

Oregon Commission for the Blind 2018 Business Enterprise Legislative Report

The following is a new report required by the passage of 2017 House Bill 3253. HB3253 requires the Commission to “Not later than January 15 of each year, submit an annual report on the performance of the Commission’s Business Enterprise Program (BEP) to the interim committees of the Legislative Assembly related to health and human services.” This report contains the performance data for the Business Enterprise Program, site survey results, refusals by public entities to participate in the program and reports submitted to the Federal Rehabilitation Services Administration. As this is the first report submitted by the Commission after the passage of HB3253, we welcome your comments.

Oregon Commission for the Blind (OCB)

OCB Programs

Vocational Rehabilitation- The OCB Vocational Rehabilitation (VR) Program provides Oregonians with job readiness assistance. Experienced VR counselors help clients hone many of the skills necessary to obtain employment.

Orientation & Career Center- In-depth residential training center in Portland where students receive adaptive technology, techniques of daily living, and orientation and mobility (O&M) instruction.

Youth/Transition Services- Experienced OCB counselors work with students who are legally blind (or have a condition that will lead to blindness) to help ensure a successful transition from high school to college or the workforce.

Independent Living- Rehabilitation Instructors provide home and community based training, techniques of daily living, and resources to residents age 55 and over who experience vision loss and want to maintain a greater level of independence.

Business Enterprise- Business Enterprise (BE) staff promotes client independence by providing opportunities and training in food service and vending operations management to Oregonians who are legally blind.

BE Program Description

The Oregon Commission for the Blind is the designated State Licensing Agency for the Business Enterprise Program (BEP) under the federal Randolph-Sheppard Act. BEP operates by the authority of Oregon Revised Statutes 346.510 – 346.570.

The BEP was designed to provide for-profit business management opportunities for Oregonians who are legally blind and to provide customers with high-quality food service and vending programs. These business owners are called Vending Facility Managers, or VFMs.

Enabling Legislation/Program Authorization

Established in 1936, the federal Randolph-Sheppard Vending Stand Act Public Law 74-732 granted priority to VFMs for the operation of vending facilities in federal locations. In 1957, Oregon passed ORS 346.510-570, which stated Oregon shall operate the Business Enterprise Program, allowing VFMs a preference and opportunity to bid on facilities in state and municipal locations. Amendments were made under HB 3253 in the 2017 Legislative Session.

OCB BE Responsibilities

As the state licensing agency, the BEP has the following Federal and State mandated responsibilities:

1. Selecting, training and licensing of qualified individuals.
2. Continuing education of all licensed individuals.
3. Processing monthly financial information for all facilities, including billing and collections of required fees.
4. Ongoing maintenance of established facilities.
5. Ensuring licensees are in compliance with federal and state agreements.
6. Inspecting and evaluating all facilities annually.
7. Gathering data on potential new facilities being built or acquired.
8. Surveying new locations for new opportunities on federal, state and other public properties.
9. Establishing new opportunities on federal, state and other properties.
10. Negotiating agreements with federal, state and other agencies.
11. Managing agreements with federal, state and other agencies.
12. Enforcing the Randolph-Sheppard Act and the Code of Federal Regulations, part 395.
13. Enforcing Oregon Revised Statutes 346.510 – 346.570.

Program Alignment

Governor Brown has prioritized focusing on education and prevention services as a long-term investment that will produce improved outcomes and reduce costs to the State. Vocational Rehabilitation has consistently demonstrated a substantial return on investment. Individuals who are blind and successfully gain or retain employment pay back the cost of their rehabilitation through taxes and by investing their earnings into the economy as consumers.

The Business Enterprise Program is directly aligned with Governor Brown’s vision for the future.

Each day, entrepreneurs who are blind operate businesses in public buildings throughout Oregon and function as ambassadors of the agency. These individuals demonstrate that with training and support, Oregonians who are blind are fully capable of running successful, profitable businesses.

Expansion & Modernization

HB 3253 is the most significant piece of legislation in decades for the Business Enterprise Program. HB 3253 indicates that “persons who are blind . . . have priority in managing vending facilities in or on any public buildings or properties where, in the discretion of the agency, department or political subdivision in charge of the maintenance of the public buildings or properties, vending facilities may properly and satisfactorily operate.” Before HB 3253, public entities only had to grant a preference for the blind. HB 3253 creates a “right of first refusal” for the blind to operate vending facilities.

OCB Key Objectives

One of the Commission’s key objectives is to provide business opportunities for Oregonians who are blind via public food service/vending locations throughout the state. The Commission anticipates many new opportunities will develop as a result of this priority. As part of the budget process, the Commission has requested additional funds to help develop and expand the BEP.

Outreach Efforts

In order to assist government agencies in complying with the updated ORS 346.530 reporting requirement, a survey was sent out to over 2,000 email recipients as a part of ORPIN’s procurement network.

We received 29 survey responses from the following government agencies:
Bend Park and Recreation District, City of Baker City, City of Beaverton, City of Bend, City of Hermiston, City of Hubbard, City of Keizer, City of Woodburn, Criminal Justice Commission, Department of Corrections, Department of Environmental Quality, Department of Human Services, DHS, Hoodland Fire District #74, League of Oregon Cities, Marion County Business Services, Metro Regional Government, MWMC (Metropolitan Wastewater Management Commission), Oregon Department of Transportation, Oregon Dept of Veterans' Affairs, Oregon State Hospital, Oregon Travel Information Council (DBA Oregon Travel Experience), Oregon Youth Authority, Scappoose Public Library District, State Library of Oregon, Sunset Empire Transportation District, Tillamook County, Tualatin Valley Water District, Umatilla County.

