

## **REQUIREMENTS FOR VENDING WITHIN THE NEW YORK STATE DEPARTMENT OF CORRECTIONS & COMMUNITY SUPERVISION (DOCCS)**

- The contractor will manage the locations covered by this agreement as identified in Appendix D.
- The contractor will directly or through subcontractors provide vending machines that meet the requirements of this agreement. The contractor must also convey and ensure that any subcontractors providing service on this agreement adhere to all requirements contained herein.
- The contractor or any subcontractors are subject to the security requirements as defined in this agreement.
- The contractor or its subcontractors related to this agreement will attend mandatory training as stated below.
- The contractor will pay NYSCB a minimum of 20% commission on net sales. Definition of net sales is gross sales minus bottle deposits and sales tax. OCFS will receive one check/electronic transfer per month from the contractor, the commission for all correctional facilities that the contractor covers under the contract. Sales reports for each correctional facility will be included in the payment and available online.
- The reporting information must break down the payment by locations as identified in Appendix D.

### **Permit for Use of State Location**

The contractor shall provide the names of employees that will be servicing the locations covered by this agreement to DOCCS. Once approved, the DOCCS facility will let the contractor know that they are approved. The contractor will notify NYSCB of this approval. Please see Security below for more detailed information.

All specific requirements for the LOCATION will be set forth in the PERMIT FOR USE OF STATE LOCATION (hereinafter "PERMIT"), including but not limited to the specific equipment to be located at the proposed site, products to be sold, the cost of each product, gate clearances and other security measures.

### **Equipment**

All equipment:

- must be maintained in good operating condition. Any vending machine that malfunctions three times in any 60-day period must be repaired to the satisfaction of OCFS, or otherwise replaced at CONTRACTOR'S expense.
- is to be maintained in a clean and sanitary condition by regular cleanings, but no less than once weekly.

All vending machines shall:

- be equipped with credit/debit card readers with self-contained wireless capabilities.
- have register/meters installed to verify sales.

- meet the specifications of type, capacity and quantity as outlined in the PERMIT, unless amended by a mutual agreement of both parties.

The contractor is NOT allowed to bring in cellphones or "cell-phone type" readers to read the machines; nor can the vending machines be hard wired, or otherwise have anything installed outside of the machine body that would allow for connectivity.

Whenever vending machines are installed or replaced, or at a minimum of once annually, CONTRACTOR shall provide NYSCB with an inventory of all vending machines operating on location property. This inventory shall include: (a) type of machine; (b) exact location; (c) manufacturer's make/model; (d) year manufactured; and (e) serial number.

CONTRACTOR must provide a microwave oven and bill changing machine at the locations described in the PERMIT. Bill changing machines must accept old and new style paper currency.

### **Maintenance**

CONTRACTOR must:

- service and maintain all equipment on a scheduled basis and keep a record of such maintenance. Maintenance records must be made available to the LOCATION or OCFS upon request.
- repair any malfunctioning equipment within 24 hours of notification from location or OCFS, except that if notified during regular location business hours, CONTRACTOR must be on-site to make repairs within the timeframe noted in each individual facility PERMIT.

### **Products**

CONTRACTOR must:

- offer the products specified by each individual location as specified on the individual PERMIT.
- offer a variety of standard vending size products in sufficient quantities to meet the needs of each work location and dispense recognized name brand products to the extent practical. Types (food, snack, and drink offerings) and quantities for each work location to be specified in the individual PERMIT.
- provide sufficient quantities of disposable bowls for hot/canned food, napkins, straws, plastic utensils, and condiments (mustard, ketchup, mayonnaise, salt, pepper, tartar sauce, hot sauce) as regularly required for food and beverage items, at locations as agreed by both parties. If coffee, tea and/or hot chocolate are provided at the location, creamer and sugar must also be available.
- Product replenishment schedules to ensure freshness and meet locations needs are to be established in each work location PERMIT, and OCFS reserves the right to work with the contractor to modify such schedules to meet the needs of DOCCS.

### **Limitation on Products** (Listed in Appendix E)

- (i) any product containing POPPY SEEDS must NEVER be offered for sale in any vending machine.
- (ii) Glass containers are prohibited.
- (iii) Gum is prohibited.

### **Pricing**

Price adjustments may be considered after the initial six (6) months of the effective date of the initial agreed to PERMIT. After that time, CONTRACTOR may request price increases by giving a minimum two (2) weeks prior notice; supported by written verification (documentation from the manufacturer, documented shipping/transportation cost increases, salary increases, etc.) to support such price increase(s). Only manufacturer's increases will be considered – no additional CONTRACTOR increases may be added. Price increases must be approved by OCFS . No increase in price shall be initiated until CONTRACTOR receives verification from OCFS.

