

U.S. AbilityOne Commission

Strategic Plan

for Fiscal Years 2022 - 2026



June 2022





MESSAGE FROM THE U.S. ABILITYONE COMMISSION CHAIRPERSON

I am pleased to share the U.S. AbilityOne Commission’s (Commission) Strategic Plan for FY 2022–2026 – the road map that will guide us over the next five years.

Four Strategic Objectives anchor this plan:

1. Transform the AbilityOne Program to expand competitive integrated employment (CIE) for people who are blind or have significant disabilities.
2. Identify, publicize, and support the increase of good jobs and optimal jobs in the AbilityOne Program.
3. Ensure effective governance and results across the AbilityOne Program.
4. Engage in partnerships to increase employment for people who are blind or have significant disabilities within and beyond the AbilityOne Program.

The plan’s outcome goals, strategies and performance measures all clearly communicate the Commission’s direction and resource prioritization. The plan includes updated mission and vision statements that reinforce the purpose of the AbilityOne Program. It also builds on the Commission’s proposed rule to end the payment of subminimum and sub-prevailing wages on all AbilityOne contracts, as well as the work of the 2017 National Defense Authorization Act Section 898 Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability and Integrity.

The Commission recognizes that transforming the AbilityOne Program as set forth in this plan is an ambitious endeavor. Program participants have been operating under the parameters established by the Javits-Wagner-O’Day Act of 1971 and the resulting Commission regulations, policies, and procedures. Simply put, the current Program architecture was built with the thought that creating as many AbilityOne jobs as possible for people who are blind or have significant disabilities was sufficient. This Strategic Plan aims to do more.

To achieve the objectives of this plan – which is a dynamic and living document – the Commission will work collaboratively with its designated Central Nonprofit Agencies (CNAs), qualified nonprofit agencies (NPAs), and the full range of stakeholders representing people with disabilities to identify barriers to the creation of good jobs and optimal jobs in the Program and provide workable solutions to those barriers. The Commission is aware that some NPAs are further along the path set out in this plan than others. The Commission believes that other

NPAs will progress along this path if they are provided the proper infrastructure, resources, and technical expertise. The Commission's vision requires changes in the Commission's approach to NPA compliance for the purpose of conducting both oversight and technical assistance within the same operational framework. This shift will require the CNAs' steadfast commitment to support and achieve the goals of this plan.

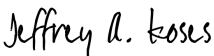
At the same time, the AbilityOne Program is one of many socioeconomic programs that harness the power of Federal acquisition to promote employment and financial equity for an underserved population. It is crucial for the AbilityOne Program to continue to provide Federal customers with acquisition solutions that meet all quality and timeliness standards at fair market prices. This Strategic Plan identifies goals and strategies designed to enhance the AbilityOne Program customers' experience and, ultimately, increase customer satisfaction.

This Strategic Plan reflects the work and input of Commission members, as well as others who provided expert advice. My fellow Commission members are: **Chai Feldblum**, Vice Chairperson and former Commissioner of the Equal Employment Opportunity Commission; **Bryan Bashin**, CEO of the LightHouse for the Blind and Visually Impaired in San Francisco; **Christina Brandt**, CEO of AtWork!; **Gabriel Cazares**, Director of the Mayor's Office for People with Disabilities in the City of Houston, Texas; **Jennifer Sheehy**, Deputy Assistant Secretary, Office of Disability Employment Policy at the Department of Labor; and **Virna Winters**, Director for Acquisition Policy and Oversight in the Office of Acquisition Management, Department of Commerce.

The Commission greatly appreciates the public comments submitted in response to its draft Strategic Plan, as well as input provided during three listening sessions held by the Commission.

Sincerely,

DocuSigned by:



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Jeffrey A. Koses

Chairperson, U.S. AbilityOne Commission

Senior Procurement Executive, Office of Governmentwide Policy, General Services Administration

TABLE OF CONTENTS

Message from the U.S. AbilityOne Commission Chairperson	2
About the U.S. AbilityOne Commission	5
Authority and Statutory Requirements	6
Commission Members.....	7
Commission Staff.....	8
Office of the Inspector General.....	9
Process for Development of the FY 2022-2026 Strategic Plan	10
AbilityOne Mission and Vision	11
Strategic Objective I: Transform the AbilityOne Program to Expand Competitive Integrated Employment (CIE) for People Who Are Blind or Have Significant Disabilities.	12
Outcome Goal: Work effectively with Congress to amend the Javits-Wagner-O'Day (JWOD) Act to support competitive integrated employment (CIE) for people who are blind or have significant disabilities.	12
Strategic Objective II: Identify, Publicize, and Support the Increase of Good Jobs and Optimal Jobs in the AbilityOne Program.	14
Outcome Goal: Increase Good Jobs and Optimal Jobs in the AbilityOne Program.	15
Strategic Objective III: Ensure Effective Governance and Results Across the AbilityOne Program.	17
Outcome Goal 1: Address top management and performance challenges to improve the operations of the Commission, the CNAs, and the NPAs.	17
Outcome Goal 2: Support the mission of the Federal customer by providing best value through contract performance.	22
Strategic Objective IV: Engage in Partnerships to Increase Employment for People Who Are Blind or Have Significant Disabilities Within and Beyond the AbilityOne Program.....	25
Outcome Goal 1: Increase Good Jobs and Optimal Jobs Within the AbilityOne Program.....	25
Outcome Goal 2: Serve as part of the Federal community working to increase employment for individuals who are blind or have significant disabilities.	25
External Factors.....	27
Program Evaluation.....	28
Appendix: Organizational Chart.....	30

ABOUT THE U.S. ABILITYONE COMMISSION

The U.S. AbilityOne Commission is the independent Federal agency that oversees the AbilityOne Program, which creates private sector jobs for people who are blind or have significant disabilities, while providing quality products and services to Federal customers at a fair market price. The U.S. AbilityOne Commission is the operating name for the agency, whose statutory name is the Committee for Purchase From People Who Are Blind or Severely Disabled.

