

Proposed Rule - CFR Revisions

Global Changes Required Throughout Title 41 Subtitle B Chapter 51:

Replace strike through word with underlined and bracketed word as detailed below:

- Commodity ~~[product]~~ [product]
- ~~commodities~~ [products]
- Committee [Commission]
- NISH

Additional CFR Changes by Section

§51-1.2 Mandatory source priorities.

(a) ~~The JWOD Act Mandates that commodities or services on the Procurement List required by Government entities be procured, as prescribed in this regulation from nonprofit agency employing persons who are blind or have other severe disabilities, at a price established by the Committee, if that commodity or service is available within the normal period required by that Government Entity. [Federal Government entities, under the provisions of 41 U.S.C. 8504, shall procure a product or service on the Procurement List maintained by the U.S. AbilityOne Commission (Commission) consistent with 41 U.S.C. 8503 at the price established by the Commission if the product or service is available within the period required by the entity.]~~ Except as provided in paragraph (b) of this section, the JWOD Act has priority, under the provisions of 41 U.S.C. 48, over any other supplier of the Government's requirements for commodities and services on the ~~Committee's~~ [Commission's] Procurement List. [The Commission shall separately determine the authorized nonprofit agency employing persons who are blind or have other severe disabilities to deliver the product or service to the Government entity consistent with 41 C.F.R. 51-5.2.]

(b) Federal Prison Industries, Inc. ~~has priority [.]~~ [and 41 U.S.C. 8504(b), has priority] under the provisions of 18 U.S.C. 4124 over nonprofit agencies employing persons who are blind or have other severe disabilities in furnishing commodities for sale to the Government [the JWOD Act in furnishing products for sale to the Government.] All or a portion of the Government's requirement for a ~~commodity~~ [products] for which Federal Prison Industries, Inc. has exercised its priority may be added to the Procurement List. However, such addition is made with the understanding that procurement under the JWOD Act shall be limited to that portion of the Government's requirement for the ~~commodity~~ [product(s)] which is not available or not required to be procured from Federal Prison Industries, Inc.

(c) The JWOD Act required the ~~Committee~~ [Commission] to prescribe regulations providing that, in the purchase by the Government of ~~commodities~~ [products] produced and offered for sale by qualified nonprofit agencies employing persons who have other severe disabilities, priority shall be accorded to ~~commodity~~ [product(s)] produced and offered for sale by qualified nonprofit agencies for the blind. In approving the addition of ~~commodities~~

[product(s)], to the Procurement List, the ~~Committee~~ [Commission] accords priority to nonprofit agencies (NPAs) for the blind and ~~nonprofit agencies~~ [NPAs] employing persons with severe disabilities have equal priority for services.

§51-1.3 Definitions.

As used in this chapter:

AbilityOne Program means the program authorized by the JWOD Act to increase employment and training opportunities for persons who are blind or have other severe disabilities through Government purchasing of ~~commodities~~ [product(s)] and services from nonprofit agencies employing these persons.

Agency and Federal agency mean *Entity of the Government*, as defined herein.

[Allocation means the distribution of orders by the Central Nonprofit Agencies for items on the Procurement List (PL) among multiple NPAs that have been designated by the Commission to fulfill that particular product or service requirement. Allocation occurs when the product or service is placed on the PL as determined by the Commission. Allocation must be supported by a process used to determine the appropriate pool of qualified NPAs who can compete for Procurement List (PL) projects (to provide products or services) to be distributed equitably when direct orders are not utilized. A fair and transparent source selection process must be the methodology used to establish the NPA pool for allocation. If the pool is limited in any way, a justification must be provided to explain the rationale. When a central nonprofit agency makes final recommendations to the Commission for a PL project they should include a ranking order of qualified NPAs who can provide the product or service in the event reallocation becomes necessary. Ranking allows seamless and fair transition to another qualified NPA if necessary.]

[Authorized nonprofit agency means a nonprofit agency designated by the Commission to be an authorized source of the product or service listed on the Procurement List.]

Blind means an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20 degrees.

Central nonprofit agency means an agency organized under the laws of the United States or of any State, operated in the interest of the blind or persons with other severe disabilities, the net income of which does not incur in whole or in part to the benefit of any shareholder or other individual, and designated by the ~~Committee~~ [Commission] to facilitate the distribution (by direct allocation, subcontract, or any other means) of orders of the Government for ~~commodities~~ [product(s)] and services on the Procurement List among nonprofit agencies employing persons who are blind or have other severe disabilities, to provide information required by the ~~Committee~~ [Commission] to implement the JWOD Program, and to otherwise assist the ~~Committee~~ [Commission] in administering these regulations as set forth herein by the ~~Committee~~ [Commission].

~~Committee~~ [Commission] means the Committee for Purchase from People who are Blind or Severely Disabled, [operating as the U.S. AbilityOne Commission].

[Contract means a mutually binding legal relationship obligating the seller to furnish the supplies or services and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by 31 U.S.C. 6301, et seq.]

Contracting activity means any element of an entity of the Government that has responsibility for identifying and/or procuring Government requirements for ~~commodities~~ [product(s)] or services. Components of a contracting activity, such as a contracting office and an ordering office, are incorporated in this definition, which includes all offices within the definitions of “contracting activity,” “contracting office,” and “contract administration office” contained in the Federal Acquisition Regulation, 48 CFR 2.101.

[Designated nonprofit agency means AbilityOne Program participating nonprofit agency(ies) approved by the Commission to serve as the authorized source of the product or service listed on the Procurement List.]

Direct labor means all work required for preparation, processing, and packing of a ~~commodity~~ [product] or work directly related to the performance of a service, but not supervision, administration, inspection or shipping.

Fiscal year means the 12-month period beginning on October 1 of each year.

Government and Entity of the Government mean any entity of the legislative branch or the judicial branch, any executive agency, military department, Government Corporation, or independent establishment, the U.S. Postal Service, and any ~~nonappropriated~~ [non-appropriated] fund instrumentality under the jurisdiction of the Armed Forces.

Interested person means an individual or legal entity affected by a proposed addition of a ~~commodity~~ [product] or service to the Procurement List or a deletion from it.

Military resale ~~commodities~~ [product(s)] means ~~commodities~~ [product(s)] on the Procurement List sold for the private, individual use of authorized patrons of Armed Forces commissaries and exchanges, or like activities of other Government departments and agencies.

Nonprofit agency (formerly workshop) means a nonprofit agency for the blind or a nonprofit agency employing persons with severe disabilities, as appropriate.

Other severely disabled and severely disabled individuals (hereinafter persons with severe disabilities) mean a person other than a blind person who has a severe physical or mental

impairment (a residual, limiting condition resulting from an injury, disease, or congenital defect) which so limits the person's functional capabilities (mobility, communication, self-care, self-direction, work tolerance or work skills) that the individual is unable to engage in normal competitive employment over an extended period of time.

(1) Capability for normal competitive employment shall be determined from information developed by an ongoing evaluation program conducted by or for the nonprofit agency and shall include as a minimum, a preadmission evaluation and a reevaluation at least annually of each individual's capability for normal competitive employment.

(2) A person with a severe mental or physical impairment who is able to engage in normal competitive employment because the impairment has been overcome or the condition has been substantially corrected is not "other severely handicapped" within the meaning of the definition.

Participating nonprofit agency (formerly participating workshop) means any nonprofit agency which has been authorized by the ~~Committee~~ [Commission] to furnish a ~~commodity~~ [product] or service to the Government under the JWOD Act.

Procurement List means a list of ~~commodities~~ [product(s)] (including military resale [~~commodities~~ [product(s)])] and services which the ~~Committee~~ [Commission] has determined to be suitable to be furnished to the Government by nonprofit agencies for the blind or nonprofit agencies employing persons with severe disabilities pursuant to the JWOD Act and these regulations.

Qualified nonprofit agency for other severely handicapped (hereinafter nonprofit agency employing persons with severe disabilities) (formerly workshop for other severely handicapped) means an agency organized under the laws of the United States or any State, operated in the interests of persons with severe disabilities who are not blind, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the Secretary of Labor; and which in furnishing products and services (whether or not the products or services are procured under these regulations) during the fiscal year employs persons with severe disabilities (including blind) for not less than 75 percent of the work-hours of direct labor required to furnish such products or services.

