## **Article 5. Vending Facilities; Announcement; Application; Selection; Placement**

### **§ 7214.2. Resume and Business Plan.**

(a) As part of the selection interview process specified in Section 7214.4 of these regulations, a qualified applicant shall submit a resume and a business plan for each vending facility he or she is applying to operate~~.~~ , except as described in Section 7214.2(a)(3).

(1) The resume shall provide information about the applicant’s education and experience that is relevant to the operation of a vending facility.

(2) The business plan shall include a description of the business, vision and mission statements, plans for staffing and operating the facility, hours of operation, the proposed menu and items for sale, and other relevant matters that demonstrate how the vendor envisions the business will function.

(3) No business plan will be accepted for Department of Defense vending facilities.

(b) All resumes and business plans shall be prepared using type with at least a 14-point font.

(1) Four copies of both the resume and the business plan must be submitted to the Selection Coordinator, as defined in Section 7211(a)(41) of these regulations, before the selection interview. The resume and the business plan may be submitted to the Business Enterprises Program for the Blind (BEP) by U.S. Postal Service mail. If this method of submittal is used, the submittal must be postmarked five days before the selection interview with the Selection Committee for Vending Facilities. If the submittal is not mailed, it may be hand delivered at the beginning of the selection interview during the Selection Committee for Vending Facilities Meeting.

NOTE: Authority cited: 20 USC Section 107b(5); 34 CFR Section 395.4; and Sections 19006, 19016 and 19639, Welfare and Institutions Code. Reference: 20 USC Sections 107, 107a(a)(5), 107a(b) and 107a(e); 34 CFR Sections 361.5(b)(5), 395.2, 395.3(a)(7), 395.5 and 395.7; and Sections 19011, 19013.5(b) and 19625, Welfare and Institutions Code.

Amendment of section 7214.2(3) is not yet approved by the Secretary of the United States Department of Education in accordance with section 395.4(a) of title 34 of the Code of Federal Regulations.

### **§ 7214.3. Selection Committee for Vending Facilities; Selection Coordinator; Committee Chairperson; Selection Process.**

(a) The selection of a licensee or vendor to operate a vending facility shall be made by a Selection Committee for Vending Facilities, as defined in Section 7211(a)(40) of these regulations. The Selection Committee for Vending Facilities shall consist of three representatives of the contracting agency, as defined in Section 7211(a)(12) of these regulations, unless a written waiver stating that the Selection Committee for Vending Facilities shall consist of less than three representatives has been signed by the individual responsible for representing the contracting agency. If the contracting agency chooses not to be represented, the Selection Committee for Vending Facilities members shall be individuals with administrative or managerial experience in food service recruited by the Business Enterprises Program for the Blind, herein BEP, who do not work for the BEP.

(1) The contracting agency may reverse its decision not to be represented until such time as all three members of the Selection Committee for Vending Facilities recruited by the BEP have agreed to serve.

(b) Members of the Selection Committee for Vending Facilities shall:

(1) Be present at each applicant selection interview.

(2) Comply with any instructions from the Selection Coordinator and the Selection Committee Chairperson.

(3) Ask only questions developed by the Selection Committee and approved by the Selection Coordinator.

(4) Score each applicant fairly and consistently.

(5) Not solicit opinions from the Selection Coordinator regarding a particular applicant.

(6) Not discuss the scores of any applicant prior to announcement of the results of the selection process. Any contacts with applicants following selection interviews shall only be made by the Selection Coordinator.

(c) The Selection Coordinator, as defined in Section 7211(a)(41) of these regulations, shall serve as a non-scoring facilitator and coordinator for the Selection Committee for Vending Facilities. The Selection Coordinator shall:

(1) Contact a representative of the contracting agency and request the contracting agency identify the person who shall serve as the Selection Committee for Vending Facilities Chairperson and assist in establishing the Selection Committee for Vending Facilities.

(2) If the contracting agency declines to participate in the selection process, assist in the recruitment of Selection Committee for Vending

Facilities members and, if necessary, assist members to select a Chairperson.

(3) Provide orientation to Selection Committee for Vending Facilities members and provide any needed materials.

(4) Not offer any opinions as to any applicants at any time.

(5) Prior to the commencement of selection interviews, advise members of the Selection Committee for Vending Facilities that the selection process must remain confidential, and that members may not discuss the substance of selection interviews of applicants with anyone either during or after the completion of the selection process, except other members of the Selection Committee for Vending Facilities, and that the applicant selected is not to be discussed with anyone other than members

of the Selection Committee for Vending Facilities until results are released under conditions specified in subsection (d) herein.

(6) Prior to the commencement of selection interviews, advise applicants that:

(A) All information contained in the applicant’s resume and business plan and any other statements made by the applicant during the selection interview are subject to confirmation by the contracting agency prior to a final decision by the Selection Committee for Vending Facilities.

