

ALABAMA DEPARTMENT OF REHABILITATION SERVICES BUSINESS ENTERPRISE
PROGRAM
ADMINISTRATIVE CODE

CHAPTER 795-7-1
GENERAL RULES

TABLE OF CONTENTS

| | |
|-------------|------------------------|
| 795-7-1-.01 | Necessity And Function |
| 795-7-1-.02 | Definitions |

795-7-1-.01 Necessity And Function.

(1) The Alabama Department of Rehabilitation Services, Division of Adult Vocational Rehabilitation Service, is responsible for administering the Business Enterprise Program (BEP) for blind vendors in accordance with the Randolph-Sheppard Act of 1936, as amended, the Rehabilitation Act of 1973, as amended, and applicable state law. The department is empowered to comply with any requirement that may be imposed by federal law.

(2) The department shall ensure that there shall be no discrimination against any applicant for, or recipient of, aid, benefits, or services, or any employee or any other persons on the basis of race, color, religion, sex, age, or national origin, including but not limited to discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended, and any applicable state or federal regulations.

Author: Alabama Board of Rehabilitation Services, Alabama Elected Committee of Blind Vendors

Statutory Authority: Code of Ala. 1975, §§21-1-40, 21-9-9; 20 U.S.C. §107 et. seq.

History: Emergency adoption filed January 17, 1995; effective January 18, 1995. **New Rule:** Filed April 13, 1995; effective May 18, 1995. **Repealed and New Rule:** Filed January 19, 2000; effective February 23, 2000.

795-7-1-.02 Definitions.

Definitions of terms or phrases used in the Business Enterprise Program are as follows:

(a) Active Participation - An ongoing process of participation between the State Licensing Agency (SLA) and the Elected Committee of Blind Vendors to achieve joint planning of program policies, standards, and procedures affecting the

overall operation of the program. It is understood that the SLA bears final authority and responsibility for the administration and operation of the Business Enterprise Program, including the assurance of continuing, active participation with the Elected Committee of Blind Vendors.

(b) Agency - The Alabama Department of Rehabilitation Services (ADRS) hereinafter referred to as SLA.

(c) Application and Permit - A document requesting approval to install a facility on federal or other property. An approved permit shall be signed by the authorized property official and define the terms and conditions of the operation.

(d) Blind Person - A person who, after examination by a physician skilled in diseases of the eye, has been determined to have not more than 20/200 central visual acuity in the better eye with correcting lenses, or an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(e) 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 customers are served from displayed selections. A cafeteria may be fully automated or may have limited waiter or waitress service. Table or booth seating is always provided.

(f) Displaced Vendor - A vendor is considered displaced when a decision is made to close his/her permanently assigned facility through no fault of the vendor.

(g) Displacement - Means the decision to close a BEP facility. The decision to close a BEP facility shall be at the discretion of the SLA in consultation with the affected vendor. Three displacement points will be awarded to a displaced vendor for selection purposes.

(h) Elected Committee of Blind Vendors - Vendors elected biennially by his/her peers on a regional basis and organized to function in partnership with the SLA.

(i) Escrow Fund - A fund managed by the SLA and maintained for the following purposes: to provide timely purchases of initial and/or expanded merchandise, to provide for the expedient payment of vendors while affording the option of identifying the best price and quality from a variety of wholesalers, to provide for expeditious access to petty cash which is often needed to supply coin mechanisms and bill changers, and to provide for effective and efficient reconciliation of obligations between new and transferring vendors.

(j) Federal Property - Any building, land, or other real property owned, leased, or occupied by any department, agency or instrumentality of the United States (including the Department of Defense and the United States Postal Service), or any other instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any territory or possession of the United States.

(k) License - License means a written instrument issued by the SLA to a blind person, authorizing such person to operate a vending facility on federal or other property.

(l) Licensee - Licensee means a qualified blind person licensed by the SLA to operate a BEP facility on Federal or other property who is not currently assigned a permanent facility.

(m) Management Services - Supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services including but not limited to marketing services, and customer satisfaction surveys provided by the SLA on a systematic basis to develop, support, and improve facilities operated by vendors.

(n) Net Proceeds - Net proceeds means the amount remaining from the sale of articles or services of BEP facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by such blind vendors).

(o) Operating Agreement - Permanent or temporary agreements that shall be entered into between the SLA and a vendor or temporary operator covering the contractual responsibilities and conditions of each party.

(p) Other Property - Property that is not federal property.

(q) Permit - Permit means the official approval given to the SLA by a department, agency or instrumentality in control of the maintenance, operation, and protection of Federal property, or person in control of other property, whereby the SLA is authorized to establish a BEP facility.

(r) Seriously Delinquent - Financial reports and/or amounts due the set-aside fund or escrow fund that remain delinquent 90 days shall be considered seriously delinquent and may be cause for removal.

(s) Set-Aside Funds - Set-aside funds means funds which accrue to the SLA from an assessment against the net proceeds of each vending facility in the State's vending facility program and

any income from vending machines on Federal property which accrues to the SLA.

(t) State Licensing Agency - State Licensing Agency (SLA) means the state agency designated by the Secretary of the United States Department of Education under this part to issue licenses to blind persons for the operation of vending facilities on federal and other property.

(u) Temporarily Displaced Vendor - A vendor is considered temporarily displaced when his/her permanently assigned facility is temporarily closed for a period of (60) sixty days or longer for any business reason; i.e., downsizing, remodeling, layoffs, etc.

(v) Temporary Operator - A qualified individual licensed or authorized by the SLA to manage a BEP facility temporarily.

(w) Vending Facility Or BEP Facilities - Vending facility means automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of chances for any lottery authorized by state law and conducted by an agency of a state within such state.

(x) Vending Machine Income - Vending machine income means receipts (other than those of a blind vendor) 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 (other than to a blind vendor) 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.

(y) Vendor - means a blind vendor who is operating a vending facility on Federal or other property after involving in the facility and signing the permanent operator agreement.

Author: Alabama Board of Rehabilitation Services, Alabama Elected Committee of Blind Vendors.

Statutory Authority: Code of Ala. 1975, §§21-1-40, 21-9-9; 20 U.S.C. 107 et. seq.

History: **New Rule:** Filed January 19, 2000; effective February 23, 2000. **Amended:** Filed March 6, 2017; effective April 20, 2017.