Qualified nonprofit agency for the blind (hereinafter nonprofit agency for the blind) (formerly workshop for the blind) means an agency organized under the laws of the United States or of any State, operated in the interest of blind individuals, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the Secretary of Labor; and which in furnishing ~~commodities~~ [product(s)] and services (whether or not the ~~commodities~~ [product(s)] or services are procured under these regulations) during the fiscal year employs blind individuals for not less than 75 percent of the work-hours of direct labor required to furnish such products or services.

Severely disabled individual; Severe disability; Significantly disabled individual; Significant disability; are interchangeable or synonymous terms used within the AbilityOne Program to describe persons with severe disabilities who qualify to participate in the AbilityOne Program.

State means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any territory remaining under the jurisdiction of the Trust Territory of the Pacific Islands.

§51-2.2 Powers and responsibilities.

The ~~Committee~~ [Commission] is responsible for carrying out the following functions in support of its mission of providing employment and training opportunities for persons who are blind or have other severe disabilities and, whenever possible, preparing those individuals to engage in competitive employment:

- (a) Establish rules, regulations, and policies to assure effective implementation of the JWOD Act.
- (b) Determine which ~~commodities~~ [product(s)] and services procured by the Federal Government are suitable to be furnished by qualified nonprofit agencies employing persons who are blind or have other severe disabilities and add those items to the Committee's Procurement List. Publish notices of addition to the Procurement List in the FEDERAL REGISTER. Disseminate information on Procurement List items to Federal agencies. Delete items no longer suitable to be furnished by nonprofit agencies. [Designate and] authorize, ~~and deauthorize~~ [as well as undesignate and de-authorize] central nonprofit agencies and nonprofit agencies [as the authorized source on the Procurement List] to accept ~~orders~~ [contracts] from contracting activities for the furnishing of specific ~~commodities~~ [products] and services on the Procurement List.
- (c) Determine fair market prices for items added to the Procurement List and revise those prices in accordance with changing market conditions to assure that the prices established are reflective of the market.
- (d) Monitor nonprofit agency compliance with ~~Committee~~ [Commission] regulations and procedures.
- (e) Inform Federal agencies about the AbilityOne Program and the statutory mandate that items on the Procurement List be purchased from qualified nonprofit agencies, and encourage and assist entities of the Federal Government to identify additional ~~commodities~~ [products] and services that can be purchased from qualified nonprofit agencies. To the extent possible, monitor Federal agencies' compliance with JWOD requirements.
- (f) Designate, set appropriate ceilings on fee paid to these central nonprofit agencies by nonprofit agencies selling items under the AbilityOne Program, and provide guidance to central nonprofit agencies engaged in facilitating the distribution of Government orders and helping State and private nonprofit agencies participate in the AbilityOne Program.

- (g) Conduct a continuing study and evaluation of its activities under the JWOD Act for the purpose of assuring effective and efficient administration of the JWOD Act. The ~~Committee~~ [Commission] may study, independently, or in cooperation with other public or nonprofit private agencies, problems relating to:
- (1) The employment of the blind or individuals with other severe disabilities.
 - (2) The development and adaptation of production methods which would enable a greater utilization of these individuals.
- (h) Provide technical assistance to the central nonprofit agencies and the nonprofit agencies to contribute to the successful implementation of the JWOD Act. [Such assistance may include but is not limited to oversight of the negotiations process (pricing and technical requirements), to include price disputes and impasses.]
- (i) Assure that nonprofit agencies employing persons who are blind will have priority over nonprofit agencies employing persons with severe disabilities in furnishing ~~commodities~~ [products].
- (j) [In matters of resolution regarding contract disputes, the contracting activity or the nonprofit agencies can request assistance from either the central nonprofit agency or the Commission.]
- (k) [With respect to AbilityOne contracts, the Commission reserves the right to initiate a competition process to designate a new NPA or may approve a waiver request from the contracting activity to maintain the current NPA. Prior to the expiration of the period of performance, and as required, the Commission may re-designate another NPA as the result of the incumbent NPA's poor performance.]

