

**VENDING MACHINE, DISPENSER AND KIOSK  
POLICY OF MCLENNAN COUNTY, TEXAS**

1. Purpose: To assure that only responsible parties approved by the County maintain vending machines, stand alone dispensers or kiosks on County property.

2. Definitions:

A “vending machine” is a device that dispenses food, drink or other items in return for monetary consideration.

A “stand alone dispenser” is a device that dispenses only gum, candy, nuts or newspapers in return for monetary consideration.

A “kiosk” is a device that holds newspapers, magazines or brochures. The kiosks are generally waterproof and set outdoors and contain items at no charge to the public.

3. Unauthorized Vending Machines, Stand Alone Dispensers and Kiosks Prohibited: No person may place a vending machine, stand alone dispenser or kiosk on County property unless that person has been approved to do so by the Commissioners Court pursuant to a written license agreement. [Vending machines, stand alone dispensers and kiosks in place at the adoption of this policy may remain in place until 1) the County’s approval of an agreement with a concessionaire to place vending machines, stand alone dispensers and kiosks on County property (if the agreement is with other than the current concessionaire); or 2) the expiration of the term of any written agreement approved by the Commissioners Court between the county and the existing concessionaire; or 3) County’s notice to remove unapproved machines. Concessionaire will be given 30-days to remove any unapproved machines. If unable to contact the Concessionaire or the machine is not removed within 30-days, the machines will be removed and placed in McLennan County storage until claimed by Concessionaire.]
4. Authority to Permit Placement of Vending Machines, Stand Alone Dispensers and Kiosks Solely with the Commissioners Court: No elected official, department head or employee has authority to authorize or permit the placement of a vending machine, stand alone dispenser or kiosk on County property.
5. Vending Machines: The Commissioners Court is the body with authority to select vending machine concessionaires. From time –to –time the Commissioners Court will initiate a request for proposal (RFP) to place vending machines on County property. This will generally occur near the end of any existing license agreement(s). The Commissioners Court may either select a single concessionaire or multiple concessionaires. Any resulting license agreement will contain provisions requiring compliance with health and sanitation requirements, insurance requirements, regular re-stocking, procedures for handling of complaints/refunds, regular maintenance, locations for placement of machines, fees to the County, and other necessary or proper terms and conditions.

6. Items Sold in Vending Machines. The variety of items sold in licensed vending machines will be determined in the license agreement for the machines.
7. Stand Alone Dispensers: Over time various stand alone dispensers have been placed on County property. These stand alone dispensers generally purport to be tied to a charity. Such has been unregulated and unchecked, and in some cases the identity of the person(s) responsible for the dispenser is unknown. To regulate the placement of the Stand Alone Dispensers for gum, candy or nuts on McLennan County Property, the Concessionaire will be required to submit a written request to the Director of Purchasing outlining their proposal and items to be sold. If submitted for a charity, the Concessionaire will present evidence to the Purchasing Director that will verify the purpose of the charitable funds. If the stand alone machines for gum, candy and nuts are for profit, concessionaires will be expected to submit a proposal outlining an agreement that they wish to present to the County. Any resulting license agreement will contain provisions requiring compliance with health and sanitation requirements, insurance requirements, regular re-stocking, procedures for handling of complaints/refunds, regular maintenance, locations for placement of machines, fees to the County, and other necessary or proper terms and conditions.

For stand alone dispensers for newspapers, the concessionaires must submit a request to the Director of Purchasing their proposal. Concessionaire must submit insurance information with their request and state procedures for handling of complaints/refunds.

The Director of Purchasing will submit these requests to the Commissioners Court. Each request will be evaluated on its merits and will be considered on a case by case basis. The Court in considering these requests may ask further questions before making a decision on the request.

8. Kiosks: Like the stand alone dispensers, Kiosks have been unregulated and unchecked. To regulate the placement of these machines on McLennan County Property, the concessionaire will be required to submit a written request to the Director of Purchasing. The request should outline the items to be distributed and insurance carried by the concessionaire.

The Director of Purchasing will submit these requests to the Commissioners Court. Each request will be evaluated on its merits and will be considered on a case by case basis. The Court in considering these requests may ask further questions before making a decision on the request.

9. Commissions/License Fees. All fees payable to the County under license agreements shall be required to be paid over to the County Treasurer, and will be deposited to the general fund.

ADOPTED this 16th day of Feb., 2010.