Program Performance

The OCB BE program began 2018 with 16 VFMs. During FFY 2018, one new VFM was trained and licensed, and two VFMs exited the program. The program enters 2019 with 15 VFMs. Below are performance numbers for FFY 2018.

Gross sales: \$3,633,779, a 13% increase from the previous FFY.

Vendor earnings: \$912,090, a 15% increase over the previous FFY.

Average VFM income: \$57,006, a 7% increase over the previous FFY.

Potential Site Viability Surveys

Each year, BEP conducts site surveys in governmental buildings or properties to determine the viability of installing a food service or vending operation at the location. Seventy such surveys were conducted in FFY 2018 and the results are detailed below.*

16 sites – Acceptable for vending operations

29 sites – Unsuitable for vending operations, primarily due to population size or location

17 sites- Pending negotiations with public entity

8 sites – Denied by the public entity (please see refusals section below for details)

Refusals

City of Portland – 1 site

Did not accept offers to expand their current vending facilities.

Dept. of Administrative Services – 1 site

Did not accept offers to expand their current vending facilities.

Oregon Dept. of Environmental Quality – 1 site

Did not accept offers to expand their current vending facilities.

General Services Administration (Federal) – 2 sites

Did not accept offers to expand their current vending facilities.

OREGON NATIONAL GUARD - 1 Site

Did not accept offers to expand their current vending facilities.

OREGON DEPT. OF AGRICULTURE - 2 Sites

Did not accept offers to expand their current vending facilities

State Accident Insurance Fund (SAIF)

In lieu of a site viability survey, OCB presented a formal RFP to SAIF to operate its new cafeteria. SAIF rejected the proposal stating that it was exempt from ORS 174.116 and was not required to grant priority or preference to the blind as required by ORS 346.520.

* ORS 346.540 requires the Commission for the Blind to report *“the results of any surveys made under paragraph (a) of this subsection that were conducted.”*

Have questions or comments about this report? Want more information about the Business Enterprise Program?

Contact us:

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Appendix

79th OREGON LEGISLATIVE ASSEMBLY--2017 Regular Session

Enrolled

House Bill 3253

Sponsored by COMMITTEE ON HUMAN SERVICES AND HOUSING

CHAPTER

AN ACT

Relating to persons who are blind; creating new provisions; amending ORS 293.701, 346.290, 346.510, 346.520, 346.530, 346.540, 346.550 and 346.560; repealing ORS 346.210 and 346.220; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 8 of this 2017 Act are added to and made a part of ORS 346.510 to 346.570.

SECTION 2. (1) The Commission for the Blind shall establish in the State Treasury a fund from the net proceeds of the operation of vending facilities. Moneys deposited into the fund, including the interest earned, shall be credited to a special checking account, separate and distinct from the General Fund. Disbursement from the account may be made by check signed by the person designated by the commission. Interest earned by the account shall be credited to the account.

(2) Moneys in the fund shall be used for the purposes of, and are continuously appropriated to the commission for:

- (a) Maintaining and replacing equipment;
- (b) Purchasing new equipment;
- (c) Management services, including but not limited to management training services;
- (d) Ensuring a fair minimum of return to vending facility managers; and
- (e) Retirement or pension funds, health insurance contributions and, if determined by a vote of vending facility managers, paid sick leave and vacation time.

(3) The commission shall provide to the Governor and to vending facility managers quarterly reports of the account established under this section.

SECTION 3. (1) The Commission for the Blind shall collect a percentage of net proceeds earned by a vending facility. The moneys collected under this section shall be deposited into the fund established under section 2 of this 2017 Act.

(2) The commission shall determine by rule the standard percentage of net proceeds to be collected under this section. The commission shall provide in an agreement with a vending facility manager the percentage of net proceeds that the commission will collect from the vending facility manager under this section. The commission shall reduce, but not below a percentage determined by the commission by rule, the percentage collected by the following amounts:

(a)(A) Four percentage points if the vending facility offers exclusively healthy vending items or local vending items;

(B) Three percentage points if at least 75 percent but less than 100 percent of the offerings at the vending facility are healthy vending items or local vending items; or

(C) Two percentage points if at least 50 percent but less than 75 percent of the offerings at the vending facility are healthy vending items or local vending items;

(b) Two percentage points if the vending facility employs at least one person who is blind, in addition to the vending facility manager;

(c) One percentage point for each person who is blind and is employed by the vending facility in addition to the persons described in paragraph (b) of this subsection;

(d) One percentage point if the vending facility employs at least one person with a disability, as defined in ORS 174.107, or who is a veteran, as defined in ORS 408.225, in addition to the vending facility manager; and

(e) One-half of one percentage point for each person with a disability or veteran employed by the vending facility in addition to the persons described in paragraph (d) of this subsection.

SECTION 4. Section 3 of this 2017 Act is amended to read:

Sec. 3. (1) The Commission for the Blind shall collect a percentage of net proceeds earned by a vending facility. The moneys collected under this section shall be deposited into the fund established under section 2 of this 2017 Act.

(2) The commission shall determine by rule, and shall state in an agreement with a vending facility manager, the percentage of net proceeds to be collected under this section.

