



# Food service in public office buildings

# Agenda

Food Service in public  
office buildings



## Learning Topics

- Definitions
- Federal Regulation
- Delaware Code
- Division for the Visually Impaired, Business Enterprise Program

# Definitions

As defined in Delaware Code, Title 16 § 9602.

- **Agency of this State** or **agency** means all counties, municipalities, school districts, or any other entity which is supported in whole or in part by funds that the General Assembly appropriated.
- **Food service** means restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of the foregoing.
- **Public building** means a building owned or leased by the State and used for governmental purposes.
  - It does not include a public school or a building at residential institutions operated by this State.
  - ... does not mean a building or property that is used as a public recreational facility, owned or leased by this State, and operated or occupied by the Department of National Resources and Environmental Control or the State Forestry Department.
  - ... does not mean food service located in or on the property of a public building on the Delaware Turnpike.

# Authorizing Federal Regulation

The Randolph-Sheppard Act, 20 U.S.C. § 107 et seq., authorized providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this chapter shall be authorized to operate vending facilities on any Federal property.

The program, enacted into law in 1936, was subsequently amended in 1954 and again in 1974 to ultimately ensure individuals who are blind a priority in the operation of **vending facilities, which included cafeterias, snack bars, and automatic vending machines**, that are on federal property.

The federal program's priority has broadened in most states through state laws to include state, county, municipal, and some private locations. Under the Randolph Sheppard program, state licensing agencies (DVI) recruit, train, license, and place individuals who are blind as operators of vending facilities located on federal and other properties. The act authorizes a blind individual licensed by the state licensing agency to conduct specified activities in vending facilities through permits or contracts.

# Delaware Code

## § 9606. Food service in public buildings.

- (a) If an agency of this State intends to operate or continue food service in a public building, that agency shall procure the food service from the Delaware Division for the Visually Impaired under the vending facility program authorized by 20 U.S.C. § 107 et seq. An agency may not charge the Division for the Visually Impaired or its food service vendors rent for food service operations operated under this section. In the event the Delaware Division for the Visually Impaired certifies in writing that it is unable to provide food service to an agency of this State who requests the service, the agency may seek food service from another provider.
- (b) This section does not impair any contracts by agencies of this State validly existing prior to July 11, 1988; however, at the expiration of such existing contracts, the mandates contained in this section shall be binding on the agency.
- (c) This section does not apply to any office building owned or leased by any county or municipal corporation, or any building leased, used, or owned by any institution of higher education.
- (d) Notwithstanding any provision of subsection (a) of this section to the contrary:
- (1) Any provision of 20 U.S.C. § 107 et seq. that limits accrual of vending machine income to the Division for the Visually Impaired on the basis of the annual income from such vending machines is not incorporated into the laws of this State by this section.
  - (2) Any provision of 20 U.S.C. § 107 et seq. that governs the use of vending machine income which accrues to the Division for the Visually Impaired is not incorporated into the laws of this State by this section.
- (e) The Secretary of the Department of Health and Social Services shall have the power to promulgate all rules and regulations necessary to accomplish the purposes of this section.

# Division for the Visually Impaired

Goals of the Business Enterprise Program (BEP) include:

- To provide self-employment opportunities for qualified individuals.
- To provide the highest level of quality food, courteous service, and competitive prices to our consumers.

This blind entrepreneurs program works to broaden economic opportunities for blind residents of Delaware by creating snack bars, cafeterias, and vending route facilities on Federal, State, and Municipal properties. Under the law, the State Licensing Agency (SLA) is granted priority to operate vending facilities on Federal and State property.

As independent, self-employed BEP managers, these individuals are responsible for providing quality service in their assigned locations. The BEP Manager trainee receives instruction in all aspects of food service and fiscal management. A BEP Manager trainee brings to the job the necessary skills to sustain successful self-employment. Facilities are located throughout the state of Delaware. Facilities include both full time and seasonal operations.

The Delaware Business Enterprise Program is administered in Delaware by the [Vocational Rehabilitation \(VR\) Program](#) through the Division for the Visually Impaired who serve individuals persons with vision loss.



# Questions

For any questions about the Division for the Visually Impaired or the Business Enterprise Program please contact DVI directly at:

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[InfoDVI@Delaware.gov](mailto:InfoDVI@Delaware.gov)

# References

- United States Code
  - <https://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter6A&edition=prelim>
- Delaware Code, Title 16, Chapter 96
  - <https://delcode.delaware.gov/title16/c096/index.html>
- Division for the Visually Impaired
  - <https://dhss.delaware.gov/dvi/>
  - <https://dhss.delaware.gov/dvi/bep.html>



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