



TITLE: DETERMINATIONS AND FINDINGS (D&F)

1. PURPOSE.

Prescribe the policies and procedures for the use of Determinations and Findings (D&F)

2. APPLICABILITY.

This policy is applicable to the U.S. AbilityOne Commission and its staff in execution of Procurement List (PL) actions.

3. AUTHORITY.

- (a) 41 U.S.C. Chapter 8501 - 8506, Javits-Wagner-O'Day (JWOD) Act
- (b) 41 CFR Chapter 51, Committee for Purchase From People Who Are Blind or Severely Disabled
- (c) SVL - 12-03, Establishment of Determinations and Findings Policy, issued 1/11/2012
- (d) Reference: Federal Acquisition Regulation Subpart 1.7, Determinations and Findings

4. DEFINITIONS AND ACRONYMS.

Term	Definition
Determinations and Findings (D&F)	A special form of written approval by the U.S. AbilityOne Commission for PL actions that is required by statute or regulation.
Determination	A conclusion or decision supported by findings, as part of a D&F.
Findings	Statements of fact or rationale essential to support the determination and must cover each requirement of the statute or regulation, as part of a D&F.
Class D&F	Provides authority for a class of PL actions.
Individual D&F	Provides authority for a single PL action.
Procurement List (PL)	A list of products and services which the Commission has determined to be suitable to be furnished to the Government by nonprofit agencies employing persons who are blind or who have other severe disabilities pursuant to the JWOD Act and 41 CFR Chapter 51, Committee for Purchase From People Who Are Blind or Severely Disabled.

5. RESPONSIBILITIES.

- (a) The Chairperson is responsible for this policy and all updates.
- (b) The Executive Director shall ensure that individual actions taken under the authority of a Class D&F are within the scope of the Class D&F.
- (c) The Staff is responsible for ensuring that this policy is executed as prescribed and that business practices and their execution conform to Commission guidance.
- (d) The Deputy Executive Director is responsible for this policy in the absence of the Executive Director. As such, the Deputy Executive Director will also administer and advise the Chairperson and the Commission on this policy and its execution.
- (e) The General Counsel is responsible for ensuring that all actions taken under the authority of this policy and Commission guidance are legally sufficient.

The Committee for Purchase From People Who Are Blind or Severely Disabled operates as the U.S. AbilityOne Commission

U.S. ABILITYONE COMMISSION
51.207 – Determinations and Findings

- (f) The Director, Policy and Programs, is responsible for ensuring that this policy is kept current and appropriately available to the Commission Staff and the public.
- (g) The Director, Business Operations, is responsible for operating procedures that implement this policy and for execution of this policy as delegated.

6. POLICY.

- (a) Each D&F shall contain enough facts and circumstances to clearly and convincingly justify the specific determination made. As a minimum, each D&F shall include the following:
 - i. Identification of the agency (U.S. AbilityOne Commission).
 - ii. Document title is to be "Determination and Findings."
 - iii. Nature and/or description of the action being approved.
 - iv. Citation of the appropriate statute and/or regulation upon which the D&F is based.
 - v. Findings that detail the particular circumstances, facts, or reasoning essential to support the determination.
 - a. Necessary supporting documentation shall be obtained from the Central Nonprofit Agency(ies), the Nonprofit Agency involved in the PL action, the Federal customer, and the Director, Business Operations, U.S. AbilityOne Commission.
 - vi. Determination stating that, based on the findings, the proposed action is justified under the applicable statute or regulation.
 - vii. Expiration date of the D&F, if required.
 - viii. Reference the Special Vote Letter authorizing the D&F (SVL 12-03 issued January 11, 2012).
 - ix. The approval of the U.S. AbilityOne Commission, Chairperson or their designee authorized to sign the D&F and the date signed.
 - x. The document must be presented in the prescribed agency format.
- (b) Class D&Fs may consist of PL actions for the same or related supplies or services, or other PL actions that require identical justification or meet specific criteria established by the Commission.
 - i. The findings in a Class D&F shall fully support the proposed action either for the class as a whole or for each action. A class D&F shall be for a specified period, with the expiration date stated in the document.
 - ii. Class D&F shall be approved by the Commission Members.
 - iii. General Counsel shall review all D&F actions and make a determination of legal sufficiency.
 - iv. For each individual action taken pursuant to a class D&F, the Executive Director or delegated authority (see signatory) shall make a written determination that the individual action is in accordance with the class D&F and the Agency policy.

U.S. ABILITYONE COMMISSION
51.207 – Determinations and Findings

- (c) No action can be taken on the authority of any D&F until the appropriate approvals and signatures are secured.
- i. Class D&F requires approval by the Commission members and must be signed by the Chairperson or Executive Director.
 - ii. The Executive Director must sign any individual D&F establishing that a PL action complies with the requirements of the Class D&F. Signature authority may not be delegated below the Director, Business Operations.

7. EXCEPTION TO POLICY.

None

8. PROCEDURES.

None

9. SUPERSESION.

N/A



APPROVED: J. Anthony Poleo
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Chairperson, U.S. AbilityOne Commission

Date: 4/24/12