POLICY 720
VENDING MACHINES

Adopted: June 22, 2010
Reviewed by Policy Committee: August 16, 2018

I. PURPOSE

The purpose of this policy is to establish procedures to govern vending machines installed in school facilities of Fairmont Area Schools.

II. GENERAL STATEMENT OF POLICY

It is the policy of Fairmont Area Schools 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, that allows those revenues to be used in 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 must be approved by the School Board as provided in this policy.

IV. SUPERVISION; APPROVAL; LOCATION

A. All vending machines shall be under the supervision of the school Principal or other person in charge of the facility in which the machine is located. That administrator shall be responsible to supervise the machine in compliance with this policy and any applicable laws.

B. The items to be dispensed from a vending machine located in a school facility shall be approved by the Principal or other person 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 Principal or other person 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, 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 shall review the location of each machine with appropriate maintenance and food service staff.

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. The contracting process shall be conducted in compliance with Minn. Stat. § 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.

C. 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.

D. 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.

E. 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.

F. All vending machines are to be installed at the expense of the facility in which located. All financial responsibility for the maintenance and repair of machines shall remain with the individual facility in which located to the extent not addressed in the contract.

G. 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.

Legal References: Minn. Stat. § 123B.20 (Dealing in Supplies)
Minn. Stat. § 123B.52 (Contracts)
Minn. Stat. § 471.345 (Contracts)
Minn. Stat. § 471.87 (Conflict of Interest)

Cross References: ISD No. 2752 Policy 210 (Conflict of Interest – School Board Members)
ISD No. 2752 Policy 702 (Accounting)