SECTION 5. (1) The Commission for the Blind shall adopt by rule a vending facility manager statement of full-time employment with which a vending facility manager shall comply. The statement must describe the responsibilities of a vending facility manager, including, but not limited to, responsibilities regarding:

(a) Weekly contact requirements with employees or subcontractors of the manager;

(b) Vending facility inspections; and

(c) The development and maintenance of work logs.

(2) The commission shall include the active participation, as described in section 8 of this

2017 Act, of the commission's business enterprise consumer committee, in developing the statement described in this section.

SECTION 6. (1) With written approval from the Commission for the Blind, a vending facility manager may enter into an agreement with a subcontractor included on the list of approved subcontractors described in subsection (4) of this section in order to enable the manager to operate the vending facility.

(2) In determining whether to approve an agreement with a subcontractor, the commission shall consider:

(a) The quality of service that the vending facility manager and subcontractor are able to provide; and

(b) Any product storage requirements.

(3) The commission may provide in an agreement with a vending facility manager that the commission may increase the percentage of net proceeds collected under section 3 of this 2017 Act from a vending facility manager who enters into an agreement with a subcontractor under this section.

(4)(a) The commission shall establish a list of approved subcontractors with which a vending facility manager may enter into an agreement.

(b) The business enterprise consumer committee shall actively participate in developing the criteria for approval of subcontractors.

(c) The commission shall consult with the Department of Administrative Services in establishing the list.

(d) The commission may, through a procurement process with the department, revise the list as necessary.

(e) The commission may, in approving subcontractors, give preference to subcontractors that provide healthy vending items or local vending items and that employ persons with disabilities, as defined in ORS 174.107, and veterans, as defined in ORS 408.225.

(f) An agreement with an approved subcontractor is subject to ORS chapter 279A and ORS chapter 279B.

(5) The commission may determine by rule the services or products that a subcontractor may provide and the extent to which a subcontractor may perform the duties of a vending facility manager, consistent with the vending facility manager statement of full-time employment described in section 5 of this 2017 Act.

(6)(a) A vending facility manager who enters into an agreement with a subcontractor under this section is solely responsible for fulfilling the requirements of the vending facility manager statement described in section 5 of this 2017 Act and for meeting any obligations arising from agreements into which the vending facility manager has entered for the purpose of managing the vending facility. Unless the commission gives written approval, an agreement between a vending facility manager and a subcontractor may not include any provision that imposes liability on the commission or that obligates the commission to the subcontractor.

(b) The commission may not be held liable for claims of any nature, including claims for injunctive or declaratory relief, that arise out of any agreement or subcontract between a vending facility manager and a subcontractor.

(7) The commission, with the active participation of the business enterprise consumer committee, may adopt rules relating to the assignment of a vending facility manager to manage a vending facility.

SECTION 7. The surviving spouse or domestic partner of a vending facility manager who is deceased or who becomes incapacitated by a physical or mental illness may continue to operate the vending facility formerly operated by the original vending facility manager for up to six months after the date of death or incapacitation, or until the date on which the operating agreement expires, whichever is sooner, for the purpose of winding down the operations of the vending facility.

SECTION 8. (1) The Commission for the Blind shall ensure the active participation of the commission's business enterprise consumer committee in the commission's major administrative, policy and program development decisions that impact the commission's business enterprise program.

(2) The commission shall provide relevant data and information to the committee in a timely manner in order to effectuate the committee's active participation.

(3) The commission has final authority and responsibility for the administration and operation of the business enterprise program.

(4) If the commission does not follow a recommendation of the committee regarding a matter on which the committee actively participates, the commission shall provide to the committee a written explanation as to the reason the committee's recommendation was not followed.

SECTION 9. (1) The Commission for the Blind may, in the discretion of the commission or if requested by a vending facility manager licensed under ORS 346.510 to 346.570, aid persons with visual impairments by supplying to a person with a visual impairment materials, equipment or machinery, or by allowing the manager to subcontract with a third party to obtain materials, equipment or machinery, in order to enable the operation of a vending facility.

(2) The commission may transfer to the person with a visual impairment ownership of any materials, equipment or machinery owned by the commission and supplied to the person.

SECTION 10. (1) As used in this section:

(a) "Political subdivision" has the meaning given that term in ORS 346.510.

(b) "Vending facility" has the meaning given that term in ORS 346.510.

(2) This state shall grant to persons who are blind a:

(a) Priority to establish and operate vending facilities, other than cafeterias and in community colleges, in public buildings in this state.

(b) Preference to operate cafeterias, and vending facilities in community colleges, in public buildings in this state.

(3) If a state agency, department or political subdivision constructs a new public building or facility, modifies an existing public building or facility, enters into or modifies a contract for, or otherwise seeks to procure, products or services that are customarily provided by the business

enterprise program of the Commission for the Blind, including the operation of vending facilities, the agency, department or political subdivision complies with:

- (a) Subsection (2)(a) of this section if the agency, department or political subdivision:
 - (A) Notifies the commission of the intended action and allows the commission to determine whether a vending facility manager licensed under ORS 346.510 to 346.570 is able to provide the product or service;
 - (B) Offers to the commission a right of first refusal;
 - (C) Does not charge the commission or vending facility manager any amount prohibited under ORS 346.520 (2); and
 - (D) Procures the vending service from the commission if the service:
 - (i) Is offered by the commission or by persons with visual impairments under the direction and supervision of the commission; and
 - (ii) Meets the requirements of the agency, department or political subdivision for quality and quantity of food stuffs and beverages available through the vending facility.
- (b) Subsection (2)(b) of this section if the agency, department or political subdivision:
 - (A) Notifies the commission of the intended action and allows the commission to determine whether a vending facility manager licensed under ORS 346.510 to 346.570 is able to provide the product or service; and
 - (B) Procures the vending service from the commission if the service:
 - (i) Is offered by the commission or by persons with visual impairments under the direction and supervision of the commission;
 - (ii) Meets the requirements of the agency, department or political subdivision for quality and quantity of food stuffs and beverages available through the vending facility; and
 - (iii) Is offered in a bid that is equal to any other bids submitted.

