

# MAKING CHANGE

A GUIDE TO HEALTHIER VENDING FOR MUNICIPALITIES



**ChangeLab Solutions**  
Law & policy innovation for the common good.

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# INTRODUCTION

Every day, people walk past vending machines in cities and towns across America. For a dollar or two - or even a fraction of that - they can grab a quick snack or drink without leaving the building or waiting in a line. But increasingly, Americans want more than just convenience in their vending machines. They want healthy, tasty, affordable options.

Recognizing that a lack of affordable, healthy food and beverage options outside the home may contribute to the obesity crisis, many municipalities have set out to transform their vending machines. A few places have implemented healthy vending policies through legislative action or executive order. However, many healthy vending machine changes at government sites are actually voluntary.

**A number of important questions have emerged from these efforts:**

- How healthy are the food and beverage selections in government vending machines?
- Are healthy options priced reasonably to compete with junk food options?
- Why would the government stock vending machines with unhealthy items that can make its workers and visitors sick - and increase its own costs?

This guide explores different options for municipalities looking to develop a healthy vending policy to improve the food environment for people working for, visiting, and being served by local government agencies.<sup>1</sup>



# THE BIG PICTURE:

## MAKING THE CASE FOR HEALTHY VENDING

Cities and towns face many fiscal challenges in today's tough economic times. While revenue, budgets, and the number of jobs shrink, obesity rates and related health care costs continue to skyrocket.

Recent Gallup data estimates the direct costs associated with obesity and related chronic conditions at about \$50 million per 100,000 residents annually in cities with the highest obesity rates.<sup>2</sup> Even cities with low obesity rates suffer from millions of dollars in preventable health care costs.<sup>3</sup>

According to the 2010 Census, approximately 15 million Americans work in local governments.<sup>4</sup> Through healthy vending policies, local governments can provide healthy food options to their civil servants, as well as to countless others who visit municipal parks and government buildings for services.

City and town leaders can demonstrate their commitment to addressing concerns about obesity and other chronic diseases by offering healthier vending machine options. By making healthy vending options more accessible and affordable, they not only provide employees and visitors with healthier food options but may help lower health care costs and direct money to more productive uses.<sup>5</sup>

### A Matter of Health Equity, Not Just Convenience

We often think of vending machines as merely a matter of convenience. But for employees who work nights, weekends, or other off-hour shifts, vending machines may be the only source of food or drinks available during their work hours. Providing healthy, nutritious, and affordable options for these workers is important to keeping them healthy, productive, and alert through challenging working conditions. For these workers, healthy vending is a matter of health equity, not just convenience.

According to the Centers for Disease Control and Prevention (CDC), health equity is achieved "when every person has the opportunity to 'attain his or her full health potential' and no one is 'disadvantaged from achieving this potential because of social position or other socially determined circumstances.'"<sup>6</sup> Health equity can be promoted through healthy vending machine options by:

- Providing healthy, affordable options for off-shift workers
- Considering and including ethnically and culturally familiar foods that are healthy
- Pricing healthy items in an affordable way
- Surveying consumers to find out what healthy products they want to see, rather than imposing new options arbitrarily
- Providing alternatives to vending machines, such as free, clean (filtered if necessary) water and refrigerators where people can store healthy prepared meals and snacks from home



## The Even Bigger Picture

In many places, a municipal government may be one of the biggest employers around. Los Angeles County, for example, is the largest single employer in the Southern California area, with about 40 departments and roughly 100,000 employees. Many thousands of members of the public also come into county facilities every day.<sup>7</sup>

Municipalities that implement healthy vending not only improve food options for their employees and visitors but also become part of a greater movement to improve the food landscape. In 2010, the federal government adopted *Health and Sustainability Guidelines for Federal Concessions and Vending Operations* that apply to food service operations and vending machines managed by Health and Human Services and the General Services Administration.<sup>8</sup> States (such as Massachusetts, Virginia, and Alabama), cities (like Seattle and New York City), counties, smaller towns, and school and park districts have also implemented healthy vending guidelines (see more examples and links to their policies below).<sup>9</sup> For a presentation on healthy vending efforts around the country, including a pilot program in Alabama, see <http://healthpromotionlive.com/2011/10/nov-10state-of-wellness-healthy-vending-programs/>.

