

AbilityOne®

Procurement Guide for the Department of Defense

Contract Management Services
Healthcare Environmental /Hospital Housekeeping
Secure Mail / Digital Document
Document Management
Fleet Management
Food Services
Grounds Maintenance
Services
Food Processing, Packaging and Distribution
Supply Chain Management
Office Products and Furnishings
Custodial Services
Aircraft and Vehicular Equipment and Supplies
Administrative Services
Medical and Dental Products
Products
Hospitality Services
Contact Centers
Laundry Services
Total Facilities Management
Custom Manufacturing, Development & Fulfillment
Clothing, Textiles and Individual Equipment



www.AbilityOne.gov

To Our Customers:

May 9, 2011

On behalf of more than 47,000 individuals employed in the AbilityOne® Program, through our nationwide network of nonprofit agencies, we extend our sincere appreciation for your strong support.

Recent Census data reports that the level of employment for Americans who are blind or have other significant disabilities is shockingly low — only about 38 percent. These are not just people with disabilities; these are mothers and daughters, fathers and sons, friends and family, people we know and encounter in our everyday lives, who have so much to give.

The U.S. AbilityOne Commission™* that administers the AbilityOne Program is dedicated to providing employment opportunities and striving to eliminate the unacceptably high unemployment for these Americans. Employing more than 3,000 veterans, we are committed to and focused on supporting our military and being a partner in the socioeconomic community. With your support, this is done through the manufacture and delivery of products and services to the Federal Government.

This guidebook serves as a desk reference for contracting and requirements personnel, program managers and others in the acquisition community. This guide includes an overview of the AbilityOne Program, how to contract with AbilityOne nonprofit agencies, as well as other useful resources such as frequently asked questions, acronyms, websites and points of contact.

The AbilityOne Program is both a priority source and a vendor of choice for Federal customers. We deliver time-saving, convenient, reasonably priced products and services. As the AbilityOne Program establishes long-term supplier relationships, we eliminate the need to re-compete contracts, as well as repeated start-up costs and learning curves. We offer a depth and breadth of products and services to meet a wide variety of needs — from manufacturing office supplies to performing contract closeout, hospital environmental services and total facilities management.

In the AbilityOne Program, you have a proven partner with a stable workforce dedicated to quality and customer satisfaction. Equally important, the AbilityOne Program enables people who face the greatest barriers to employment to help themselves.

When President Roosevelt signed what was then known as the Wagner-O'Day Act in 1938, he, like many in the Federal workforce, recognized a personal connection to the employment barriers faced by Americans with disabilities, whether experienced directly or through family and friends. President Roosevelt and Congress had a vision of employment for these Americans. You, our military and civilian partners ensure this vision continues. More importantly, you ensure that the vision is realized.

Thank you for making a difference in the lives of people who are blind or who have other significant disabilities. We look forward to working with you this year.

Sincerely,



Andrew D. Houghton
Chairperson



E. (Tina) Ballard
Executive Director and CEO



Andrew D. Houghton
Chairperson



E. (Tina) Ballard
Executive Director
and CEO

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

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Chapter 1

Overview



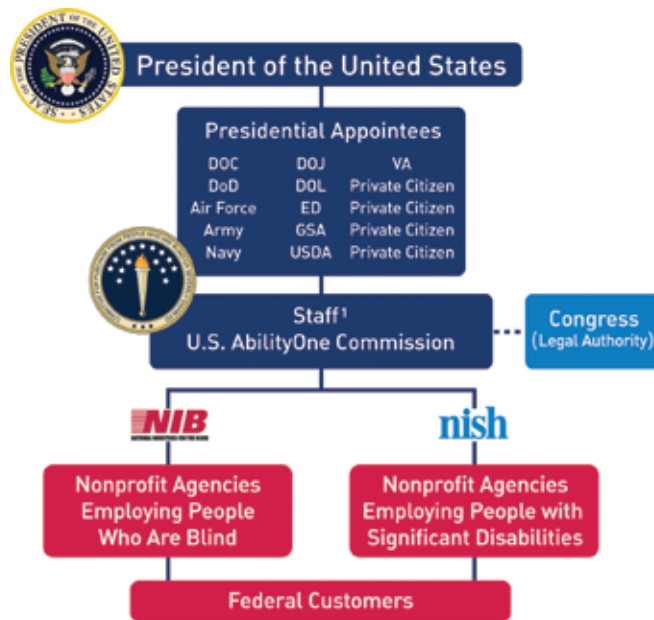
Chapter 1: AbilityOne® Program Overview

The AbilityOne Program provides employment opportunities for Americans who are blind or have other significant disabilities by authorizing and directing Federal purchases of products and services provided by nonprofit agencies employing such individuals throughout the country.

In 1938, the Wagner-O'Day Act was passed in order to provide employment opportunities for people who are blind by allowing them to manufacture products for sale to the Federal Government. In 1971, the statute was amended to become the Javits-Wagner-O'Day Act, to include people with other severe disabilities and to allow the program to provide services as well as products. Today, the AbilityOne Program is the largest Federal program for employment of people who are blind or who have other significant disabilities.

The U.S. AbilityOne Commission™ is the independent Federal agency that oversees the AbilityOne Program.¹ The members of the U.S. AbilityOne Commission are Presidential appointees, eleven of whom represent Federal agencies (Departments of Agriculture, Air Force, Army, Commerce, Defense, Education, Justice, Labor, Navy, Veterans Affairs, and the General Services Administration). The remaining four members are private citizens appointed to advocate for and to represent people who are blind or who have significant disabilities. The U.S. AbilityOne Commission's full-time staff is led by a member of the Senior Executive Service, and conducts the agency's day-to-day operations.