The Commission is composed of 15 Presidential appointees. Eleven represent Government agencies. Four private citizen members represent the employment concerns of people who are blind or have significant disabilities.

The Commission administers the AbilityOne Program in accordance with the Javits-Wagner-O'Day (JWOD) Act (41 U.S.C. §§ 8501-8506).

In FY 2021, the AbilityOne Program (“AbilityOne” or “Program”) provided nearly \$4 billion in products and services to the Federal Government and employed approximately 40,000 people who are blind or have significant disabilities. AbilityOne employees work nationwide at approximately 450 nonprofit agencies (NPAs), from Guam to Maine.

For more information about the AbilityOne Program, visit www.abilityone.gov.

Authority and Statutory Requirements

The Commission and the AbilityOne Program it administers are established by the JWOD Act of 1971, as amended, which is codified in Chapter 85 of the U.S. Code. The Commission's implementing regulations are in Chapter 51 of Title 41 of the Code of Federal Regulations. The JWOD Act's procurement-related requirements are implemented in Subpart 8.7 of the Federal Acquisition Regulation.

Congress requires Executive departments, Government corporations, and independent establishments to develop and post a strategic plan on their public website every four fiscal years. The Government Performance and Results Act (GPRA) Modernization Act of 2010 outlines the requirements for these plans, including:

- A mission statement covering the major functions and operations of the agency;
- General goals and objectives, including outcome-oriented goals, for the agency;
- A description of how these goals and objectives are to be achieved; and
- An identification of key factors external to the agency and beyond its control that could significantly affect the achievement of its general goals and objectives.

The development of a five-year strategic plan requires the leadership of an agency to reflect upon the statutory mission of the agency, reassess prior goals and objectives, and identify any new goals and objectives that will enable the agency to meet its statutory mission. The plan also alerts Congress and stakeholders to key factors external to the agency that may affect the agency's ability to carry out its mandate.

The strategic plan was unanimously approved by the Commission members on June 13, 2022.

Commission Members

As required by 41 U.S.C. 8502, the Commission is composed of Presidential appointees from 11 Federal agencies and four private citizen members representing the employment concerns of the population served. Presidential appointees on the Commission bring extensive expertise and tested judgment that promote the effective implementation of the JWOD Act, the operational efficiency of the Commission and AbilityOne Program, and the interests of people who are blind or have significant disabilities. Each appointee representing a Federal agency is a senior official with decades of experience in acquisition, in rehabilitation and disability employment policy, or in general administration. Each private citizen appointee is an individual with broad knowledge of the employment challenges facing people who are blind or have significant disabilities.

The following Presidential appointees serve as Commission members as of June 2022:

Jeffrey Koses (SES)

Chairperson

Representing the General Services Administration

Chai Feldblum

Vice Chairperson

Private Citizen Representing Individuals with Significant Disabilities

Bryan Bashin

Private Citizen Representing Nonprofit Agency Employees Who Are Blind

Christina Brandt

Private Citizen Representing Nonprofit Agency Employees with Significant Disabilities

Gabriel Cazares

Private Citizen Representing Individuals Who Are Blind

Jennifer Sheehy (SES)

Representing the Department of Labor

Virna Winters (SES)

Representing the Department of Commerce

Commission Staff

The current Commission staff of 32 Federal employees maintains Commission operations and prepares materials required by law, regulation and policy to inform the decisions made by the Presidential appointees. The Commission staff is responsible for the day-to-day operations of the Agency and executes the Commission members' strategic direction.

As of June 2022, the Commission staff's executive team and division directors are:

Kimberly Zeich
Acting Executive Director

George Govan
Acting Deputy Executive Director and Chief Financial Officer

Shelly Hammond
Director, Contracting and Policy

Brian Hoey
Senior Advisor, Strategic Communications and Government Affairs

Amy Jensen
Director, Business Operations

Michael Jurkowski
Acting Director, Business Operations

John Konst
Director, Oversight and Compliance

Marlin Paschal
General Counsel

Donald Rose
Acting Director, Veterans Employment and Initiatives

Stephanie Watson
Acting Director, Program Management Office

Kelvin Wood
Chief of Staff

Edward Yang
Chief Information Officer

Office of the Inspector General

In the Consolidated Appropriations Act 2016, Congress mandated the establishment of an Office of Inspector General (OIG) for the Commission. The OIG is dedicated to providing independent and objective reviews of the Commission's programs and operations. Specifically, the Inspector General Act of 1978, as amended, directs the OIG to:

- Conduct independent audits and investigations
- Promote economy, efficiency, and effectiveness
- Prevent and detect fraud, waste, and abuse
- Refer criminal violations to the U.S. Attorney General for prosecution
- Review pending legislation and regulations
- Keep the Chairperson and Congress fully and currently informed about problems and deficiencies relating to the Commission

