

**§ 102-74.60 Are Federal agencies required to give blind vendors priority in operating vending facilities?**

With certain exceptions, the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*) requires that blind persons licensed by a State licensing agency under the provisions of the Randolph-Sheppard Act be authorized to operate vending facilities on any Federal property, including leased buildings. The Randolph-Sheppard Act imposes an obligation on Federal agencies to give priority to Randolph-Sheppard Act vendors for vending facilities in buildings that they operate.

**§ 102-74.65 Are Randolph-Sheppard Act vendors required to operate vending facilities by permit or contractual agreement?**

Except for cafeterias, Randolph-Sheppard Act vendors must obtain a permit from a Federal agency prior to operating vending facilities. Randolph-Sheppard Act vendors operating a cafeteria must have a contractual agreement with a Federal agency.

**§ 102-74.70 What information must be in a permit for a vending facility?**

In every permit for a vending facility, Federal agencies must describe the vending facility location and indicate:

- (a) The name of the applicant State licensing agency;
- (b) That the permit is issued for an indefinite period of time subject to suspension or termination on the basis of non-compliance with agreed upon terms;
- (c) That the Government will not charge the State licensing agency for normal cleaning, maintenance and repair of the building structure in and immediately adjacent to the vending facility areas;
- (d) That the State licensing agency is responsible for the costs associated with properly installing, cleaning, replacing, repairing, maintaining, and removing vending facilities and vending facility equipment;
- (e) That blind licensees may sell 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 that the State licensing agency and the Government determine to be suitable for a particular location;

(f) That the blind licensee's articles and services may be dispensed automatically or manually and may be prepared on or off the premises;

(g) That the blind licensee is prohibited from selling tobacco products in vending machines in Government-owned and leased space, unless the Administrator of General Services designates areas not subject to the prohibition;

(h) That vending facilities must be operated in compliance with applicable health, sanitation and building codes or ordinances;

(i) That the vendor must not install, modify, relocate, remove, or renovate vending facilities without the prior written approval and supervision of the Federal agency buildings manager and the State licensing agency;

(j) That the State licensing agency must pay for relocations that it initiates;

(k) That the Federal agency must pay for relocations that it initiates; and

(l) That the Federal agency must pay for all plumbing, electrical and mechanical costs related to the renovation of existing facilities.

**§ 102-74.75 What responsibilities do State licensing agencies have in implementing the vending facility program for blind persons?**

State licensing agencies must:

(a) Prescribe necessary procedures so that when they select vendors and employees for vending facilities no discrimination occurs because of sex, race, age, creed, color, national origin, physical or mental disability, or political affiliation;

(b) Take the necessary action to assure that vendors do not discriminate against any persons in furnishing, or refusing to furnish, to such person or persons the use of any vending facility, including any and all services, privileges, accommodations, and activities provided thereby; and

(c) Take the necessary action to assure that vendors comply with Title VI of the Civil Rights Act of 1964 and the

## Federal Management Regulation

## § 102-74.115

GSA regulations issued pursuant thereto.

### **§ 102-74.80 Who has the initial responsibility for resolving vendor performance issues?**

The State licensing agency must attempt to resolve day-to-day problems pertaining to the operation of the vending facility in an informal manner with the participation of the blind vendor and the Federal agency building's manager.

### **§ 102-74.85 What action must Federal agencies take if the State licensing agency is unable to informally resolve vendor performance issues?**

Federal agencies must report in writing any unresolved vendor issues concerning the terms of the permit, the Randolph-Sheppard Act, or the regulations in this part to the State licensing agency supervisory personnel, so that the issues may be formally addressed and resolved.

### **§ 102-74.90 What information must Federal agencies report to the Secretary of Education concerning the vending facility program for blind persons?**

Federal agencies, upon approval from GSA, must report to the Secretary of Education at the end of each fiscal year:

- (a) The total number of applications for vending facility locations received from State licensing agencies;
- (b) The number of applications approved;
- (c) The number of applications denied;
- (d) The number of applications still pending;
- (e) The total amount of vending machine income collected; and
- (f) The amount of such vending machine income disbursed to the State licensing agency in each State.

### **§ 102-74.95 Are Randolph-Sheppard Act vendors operating cafeterias required to meet the same contract performance requirements as commercial or nonprofit cafeteria operators?**

Yes, Randolph-Sheppard Act vendors must meet the same contract perform-

ance requirements as commercial or nonprofit cafeteria operators.

## CONSERVATION PROGRAMS

### **§ 102-74.100 What are conservation programs?**

Conservation programs are programs that improve energy and water efficiency and promote the use of solar and other renewable energy. These programs must promote and maintain an effective source reduction activity (reducing consumption of resources such as energy, water, and paper), resource recovery activity (obtaining materials from the waste stream that can be recycled into new products), and reuse activity (reusing same product before disposition, such as reusing unneeded memos for scratch paper).

## ASSET SERVICES

### **§ 102-74.105 What are asset services?**

Asset services include repairs (other than those minor repairs identified in § 102-74.35(a)), alterations and modernizations for real property assets. Typically, these are the type of repairs and alterations necessary to preserve or enhance the value of the real property asset.

### **§ 102-74.110 What asset services must executive agencies provide?**

Executive agencies, upon approval from GSA, must provide asset services such as repairs (in addition to those minor repairs identified in § 102-74.35(a)), alterations, and modernizations for real property assets. For repairs and alterations projects for which the estimated cost exceeds the prospectus threshold, Federal agencies must follow the prospectus submission and approval policy identified in this part and part 102-73 of this chapter.

### **§ 102-74.115 What standard in providing asset services must executive agencies follow?**

Executive agencies must provide asset services that maintain continuity of Government operations, continue efficient building operations, extend the useful life of buildings and related building systems, and provide a quality workplace environment that enhances employee productivity.