The following graphic depicts the organizational structure of the AbilityOne Program:



¹ The Committee for Purchase From People Who Are Blind or Severely Disabled is operating as the U.S. AbilityOne Commission™. To establish linkage between the Agency and the AbilityOne Program, in March 2011, the Committee for Purchase From People Who Are Blind or Severely Disabled unanimously approved this business name.

The success of the AbilityOne Program is predicated on partnership among Federal Government contracting activities, AbilityOne Central Nonprofit Agencies (CNAs): National Industries for the Blind (NIB) and NISH², and participating nonprofit agencies (NPAs). The Program leverages the purchasing power of the government to provide employment through the fulfillment of Federal requirements for products and services offered by qualified community-based NPAs.

The Partners

- U.S. AbilityOne Commission oversees the AbilityOne Program.
- The CNAs, NIB and NISH have been designated to assist and support AbilityOne-participating NPAs in contracting with the government through the AbilityOne Program.
- AbilityOne-participating NPAs are community-based organizations dedicated to training and employing people who are blind or who have other significant disabilities; they also deliver quality products and services to Federal customers.
- Contracting activities procure products and services for the Government.

The Process

- Federal Agencies have a requirement for products or services.
- An AbilityOne solution is considered in the acquisition planning process.
- NIB and NISH (CNAs) identify qualified AbilityOne-participating NPAs who have the capability and capacity to provide the products and services.
- The NPA and contracting activity negotiate terms, conditions and a recommended fair market price.
- A request to add the item to the Procurement List (PL) is transmitted to the U.S. AbilityOne Commission for review, rulemaking and approval.
- Upon the effective date of the PL addition, an AbilityOne contract is awarded by the Federal agency and the NPA delivers the product or service in accordance with contract requirements.

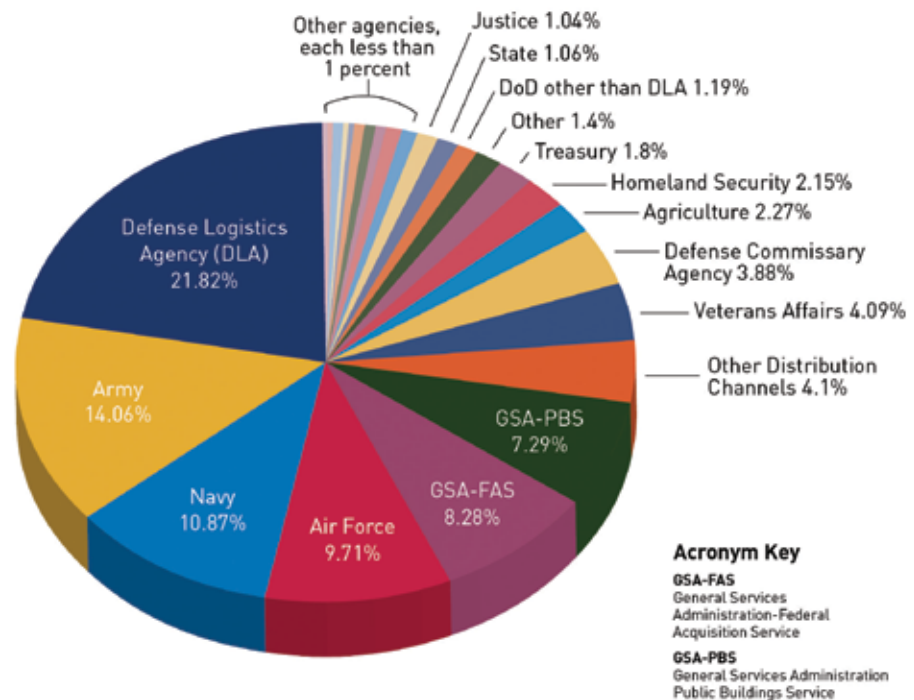
² A CNA is an independent nonprofit organization, not a Federal entity.

AbilityOne Employees

There are over 18 million working-age adults who are blind or have other disabilities, and of this group, 10 million have the most significant disabilities³. The vast majority of these individuals want to work and contribute to our economy as well as their own economic independence. The AbilityOne Program helps find employment, provides training and other supports for more than 47,000 people.

AbilityOne employees have a proud, 70-year history supporting the U.S. military industrial base. More than 3,000 veterans work in the program today, including approximately 1,600 veterans with significant disabilities.

The Department of Defense accounts for the majority of AbilityOne sales and employment as depicted below.



**AbilityOne Sales Percentages
FY 2010**

³ U.S. Census Bureau, Survey of Income and Program Participation, June-September 2005 and Social Security Administration, Annual Statistical Report on the SSDI Program, 2009.



AbilityOne employees, including our valued veterans and wounded warriors, provide a wide range of products and services, including:

- Office supplies and green cleaning products
- Design, prototype and manufacture of uniforms
- Tooling aircraft parts
- Total facilities management
- Secure mail services
- Disaster assistance and relief

To be eligible for employment under the AbilityOne Program, an individual must (1) meet the legal definition of blindness or (2) have a significant disability other than blindness that has been documented by a trained professional, and have been unable to maintain competitive employment.

Chapter 2

Contracting with AbilityOne[®]



Chapter 2: Contracting with AbilityOne®

All Federal contracting consists of these initial elements: a government requirement, funding, and the authority to contract. The authority to contract with AbilityOne is established in the Javits-Wagner-O'Day Act, the Federal Acquisition Regulation (FAR) and the Code of Federal Regulations (CFR).