Schools especially have led the way on getting junk food and unhealthy beverages out of vending machines.<sup>10</sup> Add to all this the healthy vending components of worksite wellness programs in private companies that employ more than 130 million Americans,<sup>11</sup> and a single new healthy vending policy in your city or town can actually be part of a wide movement to change the food environment with healthier eating options. Policies like these not only make it easier for people to make healthier choices every day at school, work, and in the community but also increase the demand for food and beverage companies to offer healthy vending machine options.



# WHAT IS PROCUREMENT?

Once the case has been made for healthy vending machines, it is important to first understand the basics of government purchasing power (“procurement”) before exploring the steps to implementing a healthy vending policy.

When people and families go to the store to buy groceries, clothes, or school supplies, it’s just called shopping. When government buys products and services, it’s called *procurement*, which signifies that there is a formal process in place to promote fairness when taxpayer money funds the purchases.

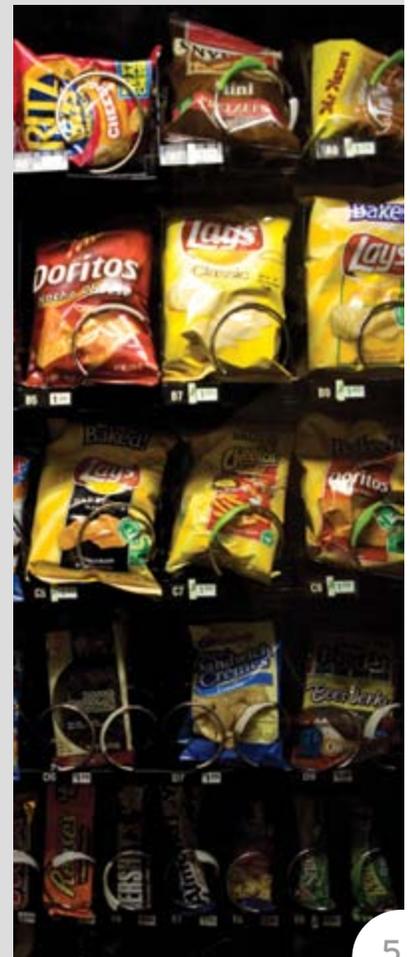
Governments purchase (or procure) things all the time: They buy office supplies, they pay local organizations to run youth programs, and they buy *a lot of food*. Depending on how much money is being spent in any given procurement contract, there will be rules that dictate how the contracting process plays out.

Generally, local governments specify the goods and services they want to purchase by issuing a solicitation for bids or proposals. This is often referred to as a Request for Proposals (RFP) or an Invitation for Bids (IFB). In turn, contractors and vendors submit bids or proposals; the government entity rates qualified, responsive bidders; a lowest bidder is selected; and a contract is negotiated and implemented.

