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State within such State.

vending machine. For the purposes of assigning vending machine income, a coin- or currency-operated machine that dispenses articles or services, except that those machines operated by the United States Postal Service for the sale of postage stamps or other postal products and services, machines providing services of a recreational nature and telephones shall not be considered to be vending machines.

vending machine income

DoD Component receipts from the DoD Component vending machine operations on DoD-controlled property, where the machines are operated by any DoD Component activity, less costs incurred; or

Commissions received by any DoD Component activity from a commercial vending firm that provides vending machines on DoD-controlled property.

“Costs incurred” include costs of goods, including reasonable service and maintenance costs in accordance with customary business practices of commercial vending concerns, repair, cleaning, depreciation, supervisory and administrative personnel, normal accounting, and accounting for income-sharing.

vendor. A blind licensee who is operating a vending facility on DoD-controlled property.