



U.S. ABILITYONE COMMISSION

Policy 51.103
Effective Date: October 1, 2026

Title: Contract Performance Accountability Policy for Quality Complaints

1. PURPOSE.

This policy establishes the U.S. AbilityOne Commission's (Commission) policies and procedures for receiving and remediating complaints about the quality of products and services on the Procurement List (PL).

2. APPLICABILITY.

This policy applies to the Commission, central nonprofit agencies (CNAs), nonprofit agencies (NPAs), and Federal contracting activities participating in the AbilityOne Program (Program).

3. AUTHORITY.

- (a) 41 U.S.C. §§ 8501-8506, Javits-Wagner-O'Day (JWOD) Act
- (b) 41 CFR Chapter 51, Committee for Purchase From People Who Are Blind or Severely Disabled
- (c) Federal Acquisition Regulations (FAR) 8.202

4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations, and acronyms frequently used throughout this policy system are found in Policy 51.102, Definitions of Terms. Terms unique to a specific subject matter are defined below.

Contract Requirements	The specific obligations outlined in a contract that the prime contractor must fulfill. These may be detailed in Section B of an SF 1449, the Statement of Work (SOW), or the Performance Work Statement (PWS).
Contracting Activity	The ordering activity responsible for awarding a contract to AbilityOne NPAs for products and/or services.
Performance Corrective Action Plan (CAP)	A formal written plan developed by the CNA, in coordination with the NPA and the Federal contracting activity, to identify and remediate quality complaints.
AbilityOne Program Requirements	The statutory, regulatory, policy, directives, and other agency guidance that govern the AbilityOne Program and its participants.



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Quality Complaints	A documented material defect or a series of minor defects that call into question an NPA's capability to satisfy the terms of the contract.
Technical Assistance	The process of providing targeted support and expertise to an NPA to build capability and capacity, or to resolve performance challenges. Technical assistance may include prescribing corrective action plans and providing training and consulting to identify, select, or design solutions based on research or recognized best practices.

5. RESPONSIBILITIES.

(a) The Commission staff will:

- i. Establish the standards, policies, and procedures for addressing quality complaints to enhance contract performance accountability for products and services contracts for requirements on the PL;
- ii. Track quality complaints received from the CNAs and the CNAs' creation and closure of performance CAPs; and
- iii. Prescribe any necessary action to ensure there is no disruption in delivery of products or services on the PL due to quality complaints that are not resolved by a performance CAP or result in a contract dispute in accordance with (IAW) 41 CFR 51-6.15.

(b) The CNAs shall:

- i. Coordinate with the NPA and Federal customer in the development of a performance CAP;
- ii. Provide technical assistance, as needed, to the NPAs it represents to address quality complaints or redistribute the PL requirement to an authorized NPA that can satisfy the contract requirements;
- iii. Oversee implementation of the performance CAPs;
- iv. Notify the Commission of all quality complaints, as defined by this policy; and
- v. Notify the Commission of the creation and closure of performance CAPs or if the contracting activity exercises any of its rights and remedies under the FAR and this policy.

(c) The NPAs shall:

- i. Meet all contract requirements in the timely delivery of products and services in accordance with the terms and specifications of the contract;
- ii. Maintain information necessary to demonstrate adherence to contract performance and any performance CAP issued;
- iii. Take appropriate steps to address quality complaints within the timeframe established by the performance CAP; and



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- iv. If deauthorized on a project, ensure as many of the NPA's employees who are blind or significantly disabled remain on the job with the new authorized successor NPA as practicable, in accordance with 41 CFR § 51-5.2(f).

(d) The Contracting Activity shall:

- i. Notify the NPA in writing of any quality complaints, and send a copy to its designated CNA;
- ii. Coordinate with the CNA and NPA to develop a performance CAP to address and remedy quality complaints; and
- iii. Maintain information and documentation necessary to monitor NPA contract performance.

6. POLICY.

- (a) **General.** The Commission is committed to ensuring the Program provides high quality products and services that are timely delivered to Federal agencies.

- i. Minor contract performance issues should be resolved at the contracting activity and NPA working levels, with assistance from the appropriate CNA, whenever possible, consistent with 41 CFR § 51-6.15.
- ii. The CNAs are available and recommended as sources to facilitate resolution by providing technical assistance and assigning performance CAPs.
- iii. However, contracting activities may exercise any other available remedy under the FAR or other applicable law.
- iv. The Commission will assess the sufficiency of a quality complaint when the parties fail to agree on the issuance of a performance CAP or when a contracting activity requests a replacement NPA or the issuance of a purchase exception.

