

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 795 Department or Agency Alabama Board and Dept. of Rehabilitation Services.
RuleNo. 795-7-3-.02
Rule Title: Establishment Of An Add-On Site
 New; X Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Stephen K. Surrin

Date 12-16-16

(DATE FILED)
(STAMP)

ALABAMA BOARD OF REHABILITATION SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Rehabilitation Services

RULE NO. & TITLE: Amend Rule No. 795-7-3-.02 Establishment Of An Add-On Site.

INTENDED ACTION: The ALABAMA BOARD OF REHABILITATION SERVICES proposes to amend rules and regulations.

SUBSTANCE OF PROPOSED ACTION: The amendment of this rule is authorized under the authority of ALA. CODE 1975 §21-9-1 *et seq.*, and the Alabama Board of Rehabilitation Services wishes to amend this rule so as to come in compliance with requirements for the program. This amended rule and regulation is issued under the authority of ALA.CODE 1975 §21-9-1 *et seq.* This rule covers specific requirements and procedures necessary for the proper administration of Alabama law. The amendment changes the terminology for BEP areas to BEP regions and clarifies which vendors may receive add-on sites.

Copies of the proposed amended rule are available for inspection in the offices of the Board, 602 South Lawrence Street, Montgomery, Alabama 36104. Upon reasonable notice, persons requiring accommodation may obtain copies in large print, Braille or other media.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit written comments, and if requested in advance may personally appear before the Alabama Board of Rehabilitation Services by submitting a request to appear, to:

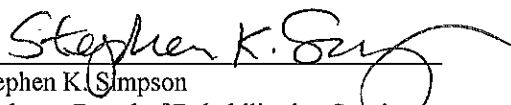
Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

To be considered by the Board, written comments must be received in the office of the Board no later than two days before the next regularly scheduled Board meeting on March 3, 2017, to wit: not later than March 1, 2017. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 1, 2017.

CONTACT PERSON AT AGENCY:

Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187


Stephen K. Simpson
Alabama Board of Rehabilitation Services

**ALABAMA DEPARTMENT OF REHABILITATION SERVICES
BUSINESS ENTERPRISE PROGRAM**

**CHAPTER 795-7-3
ESTABLISHMENT OF VENDING FACILITIES**

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795-7-3-.02 Establishment Of an Add-On Site.

(1) A prospective vending location or an existing location with established monthly net proceeds of less than Substantial Gainful Activity (SGA), as defined in Social Security regulations, may be considered an add-on site. A survey shall be completed to determine the potential or experienced monthly net proceeds of such locations and the SLA's costs of development.

(2) Priority for add-on sites will be extended to vendors who operate a vending facility in the same BEP area region where the add-on-site is located. Add-on sites will be first offered to a vendor whose vending facility has the lowest average monthly gross sales for the preceding 12 months and has maintained no less than 85 points on their most recent performance appraisal. In addition, the vendor must have scored a minimum of 3 points on Rating (A): Timely Submission of Monthly Reports under Responsibilities and Performance Goals on their Annual Vendor Performance Appraisal. Said vendor shall be current in his/her set-aside and escrow fund payments and in good standing with BEP.

(3) A vendor offered an add-on site shall either accept or decline the offer within five days of receipt of written notice. Failure to respond within the prescribed time frame shall be considered a forfeiture of the add-on site. If he/she declines the add-on site, it will be offered to the next qualifying vendor.

Author: Alabama Board of Rehabilitation Services, Alabama Elected Committee of Blind Vendors.

Statutory Authority: Alabama Code 1975 §§ 21-1-40 and 21-9-9; 20 U. S. C. § 107 et. seq.

History: New Rule: Filed January 19, 2000; effective February 23, 2000; **Amendment:** Filed December 16, 2016.