SECTION 11. ORS 346.290 is amended to read:

346.290. (1) There is established in the General Fund of the State Treasury an account to be known as the Commission for the Blind Account. Except for funds made available to the Commission for the Blind under ORS 346.270 or deposited pursuant to section 2 of this 2017 Act, all moneys received by the commission for promoting the welfare of persons with visual impairments shall be paid into the State Treasury and credited to the Commission for the Blind Account.

(2) All moneys in the Commission for the Blind Account are continuously appropriated to the commission for use by the commission for the respective purposes authorized by law.

(3) The commission shall keep a record of all moneys deposited in the Commission for the Blind Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

SECTION 12. ORS 346.510 is amended to read:

346.510. As used in ORS 346.510 to 346.570;

- (1) "Cafeteria" means a food-dispensing facility:
 - (a) That can provide a variety of prepared foods and beverages;
 - (b) Where a patron may move through a self-service line;

- (c) That may employ some servers to wait on patrons; and
- (d) That provides seating suitable for patrons to consume meals.
- (2) "Healthy vending item" and "local vending item" have the meanings given those terms by rules adopted by the Commission for the Blind in consultation with the Public Health Director and the business enterprise consumer committee.
- (3) "Person who is blind" means a person who has not more than 20/200 visual acuity in the better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees and whose blindness is certified by a licensed physician who specializes in diseases of the eye.
- (4) "Political subdivision" means a local government as defined in ORS 174.116, a municipality, town or village of this state.
- (5) "Public building" or "property" means a building, land or other real property, or a portion of a building, land or other real property, that is owned, leased, managed or occupied by a department or an agency of the State of Oregon or by a political subdivision, except for a public elementary school, a secondary school, a public university listed in ORS 352.002 or a public corporation created pursuant to ORS 353.020.
- (6) "Vending facility" means:
 - (a) Shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment that are necessary or customarily used for the vending articles, including an established mix of healthy vending items approved by the Commission for the Blind and the agency, department or political subdivision charged with maintaining the public building or property where the vending facility is located;
 - (b) Manual or coin-operated vending machines or similar devices for vending articles, including machines or devices that accept electronic payment; or
 - (c) Cafeterias or snack bars for the dispensing of food stuffs and beverages.
- (7) "Vending facility manager" means a person who is:
 - (a) Blind;
 - (b) Responsible for the day-to-day conduct of the vending facility operation; and
 - (c) Licensed under ORS 346.510 to 346.570.

SECTION 13. ORS 346.520 is amended to read:

346.520. (1) For purposes of providing persons who are blind with remunerative employment, enlarging the economic opportunities of persons who are blind and stimulating persons who are blind to greater efforts to make themselves self-supporting with independent livelihoods, persons who are blind and who are licensed under ORS 346.510 to 346.570 by the Commission for the Blind have priority in managing vending facilities in or on any public buildings or properties where, in the discretion of the agency, department or political subdivision in charge of the maintenance of the public buildings or properties, vending facilities may properly and satisfactorily operate.

(2) Notwithstanding ORS 276.385, the agency, department or political subdivision charged with maintaining a public building or property where a vending facility is operated under ORS 346.510 to 346.570 may not:

(a) Charge the commission or persons who are blind and who are licensed under the provisions of ORS 346.510 to 346.570 any amount for:

(A) Rental of the space where the vending facility is operated;

(B) Utility costs incurred in the operation of the vending facility; or

(C) The priority, right, permit, license or lease to operate a vending facility in or on the public building or property.

(b) Require that the commission or the vending facility manager pay to the agency, department or political subdivision any portion of a commission, gratuity or revenue earned by the vending facility manager from the operation of the vending facility.

(3) Subsection (2) of this section does not apply to charges imposed by the Department of Transportation or the Travel Information Council. Subject to the availability of funds, the department and the council may refrain from charging any amount for rental of space or utility costs described in subsection (2) of this section.

SECTION 14. ORS 346.530 is amended to read:

346.530. (1) Each agency, department or political subdivision charged with maintaining public buildings or properties shall:

(a) Annually notify the Commission for the Blind in writing of any and all existing locations where vending facilities are in operation or where vending facilities might properly and satisfactorily be operated.

(b) Not less than 30 days prior to the reactivation, leasing, re-leasing, licensing or issuance of a permit for operation of any vending facility, inform the commission of the pending action.

(c) Inform the commission of any locations where vending facilities are planned or might properly and satisfactorily be operated in or about other public buildings or properties that are or may be under the jurisdiction of the agency, department or political subdivision for maintenance.

(2) If the commission offers to operate a vending facility under this section and the offer is not accepted for reasons other than the decision not to have a vending facility on the premises, the agency, department or political subdivision shall notify the commission in writing of the reasons for refusing the commission's offer. The agency, department or political subdivision shall offer the commission an opportunity to resolve the concerns raised in the written notice.

