

Army Regulation 210–25

Installations

**Vending
Facility
Program for
the Blind on
Federal
Property**

**Headquarters
Department of the Army
Washington, DC
17 June 2021**

UNCLASSIFIED

SUMMARY of CHANGE

AR 210–25
Vending Facility Program for the Blind on Federal Property

This major revision, dated 17 June 2021—

- o Incorporates Army Directive 2020–05, Vending Facility Program for the Blind on Federal Property, dated 5 May 2020 (para 1).
- o Adds Internal Control Evaluation (app B).
- o Updates organization titles and command relationships (throughout).

Installations

Vending Facility Program for the Blind on Federal Property

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


KATHLEEN S. MILLER
Administrative Assistant
to the Secretary of the Army

History. This publication is major revision.

Summary. This regulation implements the policies and procedures for the vending facility program for the blind on Federal property.

Applicability. This regulation applies to the Regular Army, Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. Also, the provisions of this regulation apply to all Department of the Army activities in the

50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands. This regulation does not apply to installations and activities, or portions thereof, which have been licensed or transferred to the States, to the Commonwealth of Puerto Rico, or to the Territory of the Virgin Islands for use by the National Guard.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff, G–9. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or a direct reporting unit or field operating agency of the proponent agency in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through

their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–9 (DAIN–ZA), 600 Army Pentagon, Washington, DC 20310–0600.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G–9 (DAIN–ZA), 600 Army Pentagon, Washington, DC 20310–0600.

Distribution. Distribution of this publication is available in electronic media only for the Regular Army, the Army National Guard of the United States, and the U.S. Army Reserve.

Contents (Listed by paragraph and page number)

- Purpose • 1, page 1
- References and forms • 2, page 1
- Explanation of abbreviations and terms • 3, page 1
- Responsibilities • 4, page 1
- Records management (recordkeeping) requirements • 5, page 2
- Policy • 6, page 2
- Requirements and operating procedures • 7, page 2
- Arbitration • 8, page 4
- Annual reports • 9, page 4

Appendixes

- A. References, page 5

*This regulation supersedes AR 210–25, dated 30 June 2004. AD 2020-05, dated 5 May 2020, is rescinded upon publication of this regulation.
AR 210–25 • 17 June 2021

Contents—Continued

B. Internal Control Evaluation, *page 6*

Glossary

1. Purpose

This regulation implements the policies and procedures for the vending facility program for the blind on Federal property. This regulation does not apply to full food services, mess attendant services, or services supporting the operation of a military dining facility.

2. References and forms

See appendix A.

3. Explanation of abbreviations and terms

See glossary.

4. Responsibilities

- a. The Secretary of the Army (SECARMY) will—
 - (1) Approve and/or disapprove State licensing agency applications for permits and the provision of satisfactory sites.
 - (2) Consult with the on-site official on determinations that granting a priority to the blind would be adverse to the interests of the United States and on termination of contracts to operate a cafeteria.
 - (3) Where circumstances warrant, suspend, or terminate a permit to operate a vending facility.
- b. The Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)) is responsible for reviewing and forwarding annual reports to the Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD (P&R)).
- c. The Deputy Chief of Staff, G-9 (DCS, G-9) or designated representative is delegated approval authority for approving State licensing agency applications for permits and the provision of satisfactory sites. The SECARMY retains disapproval authority.
 - d. The Commanding General (CG), U.S. Army Materiel Command (AMC) will—
 - (1) Collect annual reports from senior commanders for consolidation and forwarding to the offices of the DCS, G-9 and ASA (M&RA).
 - (2) Ensure that the CG, U.S. Army Installation Management Command (IMCOM), submits to the DCS, G-9 applications from State licensing agencies for permits to operate vending facilities on Army-controlled property.
 - (3) Ensure the CG, IMCOM advises State licensing agencies in writing when an application is disapproved.
 - (4) Ensure the CG, IMCOM coordinates with on-site officials regarding requests for corrective action from State licensing agencies for permit compliance failures.
 - (5) Ensure the CG, IMCOM coordinates with on-site officials regarding contract termination actions for cafeteria contracts using nonappropriated funds.
 - e. The senior commander or designated senior official is the on-site official, the point of contact with State licensing agencies, and will—
 - (1) Consult with State licensing agencies on articles and services to be provided.
 - (2) Determine, when appropriate, that granting a priority to the blind would be adverse to the interests of the United States and justify this determination through the SECARMY to the Secretary, Department of Education (DE).
 - (3) Notify State licensing agencies of the acquisition or substantial alterations or renovation of property.
 - (4) Ensure that operators are in fact State licensed blind persons and that sighted employees and assistants are utilized only to the extent reasonably necessary.
 - (5) Negotiate with State licensing agencies on other matters indicated in paragraph 7.
 - (6) Advise local Army Civilian Welfare Fund or the Army and Air Force Exchange Service (AAFES) operations when these activities will be affected by either reduction of sales, loss of patronage or facilities, additional competition, and so forth, as appropriate.
 - (7) Establish and maintain a visitor control program to ensure only authorized individuals enter the installation as outlined in AR 190-13.
 - (8) Designate a single point of contact on their Directorate of Family and Morale, Welfare and Recreation staff who will coordinate and monitor all actions, in coordination with the command engineers, including the provisions of satisfactory sites, resulting from implementation of this regulation on Army installations.
 - (9) Prepare annual reports for submission to the CG, AMC.