The Competition in Contracting Act of 1984 (CICA), 41 U.S.C. 253, provides authority for certain exceptions to full and open competition. The implementing guidance is in FAR Subpart 6.3. Specifically, FAR 6.302-5 lists exceptions authorized or required by statute as follows:

(a) *Authority...*

(2) Full and open competition need not be provided for when (i) A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source;...

(b) *Application.* This authority may be used when statutes, such as the following, expressly authorize or require that acquisition be made from a specified source or through another agency...

(2) Qualified Nonprofit Agencies for the Blind or other Severely Disabled—41 U.S.C. 46-48c (see Subpart 8.7).

FAR Subpart 8.7 provides implementing guidance for the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c). Specifically, FAR 8.704, Purchase priorities, states:

(a) The Javits-Wagner-O'Day Act requires the Government to purchase supplies or services on the Procurement List, at prices established by the Committee*, from AbilityOne participating nonprofit agencies if they are available within the period required.

AbilityOne Related Statutes, Regulations, Policy, and Guidance

Statutes/Regulations

- *Javits-Wagner-O'Day Act, 41 U.S.C. 46-48c*
- *Title 41 CFR Chapter 51*
- *FAR 6.302-5, Authorized or Required by Statute*
- *FAR Subpart 8.7, Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled*
- *DFARS 208.7, Acquisition from Nonprofit Agencies Employing People Who are Blind or Severely Disabled*

* Doing business as the U.S. AbilityOne Commission.

- *DFARS 219.703, Eligibility requirements for participating in the program*
- *DFARS Procedures, Guidance, and Information (PGI) 201.105 Contents of written acquisition plans*

DoD Guidance

- Increasing Contracting Opportunities with the AbilityOne Program, August 27, 2008, Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing
- Support for the AbilityOne Program, May 3, 2008, Headquarters, U.S. Army Materiel Command
- Increasing Contracting Opportunities with the AbilityOne Program, September 10, 2008, Department of the Navy
- Increasing AbilityOne Contracting Opportunities, October 15, 2008, Dept of the Air Force
- In-sourcing Contracted Services — Implementation Guidance Regarding AbilityOne Program, November 16, 2009, Acting Deputy Under Secretary of Defense (Acquisition and Technology)

Agency Policies and Procedures

- Pricing Memorandum Number 1, Fair Market Pricing Policy, April 1, 2007
- Pricing Memorandum Number 2, Fair Market Price Determination for AbilityOne Product Contracts, January 26, 2007
- Pricing Memorandum Number 3, Fair Market Price Determination for AbilityOne Service Contracts, January 26, 2007
- Pricing Memorandum Number 19, AbilityOne Price and Price-Related Impasse and Dispute Resolution Procedures, March 16, 2007

Steps to Contracting with the AbilityOne Program

1. Determine the requirement, availability of funds and authority.
2. In accordance with PGI 207.105, consider an AbilityOne solution and document the acquisition strategy accordingly.
3. Collaborate with AbilityOne to review and assure understanding of requirement and negotiate price.
4. The U.S. AbilityOne Commission* completes analysis and the rulemaking process.
5. The Procurement List (PL) addition decision is made.
6. Contract/award performance can begin upon PL effective date.

The following table summarizes each step of the contracting process with AbilityOne and the organization(s) engaged.

Parties	Procurement Steps	Description
Contracting Activity Central Nonprofit Agency Nonprofit Agency	1 and 2	Requirement, funds and authority determined. Identification of an AbilityOne solution may be initiated by the Contracting Activity, the Commission, a Nonprofit Agency, NIB, or NISH. The AbilityOne solution is documented in the acquisition strategy.
	3	Customer and AbilityOne collaboration in the review and refinement of the requirement. A recommended price is negotiated between the Contracting Activity and the Nonprofit Agency.
U.S. AbilityOne Commission	4	The staff reviews the suitability of the NPA and the project, analyzes impact on the current contractor and evaluates the recommended price. Upon completion, in accordance with the Administrative Procedures Act, the initial 30-day notice and comment rulemaking period begins.
U.S. AbilityOne Commission	5	Consistent with the Javits-Wagner-O'Day (JWOD) Act and regulations, the Presidential appointees make a decision on addition of the item to the Procurement List.
Contracting Activity Central Nonprofit Agency Nonprofit Agency	6	Upon approval of the addition and expiration of the 30-day final notice period, the JWOD Act may be used as the authority to award the contract and production or performance may begin.

* A trademark of the Committee for Purchase From People Who Are Blind or Severely Disabled.



Critical Milestones for the PL Addition Decision Process

In accordance with the Administrative Procedures Act, the U.S. AbilityOne Commission notifies the public of its intent to add products and services to the Procurement List. A notice is published in the Federal Register with a 30-day comment period. A final notice is published following the Presidential appointees' decision to approve a PL addition.



Chapter 3

Capabilities



Chapter 3: AbilityOne® Program Capabilities

The AbilityOne Program offers products and services designed with your needs in mind. The AbilityOne team meets strict industry standards and certifications such as International Organization for Standardization (ISO 9000), Aerospace Basic Quality System Standard (AS 9100), National Association for Information Destruction (NAID), and Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Most importantly, the Program provides capable, reliable employees who bring an exceptional, award-winning work ethic to every project. As a long-time supplier to the Federal Government, the AbilityOne Program works diligently to anticipate and adapt to your changing needs.