(3) Any contract or agreement between the commission and an agency, department or political subdivision relating to the operation of a vending facility entered into subsequent to July 1, 1975, that is not in compliance with or that is in violation of ORS 346.510 to 346.570 and section 10 of this 2017 Act, is null and void.

SECTION 15. ORS 346.540 is amended to read:

346.540. (1) The Commission for the Blind shall:

(a) As the commission determines is necessary, survey public buildings or properties to determine the suitability of the public buildings or properties as locations for vending facilities to be operated by persons who are blind and advise the agencies, departments or political subdivisions charged with maintaining the public buildings or properties of the commission's findings.

(b) With the consent of the agency, department or political subdivision charged with maintaining the buildings or properties, establish vending facilities in those locations that the commission determines are suitable and enter into agreements to operate the vending facilities.

(c) Recruit, select, train, license and install qualified persons who are blind as managers of vending facilities in public buildings or properties.

(d) Adopt rules as necessary to ensure the proper and satisfactory operation of vending facilities and for the benefit of vending facility managers.

(e) Provide for the continued operation of established vending facilities if a qualified person who is blind is not available until a qualified person who is blind is available for assignment as manager.

(f) Not later than January 15 of each year, submit an annual report on the performance of the commission's business enterprise program to the interim committees of the Legislative Assembly related to health and human services. The commission shall include with the report the results of any surveys made under paragraph (a) of this subsection that were conducted since the submission of the previous year's report, and any refusals from agencies, departments or political subdivisions to operate vending facilities in public buildings or properties.

(2) The commission may enter into agreements in compliance with ORS chapter 190 to operate vending facilities located in public buildings or on public properties described in subsection (1)(b) of this section.

(3) If the agency, department or political subdivision charged with maintaining public buildings or properties does not consent to the establishment of vending facilities in locations in the public building or on the public property that the commission determines are suitable, the agency, department or political subdivision shall inform the commission in writing of the reasons why consent is not given.

SECTION 16. ORS 346.550 is amended to read:

346.550. A vending facility operated under the provisions of ORS 346.510 to 346.570 must be used solely for the vending of commodities and articles approved by the Commission for the Blind and by the state agency, department or political subdivision charged with maintaining the public building or property in or on which the vending facility is operated.

SECTION 17. ORS 346.560 is amended to read:

346.560. The vending facility manager of each vending facility operated under ORS 346.510 to 346.570 is subject to the provisions of any policies, rules, laws and ordinances that apply within the territory where the vending facility is located, including any laws and ordinances that require a license or permit for the conduct of any aspect of the operation of the vending facility.

SECTION 18. ORS 293.701 is amended to read:

293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

(1) "Council" means the Oregon Investment Council.

(2) "Investment funds" means:

(a) Public Employees Retirement Fund referred to in ORS 238.660;

(b) Industrial Accident Fund referred to in ORS 656.632;

- (c) Consumer and Business Services Fund referred to in ORS 705.145;
 - (d) Employment Department Special Administrative Fund referred to in ORS 657.822;
 - (e) Insurance Fund referred to in ORS 278.425;
 - (f) Funds under the control and administration of the Department of State Lands;
 - (g) Oregon Student Assistance Fund referred to in ORS 348.570;
 - (h) Moneys made available to the Commission for the Blind under ORS 346.270 and section 2 of this 2017 Act or rules adopted thereunder;
 - (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry General Obligation Bond Fund referred to in ORS 530.280;
 - (j) Oregon War Veterans' Fund referred to in ORS 407.495;
 - (k) Oregon War Veterans' Bond Sinking Account referred to in ORS 407.515;
 - (l) World War II Veterans' Compensation Fund;
 - (m) World War II Veterans' Bond Sinking Fund;
 - (n) Funds in the hands of the State Treasurer that are not required to meet current demands and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another commingled investment vehicle;
 - (o) State funds that are not subject to the control and administration of officers or bodies specifically designated by law;
 - (p) Funds derived from the sale of state bonds;
 - (q) Social Security Revolving Account referred to in ORS 237.490;
 - (r) Public University Fund established by ORS 352.450;
 - (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;
 - (t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;
 - (u) Education Stability Fund established by ORS 348.696;
 - (v) Deferred Compensation Fund established under ORS 243.411;
 - (w) Trust for Cultural Development Account established under ORS 359.405; and
 - (x) The State Library Donation Fund and the Talking Book and Braille Library Endowment Fund subaccount established under ORS 357.195.
- (3) "Investment officer" means the State Treasurer in the capacity as investment officer for the council.

SECTION 19. (1) The Commission for the Blind shall provide in any agreement with a vending facility manager that the commission shall increase the percentage of net proceeds collected under section 3 of this 2017 Act by four percent if a vending facility manager licensed under ORS 346.510 to 346.570 does not operate in compliance with the requirements of the vending facility manager statement described in section 5 of this 2017 Act. (2) A vending facility manager who is party to an agreement for the operation of a vending facility that is in effect on or before the effective date of this 2017 Act is not subject to sections 5 and 6 of this 2017 Act and may continue to operate pursuant to the agreement until December 31, 2019.

SECTION 20. Section 19 of this 2017 Act is repealed on December 31, 2019.

SECTION 21. The requirements of sections 5 and 6 of this 2017 Act and the amendments to ORS 346.530 by section 14 of this 2017 Act apply to agreements entered into on or after January 1, 2018.

SECTION 22. Not later than November 15, 2017, the Commission for the Blind shall adopt the rules required under sections 3, 5 and 6 of this 2017 Act and ORS 346.510 and 346.540 by sections 12 and 15 of this 2017 Act, and may amend the rules thereafter.

