



Procurement List Additions

Committee for Purchase from People Who Are Blind or Severely Disabled



Additions Process

There are five phases to each PL Addition:

- Identification of potential work (usually by NIB/NISH or nonprofit agency; sometimes by the customer)
- Development (by NIB/NISH) of project --
Gathering information and documentation,
assessing feasibility, negotiating with customer
- Analysis and Rulemaking Process
(by Committee staff)
- Decision on Addition (by Committee members)
- Production or Performance (by nonprofit agency)

Process Requirements

- Law requires use of Administrative Procedures Act, with public comment periods, for both PL Additions and Deletions.
- Decision/Rulemaking is not just a “formality.” Each addition is a rulemaking based on application of suitability criteria.
- Deliberative Process, not an entitlement or administrative action
 - i.e., not like getting Social Security or registering a car; more like applying for a mortgage or life insurance lots of room for questions which must be addressed.

Process Requirements (cont'd)

- Decision/Rulemaking process takes about 85-120 days from Committee's receipt of a complete proposed addition package.
- Only upon Procurement List Effective Date (30 days after Notice of Final Rule) may the Government use AbilityOne sole source authority to enter into a contract.

Proposed Additions Package Analysis

- Logged and Reviewed (Complete, Signatures, Legibility)
- Routed for Analysis at Committee office by:
 - Business Development (Products or Services)
 - Impact Determination
 - Compliance for Qualification of Nonprofit Agency (Current Ratio and Effect of Proposed Addition)
 - Price Review of Initial Price Recommendation and Price Change Methodology
 - Legal and Regulatory Compliance
- Final Review by Director of Operations for Publication in *Federal Register*

Initial Publication in *Federal Register*

- Determine whether the product/service meets the suitability threshold before initial publication as a Notice of Proposed Rulemaking.
- Concerns with specific projects that do not meet the requirements are discussed at a weekly “Red Flag” meeting with all additions staff and senior management.
- If threshold is met, the Notice of Proposed Rulemaking is published w/ 30-day public comment period.

Vote Letter Decision Package

Vote Letter is Prepared and Reviewed

- Purpose: Transmits the PL Addition Decision Package to Committee members.
- Includes staff analysis and comments
 - i.e., “Price is 20% higher than current contract due to expanded scope of work.”
- Incorporates Public Comments, if any, and staff’s Recommended Response to Comments.
- Incorporates Committee decision on initial price and price change mechanisms.

Vote Letter Thresholds

- Issued only after the 30-day Notice of Proposed Addition has expired.
- Issued only after all questions or concerns raised during comment period have been addressed by NIB or NISH on behalf of nonprofit agency
- Issued only when staff comments and public comments are satisfactorily addressed.

Vote Period and Tracking

- Vote Letters are issued for a 14-day decision period.
- Committee member's questions or concerns are transmitted by email to staff for response.
- Committee members reply to staff by email with votes to approve or disapprove suitability and price.
- When all members have voted and/or when vote period expires, staff determines whether majority of Committee members approved or disapproved.
- If approved, the *Federal Register* Notice of Final Rule is prepared for publication.

Final Publication in *Federal Register*

- Notice of Final Rule is published the next Friday, upon expiration of vote, if a majority of Committee members approve the addition.
- In accordance with APA, addition is effective 30 days after final notice is published.
- This effective date is the legal basis for the Government to enter into a sole source contract w/the AbilityOne provider.

Notice of Addition

- Committee staff issues Notice of Change to Procurement List - Addition.
- Notice is sent to Contracting Officer and NIB or NISH for distribution to the nonprofit agency.
- Notice contains effective date, price and other specific conditions, i.e. requirements coverage or any limitations.



Committee for Purchase

Questions?

Please contact the Business Development team
at Committee staff at (703) 603-7740 or email
us at info@abilityone.gov