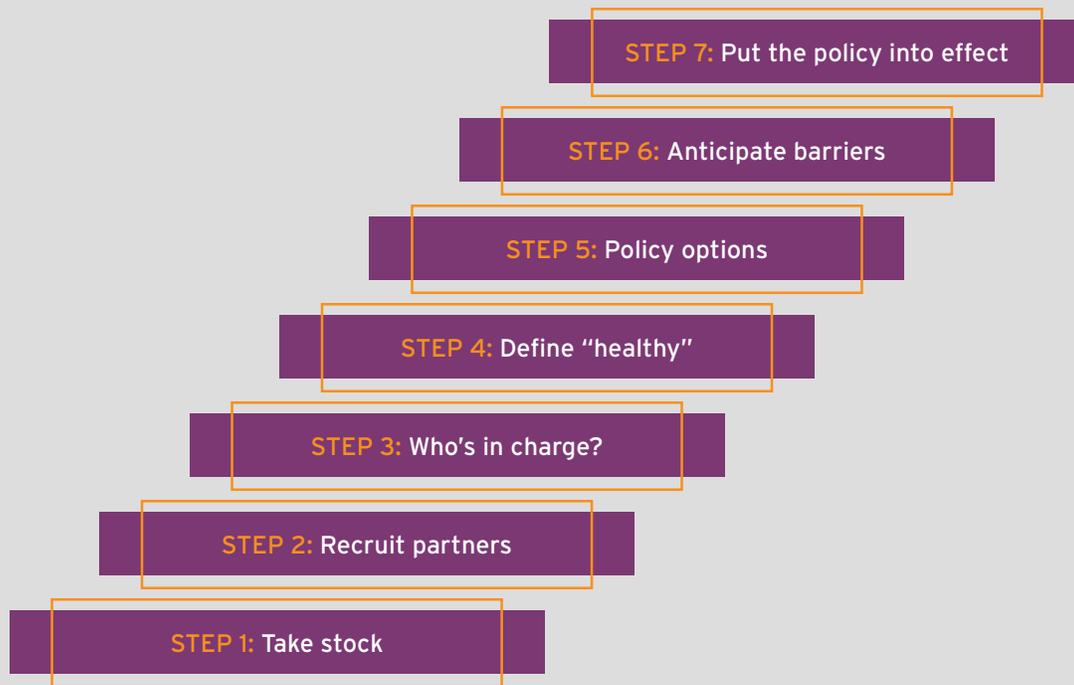
For a thorough overview of government procurement, including how it can be used by agencies to obtain healthier food, see our primer *Understanding Healthy Procurement: Using Government’s Purchasing Power to Increase Access to Healthy Food* and the CDC’s *Improving the Food Environment Through Nutrition Standards: A Guide for Government Procurement*.<sup>13</sup>

State and local governments have a lot of control over the goods and services they purchase for cafeteria and food services, events, and concessions and vending. This guide focuses specifically on healthy vending machine options for local governments.

Even though items sold in municipal vending machines are affected by your local procurement policies, it may prove tricky to locate an actual policy or agreement. Some places may have decades-old agreements with vendors, but nothing is written down. In order to create concrete, lasting changes, it is important to work toward a comprehensive healthy vending policy that is written and binding (which means that someone actually enforces it). In the following pages are the steps to implementing a healthy vending policy.



# STEPS TO IMPLEMENTING A HEALTHY VENDING MACHINE POLICY



## STEP 1: TAKE STOCK

The first step is to decide where you want your healthy vending machine policy to have an effect. Basically, you want to take an inventory of the vending machines that you want to make healthier. What is it that you want to change? And more specifically, where? It is important to be strategic, specific, and realistic. Try to imagine all the places where the government sells food through vending machines, including:

- City hall, government centers, agency offices
- Cafeterias, cafés, lunchrooms
- Hospitals, nursing homes, child-care centers, libraries, correctional facilities
- Parks, recreational facilities, city-owned sports venues
- Schools and public colleges

Where are vending machines located? What products are offered? Once you've identified the places where you'd like to see vending machines become healthier, think strategically about what locations you can influence with a new policy. Try to be specific and realistic. Where you want to achieve healthier vending plays a big part in Steps 2 and 3, bringing together partners and approaching the person in charge.

## STEP 2: RECRUIT PARTNERS

In addition to the people in charge of approving a healthy vending machine policy, there are many other partners you can bring together to promote success.

**Key employees.** At the start, conduct a survey with key employees about what they want to see in the healthy vending machines in their work area. Not only will you develop a better understanding of what your target audience wants, but you'll also demonstrate a genuine interest in getting support for the policy at all levels. Be sure to find people who are not only representative of your workers but also respected and influential. Don't forget to include unions and other employee associations for municipal workers. Also, you may want to consider forming a work group or task force that you can call on to meet regularly as you implement and evaluate your policy.

**Community members.** Remember that many nonemployees come to municipal buildings to access services or as visitors. Survey them as you would key employees. Bringing key people in from the community, especially if they have an interest in health and wellness, is a great strategy. School or private business representatives who have implemented successful healthy vending policies should also be consulted.

**Purchasing and other experts.** You will need to work with the purchasing director who will be responsible for implementing your policy. It's useful to have the director or manager on your side, as well as other experts who can help you understand pragmatically how food is procured and sourced in your jurisdiction. Food consultants and other business experts can also be helpful, but be careful about including people who would unfairly benefit from the process. There may be a conflict of interest when getting these people involved, and state and local laws may prohibit this kind of unfair participation.