5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Records Retention Schedule-Army (RRS-A). Detailed information for all related record numbers, forms, and reports are located in the Army Records Information Management System (ARIMS)/RRS-A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS-A, see DA Pam 25-403 for guidance.

6. Policy

In implementation of the Randolph-Sheppard Act, priority on Department of Defense (DoD)-controlled property will be extended to the blind as follows:

- a. The blind will be given a priority in establishment and operation of vending facilities.
- b. The blind will be given a priority award of contracts to operate cafeterias.
- c. In conjunction with acquisition or substantial alteration or renovation of property, satisfactory sites will be given to State licensing agencies for operation of blind vending facilities.
- d. Certain income from vending machines operated on Army installations either directly or by contract will be given to State licensing agencies.

7. Requirements and operating procedures

a. Applications for permits by the State licensing agency to operate vending facilities (except cafeterias) on Army-controlled property must be submitted in writing, through the on-site official, to the CG, IMCOM (IMWR), 2405 Gun Shed Road, Joint Base San Antonio, Fort Sam Houston, TX 78234-1223, to the DCS, G-9 (DAIN-ZA), 600 Army Pentagon, Washington, DC 20310-0600. When an application is not approved, the Commander, IMCOM will advise the State licensing agency in writing and will indicate the reasons for the disapproval. When issued, permits will describe the location of the vending facility and will be subject to the following requirements:

- (1) The permit will be issued in the name of the State licensing agency.
- (2) The permit will be issued for an indefinite period of time subject to suspension or termination upon failure to comply with agreed-upon terms; and subject to termination by either party on 60 days written notice to the other party in cases of inactivation of the installation or activity, loss of use of a building or other facility housing the vending facility, change in the Army's requirements for service, or inability of the State licensing agency to continue to operate the vending facility.
- (3) The permit will provide that—
 - (a) No charge will be made by the Army to the State licensing agency for normal sustainment, repair, restoration, and maintenance of the building, or for cleaning areas adjacent to the designated vending facility boundaries, or for trash removal from a designated collection point.
 - (b) The State licensing agency will be responsible for cleaning and maintaining the appearance of and for the security of the vending facility 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 paragraph 7a(3)(e), below. Neither party will be responsible for loss or damage to the other's property, unless proximately caused by its acts or omissions. The State licensing agency will also be responsible for the acts or omissions of the blind vendor's employees or agents.
 - (c) 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 the Randolph-Sheppard Act 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 dispensed automatically or manually). The special items on which there has been consultation should be listed to avoid any later misunderstanding or confusion.
 - (d) Vending facilities will be operated in compliance with applicable health, sanitation and building codes, ordinances, and regulations.
 - (e) Installation, modification, relocation, removal, and renovation of vending facilities will be subject to the prior approval of the on-site official and the State licensing agency. Costs of installation, modification, removal, relocation, or renovation will be paid by the initiating party. 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 will be borne by the non-complying party.
 - (f) The permit will also contain appropriate requirements for reimbursement of direct payment for support services such as telephone and utilities, to include energy and water conservation measures to be followed for the types of operations performed under the permit.

(g) The processes, procedures, and approval authorities found in AR 405–80 must be complied with to grant use of real property. AR 405–80 establishes the appropriate authorities for providing a report of availability for the real property and issuing the subsequent out-grants.

(h) 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 will, after coordinating with the CG, IMCOM, notify the State licensing agency of this deficiency in writing and request corrective action within a specified reasonable time. The notice will indicate that failure to correct the deficiency will result in temporary suspension or termination of the permit, as appropriate. Suspension or termination action will be taken by the SECARMY after consultation with the PDUSD (P&R).

b. The operation of a cafeteria by a blind vendor will be governed by contractual agreement, not by a permit. Normal contract administration procedures will apply, except that termination actions will not be taken without prior coordination with the CG, IMCOM for contracts using nonappropriated funds, and the Army Contracting Command for contracts using appropriated funds.

c. Any Army acquired (purchased, rented, leased, constructed), or substantially altered or renovated building is required to have one or more satisfactory sites (as defined in the glossary) for a blind-operated vending facility, as provided in subparagraph (1) below.