As of June 2022, the OIG's leadership team is:

Stefania Pozzi Porter
Inspector General (Acting)

Steven N. Burke
Deputy Inspector General (Acting)

Process for Development of the FY 2022-2026 Strategic Plan

- Considering Administration guidance and an environmental scan of both the agency and AbilityOne Program, the Commission members and staff developed the core aspects of the strategic plan.
- The core aspects were posted on the Commission's website on February 9, 2022, with a request for comments.
- The Commission met with Congressional staff to discuss the core aspects of the strategic plan.
- The Commission received, reviewed, and discussed comments from program stakeholders, including NPAs and disability, civil rights and labor organizations.
- The complete draft strategic plan was posted on the Commission's website and on www.Regulations.gov on March 18, 2022, with a request for comments.
- A Town Hall meeting with NPAs was held on April 8, 2022; the transcript is posted on the [Commission Meetings](#) page on www.abilityone.gov.
- A Listening Session with disability, civil rights, and other organizations was held on April 25, 2022; the transcript is posted on the [Commission Meetings](#) page on www.abilityone.gov.
- The written comment period closed on April 30, 2022.
- A Listening Session with self-advocates, including some with experience working on AbilityOne contracts, was held on May 13, 2022.
- The Commission members and staff reviewed the comments received and developed a final draft strategic plan.
- The Commission continued to engage with stakeholders through conferences, meetings, and correspondence.
- The Commission members voted to approve the final FY 2022-2026 Strategic Plan on June 13, 2022.

ABILITYONE MISSION AND VISION

Mission

To tap America's underutilized workforce of individuals who are blind or have significant disabilities to deliver high quality, mission-essential products and services to Federal agencies in quality employment opportunities.

Vision

Remain a trusted source of supply and services for Federal agencies while creating quality employment opportunities across all economic sectors for people who are blind or have significant disabilities.

STRATEGIC OBJECTIVE I: TRANSFORM THE ABILITYONE PROGRAM TO EXPAND COMPETITIVE INTEGRATED EMPLOYMENT (CIE) FOR PEOPLE WHO ARE BLIND OR HAVE SIGNIFICANT DISABILITIES.

The Commission believes the AbilityOne Program has the potential to be a driver of competitive integrated employment (CIE) for people who are blind or have significant disabilities. However, to achieve that goal fully, Congress must amend the JWOD Act to enable all NPAs to offer CIE to their employees.

Outcome Goal: Work effectively with Congress to amend the Javits-Wagner-O’Day (JWOD) Act to support competitive integrated employment (CIE) for people who are blind or have significant disabilities.

The JWOD Act contains various components that govern how NPAs must operate. First, for an NPA to be qualified to receive an AbilityOne contract, it must demonstrate that 75% of the agency-wide direct labor hours (DLH) used to produce goods or provide services (other than supervisory work) will be performed by people who are blind or have significant disabilities during the fiscal year. 41 USC §8501(3)(A)-(B). Although some NPAs have been able to achieve varying degrees of integration despite this requirement (see Strategic Objective Two, below), such a ratio requirement is in tension with the goal of having people who are blind or have significant disabilities work side-by-side with people without disabilities.

Second, the individuals with “severe” disabilities who must be hired to meet the 75% DLH ratio are defined as individuals whose disability “constitutes a substantial handicap to employment and is of a nature that prevents the individual from currently engaging in normal competitive employment.” 41 USC §8501(5). This definition is logically inconsistent with the assumption that many people with significant disabilities can work in normal competitive employment if provided the necessary supports to be successful.

In order for the AbilityOne Program to become a broad-based and effective driver of CIE, Congress must amend the JWOD Act to enable NPAs to fully provide such employment.

Strategy 1: *Be available and responsive to Members of Congress and staff if they decide to amend the JWOD Act.*

Strategy 2: *Consistent with the final report issued by the 898 Panel, complete the implementation of the panel’s recommendation to work with fellow government agencies on a proposal to amend the JWOD Act.*

The 898 Panel’s [Final Report to Congress](#) noted that further work would continue on developing a legislative proposal for modernizing JWOD:

The Panel had sought to attach to this report a document with its recommended line-in/line-out amendments to the JWOD Act to amend the statutory direct labor ratio and definition of direct labor, but the agencies involved in this process require more time to finalize these recommendations. As such, further interagency work will continue after the Panel sunsets, and the line-in/line-out recommendations will be submitted to Congress separately in 2022. Agencies responsible for coordinating Federal disability policy will participate in this process, including the Department of Justice's Civil Rights Division, the Department of Health and Human Services' Administration for Community Living, the Department of Labor's Office of Disability Employment Policy, the National Council on Disability, and the Department of Education's Rehabilitation Services Administration; as well as the AbilityOne Commission. DoD will also provide guidance as it continues to lead or participate in working groups relating to the Program. (See 898 Panel Final Report to Congress, page 7.)

The Commission will continue to work with the government agencies set forth in the final 898 Report on a legislative proposal to amend the JWOD Act and will work through the regular administrative process in doing so.

Performance Measure 1: The Commission has provided constructive information to Congress on using the AbilityOne Program to expand competitive integrated employment and the relevant committees of jurisdiction determined the information was useful.

Performance Measure 2: The Commission has reached consensus with its fellow government agencies on a legislative proposal to amend the JWOD Act.