**Government agency and department leaders.** Consider including health department representatives, health care campus directors, and other people who will be responsible for implementing the policies.

**Policy champions.** An influential policymaker, perhaps an elected official, or other community leader can often talk persuasively about healthy vending.

**Food experts.** Nutritionists and dieticians can provide guidance on health needs, nutrition standards, and criteria for healthy beverage and food items.

**Industry.** Identify vendors, producers, and distributors who can play a role in increasing the supply of healthy vending items. Cultivate relationships with vendors who share a commitment to healthy food and understand the business advantage of providing healthy food.

**Other movements.** Allies from energy, environmental, food security, and/or anti-hunger sectors may be able to provide support for healthy vending machines if mutually beneficial goals such as energy efficiency, local food sourcing, and nutrition are prioritized.



## STEP 3: WHO'S IN CHARGE?

Depending on what you hope to achieve, you will ultimately need authorization from the person in charge of making decisions on vending machines. This may be the head of an individual department or agency, a governing board, or even the mayor or city council. In some cases, vending machines may be controlled by a union bargaining agreement. The key question is who sets the purchasing policies for the machines that you are trying to improve. To find this out, you can start with your mayor's office, municipal website, purchasing department, or city manager's office.



DOs	DON'Ts
DO learn about the decision-maker's goals and concerns ahead of time.	DON'T be dogmatic or inflexible. Going in with a moral charge is not effective.
DO have sample healthy vending policies and nutrition standards in hand.	DON'T assume or say they are doing things wrong. Improving the food environment is about changing social norms. Chances are this person is performing their job quite well; you are giving the opportunity to make an improvement, not correct a job poorly done.
DO bring along key employees who are excited about healthy vending, or show the results of your consumer survey.	DON'T assume barriers or challenges are insurmountable. Find out if there are other people to consult, or contact ChangeLab Solutions for technical assistance, especially if someone tells you there is a legal barrier to getting healthy vending machines.
DO have an understanding of procurement laws and other existing statutes that may affect the decision-maker's ability to adopt healthy vending policies.	
DO be attentive to vendor profits and business concerns.	



## STEP 4: DEFINE “HEALTHY”

There are different ways to define what qualifies as a healthy vending item. One common approach is to set standards by nutritional category, with secondary considerations for type of food and size.

For example, a town could limit beverages in municipal vending machines to:

- Water
- Nonfat or 1 percent milk
- 100 percent juice in containers less than or equal to 8 ounces
- Low-calorie options of no more than 50 calories per 12-ounce serving
- Drinks with 50 percent fruit juice with no added sweeteners

Similarly, healthy food or snack items could be defined in an agency's nutrition standards as those that have:

- 250 calories or less
- No more than 35 percent of calories from total fat (no more than 10 percent of calories from saturated fat)
- Zero trans fat
- Less than 30 grams of carbohydrates per 8-ounce serving
- Less than 150 milligrams of sodium per serving

Such standards often have special considerations and exceptions based on:

- Food type (for example, nuts and seeds are commonly accepted as healthy options but may exceed the above thresholds of calories and fat; likewise, a healthy whole piece of fruit may exceed the carbohydrate threshold)<sup>14</sup>
- Population (children, youth, adults, and seniors may have unique caloric and nutritional needs)<sup>15</sup>

A registered dietician or nutritional expert can help you review and develop healthy vending standards. The standards could be based on the *2010 Dietary Guidelines for Americans*,<sup>16</sup> the American Heart Association's *Recommended Nutrition Standards for Procurement of Foods and Beverages Offered in the Workplace*<sup>17</sup> and *Policy Statement on Worksite Wellness Programs*,<sup>18</sup> or the U.S. Government Services Administration's *Health and Sustainability Guidelines for Federal Concessions and Vending Operations*.<sup>19</sup>

Recent examples of nutrition standards in healthy vending policies include:

- King County's *Healthy Vending Guidelines*<sup>20</sup>
- Maricopa County's *Better Bites, Better Gulps: Improving Vending Choices One Bite at a Time*<sup>21</sup>
- New York City's Agency Food Standards: *Beverage Vending Machine Standards for a Healthy Workplace*<sup>22</sup>
- Puerto Rico's *Criterios Nutricionales para las Máquinas Dispensadoras de Alimentos*<sup>23</sup>

Many jurisdictions have found it helpful to provide in their policy actual examples of healthy snack and beverage items that meet their standards. In *King County Healthy Vending Guidelines*, food and beverages are divided into three categories: *healthiest*, *healthier*, and *food and beverages that should be limited*. Examples of food and beverages for all three categories are included, along with appropriate levels of calories, fat, sugar, and sodium.<sup>24</sup> In its 2002 Fit City Initiative, San Antonio provided examples of snacks and beverages that were *healthiest*, *healthier*, and *excluded*.<sup>25</sup>

## STEP 5: POLICY OPTIONS

Depending on the goals and strategies you have set in the first four steps, adopting a policy in Step 5 entails several underlying determinations:

- What is the appropriate policy mechanism?
- Is your policy mandatory or optional?
- What will be your ratio of healthy to unhealthy products?
- How will products be priced and chosen?

### What is the appropriate policy mechanism?

If you are trying to make vending machines healthy in all city agencies and buildings, or across a number of them, you may need legislative action such as a resolution from the city council or an executive order from the mayor.

Example: In San Diego, the county board of supervisors passed a Healthy Choice Options in Vending Machines on County Property policy in 2006: 100 percent of food and beverages sold in vending machines at county facilities that primarily serve youth must meet the healthy-choice nutrition standards set forth in the policy. For all other county facilities, 50 percent of the items sold must meet the nutrition standards.<sup>26</sup>

If you are trying to change a single agency's or building's vending policy, you may need a guideline, regulation, resolution, or proclamation from a department head or governing board. Or you may just need agreement from the person in charge of purchasing. To find out the proper policy mechanism, a good place to start is your city attorney's office.<sup>27</sup>

### Is your policy mandatory or optional?

Once the appropriate policy mechanism has been determined, you will need to decide if your policy is mandatory or optional (sometimes referred to as *voluntary guidelines*). From public health and policy change perspectives, mandatory policies are stronger because they are required. Optional guidelines and recommendations, on the other hand, may be a good starting point but ultimately are not requirements, and agencies and departments can choose whether or not to implement them. The San Diego example above is mandatory because food and beverages sold in county vending machines "must meet" the selected nutrition standards.<sup>28</sup> On the other hand, Seattle King County's healthy vending guidelines are voluntary in that they "provide recommendations for the nutritional quality of food and beverages in vending machines to help make the healthy choice the easy choice."<sup>29</sup>



## What will be your ratio of healthy to unhealthy products?

From a public health perspective, offering only healthy food and beverage items in vending machines is the strongest approach. Not only would this provide the greatest number of healthy options, but it would also make enforcement easier. However, you may have to limit healthy food and beverages to a certain percentage for reasons such as political will, social acceptability, community receptiveness, and consumer satisfaction.

One approach is to propose 100 percent healthy items in vending machines, even if it is unlikely that you will get 100 percent. That way, if you have to compromise during the policy adoption process, you may still get 75 percent or 50 percent. This can still be viewed as a victory because many vending machines currently offer no healthy options whatsoever. Further, if revenue becomes an issue for adopting or implementing your policy (discussed later in Step 6), at least one study reports that converting 50 percent of vending machine items to healthier food and beverages resulted in revenue either increasing or remaining neutral.<sup>30</sup>

If you do have to settle for less than 100 percent healthy options, consider a phase-in approach that will steadily increase the percentage of healthy products every year. Many advocates regard 50 percent healthy vending as an important incremental step toward 100 percent healthy vending.

It is important to note that even if an incremental approach is adopted, there are some guidelines that can be implemented fully right away. For example, a 100 percent ban on trans fats in vending machines can be instituted right at the outset even if the ratio of healthy to unhealthy products, based on other criteria, is set at a lower percentage.