(1) The obligation to provide satisfactory sites for blind operated vending facilities applies to—

(a) Buildings occupied by 100 or more Federal employees working in the building during normal working hours. The computation will be made by adding the number of employees scheduled to work on each workday of a payroll period and dividing the total by the number of workdays in the payroll period.

(b) Buildings of 15,000 square feet or more which provide service to the general public. The 15,000 square feet criterion does not apply to Army facilities restricted to specifically authorized patrons or personnel.

(2) Correspondence between the installation and the State licensing agency, involving building to be acquired or substantially altered or renovated, will—

(a) Provide notification to the State licensing agency, at least 60 days in advance of the intended acquisition date or the initiation of actual construction, alteration, or renovation.

(b) Indicate that a satisfactory site or sites is included in the plans for the building, and a copy of a single line drawing indicating the proposed location of such site or sites will be forwarded.

(c) Assure the State licensing agency that, subject to approval, it will 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.

(d) Request that the State licensing agency advise the installation if it does not desire to establish and operate a vending facility. If there is no response within 30 days, the Army will construe that the State licensing agency made the determination that the number of persons using the property will be insufficient to support a vending facility or that there is no interest in operating a vending facility.

(e) Send a copy of written notice to the State licensing agency and the State's response, if any, is forwarded to the Secretary, DE.

(3) The following procedures will apply in correspondence involving the provision of satisfactory sites, when satisfactory sites are required in accordance with subparagraph (1) above, commanders will send a letter of notification to the appropriate State licensing agency. The letter will be sent by certified or registered mail, return receipt requested. If the agency does not respond to the notification within 30 days of receipt, declines without explanation to establish and operate a vending facility, or declines indicating there are or will be insufficient personnel to support a blind-operated vending facility, the circumstances will be documented. Any positive response from the State licensing agency, indicating their intention to establish and operate a vending facility, will require that a satisfactory site be incorporated in the construction/renovation plans.

(4) The provisions of subparagraph (1) above do not preclude arrangements under which vending facilities to be operated by blind vendors 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 which would contain only 30 Federal employees, upon agreement of the on-site official and the State licensing agency, the Army may determine to provide a satisfactory site in which the blind have agreed to operate a vending facility.

(5) When the Army 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.

d. Effective January 2, 1975, vending machine income generated by the Army will be shared with State licensing agencies for the blind and for the collection of, and accounting for, such vending machine income and for otherwise ensuring compliance with the requirements of this paragraph.

(1) The vending machine income-sharing requirements are as follows:

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

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

(c) Thirty 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 will be provided to the State licensing agency.

(2) 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.

(3) These vending machine income-sharing requirements do not apply to—

(a) Income from vending machines operated by or for the AAFES.

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

(4) The payment to State licensing agencies under these income-sharing requirements must be made quarterly on a fiscal-year basis. All quarterly payments will be made within 60 days after expiration of the applicable fiscal quarter.

8. Arbitration

Whenever any State licensing agency for the blind determines that any activity of the DoD is failing to comply with the provisions of the Act and all informal attempts to resolve the issues have been unsuccessful, the State licensing agency may file a complaint with the Secretary, DE, who will convene an ad hoc arbitration panel in accordance with the provision of 34 CFR 395.37.

9. Annual reports

At the close of each fiscal year, senior commanders will forward to AMC for consolidating and forwarding through the offices of the DCS, G-9 and ASA (M&RA) to PDUSD (P&R) within 60 days from the close of the fiscal year report, which will include the total number of applications for vending facility locations received from State licensing agencies; the number accepted; the number denied and the number still pending; the total amount of vending machine income collected (excluding income exempt from the income-sharing requirements); and the amount of such vending machine income disbursed to State licensing agencies in each State (see paras 7*d*(3)(a) and 7*d*(3)(b)).

Appendix A

References

Section I

Required Publications

This section contains no entries.

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this publication.

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

AR 30–22

Army Food Program

AR 190–13

The Army Physical Security Program

AR 405–80

Management of Title and Granting Use of Real Property

DA Pam 25–403

Guide to Recordkeeping in the Army

DoDI 1125.03

Vending Facility Program for the Blind on DOD-Controlled Federal Property (Available at <https://www.esd.whs.mil/directives/issuances/dodi/>.)

National Defense Authorization Act (NDAA) for Fiscal Year 2006, Section 848, 29 August 2006

Statement of Policy and Report Relating to Contracting with Employers of Persons with Disabilities

34 CFR 395

Vending Facility Program for the Blind on Federal and Other Property (Available at <https://ecfr.io/title-34/pt34.2.395>.)

5 USC Chapter 7

Judicial Review

20 USC Chapter 6A

Vending Facility Program for the Blind in Federal Buildings

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil>).

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

Appendix B

Internal Control Evaluation

B-1. Function

The function covered by this evaluation is the administration of the Management Internal Controls Program.

B-2. Purpose

The purpose of this evaluation is to assist assessable unit managers and internal control administrators in evaluating the key internal controls outlined. It is not intended to cover all controls.

B-3. Instructions

These key internal controls must be formally evaluated at least once every five years or whenever the internal control administrator changes. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification). Evaluation test questions are outlined in paragraph B-4, and are intended as a start point for each applicable level of internal control evaluation. Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, and other). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation.

B-4. Test questions

- a.* Was an installation single point of contact designated in writing as the responsible official for the coordination and monitoring of actions prescribed by this regulation and to ensure the program is efficiently and effectively carried out according to the applicable law and management policy?
- b.* Were commanders and directors at all levels aware that under Federal law the blind have a priority right to operate cafeterias and other vending facilities on Army-controlled property and the State licensing agency for the blind must be notified when the opportunity to operate them becomes available?
- c.* Was the State licensing agency notified for any planned action to construct any new facility or substantially alter or renovate a property that could result in containing any cafeterias or vending activity?
- d.* Were contract administration procedures applied?
- e.* Are the income sharing accounts correctly calculated?
- f.* Were all quarterly vending machine income payments made within 60 days after expiration of the applicable fiscal quarter?
- g.* Was the annual reporting of vending machine income completed within 60 days of fiscal year close?

B-5. Supersession

Not applicable.

B-6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the DCS, G-9, 600 Army Pentagon, Washington, DC 20310-0600.

Glossary

Section I

Abbreviations

AAFES

Army and Air Force Exchange Service

AMC

U.S. Army Materiel Command

ARIMS

Army Records Information Management System

ASA (M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

CG

commanding general

DCS, G-9

Deputy Chief of Staff, G-9

DE

Department of Education

DoD

Department of Defense

IMCOM

U.S. Army Installation Management Command

PDUSD (P&R)

Principal Deputy Under Secretary of Defense for Personnel and Readiness

RRS-A

Records Retention Schedule-Army

SECARMY

Secretary of the Army

Section II

Terms

Blind licensee

A blind person licensed by the State licensing agency to operate a vending facility on Federal or other 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/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. Army food dispensing facilities that conduct cafeteria-type operations during part of their normal operating day and full table-service during the remainder of their normal operating day are not “cafeterias” if they engage primarily in full table service operations.

Dining facility attendant service contract

Those activities required to perform janitorial and custodial duties within dining facilities, included are sweeping, mopping, scrubbing, trash removal, dishwashing, waxing, stripping, buffing, window washing, pot and pan cleaning, and other sanitation-related functions.

Direct competition

The presence and operation of an Army vending machine or a vending facility on the same Army-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, will not be considered to be in direct competition with the vending facility operated by a blind vendor.

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 any department, agency, or instrumentality of the United States.

Full food service contract

Contracts that cover those activities that comprise the full operation of an Army dining facility. It includes, but is not limited to, requisitioning, receiving, storing, preparing, and serving of food. Also, included is the performance of related administrative, custodial, and sanitation functions.

Individual location, installation, or facility

A single building or a self-contained group of buildings. In order for two or more buildings to be considered to be a self-contained group of buildings, such buildings must be located in close proximity to each other, and a majority of the Federal employees housed in any such buildings must regularly move from one building to another in the course of official business during normal working days.

License

A written instrument issued by a State licensing agency to a blind person, authorizing that person to operate a vending facility on Federal or other property.

Military dining facility

A facility owned, operated, or leased and wholly controlled by the DoD 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 hours, Monday through Friday.

On-site official

The individual in command of an installation or separate facility or location.

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 accordance with applicable health laws and building requirements. A satisfactory site will have a minimum of 250 square feet available for the sale of items and for storage of articles necessary for the operation of 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 which would render it appropriate for the location and operation of a vending facility by a blind vendor.

Vending facility

Automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which 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 which 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 purpose of assigning vending machine income, means a coin- or currency-operated machine which 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

Receipts from vending machine operations on Federal property, after deducting the cost of goods sold including reasonable service and maintenance costs in accordance with customary business practices of commercial vending concerns, where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, or commissions paid by a commercial vending concern which operates, services, and maintains vending machines on Federal property for, or with the approval of, a department, agency, or instrumentality of the United States.

Vendor

A blind licensee who is operating a vending facility on Federal or other property.

Section III**Special Abbreviations and Terms**

This section contains no entries.

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