Here are a few of the new and emerging capabilities offered by AbilityOne-participating nonprofit agencies:

Contract Management Support

- Contract administration and close-out services
 - a) Ready-to-close contracts
 - b) On-site/Off-site facilities
 - c) Modifications/De-obligations prepared and distributed
 - d) Digital imaging
 - e) Document destruction
 - f) Other contract administration, e.g. property management
- Research and analysis prior to contract award
- Post-award vendor follow-up

Contact Center Management

- Help desk
- Switchboard services
- Disaster recovery services
- Customer inquiries
- Maintain knowledge database
- Technical support services
- Answering services
- Field services and logistics
- Customer service and fulfillment
- Information lines
- Clearinghouse operation
- Medical transcription

Contract Management Support (CMS) — How does it work?

- U.S. Army Materiel Command, Mission and Installation Contracting Command (MICC) awarded the contract
- IDIQ contract term: 5 years (base year, 4 one year options)
- DoD-wide contract: W9124D-10-D002, awarded June 29, 2010
- Firm-Fixed Price, Performance-based
- Provides Decentralized / Direct ordering
- Pilot underway for closeout of cost type contracts
- Task orders for contract closeout can be executed in 2 weeks or less

To procure contract closeout (or to issue an order), contact Karen Cline at MICC, 502-624-6395 (DSN 464) or karen.cline1@us.army.mil; or Matthew Williams at NIB, 703-310-0579 or mattwilliams@nib.org.

Healthcare Environmental

- Aseptic cleaning of all hospital or clinic units
- Hazardous waste collection, containment, transportation, securing and staging
- Linens collections, distributions and placements
- Continuous training programs for employees and medical staff in all areas of Healthcare Environmental Services
- Obtaining, mixing, handling, application, final cleaning and disposal of disinfectants and residues
- Thorough cleaning of visiting and common areas for patients, visitors and other guests
- Securing and cleaning of administrative space
- Specific and individualized cleaning and applications of all interior surfaces including windows, ceilings, floors and areas with human contact throughout the medical facilities
- Management of employees, work areas, supplies and equipment and OSHA requirements (MSDS records, etc.) as required by JCAHO standards
- Superior facility performance even with variable requirements, locations and/or time of day

On-Demand Parts Machining

- Manufacturing — Machining of complex parts according to customer drawings and military specifications. Our skilled manufacturers are capable of working with a wide range of materials including:
 - a) Sheet metal
 - b) Plate and bar stock
 - c) Castings and forging
 - d) Aluminum extrusions
 - e) Gaskets and seals (metallic and non-metallic)
- Finishing — Metal finishing, such as painting, anodizing, penetrant inspection, shot peening and polishing
- Assembly — From minor installation of bushings and bearings, to complex hydraulic and mechanical sub-assemblies

Total Facilities Management

- Facilities operation and maintenance
- Public works services
- Custodial services
- Grounds and landscaping management
- Preventive maintenance
- Fleet and transportation
- Mail center operations
- Administrative services
- Engineering and construction management
- Contact center services
- Security
- Housing management
- Waste management
- Water treatment
- Pest control
- Supply chain and warehousing management
- Utility system management

Document Management

- Inbound mail processing and delivery
- Computer-based accountable mail/package tracking (dock to desk)
- Outbound mail (U.S. and international)
- Data/document transfer including secure chain of custody
- Data management including retrieval/extraction
- Digital mail (hybrid mail, electronic mail, on line postal service)
- Digital and hardcopy document storage
- Electronic health records
- Facility/space planning
- Hardcopy and digital/electronic document distribution/mailing and fulfillment
- Print and copy services
- Privacy/security that meets HIPAA requirements
- Screening including CBRNE (chemical, biological, radiological, nuclear and explosive hazards)
- Scanning, indexing, verification, coding
- Secure destruction (hardcopy and electronic)

Fleet Management Services

- Vehicle maintenance and repair
- Parts management
- Vehicle washing and detailing – an innovative green solution
- Vehicle fueling and fuel management
- Motor pool management and employee shuttle operations
- Vehicle decommissioning and disposal
- Fleet management information systems
- Vehicle up-fitting
- Analytical tools and management training
- Asset management and administration services
- Vehicle storage

Chapter 4

Frequently Asked Questions

Can Federal employees recommend products and/or services for addition to the Procurement List?

How does AbilityOne work with Small Business?

What are the benefits of contracting under the AbilityOne Program?



How do I contract for products or services under the AbilityOne Program?

What is my authority?



Chapter 4: Frequently Asked Questions

1. What is the AbilityOne Program?

The AbilityOne Program is the largest Federal source of employment for people who are blind or have other significant disabilities. The Program is administered by the U.S. AbilityOne Commission, the operating name for the Committee for Purchase from People Who Are Blind or Severely Disabled. Through a national network of more than 600 nonprofit agencies, the program provides the Federal Government products and services at fair market prices. The procurement of these products and services results in employment of more than 47,000 individuals.

2. Is the AbilityOne Program a priority program?

Yes, pursuant to the Javits-Wagner O'Day Act (41 U.S.C. 46-48c), the Competition in Contracting Act (41 U.S.C. 253) and implementing guidance in the Federal Acquisition Regulation (FAR), the AbilityOne Program has a priority. FAR 8.002, Priorities for Use of Government Supply Sources, prescribes the descending order of priority for supplies and services to satisfy agency requirements.