## How will products be priced and chosen?

Pricing healthy food and beverage items competitively (to cost less than or at least the same as less healthy options) is one way to help make it easier for consumers to choose the healthy option. Some key strategies include:

- Working with your vendors to price healthy items lower than unhealthy items
- Placing healthy items at eye level, where they're the easiest choices for consumers to select
- Spotlighting new items that promote special health considerations, such as a low-sodium or high-fiber product
- Using signage to identify healthy items
- Limiting junk food marketing on machines
- Letting vendors know that under the Affordable Care Act, the FDA will require vending machines to post calories next to each item if the operator owns more than 20 machines<sup>31</sup>

In New York City, for example, healthy vending contracts have incorporated many of these strategies:<sup>32</sup>

- If the sides and front panels of vending machines are going to be used as promotional spaces, the city has to approve the promotional material, and only healthy beverage choices and/or healthy activities can be promoted.<sup>33</sup>
- Water must be placed in the position with the highest selling potential. High-calorie beverages must be placed in the position with the lowest selling potential.<sup>34</sup>
- Pricing models that encourage healthy choices - e.g., by establishing lower prices for healthy beverage choices relative to high-calorie beverages - are encouraged.<sup>35</sup>

Another issue to consider is product taste and flavor. It is pointless to offer healthy food and drink choices if these products are of poor quality. A taste panel or product sampling is a perfectly appropriate factor when creating allowable product lists, and flavor is sometimes just as important to customers as pricing. It is important to note, though, that taste is a complicated issue. People can adapt their preferences for sweetness, saltiness, new flavors, and so on over time and through experience.



## STEP 6: ANTICIPATE BARRIERS

Throughout the entire process, try to anticipate potential barriers to adopting and implementing your healthy vending policy.

### Employee preference

Some criticism may come from the simple fact that some people don't like change and will want to keep seeing the same selection of soda, chips, and candy in their vending machines. Even if only a small number of people get upset that their favorite snack item is removed from a vending machine, they can nonetheless be vocal and troublesome.

Addressing this barrier will be much easier if you have already surveyed your workers and identified key employees and champions (see Step 2). If you have the backing of a strong number of employees who not only buy into the idea of healthy vending but are actually demanding healthy foods and beverages, it will be that much easier for you to adopt and implement a policy.

Ultimately, people who want unhealthy food can still get it elsewhere even after healthy vending is implemented. A useful way to frame the issue might be to point out that people can still buy whatever food they want elsewhere but that government will no longer be in the business of providing such unhealthy food. Instead, responsible government and public agencies can choose to be a model of healthy eating by providing better options in their vending machines. In this regard, it is also important to evaluate taste and flavor when reviewing proposed product lists of healthy foods and beverages from vendors. This way, the municipality can offer food and drink choices that are not only healthy but preferred by consumers.

### Revenue

In economically difficult times, vendors and opponents of your policy may also say that healthy vending is a threat to sales and profit. As healthy vending is implemented in more settings, it will be important for social science researchers to evaluate the effect on sales and eating habits.<sup>36</sup> Most of the studies that have been conducted have focused on the school setting. These actually show that schools across the country have been able to switch to offering healthier food in vending machines while maintaining or even increasing revenue.<sup>37</sup> The pediatric health system Nemours reports that pilot studies in Arizona, California, and Connecticut found that healthier vending options resulted in either no negative impact on revenue or an increase in gross revenue.<sup>38</sup> These are promising findings because ultimately the goal of healthy vending policies is not just to stock healthy items but to actually result in people buying and consuming healthier food.

When addressing concerns about a loss of revenue, you may find it useful to frame the issue as one of fiscal health. With roughly two-thirds of American adults overweight or obese and childhood obesity rates tripling over the past 30 years, the United States is currently spending \$150 billion annually in health care costs to treat obesity-related illnesses and conditions.<sup>39</sup> Local cities and towns simply cannot keep feeding this epidemic with unhealthy food options like those commonly found in vending machines.



## STEP 7: PUT THE POLICY INTO EFFECT

The best way to implement your healthy vending policy is to develop a clear plan based on the goals, strategies, and partners you have carefully considered in the previous steps. It is also important to clearly identify the roles of the people responsible for implementing the policy.

