

Program is administered by the Committee. Two national, independent organizations, National Industries for the Blind (NIB) and NISH, help State and private nonprofit agencies participate in the JWOD Program.

The implementing regulations for the JWOD Act, which are located at 41 CFR Chapter 51, detail the recordkeeping requirements imposed on nonprofit agencies participating in the JWOD Program. Section 51-2.4 of the regulations describes the criteria that the Committee must consider when adding a product or service to its Procurement List. One of these criteria is that a proposed addition must demonstrate a potential to generate employment for people who are blind or severely disabled. The Committee decided that evidence that employment will be generated for those individuals consists of recordkeeping that tracks direct labor and revenues for products or services sold through a JWOD Program contract. This recordkeeping can be done on each individual JWOD project or by product or service family.

In addition, § 51-4.3 of the regulations requires that nonprofit agencies keep records on direct labor hours performed by each worker and keep an individual record or file for each blind or severely disabled individual documenting that individual's disability and capabilities for competitive employment. The records that nonprofit agencies must keep in accordance with § 51-4.3 of the regulations constitute the bulk of the hour burden associated with this OMB control number.

On October 4, 2004, we published in the **Federal Register** (69 FR 59185-59186) a notice requesting public comment on these recordkeeping requirements for 60 days, ending December 3, 2004. By that date, we received one comment. That commenter, a participating nonprofit agency, supported our efforts to renew this recordkeeping requirement.

The information collection renewal request seeks approval for the Committee to continue to ensure compliance with recordkeeping requirements established by the authority of the JWOD Act and set forth in the Act's implementing regulations. A renewal of the approval for this collection would also help ensure that the Committee has the ability to confirm the suitability of products and services on its Procurement List. The recordkeeping requirements described in this document are the same as those currently imposed on nonprofit agencies participating in the JWOD Program.

*Title:* Nonprofit Agency Responsibilities, 41 CFR 51-2.4 and 51-4.3.

*OMB Control Number:* 3037-0005.

*Description of Collection:* Recordkeeping.

*Description of Respondents:* Nonprofit agencies participating in the JWOD Program.

*Annual Number of Respondents:* About 650 nonprofit agencies will annually participate in recordkeeping.

*Total Annual Burden Hours:* The recordkeeping burden is estimated to average 5 hours per respondent. Total annual burden is 3,250 hours.

We invite comments concerning this renewal on: (1) Whether the collection of information is necessary for the proper performance of our agency's functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents.

Dated: January 4, 2005.

**Sheryl D. Kennerly,**

*Director, Information Management.*

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## **COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

### **Procurement List; Addition and Deletions**

**AGENCY:** Committee for Purchase from People Who Are Blind or Severely Disabled.

**ACTION:** Addition to and deletions from Procurement List.

**SUMMARY:** This action adds to the Procurement List a product to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List services previously furnished by such agencies.

**DATES:** *Effective Date:* February 6, 2005.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [SKennerly@jwod.gov](mailto:SKennerly@jwod.gov).

**SUPPLEMENTARY INFORMATION:**

### **Addition**

On November 5, 2004, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (69 F.R. 64562) of proposed addition to the Procurement List.

The following comments pertain to Body Fluids Barrier Kit:

Comments were received from the current contractor for this kit and from a district office of the Small Business Administration (SBA). The contractor addressed the impact of this addition to the Procurement List on the contractor's business, and set forth technical reasons why it does not believe the designated nonprofit agency and its blind workers can produce the kit in accordance with Government technical and health requirements.

The contractor claimed that it would be severely impacted by this addition to the Procurement List because the addition would make the difference between a net profit and a net loss for the company. The contractor stated that it operates on a narrow profit margin because it reinvests most of its profits in the company. However, the Committee's measure of contractor impact, as stated at 41 CFR 51-2.4(a)(4), is the percentage of the contractor's total sales represented by this addition, with consideration being given to the length of time the contractor has held a Government contract for the kit. That percentage of sales is very small (less than one percent), so even taking into account the length of time the contractor has held a contract for the kit, the Committee does not consider this addition to the Procurement List to have a severe adverse impact on the contractor, particularly as the contractor may vary its profit level by changing its profit reinvestment pattern.