STRATEGIC OBJECTIVE II: IDENTIFY, PUBLICIZE, AND SUPPORT THE INCREASE OF GOOD JOBS AND OPTIMAL JOBS IN THE ABILITYONE PROGRAM.

The Commission defines a “good job” in the AbilityOne Program as having four attributes:

1. Individuals with disabilities are paid competitive wages and benefits;
2. The job matches the individual’s interests and skills (“job customization”);
3. Individuals with disabilities are provided with opportunities for employment advancement comparable to those provided to individuals without disabilities; and
4. Individuals are covered under employment laws.

The Commission believes there are such jobs currently within the AbilityOne Program and that the number of such jobs should be increased.

The Commission defines an “optimal job” as one that includes the four attributes of a “good job,” but also allows AbilityOne employees to work side-by-side with employees without disabilities doing the same or similar work. That is obviously harder, and frequently not possible, to achieve given the DLH ratio mandated by the JWOD Act. Nevertheless, the Commission is aware of several examples in which such workplaces have been achieved in the AbilityOne Program.

The Commission will seek to increase good jobs and optimal jobs in the AbilityOne Program by taking four discrete and sequential steps:

First, on the most basic level, the Commission will prohibit the payment of subminimum or sub-prevailing wages (where otherwise required) to employees working in AbilityOne jobs.

Second, it will identify the existence of good jobs and optimal jobs in AbilityOne workplaces to counter the perception that all AbilityOne jobs are necessarily performed in a manner traditionally associated with sheltered workshops.

Third, the Commission will widely publicize the existence of such jobs so that NPAs who are not currently offering such jobs know they are achievable within the current AbilityOne statutory context and that the Commission wishes to increase such jobs.

Fourth, the Commission will seek to increase those jobs by connecting NPAs with the resources and technical assistance necessary to create such jobs and by incentivizing NPAs to create such jobs.

The Commission will collect data on the number of good jobs and optimal jobs in the AbilityOne Program; it will disseminate examples of these jobs widely in the NPA community; and will support and incentivize NPAs in developing such jobs.

Outcome Goal: Increase Good Jobs and Optimal Jobs in the AbilityOne Program.

Strategy 1: *Eliminate the use of section 14(c) certificates under the Fair Labor Standards Act to pay any employee on an AbilityOne contract.*

A workplace cannot provide competitive compensation if employees are paid pursuant to a section 14(c) certificate under the Fair Labor Standards Act (“section 14(c) certificate”). The Commission has issued a proposed rule that an NPA cannot maintain qualification to participate in the AbilityOne Program if it uses a section 14(c) certificate to pay an employee on an AbilityOne contract. Once finalized, this rule will ensure that all AbilityOne employees will be paid either the Federal minimum wage, the state or local minimum wage, or the prevailing wage if they work on a service contract governed by the Service Contract Act (SCA) or the Davis-Bacon Act (DBA).

Performance Measure 1: The Commission has finalized the rule prohibiting an NPA’s payment of subminimum or sub-prevailing wages to any employee on an AbilityOne contract to be qualified for participation in the Program.

Strategy 2: *Identify and publicize examples of good jobs and optimal jobs within the AbilityOne Program*

The Commission will issue a Request for Information (RFI) to help it identify AbilityOne jobs that include competitive wages and benefits, customized jobs, means for employment advancement, and coverage under employment laws, all of which are neither prohibited nor hindered by the JWOD Act. The RFI will also identify jobs that are optimal in that AbilityOne employees are working side-by-side with employees without disabilities, doing the same or similar jobs. It will also identify the strategies the NPAs used to achieve these results within the constraints of JWOD.

The Commission will disseminate those examples widely within the AbilityOne community.

Performance Measure 2: The Commission has issued a Request for Information (RFI) in order to identify good jobs and optimal jobs in the AbilityOne Program.

Performance Measure 3: The Commission has widely disseminated to the AbilityOne community examples of good jobs and optimal jobs.

Performance Measure 4: The NPAs demonstrate an understanding of this strategic approach by requesting procurement list additions that meet the attributes of good jobs and, where possible, optimal jobs.

Strategy 3: *Support and incentivize NPAs to establish good jobs and optimal jobs in the AbilityOne Program.*

Consistent with its resources, the Commission will provide educational materials to NPAs to assist in creating good jobs and, where possible, optimal jobs. The Commission will also partner with other government agencies to educate NPAs regarding all available resources to support this strategy.

The Commission will work with the CNAs to ensure that they provide NPAs with appropriate financial and technical support to create good jobs and optimal jobs, consistent with program fees received by the CNAs.

The Commission will revise the form that NPAs used in determining an individual's eligibility to be counted towards the 75% direct labor hour ratio (the Individual Employment Eligibility (IEE) form) so that it is conducive to customizing jobs for individuals who are blind or have significant disabilities and beginning an informed choice process for employment advancement.

The Commission will collect data on the number of good jobs and optimal jobs in the AbilityOne Program.

The Commission will include, as appropriate, a special consideration in the contract allocation process that will consider an NPA's success in creating good jobs, and where possible, optimal jobs.

Performance Measure 5: The Commission's Cooperative Agreements require the CNAs to provide financial and technical resources to NPAs in creating workplaces that offer good jobs and, where possible, optimal jobs, consistent with the program fees collected by the CNAs.