Seattle King County suggests the following best practices for a team-based approach to implementing healthy vending guidelines:

- Select a recognized leader to champion the program.
- Engage with stakeholders such as administrators, staff, food and nutrition service providers, students, parents, and others in the planning process.
- Create an implementation plan with goals, strategies, and a timeline.
- Pilot-test to allow staff to identify healthy, tasty choices and adjust to new options.
- Assess the environment: Determine where vending machines are located, what products are offered, and whether there are existing nutrition or vending policies. Find out what the staff and other stakeholders currently think about healthy eating.
- Conduct an annual review to evaluate and revise your vending guidelines as needed (e.g., when there are updates to *Dietary Guidelines for Americans*).<sup>40</sup>

Other important measures:

**Keep partners, staff, and consumers involved throughout the entire process.** Don't forget about the people you bring in at the beginning of the process to conduct your survey. Building ongoing relationships and consulting your partners regularly will help with implementation.

**Identify healthy product vendors.** With the increasing demand for healthy vending products, manufacturers, vendors, and service operators are starting to offer a wider selection of healthy products. Although we are not in a position to promote any particular vendors, other organizations have identified how to work with manufacturers and service operators, such as Nemours in its *Healthy Vending Guide*.<sup>41</sup>

**Percentages and phase-in.** Whether your policy requires healthy vending products or just gives optional guidelines, if you cannot reach agreement on 100 percent healthy items, your policy will need to clearly specify what percentage of vending items will be healthy, state whether there will be a phase-in period to transition to healthy vending, and provide a clear enforcement plan.

**Seek broad partnerships.** Partner with other people and movements that have common goals. For example, advocates for local food sourcing or protecting the environment may help you gather support for healthy vending if your policy incorporates provisions to promote local food and save energy. Combining vending changes with employee wellness programs may also create additional allies and partners. Employees spend more of their waking hours at work than in any other place. Why not combine healthy vending with other worksite wellness efforts that encourage healthy eating, physical activity, and a healthier work environment?

**Consider best contracting practices.** (See following page.)

## BEST CONTRACTING PRACTICES

After analyzing municipal snack and beverage vending contracts from cities, counties, and recreation departments of all sizes, ChangeLab Solutions has developed a *Model Healthy Municipal Snack and Beverage Vending Agreement*.

This model provides a template of contract clauses and terms to promote the sale of healthy snacks and beverages, as well as options to help you negotiate favorable terms and conditions with your vendors. Download the model at: [www.changelabsolutions.org/publications/snack-bev-vending](http://www.changelabsolutions.org/publications/snack-bev-vending)

When using ChangeLab Solutions' model agreement, consider the following:

### **Impact of state and local laws.**

These can affect how vending agreements are solicited and administered. Consult with legal counsel to adapt our general provisions to comply with the specific laws applicable to your municipality.

**Timing.** Find out when the current contracts expire and the date of renewal, and let other parties know early on about your intentions to transition to healthy vending.

**Short contract terms.** As state or local law allows, keep contract terms short so improvements can be easily made in the future.

### **Maximum financial benefit.**

Vigorously negotiate terms for cash advances, revenue sharing, and competitive product pricing whenever vendors desire exclusive contract and marketing rights. These rights are valuable to the vendor, and municipalities can use them in bargaining.

**Enforcement.** Clearly state what counts as a breach of contract and spell out what happens if the vendor does not follow healthy vending requirements.

**Transparency.** Require vendors to provide accurate and timely financial reports, and permit periodic audits of financial records related to the agreement.

### **Healthy product identification.**

Provide a list of healthy items to vendors, work with vendors who can provide healthy products, share customer survey results with vendors, and focus on the importance of providing variety and products that consumers will accept. Share your chosen nutrition standards and get a list of qualifying products.

**Pricing.** If you are not requiring 100 percent healthy food in vending, have discussions early about pricing healthy food competitively or lower than unhealthy food. Consider doing a pilot test that includes pricing incentives.

**Other savings.** Look for other ways to save costs. For example, municipalities are typically required to provide the electricity for vending machines free of charge to the vendor. Negotiate for energy-efficient machines and lighting schemes wherever possible, and seek out other potential cost savings.