- (b) **Quality Complaints.** A quality complaint is defined as a documented material defect or a series of minor defects that call into question an NPA's capability to satisfy the terms of the contract.

- i. Documentation for a quality complaint is any formal documentation that provides an NPA with **written notice** of the alleged deficiency and an **opportunity to respond** to the underlying concerns. The following are examples of the types of documentation that generally qualify as quality complaints:
 - 1. A Letter of Concern;
 - 2. An Adverse Contractor Performance Assessment Reporting System (CPARS) Report;
 - 3. A Show Cause Notice;
 - 4. A Cure Notice; or
 - 5. Any other formal (written) documentation prescribed by the contracting activity's policy, such as Contract Deficiency Reports (CDRs), where an NPA is provided notice of the alleged deficiency and given an opportunity to respond.

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- ii. When a quality complaint is issued to an NPA, a copy shall also be sent to the responsible CNA in accordance with 41 CFR 51-6.11.
- (c) **Performance Corrective Action Plan (CAP).** A performance CAP is a Program-unique opportunity to leverage the skills and expertise of the CNA to address contract performance or delivery issues by providing targeted technical assistance. More specifically, a performance CAP helps to ensure quality complaints are tracked, addressed, and resolved collaboratively.
 - i. A performance CAP may be developed when the CNA, in coordination with the contracting activity, determines performance or delivery issues can be cured with a performance CAP.
 - 1. Contracting activities are strongly encouraged to make use of the performance CAP process wherever possible.
 - 2. A performance CAP is a form of CNA-managed technical assistance to address specific contract performance concerns. A performance CAP should be viewed as a supplement to, not a replacement of, a contracting officer's normal remedies under the FAR. In other words, if a CAP is ineffective or the contracting officer determines that a CAP would not remediate the problem, the contracting officer may exercise their remedies under the contract.
 - 3. If the NPA fails the performance CAP, or the contracting activity determines that a CAP would not remediate the problem and initiates other remedies under the FAR (as described in section 6(a)iii), the contracting activity must coordinate with the designated CNA before issuing a notice to terminate or decline to exercise an option or issue a contract renewal.
 - ii. A performance CAP, if implemented, must be established in accordance with the procedures described at Section 7 of this policy.
 - iii. If the contracting activity disagrees with the CNA determination regarding completion of the performance CAP, the contracting activity may:
 - 1. Exercise rights under the FAR if the contracting activity believes termination proceedings are appropriate;
 - 2. File a dispute with the Commission for resolution pursuant to Commission Policy 51.211.
 - iv. The contracting officer must coordinate termination proceedings with the designated CNA to ensure that the contract can be transferred to a capable replacement NPA. If the CNA is unable to find a replacement NPA, a purchase exception (PE) may be issued.
 - v. The steps described above in section 6(c)iii and 6(c)iv are not necessary if the NPA agrees to voluntarily surrender the project upon notification of a failed performance CAP. Additionally, if the NPA has failed a performance CAP, the contracting activity may elect to let the contract end naturally, rather than initiating termination proceedings. However, the contracting activity must coordinate such decisions with

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the CNA to ensure that the project can be properly transferred to another NPA or a PE may be issued.

- vi. The Commission retains authority to address outstanding performance CAP issues related to matters under the Commission's purview, e.g. scope of requirements, PL management, and Fair Market Price issues.
- (d) **Meetings.** The Commission reserves the right to initiate and attend any meetings regarding quality complaints.
- (e) **Relief Actions.** Relief actions from AbilityOne Program requirements are Program-specific remedies available to the contracting activity that include transferring the project to a new NPA, a PE, or project deauthorization.

7. PROCEDURES.

(a) Quality Complaints.

- i. Initiating a quality complaint. Quality complaints may be formatted in any manner consistent with the FAR and agency policy and procedure. However, to qualify as a quality complaint actionable within the Program, written documentation must be issued in accordance with 6(b)i of this policy (notice and opportunity to respond).
- ii. Receipt of a Quality Complaint. When a CNA receives a quality complaint regarding NPA contract performance, the CNA must notify and send a copy of any quality complaints received to Commission staff in accordance with notice requirements described at 7(d) of this policy.
- iii. CNA Assessment of Quality Complaint. The CNA, in coordination with the contracting activity, must determine if a performance CAP is appropriate.

(b) Performance CAPs.