3. Does AbilityOne have priority over all other sources?

No. FAR 8.704 indicates that Federal Prison Industries (FPI) has priority over the AbilityOne Program for supplies (products) purchased. Contracting offices must obtain a formal waiver (FAR 8.604) from FPI before making any supply (product) purchases from AbilityOne participating nonprofit agencies.

4. What is the authority to contract under the AbilityOne Program?

Under the Competition in Contracting Act (CICA):

AbilityOne procurements are considered "other than competitive" procurements under the Competition in Contracting Act (CICA), which authorizes certain exceptions to full and open competition. The implementing guidance is in FAR 6.302-5, which states that full and open competition need not be provided for when a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source. Qualified nonprofit agencies employing people who are blind or severely disabled are explicitly listed as an authorized application of this exception in accordance with the JWOD Act and FAR Subpart 8.7. DoD contracting activities should use 10 U.S.C. 2304 (c)(5) as the exception on award documents.

Under FAR 8.7:

FAR Subpart 8.7 provides implementing guidance for the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c). FAR 8.704, Purchase priorities, states that the Javits-Wagner-O'Day Act requires the Government to purchase supplies or services on the Procurement List, at prices established by the U.S. AbilityOne Commission, from AbilityOne participating nonprofit agencies if they are available within the period required.

Under the Code of Federal Regulations (CFR):

Chapter 51 of Title 41 of the CFR provides the regulations specific to the Federal agency that oversees the AbilityOne Program, operating as the U.S. AbilityOne Commission. 41 CFR 51-5.2 states that nonprofit agencies designated by the Commission are mandatory sources of supply for all entities of the Government for commodities and services included on the Procurement List.

Under the Defense Federal Acquisition Regulation System (DFARS) Procedures, Guidance, and Information (PGI):

The PGI at 207.105 states that written acquisition plans should include consideration of the AbilityOne Program.

5. When is it appropriate to award a contract under the AbilityOne Program? At what point in the process is a contract awarded for an AbilityOne project?

A contract can be awarded (orders can be placed) at any point after the effective date of the Procurement List addition. This date is listed in the final Federal Register notice and is also on the notice of addition that is sent to the Contracting Activity.

6. What is the Procurement List?

The U.S. AbilityOne Commission maintains a Procurement List of products and services which have been placed in the AbilityOne Program, as referenced in FAR 8.002 and Subpart 8.7. Federal agencies must purchase supplies or services on the Procurement List, at prices established by the U.S. AbilityOne Commission, from designated nonprofit agencies as long as those supplies and services are available within the period required.

7. Where can Federal customers find the Procurement List and what are some examples of available products and services?

The complete Procurement List is available to view and download on the website of the U.S. AbilityOne Commission, which is www.abilityone.gov. Many AbilityOne common-use products included on the Procurement List are also clearly identified in the print and electronic catalogs of AbilityOne-authorized Federal and commercial distributors, such as GSA Advantage!TM (www.gsaadvantage.gov), GSA Global Supply (www.gsaglobalsupply.gsa.gov), DODEMALL (<https://dod-email.dla.mil>), and www.abilityone.com.

Current product lines include aircraft and vehicular equipment and supplies, clothing, textiles and individual equipment, food processing, packaging and distribution, hardware and equipment, office products (e.g. pens, binder clips, paper products, etc.), environmentally friendly and recycled products (e.g. biodegradable disposable cutlery), military-specific products (such as chemical protective over garments and cold weather infantry kits) and medical supplies (such as catheters and surgical masks). Services include contract

management support (close-out), custodial, administrative services, contact centers, document management services, fleet management, food service, full facility management, grounds maintenance, healthcare environmental/hospital services, laundry services, secure mail/digital document services, and supply chain management. A list of AbilityOne Capabilities is provided in Chapter 3.

8. How long does the Procurement List addition process take?

The time it takes to complete the Procurement List addition process can vary depending on several factors that may need to be considered before adding a product or service to the Procurement List. Once a product or service is identified for possible addition, the process can take between six and twelve months to finalize. This includes submission to the Commission, whose process takes 85–120 days, including analysis, decision and public notice and comment via Federal Register notices.

9. How do Federal customers order common-use products, such as office supplies, under the AbilityOne Program?

The AbilityOne Program has partnered with the General Services Administration (GSA) to incorporate AbilityOne products into the Federal Supply Schedules requirements for commercial distributors of office supplies, cleaning products and many other commonly used items. Many AbilityOne products are available electronically through catalogs of AbilityOne-authorized Federal commercial distributors at www.abilityone.gov/distributors/distrib_current.html, GSA Advantage!™ at www.gsaadvantage.gov, GSA Global Supply at www.gsaglobalsupply.gsa.gov, DODEMALL at <https://dod-email.dla.mil>, and www.abilityone.com.

10. What are the benefits of contracting under the AbilityOne Program?

Contracts under the AbilityOne Program offer Federal customers high quality products available through a variety of distributors at reasonable prices and delivered when needed. AbilityOne service contracts offer a stable workforce dedicated to quality and customer satisfaction. The provisions of the program enable a long-term supplier relationship, eliminating the need to re-compete the contract. Finally, contracting with the AbilityOne Program allows people who are blind or have other significant disabilities an opportunity to gain meaningful employment, lead more independent lives, reduce dependence on government social programs and become taxpayers.

11. Does AbilityOne support Small Business?

Yes. AbilityOne nonprofit agencies subcontract and partner with small businesses. The program has initiatives underway to increase collaborative opportunities with small business. A recent survey of 83 of our 600 nonprofit agencies — representing 48% of the Program's largest agencies — found that among that group, 25% of subcontract dollars or \$217M was awarded to small businesses. Additionally, approximately 500 small businesses are part of the AbilityOne Program's commercial distribution network.