**Labeling.** The federal menu labeling and vending machine disclosure law provisions of the Patient Protection and Affordable Care Act of 2010 requires that operators with more than 20 vending machines display total calorie content for each item sold in their machines, with specific requirements regarding the font, format, size, appearance, and location of this information.<sup>42</sup> As this guide went to press, the Food and Drug Administration was still in the midst of the rulemaking process for these regulations.<sup>43</sup> Municipalities should review federal vending machine regulations when they become available and incorporate them into their agreements.

**New standards.** Be aware of any relevant new standards or initiatives. For example, the Institute of Medicine (IOM) is recommending a single front of package (FOP) symbol system to appear on all food and beverage products in place of any other systems currently in use.<sup>44</sup> The IOM suggests that the system show

calories and a total number of points based on the saturated and trans fat, sodium, and sugar contents of each product.<sup>45</sup> This may be something you negotiate into your agreement.

**Modification.** Allow for the contract to be modified if new federal, state, or local laws affect the contract terms.

**Emphasis on healthy options in RFP language.** As outlined earlier in this guide, vending machines in municipal settings are usually covered by competitive procurement processes that will require a municipality to issue a Request for Proposals (RFP) or sometimes an Invitation for Bids (IFB). It is important that RFPs and IFBs contain strong language that emphasizes healthy options. This helps ensure that prospective vendors know from the very beginning they will need to be able to provide healthy products.

**Preferred vendors.** Some government procurement policies give preference to MBE/WBE (minority- or women-owned businesses) or companies that employ handicapped or visually impaired workers. For example, the Randolph-Sheppard Act, a federal law that has been in place for decades, gives the right of first refusal to blind merchants for contracts to operate vending machines, concession stands, and cafeterias on federal property.<sup>46</sup> Moreover, states coordinate their own (and municipal) vending operations with these Randolph-Sheppard vendors. It's important to check with legal counsel about preferential bidding procedures for underrepresented groups in local procurements.

**Consolidation.** To maximize efficiency and financial benefit to all parties, consider consolidating all vending services within a municipality into one contract, rather than allowing each department to solicit separately. This will avoid wildly uneven vending services.

# ENFORCING YOUR POLICY

Once your municipality has implemented a healthy vending policy, there is still the question of how to enforce it. There are a number of things you can do to make your policy more enforceable.

**Include strong enforcement provisions.** In addition to the best contracting practices outlined in Step 7, consider contract provisions that allow your municipality to collect fines or liquidated damages, revoke permits or contracts, or remove machines if a vendor becomes noncompliant.

**Monitor.** Designate city staff to monitor and report back to the city council or mayor on a regular basis (e.g., quarterly or every six months).

**Educate.** Train staff and the public about healthy vending goals to make more people feel responsible for the success of the program. For example, Baldwin Park, Calif., mandates annual training for city staff on how to incorporate healthy vending and healthy snacks into special events.<sup>47</sup>

**Require 100 percent healthy.** When you are dealing with any other percentage, there is more wiggle room for others to argue that machines with unhealthy items are still somehow compliant.



# CONCLUSION

Many cities and towns have already started heeding employee and community demands for healthier food options. There is no silver bullet that will make healthier options readily available for everyone. But as Americans increasingly become weary of being surrounded by (and eating) unhealthy foods, improving the vending machines in local government buildings and public agencies offers a great opportunity to make change.

**Our team of urban planners and attorneys can provide trainings, answer questions, and help draft or review policy language to help meet your health goals. For more information, visit [www.changelabsolutions.org](http://www.changelabsolutions.org).**

## More resources from ChangeLab Solutions:



*Model Healthy Municipal  
Snack and Beverage  
Vending Agreement*



*Understanding Healthy  
Procurement*

Written by Quang Dang, ChangeLab Solutions

ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

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## ENDNOTES

1. This guide focuses on municipalities, which are local units of government like cities, towns, and counties. Many state governments have also developed healthy vending policies. Examples can be found at [www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter197](http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter197) (Massachusetts) and <http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0718> (Virginia).
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