- i. SourceAmerica and National Industries for the Blind (NIB) are directed to update existing practices and written procedures to implement performance CAPs consistent with this policy no later than September 15, 2026.
- ii. A performance CAP must, at a minimum:
 - 1. Identify the quality complaint(s) on the contract;
 - 2. Prescribe action(s) necessary to remedy the quality complaint(s);
 - 3. Set forth the time period in which the NPA must complete the corrective action(s), not to exceed 60 days unless agreed to by the contracting activity;
 - 4. Include a meeting schedule;
 - 5. Describe the technical assistance, if any, the CNA will provide; and
 - 6. Be agreed upon by the NPA and contracting activity.
- iii. A performance CAP may be closed when at least one of the following conditions has been met:
 - 1. At the close of 60 days, unless extended with concurrence from the contracting

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- activity; or
2. The NPA has successfully completed the conditions described in the CAP, and the contracting activity concurs with those results; or
 3. The CNA, in consultation with the contracting activity, and the contracting activity determine that the NPA has failed to meet the conditions described in the performance CAP.
- iv. If the NPA fails to meet the conditions of a performance CAP:
1. The CNA must document how the NPA did not satisfy the elements of the performance CAP.
 2. The CNA must determine if there is a qualified NPA that can perform the requirement.
 3. If the CNA determines there is another qualified NPA that can perform the requirement, the CNA must recommend the qualified NPA to the Commission for authorization IAW Commission Supplemental Policy 51.301-02.
 4. The CNA, in consultation with the contracting activity, must (1) work with the contracting activity to end the contract, e.g. issuing a termination for default or cause, or (2) work with the incumbent NPA, if at the end of a performance period or not renewing the contract or exercising the option (FAR 17.207).
 5. The CNA or NPA may dispute the contracting activity's decision to initiate termination proceedings IAW Commission Policy 51.211. However, review shall be limited to assessing the sufficiency of the contracting activity's efforts to provide proper notice and a meaningful opportunity to respond. The Commission will not adjudicate matters that are exclusively within the realm of contract interpretation. Matters related to interpreting the terms of the contract should be asserted as "claims" and resolved under the Contract Disputes Act (41 U.S.C. Chapter 71) and the relevant FAR clauses (i.e., 52.233-1).

(c) Relief Actions.

- i. Documentation Required to Request Relief Action. To request relief, including requesting the project be transferred to a new NPA, the contracting activity must submit a written request to the CNA along with a copy of:
 1. A failed performance CAP; or
 2. A cure (or show cause) notice; or
 3. A notice to terminate for cause (or default) issued to the NPA.
- ii. Types of Relief.
 1. Replacement NPA.
 - a. A CNA will identify a replacement NPA in accordance with Commission Policy 51.301.
 - b. In most cases, deauthorization is not necessary to effectuate an NPA



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replacement, but if deauthorization is appropriate, it will be initiated in accordance with Commission Procedure 51.407-01 Section 7(f)iii.

2. Purchase Exception Issuance.

- a. The Commission will review and grant PEs, as needed, in accordance with 41 CFR § 51-5.4 and Commission Policy 51.530.
- b. The CNA will review and grant, as needed, PEs in accordance with 41 CFR § 51-5.4 and Commission Policy 51.530.
- c. If deauthorization is necessary to effectuate a PE, it will be initiated in accordance with Commission Procedure 51.407-01 Section 7(f)iii.

(d) **Notice to Commission.**

- i. The CNA shall electronically transmit to the Commission:
 1. A copy of any quality complaint(s), as described in Section 6(b)i-iv of this policy, within 5 business days of receipt by CNA.
 2. A copy of the agreed-upon performance CAP within 5 business days of establishing the performance CAP;
 3. At the close of a performance CAP's prescribed time period, the CNA shall electronically transmit to the Commission within 5 business days the determination (including rationale and supporting documents) of whether the NPA has complied with the performance CAP.
 4. A notification of any dispute regarding whether the NPA has satisfied the conditions of the performance CAP within 5 business days; or
 5. A copy of any of the below notices issued by the contracting activity, within 5 business days of receipt by the CNA:
 - a. A cure notice,
 - b. Show cause notice, or
 - c. Notice to terminate for cause (or default).
- ii. Notifications must be sent to *disputes@abilityone.gov*.

8. EXCEPTIONS.

Any request for exceptions must be made to the Executive Director, in writing.

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9. SUPERSESSION.

Any other prior written or informal Commission guidance pertaining to remediating quality complaints for products and services contracts performed on PL is hereby rescinded.



Approved: _____ Date: _____

Kimberly M. Zeich
Executive Director