(B) Each applicant’s selection interview is being recorded by the Department for administrative purposes.

(C) On request, the Department shall record the applicant’s selection interview for his or her personal use. The applicant must provide a blank cassette tape for this purpose.

(D) If the applicant later requests an administrative review and/or a full evidentiary hearing and requests copies of recorded selection interviews, the Department shall provide only his or her recorded interview.

(7) Be present during all selection interviews of applicants.

(8) Call each applicant into the selection interview room and introduce the applicant to the Selection Committee for Vending Facilities members. Any member from the contracting agency shall be identified by name and position title.

(9) Provide and operate a tape recorder and record all selection interviews for the Department and at the request of an applicant.

(10) Ensure that all applicants are asked the same questions and advise members of the Selection Committee for Vending Facilities when they ask an inappropriate question that cannot be permitted.

(11) Clarify conditions and requirements that apply to the vending facility for which applicants are competing, as necessary.

(12) Assure that applicants do not present any materials or persons prohibited pursuant to Section 7214.4(g) of these regulations.

(13) At the conclusion of the selection interviews, verify computations of scores assigned to applicants by members of the Selection Committee for Vending Facilities and record those scores for approval by the Chairperson.

(d) After all applicants scores have been recorded and approved by the Chairperson of the Selection Committee for Vending Facilities, the Selection Coordinator shall provide the following information to each applicant who was interviewed:

(1) His or her total score and placement in the selection interviews;

(2) The name of the applicant selected; and

(3) A copy of the list of applicant scores and placements without identifying the applicants in relation to the scores.

(e) Duties of the Chairperson of the Selection Committee for Vending Facilities shall include the following:

(1) Ensure that the selection interview schedule is maintained. Selection interviews shall be limited to one hour for each applicant unless the Selection Committee for Vending Facilities members determine a longer period is needed before the first selection interview and each applicant is given the same opportunity.

(2) Provide the applicant with the opportunity to state his or her relevant education and experience and discuss his or her overall plan to manage the vending facility, including the business plan~~,~~ , except as described in Section 7214.2(a)(3), and ask standard questions developed by the Selection Committee for Vending Facilities.

(3) Ask the questions developed prior to the interviews by the Selection Committee for Vending Facilities.

(4) Ensure that each member of the Selection Committee for Vending Facilities has the opportunity to ask the questions he or she has selected from a list of predetermined interview questions, as well as other questions that arise during the selection interview that pertain to the operation of the vending facility.

(5) Ensure that all questions asked of the applicant are relevant to the applicant’s education, experience, or plans for the operation of the vending facility.

(6) Provide the applicant with the opportunity to give a closing statement.

(7) Provide the contracting agency with time to perform any independent confirmation of an applicant’s experience or other information on the applicant’s resume and conduct any criminal and substance abuse background checks, if deemed necessary, prior to selection of the applicant.

(8) Record the scores of each applicant. The Chairperson shall review the scores with the Selection Coordinator before concluding the selection interview process. Any applicant who is rejected by the contracting agency pursuant to subsection (e)(7) herein shall be notified by the Chairperson of the Selection Committee for Vending Facilities that he or she has been eliminated from the selection process for good cause, as determined by the contracting agency.

NOTE: Authority cited: 20 USC Section 107b(5); 34 CFR Section 395.4; and Sections 19006, 19016 and 19639, Welfare and Institutions Code. Reference: 20 USC Sections 107b(6) and 107d-1(a); 34 CFR Sections 395.2, 395.3(a)(7) and 395.13; and Sections 19011 and 19635, Welfare and Institutions Code.

Amendment of section 7214.3(e)(2) is not yet approved by the Secretary of the United States Department of Education in accordance with section 395.4(a) of title 34 of the Code of Federal Regulations.

### **§ 7214.4. Selection Interviews of Applicants.**

(a) Each qualified applicant is required to appear for a selection interview on the date and at the time and location specified on the DR 461, Notification of Selection Committee for Vending Facilities Meeting (Rev. 09/09), incorporated by reference herein. Any applicant who does not appear for the selection interview on the date and at the time and location in the notice, and who has not submitted a written notice of withdrawal in accordance with these regulations, shall be disqualified from:

(1) Participation in the selection interview process; and

(2) Applying for a vending facility for 183 calendar days from the date he or she last failed to appear.

(b) Depending on the number of qualified applicants and interviews to be scheduled, the Selection Committee for Vending Facilities Meeting may be conducted over two or more days.

(c) If the Selection Committee for Vending Facilities is comprised only of representatives from the contracting agency, then all qualified applicants shall be interviewed and scored by the same committee members. The BEP shall encourage the contracting agency to have at least three members on the Selection Committee for Vending Facilities.