Performance Measure 6: The Commission has developed and executed a data system that will allow it to collect information on the number of good jobs and optimal jobs.

Performance Measure 7: The Commission has issued a revised Individual Employment Eligibility (IEE) form that is conducive to customizing jobs for individuals who are blind or have significant disabilities and to beginning an informed choice process for employment advancement.

Performance Measure 8: The Commission has developed and provided notice of a special consideration in the NPA recommendation process that takes into account how successful the NPA has been in offering good jobs and, where possible, optimal jobs.

STRATEGIC OBJECTIVE III: ENSURE EFFECTIVE GOVERNANCE AND RESULTS ACROSS THE ABILITYONE PROGRAM.

The AbilityOne Program provides mission-essential products and services to agencies across the Federal Government through qualified NPAs that employ individuals who are blind or have significant disabilities. The Commission requires updated technology, enhanced business processes, and more effective operational structures to modernize the Program and fulfill its oversight responsibilities. To facilitate effective governance and oversight, the Commission must have better access to data and timely analysis of such data to effectuate the necessary changes. The Commission is committed to ushering in a new era that prioritizes efficiency, agility, and accountability, and will work with its designated CNAs and qualified NPAs to assist in the implementation of these changes.

To carry out this commitment, the Commission will update its regulations, policies, and procedures to facilitate greater transparency and Program modernization. Modernization includes leveraging competition within the Program to improve innovation and transparency for entities within and outside the Program. It also includes improving how the Commission collects and analyzes information from the field so it can better understand and enhance what works and eliminate what doesn't. Lastly, modernization requires effective oversight of CNAs and NPAs to ensure they are carrying out their responsibilities.

To meet this objective, the Commission will address its top management and performance challenges. It will also support the mission of the Federal customer by providing best value through contract performance.

Outcome Goal 1: Address top management and performance challenges to improve the operations of the Commission, the CNAs, and the NPAs.

In November 2021, the Commission's Acting Inspector General released her [Top Management and Performance Challenges report](#) for AbilityOne. The challenges identified included the need to make improvements to several operational or programmatic areas such as: oversight of the NPAs and CNAs; internal control over financial management; establishment of an enterprise risk management framework; implementation of the 898 Panel report recommendations; allocation of roles and resources among senior staff; establishing a higher level of transparency and communication with stakeholders and Program participants; and addressing the erosion of statutory Program authority.

The National Council on Disability presented a [report](#) to the President in October 2020, setting forth its assessment of systemic issues in the AbilityOne Program, including problems with transparency and competition in the allocation of

contracts; oversight of the CNAs; use of program fees by CNAs; clarity around responsibility for compliance by NPAs; and determinations of employee eligibility.

The Commission will take bold steps to meet all these management challenges, including those identified by the Acting Inspector General. The Commission will use a decision-making process informed by data and thoughtful analysis that establishes clearly defined Program goals, roles, and individual responsibilities for outcomes. The Commission will aggressively deploy its Enterprise Risk Management (“ERM”) framework, established in 2020, to evaluate, prioritize, and track corrective actions.

These operational improvements will encourage innovation, increase collaboration, bolster internal controls, and better enable the AbilityOne Program to serve Federal customers and create superior employment outcomes for people who are blind or have significant disabilities.

Strategy 1: *Use an Enterprise Risk Management (ERM) framework to evaluate, prioritize, and track corrective action plans.*

In November 2020, the Commission hired a Chief Financial Officer and developed and deployed a robust Enterprise Risk Management (ERM) framework. ERM is a methodology that looks at risk management strategically from an enterprise-wide perspective – in this case, the perspective of the entire AbilityOne Program. The Commission’s ERM framework is a top-down strategy that aims to identify, evaluate, and prepare for potential losses, dangers, hazards, and other potentials for harm that may interfere with the Commission’s operations. The Commission will build on its progress to date in using its ERM framework to effectively evaluate, prioritize, and mitigate risks.

Performance Measure 1: The Commission has used the ERM system to identify risks and has established and tracked corrective action milestones.

Strategy 2: *Modernize the Commission’s data collection capabilities.*

Effective governance requires the collection of accurate and comprehensive data that can be accessed in a simple and efficient manner. Data is the backbone of maintaining an effective workflow, assessing existing needs, monitoring success or failure, and holding entities accountable, including the Commission.

The AbilityOne Program’s information technology (IT) infrastructure, while adequate in many respects, requires modernization and increased functionality to meet the Commission’s goals of addressing its management challenges and increasing its oversight capacity.

The Commission's current data system is the Procurement List Information Management System (PLIMS). The Commission uses PLIMS to manage the Procurement List of all products and services that are suitable for provision to the Federal Government; maintain official records of Procurement List decisions; execute day-to-day workflow processes and operations; receive transactions from two CNAs on behalf of 450 NPAs; and capture and facilitate official communications of Procurement List information with AbilityOne Federal customers.

PLIMS needs to be updated so that it can increase the efficiency and effectiveness of the Procurement List decision-making process for Commission members, Procurement List maintenance by the Commission staff, and Procurement List access by AbilityOne Program customers. Further, PLIMS needs to be updated to improve the Commission's access to, analysis of, and use of Program data.