12. Where do National Industries for the Blind and NISH derive their responsibilities under the AbilityOne Program?

The Javits-Wagner-O’Day Act (41 U.S.C. 46-48c) authorizes the U.S. AbilityOne Commission to designate one or more “central nonprofit agencies” (CNAs) to assist community-based nonprofit agencies serving people who are blind or have other severe disabilities participating in the AbilityOne Program. The Commission has designated National Industries for the Blind (NIB) and NISH to fulfill CNA responsibilities as listed in 41 CFR Part 51-3. These responsibilities include evaluating nonprofit agency capabilities, providing nonprofit agencies with technical assistance and allocating government orders among them. NIB and NISH also provide their associated agencies with many other services, including: assistance in complying with the Javits-Wagner-O’Day Act and Federal contract provisions. The CNAs also provide training and regulatory assistance; communications and public relations materials; information technology support; engineering, financial and technical assistance.

13. Are Federal Government purchase card holders exempt from the mandatory source requirements of the AbilityOne Program for products? What if the purchase is at or below the micro-purchase threshold?

No. The statutory requirement to buy AbilityOne products is universal and applies to any dollar amount. Government purchase card holders are — like all other Federal employees — required to buy AbilityOne products provided by designated nonprofit agencies through one of the many distribution channels. Federal personnel should not use their purchase cards to buy items that are essentially the same as AbilityOne products at local commercial businesses unless the products required are not available through the AbilityOne Program. Purchase card holders can obtain AbilityOne products from Base Supply Centers and AbilityOne Retail Stores located on military installations and in Federal buildings, as well as through various Internet and catalog distribution channels. For more information, visit www.abilityone.gov.

14. Is there a conflict between utilizing the Federal Strategic Sourcing Initiative (FSSI) Blanket Purchasing Agreements (BPAs) and purchasing from AbilityOne Base Supply Centers or AbilityOne Retail Stores?

No. All of these sources are required to provide office and general supplies in accordance with statute and the Procurement List. Thus, when you purchase office supplies from any of these channels, you are able to fulfill your requirements and to comply with the Javits-Wagner-O’Day Act. AbilityOne Base Supply Centers and Retail Stores are on installations or in Federal buildings to expediently provide products to Federal customers. Items are stocked and immediately available for pick-up or delivery.

15. When are prices for AbilityOne Program products and services changed?

Prices for AbilityOne products and services are usually changed in conjunction with the contract period. The preferred method for establishing base prices is by negotiation between the producing nonprofit agency and the contracting activity with the assistance of NIB or NISH. The method of determining future prices will be a part of those negotiations.

16. How are protests, disputes and appeals handled under the Javits-Wagner-O'Day Act?

Issues related to daily contract performance should be resolved at the contracting activity and nonprofit working levels wherever possible. NIB and NISH are available and recommended as sources to facilitate the resolution. Any contractual protest before or after award, or any contractual dispute or appeal is the responsibility of the Contracting Officer as guided by the Contracts Disputes Act, unless the provisions are in conflict with the Javits-Wagner-O'Day Act or regulations. Any AbilityOne price or price-related dispute must be resolved through the Commission's Impasse Resolution Process, and should be brought to the attention of the Commission staff.

17. Can Federal employees recommend products and/or services for addition to the Procurement List?

Yes. The Code of Federal Regulations (41 CFR Part 51- 5.1(a)) encourages acquisition and procurement professionals to recommend products and services for procurement by the government from nonprofit agencies under the AbilityOne Program. Recommendations should be sent to the U.S. AbilityOne Commission, NIB or NISH.

18. Are AbilityOne Program participating nonprofit agencies registered in the Central Contractor Registration (CCR)?

Yes, all AbilityOne-participating nonprofit agencies are registered in the CCR, a central repository of all companies and agencies currently performing, or seeking to perform, business with the Federal Government.

19. How do Department of Defense prime contractors get credit for subcontracting with AbilityOne Program nonprofit agencies?

Department of Defense (DoD) prime contractors are allowed to receive credit toward their small business subcontracting goals if they subcontract with qualified nonprofit agencies participating in the AbilityOne Program. This authority can be found at 10 US Code 2410(d).



20. Can solicitations include clauses that encourage subcontracting with AbilityOne?

Yes. Organizations can develop their own unique clauses. Some examples are provided in Chapter 8 of this Guidebook.

Chapter 5

Acronyms and Terms



Chapter 5: Acronyms and Terms

Acronym/Term	Description
AbilityOne	AbilityOne is a registered trademark of the U.S. AbilityOne Commission. The AbilityOne Program was created by the Javits-Wagner-O'Day Act to provide employment opportunities for Americans who are blind or have other significant disabilities through the sale of goods or services to the Federal Government.
Base Year Price	Each time the U.S. AbilityOne Commission makes a Fair Market Price determination for a project, a base price is established. Normally, contracts are awarded with a base price/base year and four (4) follow-on years.
CFR	Code of Federal Regulations
CNA (Central Nonprofit Agency)	NIB and NISH are the two Central Nonprofit Agencies designated by the U.S. AbilityOne Commission.
Committee for Purchase From People Who Are Blind or Severely Disabled	The Committee for Purchase From People Who Are Blind or Severely Disabled is the statutory name of the agency that administers the AbilityOne Program, doing business as the U.S. AbilityOne Commission.
Contracting Activity (CA)	The office within a Federal agency authorized to procure products or services for the government.
Direct Labor	Work required for preparation, processing, and packing; but not supervision, administration, inspection, and shipping.
Fair Market Price (FMP)	<p>The fair market price is the price of goods or services agreed upon by a buyer and a seller; neither under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. In most cases, the AbilityOne fair market price is negotiated by the buyer and the seller.</p> <p>The U.S. AbilityOne Commission is ultimately responsible for determining the "fair market price" for an AbilityOne project; which is set at the time the product or service is added to the Procurement List (PL).</p>