(d) If the Selection Committee for Vending Facilities is comprised of representatives recruited by the Business Enterprises Program for the Blind (BEP) and fewer than three members are present during an interview on any given day, but the Selection Committee for Vending Facilities wishes to conduct the selection interviews, the interviews scheduled for that day shall be conducted. In such case, applicant scores shall be assigned in accordance with subsection (e) (1) herein.

(e) All three members of the Selection Committee for Vending Facilities are expected to be present and participate in selection interviews of all applicants, except that:

(1) When a member who is present is not present for the entire interview of an applicant or is unable to assess and score an applicant fairly and impartially, that member shall withdraw from all selection interviews and that member’s score shall not be recorded for any of the applicants. The remaining two committee members shall be the scores all of the applicants in the selection process.

(f) The BEP shall request that the California Vendors Policy Committee (CVPC) provide a delegate or a CVPC representative to attend and observe selection interviews of applicants. The role of the CVPC delegate is strictly limited to that of an observer, and the CVPC delegate or representative does not participate in the selection process.

(1) The CVPC delegate or representative shall not discuss the substance of applicant selection interviews with any of the applicants or any other person either during or after completion of the selection process.

(2) Any applicant may request that the CVPC delegate or representative not observe his or her selection interview.

(g) With the exception of a resume and business plan described in Section 7214.2 of these regulations and personal notes, the applicant is prohibited from bringing any reference materials or displays into the selection interview and is prohibited from presenting any other materials to the Selection Committee for Vending Facilities. The applicant is prohibited from bringing persons acting as references or spokespersons into the selection interview.

(h) No applicant shall be questioned about his or her disability or disabilities during the selection interview.

(i) Members of the Selection Committee for Vending Facilities shall score each applicant on the member’s DR 463, Selection Committee for Vending Facilities Rating Report (Rev. 07/07), incorporated by reference herein. At the conclusion of the selection interviews, completed reports from each member shall be forwarded to the Selection Coordinator.

(j) The Selection Committee for Vending Facilities shall score each applicant based upon:

(1) A resume that describes the applicant’s education and experience relevant to the operation of a vending facility, as required by Section 7214.2(a) of these regulations.

(2) A business plan as required by Section 7214.2(a) of these regulations~~.~~ , except for Department of Defense facilities per Section 7214.2(a)(3).

(3) Opening and closing statements and responses to questions asked during the selection interview process.

(k) The Selection Committee for Vending Facilities shall select the applicant with the highest total score to operate the announced vending facility. The contracting agency shall determine if they wish to verify information submitted to the Selection Committee for Vending Facilities prior to making a decision to permit the establishment of a vending facility on property owned, leased, rented, or otherwise controlled or occupied by the contracting agency. After the contracting agency verifies any information provided, the Selection Coordinator shall contact the applicant with the highest score and advise the applicant of his or her selection to operate the announced vending facility. Such applicant has three working days from the date he or she is notified of being selected to operate the announced vending facility to accept or reject the announced vending facility. If the selected applicant rejects the announced vending facility, the Selection Committee for Vending Facilities shall select the applicant with the next highest total score to operate the announced vending facility.

(l) After the selection of an applicant is made, the Selection Coordinator may provide information specified in Section 7214.3(d) of these regulations to any applicant who was interviewed by the Selection Committee for Vending Facilities.

(m) The licensee or vendor selected to operate the announced vending facility shall be provided with a vendor’s operating agreement, which shall include the permit or contract for the vending facility as an exhibit thereof, for the announced vending facility he or she has been selected to operate. The BEP shall also provide the vendor operating agreement, including exhibits thereof, in the vendor’s preferred mode of communication, to the extent possible.

(n) The licensee or vendor selected to operate the vending facility must agree to abide by the terms and conditions for operation of the vending facility, as set forth in the vendor’s operating agreement, and sign and return the agreement to the BEP within 10 working days of receipt.

(1) Failure to sign the vendor’s operating agreement shall be considered good cause for rejecting the licensee or vendor selected to operate the announced vending facility and awarding that vending facility to the next highest scoring applicant.

NOTE: Authority cited: 20 USC Section 107b(5); 34 CFR Section 395.4; and Sections 19006, 19016 and 19639, Welfare and Institutions Code. Reference: 20 USC Sections 107, 107(a)(5), 107(b), 107(e) and 107b-1(3); 34 CFR Sections 395.1(i), 395.2, 395.3(a)(4), 395.3(a)(7), 395.5, 395.7 and 395.14(b); and Sections 19011, 19625 and 19638(b), Welfare and Institutions Code.

Amendment of section 7214.4 (j)(2) is not yet approved by the Secretary of the United States Department of Education in accordance with section 395.4(a) of title 34 of the Code of Federal Regulations.