At the present time, PLIMS also includes information that the Commission collects to monitor compliance by the NPAs with the Program's requirements and to track placements of employees from AbilityOne contracts to other jobs. The CNAs currently serve as intermediaries for transmission of this data to the Commission in a manner that is not as efficient as it could be. As the Commission strengthens its compliance activities (see Strategy 3, below) and increases the number of good jobs and optimal jobs in the Program (see Strategic Objective II), it will revise its existing data collection form (called the Annual Representations & Certifications report) and will ensure that the IT infrastructure supports the effective collection of, and access to, data pertaining to NPA oversight and compliance.

Performance Measure 2: The Commission has developed a state-of-the-art IT infrastructure that meets the needs of the AbilityOne Program.

Performance Measure 3: The Commission has drafted and implemented a revised Annual Representations & Certifications data collection form.

Performance Measure 4: The Commission has implemented a system for CNAs and NPAs to share data more effectively with the Commission.

Strategy 3: *Modernize and enhance the oversight of NPA compliance with the strategic direction of the AbilityOne Program.*

The AbilityOne compliance program is one of the most critical tools in the Commission's portfolio for ensuring good governance throughout the Program. Through compliance, the Commission is able to safeguard the Program against bad actors and effectively carry out its stewardship responsibilities. Put more succinctly, the compliance team is the enabling force that allows the Commission to see how the Program is performing, protect the Program's integrity, and identify what needs to be done to make it better.

As of June 2022, the agency employed 32 Federal employees. Of those, six individuals work in the compliance division: the Director of Oversight and Compliance, the Supervisory Compliance Manager, two Compliance Inspectors and two Vocational Rehabilitation Specialists. The Commission is committed to requesting additional funding in the upcoming budget cycles to continue to build the compliance division's capacity and capability.

Given the structure of the Program, the CNAs have greater reach and conduct a substantial number of regulatory assistance reviews for their associated nonprofit agencies. The Commission requires CNAs to perform this work pursuant to 41 C.F.R. 51-3.2(j) and their respective Cooperative Agreements. In 2022, SourceAmerica had 416 employees, of whom 15 were responsible for providing regulatory assistance to 392 associated NPAs. National Industries for the Blind had 183 employees, of whom six employees carried out regulatory assistance to 58 associated NPAs. However, determining a nonprofit agency's compliance is an inherently governmental duty. Accordingly, the Commission's compliance staff review data collected by the CNAs and engage in as many site visits as possible themselves.

The Commission is committed to increasing, enhancing and modernizing compliance in the AbilityOne Program. It will do so by strategically leveraging the resources and authority it has, as well as ensuring that the CNAs carry out their responsibilities. This will include updating the Commission's data collection process to include possible collection of data on customer satisfaction, contract performance, timeliness of delivery, and emerging business needs. It will also include the collection of data on good jobs and optimal jobs in the Program. The Commission will reimagine its site visits to include both compliance aspects (including a maturity model that considers past inspection results and corrective action taken) and technical assistance to support an NPA's success.

Performance Measure 5: The Commission's compliance team is provided with full and timely access to all reports and data from the CNAs' technical assistance reviews and site visits of associated NPAs.

Performance Measure 6: The Commission's compliance team has identified and presented to the Commission at least five recommendations to continue to implement rigorous documentation requirements while making compliance visits more beneficial for the Commission and the NPAs.

Strategy 4: *Ensure that the Cooperative Agreements with the CNAs implement the strategic direction of the AbilityOne Program.*

In 2013, the Government Accountability Office (GAO) reviewed the AbilityOne Program and made several recommendations to the Commission. Additionally, in December 2015, Congress passed the Consolidated Appropriations Act, 2016, Public Law 114-113, that directed the Commission to enter into written agreements with the CNAs to provide auditing, oversight, and reporting requirements. In 2016, the Commission entered into Cooperative Agreements with SourceAmerica and National Industries for the Blind (NIB).

To date, the Cooperative Agreements have focused significantly on expecting CNAs to increase the number of federal contracts that will result in additional jobs for people who are blind or have significant disabilities. Going forward, the Cooperative Agreements will reflect the Commission's emphasis on promoting good jobs and optimal jobs within the Program. The Cooperative Agreements will also reflect the Commission's emphasis on creating innovative business lines and ensuring customer satisfaction.

Performance Measure 7: The Commission has updated the Cooperative Agreements with the CNAs to reflect the new strategic direction of the Program.

Strategy 5: *Enhance Diversity, Equity, Inclusion, and Accessibility within the Commission.*

On June 25, 2021, President Biden released Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce. This executive order seeks to create a Government-wide initiative to promote diversity, equity, inclusion, and accessibility (DEIA). It is the Commission's goal to be a model DEIA agency.

To date, the Commission has taken the following steps to effectuate this goal:

- Creation of an Accessibility Council to identify issues and concerns that could present barriers to supporting and hiring employees with disabilities. The Accessibility Council will also serve as the standing DEIA working group to ensure that the agency is as proactive as possible in promoting DEIA principles.
- Establishment of a full-time accessibility technician position on the Commission staff to be filled in FY 2022.

- Conversion to a “remote agency” to better expand the Agency’s pool of employment candidates to create and retain the most diverse and inclusive workforce possible.

Performance Measure 8: The Commission has updated its digital accessibility guidance and practices to ensure Program documentation and digital information adheres to industry standards for accessibility.

Performance Measure 9: The Commission has deployed its Affirmative Action Plan to increase the candidate pool and hiring of individuals with disabilities.

Outcome Goal 2: Support the mission of the Federal customer by providing best value through contract performance.