SECTION 23. ORS 346.210 and 346.220 are repealed.

SECTION 24. (1) Sections 2, 3, 5 to 8 and 19 of this 2017 Act and the amendments to ORS 293.701, 346.290, 346.510, 346.520, 346.530, 346.540, 346.550 and 346.560 by sections 11 to 18 of this 2017 Act become operative on January 1, 2018. (2) The Commission for the Blind may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by sections 2, 3, 5 to 8 and 19 of this 2017 Act and the amendments to ORS 293.701, 346.290, 346.510, 346.520, 346.530, 346.540, 346.550 and 346.560 by sections 11 to 18 of this 2017 Act.

SECTION 25. The amendments to section 3 of this 2017 Act by section 4 of this 2017 Act become operative on January 1, 2020.

SECTION 26. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

Passed by House May 24, 2017

Repassed by House July 6, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 3, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

RSA-15 Oregon Commission for the Blind - FY2018

I. Earnings and Employment

1. Gross Sales	3,633,779
2. Merchandise Purchases	1,270,191
3. Gross Profit	2,363,588
4. Payroll Expenses	871,386
5. Other Operating Expenses	463,426
6. Expenses	1,334,812
7. Operating Profit	1,028,776
8. Vending Machine and Other Income	0
9. Retirement and Other Benefits Paid	0

10. Net Proceeds	1,028,776
11. Levied Set Aside Funds	116,686
12. Net Profit to Vendors	912,090
13. Fair Minimum Return to Vendors	0
14. Vendors Earnings	912,090
15. Vendor Person Years of Employment	16.00
16. Average Vendor Earnings	57,006
17. The Median of Net Vendor Earnings in the State	50,107
18. Number of Other Persons with Visual Disabilities Employed	4
19. Number of Other Persons with Disabilities Employed	6
20. Number of Persons Having No Disability Employed	34
21. Total Number Employed in the Program	44

5. Department of Health and Human Services	0
6. Veterans Administration	1
7. Department of the Interior	0
8. Vending Routes on Multiple Federal Locations	0
9. All Other Federal Agencies	1
Other Federal Agencies Identified	Boneville Power Administration HQ
10. Total	4

C. Contracts for Operation of Cafeterias and Military Dining Facilities

(No contracted cafeteria and military dining hall operations have been entered.)

D. Vendors on Federal Property

Vendors on Federal Property

1. Number at Beginning of Year 2

2. Number Entering during Year 0

3. Number Leaving during Year 0

4. Number at End of Year 2

E. Facilities on Public Property (State, County, Municipal)

Facilities on Public Property (State, County, Municipal)

1. Number at Beginning of Year 20

2. Number Established during Year 1

3. Number Closed during Year 0

4. Number at End of Year 21

a. Vending Facilities on State Property (end of year) 18

b. Vending Facilities on County Property (end of year) 3

c. Vending Facilities on Municipal Property (end of year) 0

F. Vendors on Public Property (State, County, Municipal)

Vendors on Public Property (State, County, Municipal)

1. Number at Beginning of Year 14

2. Number Entering during Year 0

3. Number Leaving during Year 0

4. Number at End of Year 14

G. Facilities on Private Property

Facilities on Private Property

1. Number at Beginning of Year 0

2. Number Established during Year 0

3. Number Closed during Year 0

4. Number at End of Year 0

H. Vendors on Private Property

Vendors on Private Property

1. Number at Beginning of Year 0

2. Number Entering during Year 0

3. Number Leaving during Year 0

4. Number at End of Year 0

III. Vending Locations under the Interstate Highway Program

Category	Total Number	Total Vending Machine Receipts
1. Number of Locations Operated by Vendors	27	191,605
2. Number of Locations Operated by Third-Party Contractors	1	5,657
3. Number of Vendors Employed in Highway Program	5	n/a
4. Total Number of Vending Locations	28	n/a

IV. Program Expenditures by Source of Funds

Category	Vending Machine Income - Federal	Vending Machine Income - Non-Federal	Set-Aside	State Appropriated Fund	Federal Funds	Other	Total
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1. Purchase of New Equipment	0	0	65,759	0	291,042	775	357,576
2. Maintenance of Equipment	0	0	59,408	0	0	0	59,408
3. Replacement of Equipment	0	12,196	15,210	0	0	0	27,406
4. Refurbish Facilities	0	0	1,510	0	0	0	1,510
5. Management Services	0	21,870	21,244	147,423	475,037	57823	723,397
6. Fair Minimum Return	0	0	0	0	n/a	0	0
7. Retirement / Pension Programs	0	0	0	0	n/a	0	0
8. Health Insurance Programs	0	0	0	0	n/a	0	0

9. Paid Sick Leave / Vacation Time	35,631	0	0	0	n/a	0	35,631
10. Initial Stock and Supplies	n/a	743	n/a	3,846	14,332	6438	25,359
11. All Other Expenditures	n/a	0	n/a	0	n/a	0	0
12. Total	35,631	34,809	163,131	151,269	780,411	65,036	1,230,287

V. Distribution and Expenditure of Program Funds from Vending Machine Income and Levied Set-Aside

Category	Vending Machine Income - Federal	Vending Machine Income - Non-Federal	Levied Set-Aside	Total
1. Amount on Hand at Beginning of Year	53480	181441	25280	260201
2. Funds Added during Year	49,286	100,097	145,638	295,021
3. Total Funds Available	102,766	281,538	170,918	555,222