The contractor claimed that the kit requires an FDA 501(k) certification, along with Letters of Certification/ Compliance for each component in the kit. However, these requirements apply to the manufacturers of the kit and its components, not to the assembler, which is what the nonprofit agency designated by the Committee will be doing. The contractor also claimed that specifications for the kit require 100 percent visual inspection of components and the assembly operation. However, the Contracting Officer has informed the Committee that there is no such inspection requirement. In addition, inspections will be performed by the nonprofit agency's quality control personnel. The Committee's law, at 41 U.S.C. 48b(5), excludes inspection from the definition of direct labor tasks

which must be performed by blind individuals in this situation.

The contractor claimed that there is a long learning curve to manufacturing the kit, and that letting an inexperienced producer like the designated nonprofit agency have the contract would expose the Government customer to significant risks. As noted above, the nonprofit agency will only be assembling the kits, not manufacturing any part of them. The Government procuring activity has inspected the nonprofit agency and concluded that it is capable of performing all tasks necessary to assemble the kit. The nonprofit agency has experience in assembling a First Aid kit which is similar to the body fluids barrier kit being added to the Procurement List.

The SBA office stated that the Committee cannot add the kit to the Procurement List because the current contractor is a participant in SBA's 8(a) program, so the addition is prohibited by an agreement between SBA and NISH, one of the Committee's designated central nonprofit agencies. What the SBA office is actually referring to is a Committee policy by which the Committee will not add to the Procurement List items produced by a contractor which holds the Government contract for the item through the 8(a) program, until that contractor graduates from the 8(a) program. However, while the current contractor for the kit is a participant in the 8(a) program, its contract for the kit was not awarded under the 8(a) program, so the limitation on additions to the Procurement List expressed in the Committee policy is not applicable to this addition.

The following material pertains to the item being added to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the product listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

#### *Regulatory Flexibility Act Certification*

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product to the Government.

2. The action will result in authorizing small entities to furnish the product to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the product proposed for addition to the Procurement List.

#### *End of Certification*

Accordingly, the following product is added to the Procurement List:

Product

*Product/NSN:* Body Fluids Barrier Kit, 6515-01-376-7247.

*NPA:* The Oklahoma League for the Blind, Oklahoma City, Oklahoma.

*Contracting Activity:* GSA, Southwest Supply Center, Fort Worth, Texas.

#### **Deletions**

On November 12, 2004, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (69 FR 65409) of proposed deletions to the Procurement List. After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

#### *Regulatory Flexibility Act Certification*

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services deleted from the Procurement List.

#### *End of Certification*

Accordingly, the following services are deleted from the Procurement List:

*Service Type/Location:* Medical Transcription, 97th Medical Group, Altus AFB, Oklahoma.

*NPA:* New Vision Enterprises, Inc., Louisville, Kentucky.

*Contracting Activity:* Department of the Air Force.

*Service Type/Location:* Medical Transcription, Dwight D. Eisenhower, Veterans Affairs Medical Center, Leavenworth, Kansas.

*NPA:* New Vision Enterprises, Inc., Louisville, Kentucky.

*Contracting Activity:* Department of Veterans Affairs, Washington, DC.

**Sheryl D. Kennerly,**

*Director, Information Management.*

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### **COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

#### **Procurement List; Proposed Additions**

**AGENCY:** Committee for Purchase from People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to Procurement List.

**SUMMARY:** The Committee is proposing to add to the Procurement List a product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

*Comments Must Be Received On or Before:* February 6, 2005.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [SKennerly@jwod.gov](mailto:SKennerly@jwod.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions. If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each product or service will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

#### **Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish