

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: FACILITIES DEVELOPMENT & OPERATIONS

**SUBJECT: FOOD SERVICE AND RETAIL CONCESSIONS IN COUNTY
OWNED/LEASED BUILDINGS AND PUBLIC FACILITIES**

PPM#: CW-O-032

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ISSUE DATE
March 1, 2018

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EFFECTIVE DATE
March 1, 2018
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PURPOSE:

To provide direction for vending and retail concessions in County owned/leased buildings and to ensure that health, safety, permitting and code regulations are followed.

UPDATES:

Future updates to this PPM are the responsibility of the Director of Facilities Development & Operations (FDO).

AUTHORITY:

- Palm Beach County Code, Sections 2-21, 2-51, 2-112, as may be amended;
- CW-F-047, as may be amended;
- CW-L-023, as may be amended.

SCOPE:

This PPM shall apply to the following concessions:

1. All food service concessions having a service line, counter seating or that meet a program or service delivery requirement or objective;
2. Vending machines whose primary purpose is to serve a program or service delivery requirement or objective;
3. Vending machines that dispense food, which requires refrigeration or heating during storage and has a shelf life of less than one (1) week;
4. Personal products vending machines; and
5. Retail concessions in a county owned facility for the sale of retail products or services to patrons of and/or visitors to that facility.

This PPM shall not apply to the following concessions:

1. Vending machines and/or concessions otherwise subject to this PPM but the management, installation and/or use of proceeds are included as a specifically stated responsibility of the facility operator operating pursuant to an agreement approved by the Board of County Commissioners (in which case the terms of the facility operator's agreement shall prevail);
2. Vending machines and/or concessions located in buildings and/or on properties managed by the Department of Airports; and
3. Vending machines that primarily benefit County employees or vending operations owned/leased/managed by non-profit organizations having a valid use agreement for the affiliated Park facility (in which case PPM# CW-F-039 governs).

DEFINITIONS:

“Concessions” are defined as those food service and retail concessions, including vending machines that are exempt from the Purchasing Code.

“Purchasing Code” is defined as the Palm Beach County Code Sections 2-51 through 2-58, as may be amended.

POLICY:

The County shall provide vending machines and/or concessions as required by County programs and services. All vending machines and/or concessions covered by this PPM, shall be procured through a competitive process. The County will issue a Request for Proposal (RFP) or Invitation for Bid (IFB) that shall include, at a minimum, selection criteria, points for Small Business Enterprises where applicable, points for local businesses where applicable, a sample Concession Agreement, and a statement that no administrative right is available for appealing the selection committee's decision. In every competitive procurement process, Division of Blind Services (Blind Services) shall be notified of the solicitation. Where larger County facilities involve multiple like or related services, a single vendor will be solicited for all food service components, unless to do so would interfere with the program requirements or objectives.

Agreements for vending machines covered by this PPM may be recommended for award to Blind Services without a competitive procurement process, provided that FDO and the requesting user department concur that Blind Services is capable of meeting the County's requirements. Notwithstanding the foregoing, nothing precludes FDO and the requesting user department from choosing to issue an RFP or IFB for the vending machines.

PROCEDURES:

I. Selection:

The vendor selection shall be conducted by FDO through its Property and Real Estate Management Division (PREM) unless the Director of FDO delegates same to the requesting user department. FDO may assign its responsibilities pursuant to this PPM to any user department/division on a concession by concession basis. Such assignment shall identify specifically which tasks are to be retained by FDO and those being administratively performed by the user department/division.

To select a vendor for a concession, the following process shall be followed by PREM:

1. Conduct a competitive procurement process that shall include, but not be limited to the development of an RFP or IFB; notification to Blind Services; advertisement of the solicitation, and creation of a selection committee;
2. Develop a Vending and/or Concession Agreement as part of the RFP or IFB in conjunction with the County Attorney's Office;
3. Seek Board of County Commission approval of the recommended awardee of the Vending and/or Concession Agreement;
4. Submit the fully executed Vending and/or Concession Agreement and supporting documentation to the appropriate Facilities Management Division Regional Office or appropriate maintenance authority for distribution; and
5. Request and secure approval of an installation plan for the concession and/or vending machines from the appropriate Facilities Management Division Regional Office when requested by a user department.

II. Installing and Maintaining Vending Machines and/or Concessions

To install and maintain the vending machines and/or concessions, the following process shall be followed by the Facilities Management Division unless assigned to another department through a service agreement:

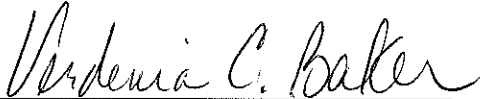
1. Review and approve or reject all requests for installation of vending machines and/or concessions in writing prior to installation (such review will address space allocation, health and safety concerns, sanitation, Indoor Air Quality considerations, permitting, code and general facility concerns);

2. Maintain County facilities and systems inside the concession space for which the County is contractually obligated when notified to do so by PREM or the concession operator (such obligations exclude the maintenance of concession equipment and specific related elements of the installation); and
3. Notify PREM and the applicable user department of Vending and/or Concession Agreement violations, of notices, and other issues regarding contractual obligations to be provided by the concession vendor.

III. Department Requests

To request a Vending and/or Concession Agreement, a County department must agree to:

1. Participate on the vendor selection committee; and
2. Administer the Vending and/or Concession Agreement, including the development of procedures to ensure that revenues are: (i) properly collected, expended and forwarded as appropriate, (ii) recorded as County revenue and (iii) included in the financial statements of the County.



VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. CW-O-032 dated 11/01/89
2. CW-O-032 dated 06/01/05
3. CW-O-032 dated 12/01/05
4. CW-O-032 reviewed and current 11/21/11
5. CW-O-032 dated 03/15/12
6. CW-O-032 dated 10/1/12
7. CW-O-032 dated 12/1/2012