



OFFICE OF THE CHAIRPERSON

December 15, 2023

MEMORANDUM

TO: QUALIFIED NONPROFIT AGENCIES IN THE ABILITYONE PROGRAM

FROM: Jeffrey Koses, Chairperson

DocuSigned by:
Jeff Koses
21BD80B9E8AC4A0...

SUBJECT: Memorandum of Agreement (MOA) between the U.S. Army's Program Executive Office Soldier (PEO Soldier), the U.S. AbilityOne Commission (the Commission), and the Defense Logistics Agency – Troop Support (DLA-TS) for the Coordination of Procurement List Items added in Support of the Manufacturing & Development (M&D) to Sustainment Pipeline

On March 22, 2023, the Commission issued a memorandum establishing an interim procedural change for processing all new and existing Procurement List (PL) additions developed in partnership with PEO Soldier and DLA-TS. These interim changes were implemented as a stopgap measure until the parties codified a long-term solution governing how products associated with the "M&D to sustainment pipeline" would be added to the PL and potential disputes concerning existing products would be resolved.

Effective immediately, the Commission is rescinding the March 22, 2023, memorandum. Going forward, the Commission staff, in coordination with the designated CNAs, shall follow the guidance and processes outlined in the November 1, 2023, Memorandum of Agreement (MOA) (Coordination of Federal Procurement List Items Agreement No. SSV-20230815) between the Commission, PEO-Soldier, and DLA-TS. This agreement ensures that the equity interest of the parties is considered when a product is added to the PL, while guaranteeing that developing NPAs retain a production role throughout the life cycle of a product.

Effective January 1, 2024, interim Commission Policy 51.205.01 (Product Disputes Policy) will be rescinded. As a result, the "under review" status for certain PL items will no longer apply. All Federal agencies will procure PL products at the quantities and limitations specified on the PL. If there is a disagreement between the NPA and the Contracting Activity on the scope of the mandatory purchase requirement, such disagreements may still be raised under the March 22, 2023, interim policy until the end of the calendar year.

Also, effective January 1, 2024, all such disputes will be governed by Commission Policy 51.211, The AbilityOne JWOD Act Ombudsman Program, which establishes and implements the Commission's Ombudsman Program. The Ombudsman Program will provide a programmatic framework for resolving certain disputes referred to the Commission, hearing appeals of other

Commission or central nonprofit agency decisions, and enhancing the agency's oversight of the Javits-Wagner-O'Day (JWOD) Act.

While the interim measures were in place, every NPA in the AbilityOne Program played a pivotal role in support of the nation's domestic industrial base. The successful completion of this MOA and establishing of the Commission's Ombudsman Program will ensure that AbilityOne NPAs continue to serve Federal agencies and our nation for years to come.

Questions regarding new PL additions should first be sent to the responsible CNA for resolution. For questions related to the procedure for submitting a referral for dispute resolution, please contact the Directorate of Business Operations at operations@abilityone.gov until December 31, 2023. After that date, please follow the procedures outlined in Commission Policy 51.211.