§51-2.5 ~~Committee~~ [Commission] decision.

The ~~Committee~~ [Commission] considers the particular facts and circumstances in each case in determining if a ~~commodity~~ [product] or service is suitable for addition to the Procurement List. When the ~~Committee~~ [Commission] determines that a proposed addition is likely to have a severe adverse impact on a current contractor, it takes this fact into consideration in deciding not to add the ~~commodity~~ [product] or service to the Procurement List, or to add only a portion of the Government requirement for the item. If the ~~Committee~~ [Commission] decides to add a ~~commodity~~ [product] or service in whole or in part to the Procurement List, that decision is announced in the FEDERAL REGISTER with a notice that includes information on the effective date of the addition.

[The Commission considers the particular facts and circumstances in each case in selecting and identifying the designated nonprofit agency(ies) to serve as the authorized source(s) of supply for the product/supply or service included on the Procurement List. The nonprofit agency(ies) designation is announced and maintained in the FEDERAL REGISTER with a notice that includes information on the effective date of the designation.]

[The Commission considers the particular facts and circumstances in each case in establishing the fair market price for items added to the Procurement List and price revisions to reflect changing market conditions.]

§51-2.8 Procurement list.

(a) The ~~Committee~~ [Commission established and] maintains a Procurement List which includes the ~~commodities~~ [products] and services which shall be procured by Government departments and agencies under the JWOD Act from the nonprofit agency(ies) designated by the ~~Committee~~ [Commission]. Copies of the Procurement List, together with information on procurement requirements and procedures, are available to ~~the contracting activities upon request~~ [on the Commission's website.]

§51-3.1 General.

Under the provisions of section 2(c) of the JWOD Act, ~~the following are currently designated central nonprofit agencies:~~ [Central Nonprofit Agency(ies) (CNAs) are designated by the Commission through a separate written agreement. Visit the Commission's website at www.abilityone.gov, for a list of the current central nonprofit agency(ies) designated and more information about their function in the AbilityOne Program.]

- ~~(a) To represent nonprofit agencies for the blind: National Industries for the Blind~~
- ~~(b) To represent nonprofit agencies employing persons with other severe disabilities: NISH.~~

§51-3.3 Assignment of ~~commodity~~ [products] or service.

(a) The central nonprofit agencies shall determine by mutual agreement the assignment to one of them of a commodity or service for the purpose of evaluating its potential for possible future addition to the Procurement List, except that the ~~Committee~~ [Commission] shall initially assign a ~~commodity~~ [product] to National Industries for the Blind [NIB] when NISH [another CNA] has expressed an interest in the ~~commodity~~ [product] and National Industries for the Blind [NIB] has exercised the blind priority.

(b) NISH [Other CNAs] shall provide National Industries for the Blind [NIB] with procurement information necessary for a decision to exercise or waive the blind priority when it requests a decision. National Industries for the Blind [NIB] shall normally notify [the interested CNA] of its decision within 30 days, but not later than 60 days after receipt of the procurement information, unless the ~~two central nonprofit agencies~~ [CNAs] agree to an extension of time for the decision. Disagreements on extensions shall be referred to ~~Committee~~ [the Commission] for resolution.

(c) If National Industries for the Blind [NIB] exercises the blind priority for a ~~commodity~~ [product], it shall immediately notify the ~~Committee~~ [Commission] and NISH [the other CNA] and shall submit to the ~~Committee~~ [Commission] a proposal to add the ~~commodity~~ [product] to the Procurement List within nine months of the notification, unless the ~~Committee~~ [Commission] extends the assignment period because of delays beyond the control of National Industries for the Blind [NIB]. Upon expiration of the assignment period, the ~~Committee~~ [Commission] shall reassign the ~~commodity~~ [product] to NISH [the other central nonprofit agency].