Currently within the AbilityOne Program, CNAs use competitive procedures when assigning Federal customer requirements to NPAs for development, and provide a recommendation to the Commission for both an addition to the Procurement List and the NPA that should receive the contract. There is no Commission policy or process that addresses routine re-competitions within the Program or requirements to facilitate more customer involvement.

The CNAs have robust written procedures for making NPA recommendations to the Commission. However, those processes focus primarily on an NPA’s qualifications, technical rating, and past performance. This approach has come under criticism from Federal customers and some NPAs within the Program. Federal customers have complained (especially the Department of Defense), that failure to consider price leads to NPA complacency and unchecked price escalation. This perception is further magnified by the fact that once an NPA is selected to furnish a product or perform a service, it will normally provide that requirement as long as it is needed. Additionally, the NPAs have argued that limiting evaluations to technical and past performance disproportionately benefits a small group of well positioned NPAs at the expense of all others.

To address these concerns, the Commission will develop policies and procedures that encourage innovation and greater transparency throughout the process. The Commission believes that price should be a factor, but it should not be the most decisive one. As such, Commission policies and procedures will be created with an eye toward achieving the best value for the Federal customer and the overall mission of the AbilityOne Program. To achieve this end, the Commission has developed the following strategies and performance measures:

Strategy 1: *Require CNAs to include consideration of an NPA’s pricing structure when recommending a prospective Procurement List addition.*

In response to the 898 Panel’s recommendations, and concerns from the Army regarding the perception of escalating prices, the Commission sought to explore ways to improve contract performance, provide more competitive pricing, and enhance customer involvement in the NPA allocation process. The Commission developed and tested a competitive process that allowed qualified NPAs to compete for Federal contracts. This process included price evaluation and relied heavily on input from the Federal customer in the source selection process. The Commission is prepared to take additional steps to use a similar competitive framework built on the following principles:

- Competition is limited to qualified NPAs within the AbilityOne Program.
- The Commission will rely on a “best value” approach, recognizing that a “lowest price technically acceptable” basis for source selection is generally inconsistent with the overall goals of the AbilityOne Program.
- The Commission will retain the authority to ensure and approve the Fair Market Price.

Performance Measure 10: The Commission has made the necessary regulatory changes to allow competition that takes into account pricing considerations.

Performance Measure 11: The Commission has created an AbilityOne Competition Subgroup (AOCS) to develop, in coordination with CNAs and Federal customers, standardized procedures and processes to promote increased competition throughout the Program.

Strategy 2: *Increase CNAs’ technical support to NPAs to facilitate successful contract performance.*

The significance of being a mandatory source on the Procurement List is two-fold. First, Federal agencies do not have to follow normal competitive procedures when acquiring items on the Procurement List. Instead, Federal agencies are required to procure the listed item from the qualified NPA (and only that NPA) identified on the Procurement List. Second, once an item is placed on the Procurement List, it provides steady jobs and a steady stream of income for the NPA authorized to provide the good or service.

To maintain the vitality of the Program, Federal agencies must trust the AbilityOne Program and be satisfied with performance quality and timeliness.

To ensure that qualified NPAs continue to remain capable and responsive to customer needs, the Commission will monitor NPA contract performance and customer satisfaction, as described in Strategy 3 for Outcome Goal 1, above. The Commission also recognizes that pricing continues to be a sensitive subject for NPAs and Federal customers. This being the case, the Commission will be more proactive in understanding what NPAs need to be successful in managing costs without sacrificing resources the NPA needs to support its workforce.

Performance Measure 12: The Commission has determined the type of funding and personnel that NPAs need to support their workforce and provide competitively priced products and services.

Performance Measure 13: The Commission has improved coordination between the CNAs, the Commission, and the Federal customer to obtain up-to-date metrics for contract performance.

STRATEGIC OBJECTIVE IV: ENGAGE IN PARTNERSHIPS TO INCREASE EMPLOYMENT FOR PEOPLE WHO ARE BLIND OR HAVE SIGNIFICANT DISABILITIES WITHIN AND BEYOND THE ABILITYONE PROGRAM.

The Commission's fourth strategic objective is to use all levers possible to increase employment opportunities for people who are blind or have significant disabilities within and beyond the AbilityOne Program.

Outcome Goal 1: Increase Good Jobs and Optimal Jobs Within the AbilityOne Program.

As good jobs continue to become available in AbilityOne workplaces, the Commission will work with Federal agencies to place contracts on the Procurement List that will provide opportunities for employment for people who are blind or have significant disabilities.

Strategy: *Work with AbilityOne Representatives (ABORs) to create jobs in the AbilityOne Program.*

Performance Measure 1: The Commission has delivered training and support tools to enable ABORs to promote satisfactory customer experiences in terms of contract performance, price, and/or relationships.

Performance Measure 2: The Commission has educated ABORs regarding the importance of creating good jobs and optimal jobs in the AbilityOne Program.

Outcome Goal 2: Serve as part of the Federal community working to increase employment for individuals who are blind or have significant disabilities.

Strategy: *Foster collaborative efforts with Federal agencies with mission responsibilities to increase employment for people with disabilities.*

The Commission will work with fellow Federal agencies to help increase employment opportunities outside of the AbilityOne Program for people who are blind or have significant disabilities.

