



# Procurement List Deletions

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



# Deletions Process

There are five phases to each PL Deletion:

- Identification of potential deletion (usually by NIB/NISH or nonprofit agency; sometimes by the customer and Committee)
- Development (by NIB/NISH) of deletion request --  
Gathering information, assessing alternate nonprofit agencies, seeking concurrence from the customer
- Analysis and Rulemaking Process  
(by Committee staff)
- Decision on Deletion (by Committee members)
- Production or Performance Ceases (by nonprofit agency)

# Reasons for a Deletion

See 41 CFR 51-6.8

- Customer no longer has the requirement.
- The designated nonprofit agency (NPA) is not able to perform project as required, and NIB/ NISH are not able to find a replacement.
- The Committee determines a project is no longer suitable for the Procurement List and/or there is no capable 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 deletion 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)

- If the government's requirement continues, the Committee ascertains whether alternate source(s) are available.
- Decision/Rulemaking process takes about 85-120 days from Committee's receipt of a complete proposed deletion package.
- Only upon Procurement List Effective Date (30 days after Notice of Final Rule) may the government cancel a AbilityOne contract.

# Proposed Deletion Package Analysis

- Logged and Reviewed (Complete, Signatures, Legibility)
- Routed for Analysis at Committee office by:
  - Project Development (Products or Services)
  - Compliance for Review of Nonprofit Agency (Current Ratio and Effect of Proposed Deletion)
  - Legal and Regulatory Compliance
- Final Review by Director of Operations for Publication in *Federal Register*

# Initial Publication in *Federal Register*

- Determine whether the deletion of the product/service is valid 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 deletions 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 Deletion Decision Package to Committee members.
- Includes staff analysis and comments
  - i.e., “The project is being deleted because the building will be demolished”
- Incorporates Public Comments, if any, and staff’s Recommended Response to Comments.



# Vote Letter Thresholds

- Issued only after the 30-day Notice of Proposed deletion 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 the deletion.
- 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 deletion.
- In accordance with APA, deletion is effective 30 days after final notice is published.
- This effective date is the legal basis for the government to end its contract with the AbilityOne Program.

# Notice of Deletion

- Committee staff issues Notice of Change to Procurement List - Deletion.
- Notice is sent to Contracting Officer and NIB or NISH for distribution to the nonprofit agency.
- Notice contains effective date and other specific conditions and requirements.



# Committee for Purchase

## Questions?

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

# Additions Process