(d) ~~The central nonprofit agency [CNA] assigned a commodity [product or service for evaluation] shall [consistent with 41 USC 8504(b), review whether an identical product or service is available or required to be procured from Federal Prison Industries, Inc. The availability of identical products or services from Federal Prison Industries, Inc. does not prohibit listing a product or service on the Commission's Procurement List.]~~

(e) ~~The central nonprofit agency shall provide the Committee the decision of Federal Prison Industries on the waiver or exercise of its priority when it requests the addition of the commodity to the Procurement List. NISH shall also provide the decision of National Industries for the Blind waiving its priority.~~

§51-3.4 Distribution of orders.

~~Central nonprofit agencies [CNAs] shall distribute orders from the Government only to nonprofit agencies which the Committee [Commission] has approved to [designated/authorized] to furnish the specific commodity [product] or service. When the Committee [Commission] has approved [designated/authorized] two or more nonprofit agencies to furnish a specific commodity [product] or service, the central nonprofit agency [CNA] shall distribute orders among those nonprofit agencies in a fair and equitable manner.~~

~~[To ensure fair and equitable distribution of products and services, the Commission may reallocate orders to other nonprofit agencies after re-designating successive nonprofit agencies to furnish the product or service.]~~

§51-3.5 Fees.

~~A central nonprofit agency may charge fees [AbilityOne Program Fee] to nonprofit agencies for facilitating their participation in the AbilityOne Program. Fees [The AbilityOne Program Fee] shall be calculated based on nonprofit agency sales [(net AbilityOne Program Fee)] to the Government under the AbilityOne Program. Fees [It] shall not exceed the fee [AbilityOne Program Fee] limit approved by the Committee [Commission] [or received as payment for product or services from the Government.]~~

~~[The Commission's approved method for program fee calculation is the multiplication methodology as required below:~~

- (a) ~~**Price Analysis Procedure:** If the proposed price is evaluated using price analysis techniques, the Program Fee is treated as NPA burden and shall be assumed by the contracting activity and the Commission to be included in the NPA price proposal (pre-negotiation) and the final negotiated price. **Negotiated Price = Total Price**~~
- (b) ~~**Cost Analysis Procedure:** If the proposed price is evaluated using any form of cost analysis techniques, the Program Fee is treated as a cost element added on to the negotiated final price. The NPA and CNA shall ensure the Program Fee is not duplicated or compounded in the final negotiated price. The formula to calculate the total price using cost analysis techniques is **Negotiated Price X Program Fee rate = Total Price**~~

At no time should the Program Fee percentage be applied to any portion of price that includes Program Fee. In instances where cost analysis techniques are used, the Program Fee must be the last entry of any cost breakdown of the price.

The AbilityOne Program Fee is: (1) a program funding mechanism that is determined and overseen by the U.S. AbilityOne Commission; (2) awarded and owed based exclusively on participation in and management by the U.S. AbilityOne Program; and (3) removal or discontinuation of participation in the U.S. AbilityOne Program and/or non-compliance with AbilityOne Program requirements severs any rights or responsibilities of the CNAs to collect future Program Fee.]

[§51-3.7 Qualifications]

[To participate in the AbilityOne program and to be designated as a CNA the following qualification factors will be assessed by the Commission:

- (a) Business size
- (b) Board of governance
- (c) Experience and knowledge of the Javits-Wagner-O'Day Act, applicable disability laws, and stakeholders from the blind and disabled communities
- (d) Comprehensive training program (federal contracting, Representations and Certifications, and hiring of personnel with disabilities)
- (e) Proven past performance
- (f) Internal controls systems
- (g) Ability to assist nonprofit agencies with audit, oversight and contract negotiations
- (h) Financial statements showing all sources of income
- (i) Demonstration of ethics program and disclosure of any conflicts of interest]

The Commission reserves the right to update qualification requirements as appropriate.]

[§51-3.8 Designation]

[Agencies seeking to be designated as a CNA shall submit to the Commission a designation package to include, at minimum, the following:

- (a) Financial statements showing all sources of income
- (b) Demonstration of ethics program and disclosure of any conflicts of interest
- (c) Evidence of meeting all proposed CNA qualifications as outlined in 41 CFR 51.]

[As a requirement to be designated a CNA, the agency shall enter into a written agreement with the Commission.]