The Commission will work with the Office of Personnel Management (OPM) and the Equal Employment Opportunity Commission (EEOC) to help connect Federal agencies with employees working on AbilityOne contracts so that Federal agencies can meet the expectations set forth in EEOC's regulations enforcing Section 501 of the Rehabilitation Act of 1973.

The Commission will work with the Office of Federal Contract Compliance Programs (OFCCP) at the Department of Labor to help connect Federal contractors with employees working on AbilityOne contracts so that Federal contractors can meet the expectations set forth in OFCCP's regulations enforcing Section 503 of the Rehabilitation Act of 1973. The Commission will work with OFPP to explore ways to incentivize Federal contractors to increase the number of their employees who are blind or have significant disabilities by according a contractor's performance in this area some weight in the acquisition process. This would further integrate employment opportunities for individuals who are blind or have significant disabilities into the general equity efforts of Federal acquisition.

The Commission will work with the Small Business Administration (SBA) and other relevant partners to explore ways to support small businesses that are owned by people with disabilities. Small businesses owned by people with disabilities, who may be more likely to hire other individuals with disabilities, constitute an important driver of employment opportunities for people with disabilities. Currently, businesses owned by people with disabilities do not qualify for support or socioeconomic contract preferences.

Performance Measure 3: The Commission has demonstrated work with the Office of Personnel Management, the Equal Employment Opportunity Commission, and the Office of Federal Contract Compliance Programs to support achievement by Federal agencies and Federal contractors of their Section 501 and Section 503 goals respectively.

Performance Measure 4: The Commission has demonstrated work with the Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget (OMB) to ensure that efforts to advance employment opportunities for individuals who are blind or have significant disabilities are integrated into the overall equity efforts of Federal acquisition.

Performance Measure 5: The Commission has demonstrated work with the Small Business Administration (SBA) to increase support for small businesses owned by people who are blind or have significant disabilities.

EXTERNAL FACTORS

Several factors outside the Commission's control will affect its ability to achieve the objectives set forth in the Strategic Plan. These factors include potential legislative changes to law authorizing the AbilityOne Program, adverse court decisions, and Congressional response to budget requests. The Commission contemplated the following external factors in drafting this plan.

- **Legislative Factors.** As noted in the narrative, portions of this strategic plan can only be fully implemented if Congress were to modernize the JWOD Act. The Commission recognizes that legislative change often requires a multi-year effort and must fit within the legislative agenda and calendar established by Congressional leaders.
- **Legal and Regulatory Factors.** The Commission currently faces ongoing challenges to the manner in which it oversees the Procurement List and what it can consider in determining fair market prices. In a recent decision, the U.S. Court of Federal Claims held that the Commission could not consider price as a competitive criterion for making NPA assignment or allocation decisions under its current regulatory structure absent an agreement involving the affected NPA. This adverse decision has led to additional challenges to the Program's ability to promote innovation and control higher prices. This ruling and subsequent litigation may impact priorities adopted by the Commission and may result in additional litigation being filed against the agency.
- **Budgetary Factors.** The goals and measures laid out in this plan are ambitious and reflect a new strategic direction for the Commission. The Commission's budget will be a significant factor in the achievement of the goals of the plan.

Given the above factors, the Commission will continually assess and prioritize its resources to successfully accomplish its mission over the next five years.

PROGRAM EVALUATION

Program evaluation is an important component of the Commission's effort to assure that its programs are operating as intended and achieving results. The Commission staff complies with OMB's Circular A-123, Management's Responsibility for Enterprise Risk Management (ERM) and Internal Control, through evaluation and analysis of agency operations.

The Commission staff, with leadership and oversight from the Commission's ERM Subcommittee, established a risk profile to provide strategic and operational decision support based on evaluation of six risk areas: governance system; strategic planning and implementation; customer expectations and engagement; performance measurement, analysis, results and improvement; workforce capability, capacity, climate, and performance; and work process and operational effectiveness. At the functional level, internal control reviews are conducted on over 300 control techniques designed to detect and prevent risks. The results of the ERM and internal control activities are used to inform the Commission's annual [Performance and Accountability Reports](#), posted on www.abilityone.gov.

Through reports, audits, alerts and other actions, the Commission's Office of Inspector General (OIG) also enhances confidence in the Program, improves economies and efficiencies, and promotes Program growth. Since 2017, the OIG has published annual Top Management and Performance Challenges reports, as well as Semiannual Reports to Congress, posted in the [Reports](#) section of its website at abilityone.oversight.gov.

The OIG has also conducted and published reports for the following specific performance audits:

- 12/20/2019** Performance Audit on the AbilityOne Program Fee
- 04/08/2020** Performance Audit Report on the AbilityOne Cooperative Agreements
- 07/10/2020** Performance Audit of the Central Nonprofit Agency Selection of Nonprofit Agencies for Project Assignment and Allocation of Orders
- 07/10/2020** Performance Audit of the Procurement List Addition Process, Procedures, and Practices

A performance audit of the Commission's compliance program is underway in FY 2022. The OIG has also initiated an audit of the Quality of Products in Support of Meeting Government Requirements in FY 2022.

As discussed in Strategic Objective III, the Commission uses the results of the OIG's Top Management and Performance Challenges report, as well as other Commission staff assessments, to identify and prioritize risks to mitigate and programs to improve. The Commission will continue to evaluate its performance to ensure that its programs are operating as intended and achieving results.

APPENDIX: ORGANIZATIONAL CHART