4. Funds Distributed to Vendors	0	0	n/a	0
5. Other Funds Expended	35,631	34,809	163,131	233,571
6. Total Funds Distributed and Expended (Lines 4+5)	35,631	34,809	163,131	233,571
7. Amount at the End of the Year (Line 3 minus Line 6)	67,135	246,729	7,787	321,651

VI. Number of Sites Surveyed

Category	Federal Property Total	Non-Federal Property	Total
1. Number of Sites Surveyed During the Reporting Year	20	50	70
2. Number of Sites Accepted by the SLA	4	12	16
2a. Number of Accepted Sites Added to Existing Vending Facilities	0	0	0
2b. Number of Accepted Sites Used to Create New Vending Facilities	0	0	0

2c. Number of Accepted Sites Pending Assignment to a Blind Vendor	4	12	16
2d. Number of Accepted Sites Contracted to a Third-Party	0	0	0
3. Number of Sites Not Accepted by the SLA	4	25	29
3a. Due to Infeasibility of Site	4	23	27
3b. Due to Lack of Available SLA Funds	0	0	0
3c. Due to Lack of Qualified Vendors	0	2	2
4. Number of Sites Denied to the SLA by Property Management Officials	2	6	8
5. Number of Surveyed Sites with a Decision Pending	10	7	17

VII. Vendor Training

1. Number of Individuals Completing Training in the Reporting Year to Become Vendors: (sum of 1a through 1d)	1
a. Number Licensed and Placed as Vendors	1

b. Number Certified Awaiting Placement as Vendors	0
c. Number Placed as Employees in the Vending Facility Program	0
d. Number Employed in Allied Food Service Occupations	0
2. Total Number of Certified/Qualified Individuals Awaiting Placement as Vendors	0
3. Number of Vendors Provided In-Service Training (including on-line training)	12
4. Number of Vendors Provided Upward Mobility Training (including on-line training)	8
5. Number of Vendors Participating in National Consumer-Driven Conferences	1
6. Number of Vendors Who Received Certification or Re-Certification in Food Safety Through a Nationally Recognized or State Recognized Program	1

VIII. State and Nominee Agency Personnel

A. Agency Personnel

Agency Personnel	State Agency Personnel	Nominee Agency Personnel	Total
1. Vending Facility Program Staff	5.00	0.00	5

a. Number of Business Consultants/Counselor Staff (FTE).	0.00	0.00	0
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B. Training

Training	State Agency Personnel	Nominee Agency Personnel	Total
1. Number Who Received Training Related to Blindness, Business Management, or Aspects of the Randolph-Sheppard Vending Facility Program	2	0	2
2. Number Who Participated in National Consumer-Driven Conferences	0	0	0
3. The Number Who Received Certification or Re-Certification in Food Safety Through a Nationally Recognized or State Recognized Program	0	0	0

Notes or Explanations

Add any notes or explanations that will assist in clarifying your data.

Certification

Certification I do hereby certify that, to the best of my knowledge, the information given in this report is complete and accurate.

Name of Authorized Official Gail AB Stevens

Title of Authorized Official Chief Financial Officer

Date Certified(mm/dd/yyyy) 12/28/2018

Also, please be sure to add an agency contact, telephone number and email address for follow-up questions that RSA may need to resolve.

Contact

Person Eric Morris

Telephone Number 971-673-1607

Email Address eric.morris@state.or.us

This form has been approved for use by OMB through Nov 30, 2020.

OCB BE PROGRAM- POTENTIAL SITE SURVEYS 2018					
Site Name	Site Type (Federal, Non Federal)	Street	Status	City	Survey Date
Dept of Agriculture	Non-Federal	Food truck	Landlord - Rejected (no space)	Salem	9/21/2018
USPS Hoyt	Federal	Food truck	Pending	Portland	9/21/2018
USPS - PDX Airport	Federal	Cornfoot Rd.	Accepted	Portland	9/15/2018
Multnomah County Health	Non-Federal	Powell	BEP - Rejected (too small)	Portland	9/9/2018
DHS / OHA state office John Day	Non-Federal	See attached	Accepted		9/5/2018
City of Portland new locations	Non-Federal	Not yet ready	Landlord - Rejected (no space)	Portland	9/2/2018
ODOT Troutdale	Non-Federal	See the attached	Accepted	Troutdale	8/31/2018
GSA ICE	Federal	Accepted	Accepted	Portland	6/20/2018
City of Portland - Master IGA	Non-Federal	Pending	Pending	Portland	6/16/2018
DHS US Customs USCIS	Federal		Accepted		6/11/2018
DHS Keizer	Non-Federal		Accepted	Keizer	6/10/2018
City of Silverton	Non-Federal	Too small	BEP - Rejected (too small)	Silverton	5/10/2018

