



COMMITTEE FOR PURCHASE FROM
PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

May 19, 1995

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Administrative Memorandum No. 3

Subject: Approval of Procurement List Additions or Deletions

1. Purpose

This memorandum prescribes the procedures to be followed in obtaining Committee approval of the addition to or deletion from the Procurement List of a commodity or service. This memorandum supersedes Administrative Memorandum No. 3, dated February 15, 1987.

2. General

a. Section 2(a) of the Javits-Wagner-O'Day Act [41 U.S.C. § 47(a)] requires the Committee to establish a Procurement List of commodities and services "which the Committee determines are suitable for a procurement by the Government pursuant to this Act." The Committee is also required to follow the rule-making procedures of 5 U.S.C. § 553(b) through (e) in adding items to or removing items from the Procurement List. Under the latter statute the Committee must publish proposed additions or deletions in the Federal Register to give interested persons 30 days in which to submit comments and publish a notice in the Federal Register announcing the Committee's approval of the addition or deletion.

b. Except for information provided in response to a request by the Executive Director, the Committee will normally not accept comments from outside parties after the closing date for comments specified in the Federal Register "Notice of Proposed Addition" or after a later closing date when the comment period has been extended by the Executive Director.

c. As a matter of policy, Committee members do not meet individually with current contractors or other persons interested in proposed Procurement List additions or deletions. These persons should be referred to the Committee staff so a presentation at a Committee meeting may be scheduled. The procedure for presentations by interested persons at Committee meetings is set forth in the Committee's regulations, 41 CFR 51-2.9, and Administrative Memorandum No. 2, Committee Meetings.



3. Additions

a. The Executive Director will provide the relevant facts regarding the proposed addition in a letter to each Committee member requesting a decision. The letter will include, as a minimum, a summary prepared by the Committee staff of information addressing each of the criteria set forth in the Committee's suitability regulation (41 CFR 51-2.4) and copies of any substantive comments received as the result of the notice of proposed addition published in the Federal Register. Each Committee member's decision will be recorded by the Committee staff when it is received.

b. When a Committee member disapproves a proposed addition to the Procurement List and submits additional information not already available to the other Committee members, action to implement the proposed addition will be suspended until the Executive Director has contacted the member to determine if the member wishes to have his or her views presented to the other Committee members. If the Committee member requests to have his or her views provided to the other members, the Executive Director will provide the additional information to all of the members for consideration and will request that those who have voted indicate whether they intend to change their decisions.

c. Committee approval of a proposed addition to the Procurement List requires a vote to approve by a majority of Committee members. Additions may be published in the Federal Register before all members have voted if the "reply due date" has passed, no significant comments have been received in opposition to the addition and a majority of the Committee members (over 50 percent of the Committee membership at the time) have voted in favor of addition. Additions may also be published before all members have voted if the members who have not voted are unable to vote in a timely manner because of illness or vacation.

d. The Executive Director will publish the notice in the Federal Register of the Committee's decision to add a commodity or service to the Procurement List when the above conditions are met.

4. Deletions

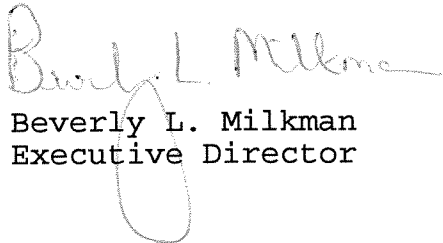
a. The National Industries for the Blind or NISH, as appropriate, is required to request that an item be deleted from the Procurement List when the item is no longer procured, when none of its nonprofit agencies is interested in providing the item, or when it is convinced that no interested agency is capable of providing the item. If the item will be procured in the future, the Committee staff will determine if a nonprofit agency represented by the other central nonprofit agency is

interested in providing the item. If the item is no longer being procured, no nonprofit agency is interested in providing the item, or the central nonprofit agency is convinced that no interested agency is capable of providing the item, the Executive Director will publish a notice of the proposed deletion of the item in the Federal Register. After 30 days, the Executive Director will send a letter to the Committee summarizing any comments received and requesting a decision on the proposed deletion of the item from the Procurement List. Committee approval of a proposed deletion requires a vote to approve by a majority of the Committee members. When the proposal has been approved by such a majority, the Executive Director will publish a notice that the item has been deleted in the Federal Register. Under the circumstances identified in 3.c. above, such deletions may be published in the Federal Register before all members have voted.

b. In cases where the Committee, NIB, or NISH believes that it is appropriate to consider deleting an item from the Procurement List for reasons other than those given above, the Executive Director will publish a notice of the proposed deletion of the item in the Federal Register. In such cases, it is probable that objections will be expressed before or during the 30-day comment period. Following the expiration of that period, the Executive Director will prepare a letter to the Committee members providing information on the particular circumstances and requesting a decision on the deletion of the item from the Procurement List. Committee approval and publication of such decisions are handled in the same way as decisions covered in the preceding paragraph.

5. Timing

Committee members are normally requested to reply to decision letters on additions and deletions within 14 calendar days; however, the Executive Director may request an earlier response when appropriate.


Beverly L. Milkman
Executive Director