Acronym/Term	Description
FR (Federal Register)	Daily publication of general and permanent proposed rules and notices by Federal agencies
FTE	Full-time Equivalent
Impact	Among the suitability criteria considered when placing a service or product on the Procurement List; the U.S. AbilityOne Commission determines whether the current or most recent competitive contractor would experience severe adverse financial impact.
Indirect Labor	Any labor hours not falling in the category of Direct Labor, generally supervision, administration, inspection, and shipping.
Javits-Wagner-O'Day (JWOD) Act	Legislation that established an employment program designed to provide job opportunities for people who are blind or who have other severe disabilities through the sale of quality products and services to the Federal Government.
NIB	National Industries for the Blind, an AbilityOne-authorized Central Nonprofit Agency.
NISH	An AbilityOne-authorized Central Nonprofit Agency serving people with a range of significant disabilities.
NPA (Nonprofit Agency)	NPAs are nonprofit organizations, also known as community rehabilitation agencies, which employ people who are blind or who have other significant disabilities and are authorized to furnish products or services under the AbilityOne Program.
Procurement List (PL)	The official list of products and services that have been determined suitable for procurement by Federal agencies and suitable for provision by people who are blind or who have other significant disabilities. The Procurement List is maintained by the U.S. AbilityOne Commission.

Acronym/Term	Description
Severe Disability (also referred to as Significant Disability)	For purposes of executing the JWOD Act, the Agency interprets “severe” and “significant” disability to be synonymous to the extent that severe disability is defined in the Act. A severe or significant disability is a severe physical, mental and/or emotional impairment that limits an individual’s functional capabilities such that the individual is currently unable to engage in normal competitive employment.
SKILCRAFT®	Trade name managed by National Industries for the Blind, licensed to selected AbilityOne products
U.S. AbilityOne Commission	The U.S. AbilityOne Commission is a trademark of and business name for the Committee for Purchase From People Who Are Blind or Severely Disabled, the independent Federal agency that administers the JWOD Act and the AbilityOne Program.



Chapter 6

Websites by Topic



Chapter 6: Websites by Topic

Topic	Websites
U.S. AbilityOne Commission	www.abilityone.gov
AbilityOne Catalog	www.abilityone.com
AbilityOne Program Marketing Site	www.abilityone.org
AbilityOne Program Liaison	www.abilityone.gov/staff/dist_systems.asp
Authorized Distributors	www.abilityone.gov/distributors/distrib_current.html
41 CFR Chapter 51	www.abilityone.gov/laws_regs/51_title_41.html
Pricing Memorandum Number 2	www.abilityone.gov/pricing/pricing_memo.html
Pricing Memorandum Number 3	www.abilityone.gov/pricing/pricing_memo.html
Pricing Memorandum Number 19	www.abilityone.gov/pricing/pricing_memo.html

Topic	Websites
Federal Agency Liaisons	www.abilityone.gov/liaisons/liaison_list.html
Javits-Wagner-O'Day Act	www.abilityone.gov/laws_regs/jwod_act.html
Memoranda of Support	www.abilityone.gov/news/memo_of_spt.html
National Industries for the Blind (NIB)	www.nib.org
NISH	www.nish.org
Procurement List	www.abilityone.gov/proc_list.html

Chapter 7

Pricing Memoranda



Chapter 7: AbilityOne® Program Pricing Memoranda

Pricing Memorandum Number 1:

Fair Market Pricing Policy for AbilityOne Products and Services

This memorandum summarizes the policies and practices established by the Committee for Purchase from People Who Are Blind or Severely Disabled (the Committee) for determining Fair Market Prices (FMP) for products and services provided under the Javits-Wagner-O'Day (JWOD) Act [41 U.S.C. 46-48c].

Pricing Memorandum Number 2:

Fair Market Price Determination for AbilityOne Product Contracts

The purpose of Pricing Memorandum Number 2 is to prescribe policies and requirements for Fair Market Prices (FMP) recommendations for products or commodities supplied to the federal government in accordance with the terms of the Javits-Wagner-O'Day Act (41 USC 46-48c).

Pricing Memorandum Number 3:

Fair Market Price Determination for AbilityOne Service Contracts

The purpose of Pricing Memorandum Number 3 is to prescribe policies and requirements for recommending the Fair Market Price (FMP) for an AbilityOne service contract.

Pricing Memorandum Number 19:

AbilityOne Price and Price-Related Impasse and Dispute Resolution Procedures

Pricing Memorandum Number 19 (Impasse Memo) prescribes procedures for resolving price and price-related disputes between parties in the exercise and administration of the AbilityOne Program.

Full text and PDF versions of memoranda are available online at:

www.abilityone.gov/pricing/pricing_memo.html



Chapter 8

Solicitation and Contract Clauses



Chapter 8: Solicitation and Contract Clauses

Federal agencies looking for innovative ways to work with the AbilityOne Program, and to provide AbilityOne qualified nonprofit agencies a maximum practicable opportunity to participate as subcontractors, may consider inserting a clause in their solicitations/contracts that provides this opportunity to partner with AbilityOne. Participating nonprofit agencies provide a wide range of products and services that may be used in fulfilling prime contracts. Agencies may also encourage their contractors to hire individuals who are blind or have other significant disabilities.

