

Kaski-Kaw Rivers Conservancy Justification for Vending Machines and Compliance with Randolph/Sheppard Act requirements

1. The Shelby County Community Services (SCCS) organization was notified of the opportunity to provide vending machines at Lake Shelbyville facilities. They stated they were in the process of applying to become a NIB/NISH vendor. However, SCCS said it would be impossible for the disabled workers they employ to get to all the remote locations around the lake and recycle these materials.
2. The federal government is not the contracting entity. The cooperating association is the party contracting for the machines and this removes the action one-step from the federal government. This is allowed through the cooperative agreement with the association.
3. Sometimes cooperating associations operate under the terms of a real estate instrument such as the license for a sales area. St. Louis District does not require any of our lease or licensed concession areas such as marina snack bars or their vending machines to comply with the Randolph/Shepard Act by offering those opportunities to the NIB/NISH. This is because facilities built by a grantee under a lease are not federally owned buildings and the grantee may provide services within the privately owned facilities, such as marina snack bars or dockside vending machines.
4. The vending machines fall under the exclusion clause in the Act itself, which states the following about certain locations excepted:

"[T]his section shall not apply to. . .vending machines not in direct competition with a blind vending facility at individual locations, installations, or facilities on Federal Property the total [income] of which at such individual locations, installations, or facilities does not exceed \$3,000 annually."

5. Income is defined in the law essentially as net profit. So, if the vending machine does not compete with, for instance, a snack bar like the one operated by the blind in the lobby of an HQ/district/division office building, and the income from the machine is less than \$3,000 annually, the Act does not apply.
6. Their vending machines include messages that promote recycling of the plastic bottles in them. Among other things, the income from the machines is used by KKRC to provide recycling containers for the bottles from the machines, and it covers the costs of emptying those containers and recycling the material collected.
7. The KKRC elected to contract with a cola supplier instead of purchasing the machines and stocking them on their own. In an effort to ensure that the KKRC provided the best possible service to the government, we asked them to provide the opportunity to bid on those services to all the major suppliers (Coke and Pepsi) within the area. It was a process similar to how we would award a license. We also required them to keep a record of the bids so if anyone complained, we could verify what took place. This meant they could award to the company that would provide the best deal for KKRC. By the nature of our cooperative agreement, that means it also helps the government.
8. If you have any questions or need further clarification, please contact the Operations Project Manager, Lake Shelbyville. Phone: (217) 774-3951