



ADMINISTRATIVE RULES OF MONTANA



37.30.2525 VENDOR RESPONSIBILITIES

- (1) The vendor shall receive all income derived from the operation of the business enterprise facility and any assigned vending machines after deducting the operational costs and charges mutually agreed upon. Income from vending machines on non-federal property in direct competition with the facility will be assigned to the vendor (a vending machine will be considered to be in direct competition with the business enterprise facility if it vends articles of a type authorized by the applicable license and is so located that it attracts customers who would otherwise patronize the business enterprise facility) .
- (2) The duties of the vendor shall be to:
 - (a) perform faithfully and to the best of his ability the necessary duties in connection with the operation of the facility in accordance with the department's rules and regulations, the terms of the permits, the agreement, and shall perform in the best interests of the blind vendors program as a whole;
 - (b) cooperate with duly authorized representatives of the department in connection with their official responsibilities under the program;
 - (c) operate the facility in accord with all applicable health laws and regulations;
 - (d) furnish such reports as the department may from time to time require;
 - (i) submit the SRS-VSD-BE-1 by fifteenth of each month;
 - (ii) submit quarterly inventory by the fifteenth of January, April, July and October;
 - (e) follow generally acceptable accounting practices;
 - (f) take no action in the derogation of, or inconsistent with, the paramount right, title, and interest of the department to the facility, its equipment and the lease or agreement with the management of the property;
 - (g) maintain the highest standard of personal appearance, grooming and behavior so as to win and retain the respect of the clientele of the facility;
 - (h) pay cash for all merchandise or immediate payment upon receipt of billing;
 - (i) to report to the department in writing, as soon as practicable, the occurrence of any accident at this facility. This requirement is in addition to the vendor's duty to report any accident to the insurance carrier;

- (j) to report to the department any claim or suit which may be brought against the vendor as the result of any accident at the facility. This requirement is in addition to the vendor's duty to report such information to the insurance carrier.
- (3) Employment of staff by a vendor:
- (a) The vendor shall employ a sufficient number of employees so as to assure the efficient operation of the facility and to provide adequate service to the public. His relationship to this staff shall be the normal employer/employee relationship existing in private business enterprises.
 - (b) In the employment of permanent and temporary employees the vendor shall give preference to qualified legally blind individuals.
- (4) Vacations and leaves of absence:
- (a) Annual vacations may be taken by vendors in accord with accepted business practices. Vendors planning to take a vacation should select a substitute vendor, preferably a certified blind person, to assume responsibility for the operation of the facility. Substitute vendors shall be paid by the vendor. The selection of the substitute vendor is a responsibility of the vendor but must be approved by the department. The department must be notified in advance of the period vacations are selected.
 - (b) Requests for extended vacation periods or leaves of absence for other purposes shall be presented to the department. These requests will be evaluated on their individual merits.
- (5) Business relationships:
- (a) With vendors;
 - (i) the vendor shall have a free choice of the vendors from whom he is to make his purchases, provided however, that such vendors are reputable.
 - (b) With customers;
 - (i) all business enterprise facilities are to be operated on a cash basis except in unusual circumstances warranting the extension of credit to meet specific recurring customer needs, and then only after prior approval by the department.
 - (c) With building officials;
 - (i) the vendor will comply with all requests concerning the operation of the facility that may be made by officials of the building in which the facility is located provided that such requests do not conflict with the certification agreement, the rules and regulations issued by the department and the contract. At no time should the vendor expect the building management or their employees to provide special services or favors.
 - (ii) When differences arise between the vendor and the building management, the vendor shall bring the matter to the immediate attention of the department for appropriate action.
- (6) The department shall in no way be obligated by any debts incurred by the vendor, other than those authorized in writing by the appropriate agent of the department.

Authorizing statute(s): Sec. 18-5-414, MCA

Implementing statute(s): Sec. 18-5-415, MCA

History: NEW, 1983 MAR p. 657, Eff. 6/17/83; AMD, 1984 MAR p. 991, Eff. 6/29/84; TRANS, from SRS, 1998 MAR p. 2040.