Some examples follow:

Example #1:

At least x% of the dollar value of all subcontracts will be spent on products and services manufactured and provided by Nonprofit Agencies that employ people who are blind or severely disabled and are associated with the National Industries for the Blind (NIB) or NISH under the AbilityOne Program. NIB (insert contact person, email) and NISH (insert contact person, email) are available to assist offerors with meeting this requirement. (See H.11 for further penalty information)

The contractor understands and acknowledges that this requirement is a material part of the contract, and that failure to meet this requirement is a breach of the contract. Annually, on the anniversary date of contract signing, the contractor will provide a report to the contracting officer showing how this requirement was met during the preceding 12 months.

Example #2:

The Government is committed to using the services provided by individuals who are blind or have other significant disabilities through organizations affiliated with the Commission, National Industries for the Blind (NIB) and NISH (serving people with other significant disabilities) to fulfill part of the staffing requirements for this contract. Contractor-provided personnel shall consist of a minimum of x percent of individuals employed through organizations affiliated with NIB and/or NISH. The Contractor is responsible for working with and compensating NIB and/or NISH affiliated agencies to recruit, hire, and train these individuals to ensure that performance objectives are not compromised.



Example #3:

1. At least x% of the contractor's workforce will be disabled (as defined by the American with Disabilities Act (ADA)) or visually impaired
 - a) The ADA definition of disability is: an individual must meet one of the following three tests: (a) have a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (b) have a record of such impairment; or (c) be regarded as having an impairment.
 - b) Visually impaired is defined as: central visual acuity which does not exceed 20/200 in the better eye with correcting lenses or ... visual acuity if better than 20/200 ... accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20 degrees.

OR

2. At least x% of the dollar value of all subcontracts will be spent on products and services manufactured and provided by Nonprofit Agencies that employ people who are blind or severely disabled and are associated with the National Industries for the Blind (NIB) or NISH under the AbilityOne Program. NIB (insert contact person, email) and NISH (insert contact person, email) are available to assist offerors with meeting this requirement.




The contractor understands and acknowledges that this requirement is a material part of the contract, and that failure to meet this requirement is a breach of the contract, which can subject the contractor to a termination for cause action.

Chapter 9

Points of Contact



Chapter 9: AbilityOne® Program Principal Points of Contact

Organization	Contact
	<p>Mr. Barry S. Lineback Director, Business Operations U.S. AbilityOne Commission 1421 Jefferson Davis Highway JP2, Suite 10800 Arlington, VA 22202 703.603.2118 blineback@abilityone.gov</p> <p>Mr. Eric Beale Program Liaison U.S. AbilityOne Commission 1421 Jefferson Davis Highway JP2, Suite 10800 Arlington, VA 22202 703.603.2119 ebeale@abilityone.gov</p>
	<p>Mr. Charles Froemke Assistant Vice President, Operations Support National Industries for the Blind 1310 Braddock Place Alexandria, VA 22314 703.310.0545 cfroemke@nib.org</p>
	<p>Mr. Paul Donohue Director of Key Accounts, National Business Development NISH 8401 Old Courthouse Road Vienna, VA 22182 703.584.3935 pdonohue@nish.org</p>

AbilityOne® Program Liaisons

Department of Defense

Air Force

Mr. William G. Sproule, NH-IV, DAF
SAF/AQCA, Chief, Installation
Sourcing Support
Deputy Assistant Secretary
(Contracting)
Assistant Secretary (Acquisition)

Department of the Air Force
1060 Air Force Pentagon, SAF/AQCA
Washington, DC 20330-1060

571.256.2419
william.sproule@pentagon.af.mil

Army

Ms. Felicia Harvey
Sr. Procurement Analyst

Office of the Deputy Assistant
Secretary of the Army (Procurement)
2800 Crystal Drive
Suite 400
Arlington, VA 22202

703.617.0445
harveyfm@conus.army.mil

Navy

Ms. Susan Burrows
Director, Small Business Programs
Naval Supply Systems Command
Washington Liaison Office

Department of the Navy
200 12th St. So., Suite 1400
Arlington, VA 22202

703.604.1857
susan.burrows@navy.mil

Defense

Ms. Patricia Cleveland
Small Business Specialist, Office of
Small Business Programs

Defense Logistics Agency
8725 John J. Kingman Road, MS 2533/
Attn: DB
Fort Belvoir, Virginia 22060-6221

703.767.1652
patricia.cleveland@dla.mil

Defense/OSD

Ms. Susan W. Pollack
Sr. Procurement Analyst

Office of the Under Secretary of Defense
3060 Defense Pentagon, Room 5E621
Washington, DC 20301-3060

703.697.8336
susan.pollack@osd.mil



U.S. AbilityOne Commission

1421 Jefferson Davis Highway
Jefferson Plaza 2, Suite 10800
Arlington, VA 22202-3259
(703) 603-7740

info@abilityone.gov
www.abilityone.gov



National Industries for the Blind

1310 Braddock Place
Alexandria, Virginia 22314-1691
(703) 310-0500

customer_service@nib.org
www.nib.org



NISH

8401 Old Courthouse Road
Vienna, Virginia 22182
(571) 226-4660

info@nish.org
www.nish.org

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