### **Security**

Fingerprinting is required of, and criminal history inquiries shall be conducted on all contract service providers and consultants pursuant to DOCCS policy. The location shall request a criminal history inquiry, which includes fingerprinting of each potential vending service operator in accordance with DOCCS policy as outlined in Directive #2216, "Fingerprinting/Criminal History Inquiry – New Employees and Contractors. Fingerprinting is only required once, regardless, if an operator will be serving several locations. As such, DOCCS needs to be notified of any providers who will be assigned to multiple locations. The fingerprint fees will be paid for by the requesting DOCCS location in accordance with DOCCS policy. DOCCS will make every effort to process criminal history inquiries/fingerprint requests in a timely manner to enable services to be provided as quickly as possible. All service providers that will be assigned to a location must be forthcoming as to any known current or past relations with an incarcerated individual. This does not necessarily preclude the individual from entering a correctional facility/location but will assist DOCCS with making an appropriate assessment and determination.

All correctional location "gate clearance" protocols and all other security requirements must be followed. Each location will advise the contractor of the specific requirements at their location which will be outlined in the PERMIT, including product delivery procedures and delivery truck access.

Correctional Facility "gate clearance" procedures also require a list of tools, or equipment that CONTRACTOR may bring with them for business purposes, to be provided in advance of a scheduled visit, and must match any tools or equipment brought into and then out of the facility.

NOTE: Any work location/correctional facility security specifics, including a listing of allowable/non-allowable items (contraband), will be specified in the work location PERMIT.

Current state or federal issued photo identification is required to enter all DOCCS facilities.

### **The Contractor:**

- must never carry weapons of any kind (knives, guns, etc.), pagers, cell phones, other electronic devices (including smart watches, step counters, etc.), anything that could be fashioned into a weapon (all prohibited items are considered "contraband"), alcohol or any drugs that are not specifically prescribed and properly labeled,
- may not be under the influence of alcohol or drugs while at the location/correctional facility. Medications that are required to be in possession of the CONTRACTOR's staff for immediate health needs must be prescribed by a medical practitioner and properly labeled as such, and only the amount needed while in a correctional facility may be brought in.

Note that the final decision as to what constitutes contraband is determined at the discretion of security staff at each DOCCS location.

- shall not engage in conversations with incarcerated individuals or visitors, except as needed to conduct business.
- may not make change and shall not leave money unattended, nor shall they give any product, expired or fresh, to any incarcerated individual or visitor or leave expired products in any area frequented by incarcerated individuals or visitors.
- shall provide and pay for an adequate number of personnel to provide for the efficient services necessary to meet the terms and conditions of this contract. Personnel employed by the contractor shall be provided with uniforms or other mutually agreeable means of visual identification.

### **Mandatory Training**

CONTRACTOR and any staff entering correctional facilities or any location where incarcerated individuals are located will be required to participate DOCCS Prison Rape Elimination Act (PREA) training; to be provided by DOCCS staff at the location. It is incumbent upon DOCCS to provide such training in compliance with ADA requirements as necessary.

CONTRACTOR must immediately report to DOCCS if they or any of their employees are arrested and/or convicted of a crime during the term that they are assigned to service any DOCCS location. Contractor will be required to notify OCFS of these issues.

### **Insurance Requirements**

The contractor must have general liability insurance (GL) in the amount of no less than \$2,000,000 aggregate with OCFS and DOCCS named as additional insured insuring OCFS and DOCCS for GL arising out of the use of DOCCS premises. Being named a certificate holder shall not satisfy this requirement. A copy of an ACORD Certificate of Insurance shall be provided to NYSCB and the Steward at each individual location as listed on the PERMIT.

### **Term & Effective Date**

Upon expiration of agreement, all equipment and property must be removed from the premises of location within ten (10) business days.

### **Resolution**

OCFS shall remain the point of contact for each PERMIT issued by OCFS; however, DOCCS facilities must communicate directly with the contractor in order to schedule site visits, monthly visits, restocking of the machines, etc. according to each facilities' specific security needs.

All issues regarding the equipment, training and sales activity of the contractor including but not limited to delivery, removal and/or servicing of vending machines, collection of revenue, provision of refunds to patrons, etc. shall be the responsibility of the contractor.

In the event of a patron complaint, request for refund or other request for service, DOCCS will refer the patron to CONTRACTOR for appropriate resolution.

### **Miscellaneous**

The contractor or its employees are not deemed agents or employees of DOCCS or OCFS.

In the event the contractor is deemed not in compliance with DOCCS policies or procedures, they will have seven days after notice to correct. Failure to do so will lead to the contractor having to vacate and remove equipment from the facility in which the failure to comply occurred.

The CONTRACTOR will not be charged rent, license fees or other costs for use of DOCCS' property and premises.

**Correction Law**

Correction Law, Section 134 entitled Religious Dietary Requirements: Effective September 3, 2024, the law requires that food options be provided for sale through the vending machines located in the visitor's areas, that satisfy the requirements of religious dietary needs of incarcerated individuals. This requirement will be individualized for each separate Correctional Facility. The request will be submitted to the facility and if the request will be accommodated, the facility vending Point of Contact (typically the Steward or Head Account Clerk) will work with the designated vending service to provide the item for sale. Vendors should be prepared to label offerings or provide lists of such items and try to accommodate any "higher religious dietary standards" as communicated to them. If the determination is that the request cannot be accommodated, the rationale must be provided to the facility.