City of Newberg	Non-Federal	Too small	BEP - Rejected (too small)	Newberg	4/10/2018
Department of Corrections (2)	Non-Federal	Salem	Pending	Salem	3/20/2018
City of North Bend	Non-Federal	Too small	BEP - Rejected (too small)	North Bend	3/19/2018
Eugene Airport II	Non-Federal	Concessions	Accepted	Eugene	3/19/2018
Eugene Airport	Non-Federal	High commissions	BEP - Rejected	Eugene	3/19/2018
LA Fitness Centers (PDX)	Non-Federal	State wide	BEP - Rejected		3/16/2018
OSCI	Non-Federal		Accepted	Salem	3/2/2018
GSA NRA Reedsport	Federal	855 Hwy 101	Pending	Reedsport	2/16/2018
Gresham City Hall II	Non-Federal	BEP rejected	BEP - Rejected (too small)	Gresham	2/15/2018
Dept. of AG II	Non-Federal	A security issue	Landlord - Rejected (no space)		2/14/2018
DOJ BEND	Non-Federal	Too small	BEP - Rejected (too small)	Bend	2/9/2018
DHS Salem	Non-Federal	Accepted	Accepted	Salem	2/6/2018
GSA NRCS & FSA K Falls	Federal	Planning stage only	Pending	Klamath Falls	2/2/2018
ONG - NEW location TBD	Non-Federal	Under construction	Pending		1/30/2018
GSA S/S Admin La Grand	Federal	Too small	BEP - Rejected (too small)	La Grande	1/29/2018
DOC Commissary State St.	Non-Federal	3601 State St	Accepted	Salem	1/26/2018
Hatfield CT. (3)	Federal	Space not appropriate	BEP - Rejected (too small)	Portland	1/24/2018
Oregon Dunes NRA	Federal	Reedsport	Pending	Reedsport	1/24/2018
ODOT Corvallis & Albany	Non-Federal	3700 SW Philomath Blvd.	Accepted	Corvallis	1/19/2018
Wallowa Lake State Park Marina	Non-Federal	Poor location	BEP - Rejected (too small)	N/A	1/19/2018

ODOT RAIL BUS facility	Non-Federal	Too small however, Canteen took it after saying no	Accepted	Salem	1/18/2018
Tualatin Valley Water Dist	Non-Federal	Too small	BEP - Rejected (too small)	Beaverton	1/17/2018
OR Dept Of Agriculture	Non-Federal	Security issue	BEP - Rejected (too small)	Salem	1/16/2018
City of Happy Valley	Non-Federal	Too small	BEP - Rejected (too small)	Happy Valley	1/15/2018
DHS Cherry AVE II	Non-Federal	3406 Cherry Ave NE, Keizer, OR 97303	Accepted	Keizer	1/15/2018
Cherry AVE-complex	Non-Federal	Food truck - denied	Landlord - Rejected		1/15/2018
OHR Pendleton	Non-Federal	Rejected too small	BEP - Rejected (too small)		1/15/2018
OR. Lottery	Non-Federal	Pending their decision	Pending		1/15/2018
OR. Rev Plaza	Non-Federal	Pending	Pending		1/15/2018
Port of PTL Terminal	Non-Federal	Rejected Rent issue	BEP - Rejected		1/15/2018
Portland State University - Off Campus vending	Non-Federal	Rejected Rent issue	BEP - Rejected		1/15/2018
Redmond Airport	Non-Federal	Rejected Too small	BEP - Rejected (too small)		1/15/2018
Tillamook Co. Court house II	Non-Federal	rejected too small	BEP - Rejected (too small)		1/15/2018
Edith Green (additional vending)	Federal	Bldg Mgr said no more machines	Landlord - Rejected	Portland	1/12/2018
Edith Green III (additional vending)	Federal	Still no interest	Landlord - Rejected		1/12/2018
Oregon DEQ Lloyd 700	Non-Federal	Not enough space	Landlord - Rejected (no space)	Portland	1/12/2018
Port of Portland	Non-Federal	High commissions	BEP - Rejected		1/9/2018
NRCS & FSA	Federal		Pending	K Falls	1/4/2018
NRCS & FSA	Federal	Pending	Pending	K Falls	1/4/2018

OYA Willsonville	Non-Federal	No food truck available	BEP - Rejected	Wilsonville	1/4/2018
Rogue River Sch Dist	Non-Federal	Not qualified	BEP - Rejected	Gold Hill	1/4/2018
DHS dist 7	Non-Federal	2110 Newmark Ave	Accepted	Coos Bay	12/29/2017
NRCS	Federal	1201 NE Holladay St.	Pending	Portland	12/28/2017
Dept. of Ag	Non-Federal	400 Summer St.	Pending	Salem	12/27/2017
Eugene Sch Dist	Non-Federal	Not qualified	BEP - Rejected	Eugene	12/16/2017
DOC Salem facilities	Non-Federal	Food truck	Pending	Salem	12/4/2017
City of Eugene parks	Non-Federal	No history & not currently being done	BEP - Rejected	Eugene	12/1/2017
GSA COE	Federal	1201 NE Holladay St,	Pending	Portland	12/1/2017
GSA NOAA	Federal	1201 NE Holladay St.	Pending	Portland	12/1/2017
Hatfield Ct House II	Federal	Reopen Café	BEP - Rejected (too small)	Portland	12/1/2017
NOAA	Federal	1201 NE Holladay St.	Pending		12/1/2017
Hatfield Court house still another	Federal	M/M	Accepted		11/17/2017
OR PUC	Non-Federal	No trucks available	BEP - Rejected	Salem	11/14/2017
ONG General	Non-Federal	Salem area	Landlord - Rejected	Salem	11/12/2017
DEA	Federal	Too small	BEP - Rejected (too small)	Salem	11/10/2017
OSU - Cascade Hall	Non-Federal	Added equipment	Accepted	Corvallis	10/10/2017
Oregon Image & Records	Non-Federal	Too small	BEP - Rejected (too small)	Too small	10/10/2017
City of Portland (New sites)	Non-Federal	Too small	BEP - Rejected (too small)	Portland	10/9/2017