[The Commission reserves the right to update designation requirements as appropriate.]

§51-4.1 General.

To participate in the AbilityOne Program, a nonprofit agency shall ~~be represented by the central nonprofit agency assigned by the Committee~~ execute an affiliation agreement to be represented by a CNA assigned by the Commission on the basis of the nonprofit agency's articles of incorporation and bylaws.

§51-4.3 Maintaining qualification.

(a) To maintain its qualification under the JWOD Act, each nonprofit agency authorized[/designated] to furnish a ~~commodity~~ [product] or a service shall continue to comply with the requirements of a “nonprofit agency for other severely ~~handicapped~~ “disabled” or a “nonprofit agency for the blind” as defined in §51-1.3 of this chapter. In addition, each such nonprofit agency must submit to its central nonprofit agency by November 1 of each year, two completed copies of the appropriate Annual [Representations and] Certification (~~Committee Form 403 or 404~~) covering the fiscal year ending the preceding September 30.

(b) In addition to paragraph (a) of this section, each nonprofit agency participating in the Ability One Program shall:

- (1) Furnish ~~commodities~~ [products] or services in strict accordance with Government orders.
- (2) Comply with the applicable compensation, employment, and occupational health and safety standards prescribed by the Secretary of Labor, including procedures to encourage filling of vacancies within the nonprofit agency by promotion of qualified employees who are blind or have other severe disabilities.
- (3) Comply with directives or requests issued by the ~~Committee~~ [Commission] in furtherance of the objectives of the JWOD Act or its implementing regulations.
- (4) Make its records available for review at any reasonable time to representatives of the ~~Committee~~ [Commission] or the central nonprofit agency representing the nonprofit agency.
- (5) Maintain records of direct labor hours performed in the nonprofit agency by each worker.
- (6) Maintain a file for each blind individual performing direct labor which contains a written report reflecting visual acuity and field of vision of each eye, with best correction, signed by a person licensed to make such an evaluation, or a certification of blindness by a State or local governmental entity. [Reports which state whether

each individual meets the definition of blind or significantly disabled shall be prepared and signed by a person or persons, not associated with the nonprofit agency, qualified by training and experience to evaluate the work potential, interests, aptitudes, and abilities of persons with disabilities and shall normally consist of preadmission evaluations and reevaluations prepared at least annually. The file on individuals who have been in the nonprofit agency for less than two years shall contain the preadmission report and, where appropriate, the next annual reevaluation. The file on individuals who have been in the nonprofit agency for two or more years shall contain, as a minimum, the initial/original report and reports of the two most recent annual reevaluations.]

(7) Maintain in the file for each blind individual performing direct labor annual reviews of ability to engage in normal competitive employment. These reviews must be signed by an individual qualified by training and/or experience to make this determination.

(8) Maintain an ongoing placement program operated by or for the nonprofit agency to include liaison with appropriate community services such as the State employment service, employer groups and others. Those individuals determined capable and desirous of normal competitive employment shall be assisted in obtaining such employment.

(9) Upon receipt of payment by the Government for commodities or services furnished under the Ability One Program, pay to the central nonprofit agency a fee which meets the requirements of §51-3.5 of this chapter.

[(10) Required to enter into written agreements detailing the roles and responsibilities of both the central nonprofit and the nonprofit agency as participates in the AbilityOne program. Agreements shall be approved by the Commission.

(c) Each nonprofit agency employing persons with severe disabilities participating in the AbilityOne Program shall, in addition to the requirements of paragraphs (a) and (b) of this section, maintain in each individual with a severe disability's file:

(1) A written report signed by a licensed physician, psychiatrist, or qualified psychologist, reflecting the nature and extent of the disability or disabilities that cause such person to qualify as a person with a severe disability, or a certification of the disability or disabilities by a State or local governmental entity.

(2) Reports which state whether that individual is capable of engaging in normal competitive employment. These reports shall be signed by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes, and abilities of persons with disabilities and shall normally consist of preadmission evaluations and reevaluations prepared at least annually. The file on individuals who have been in the nonprofit agency for less than two years shall contain the preadmission report and, where appropriate, the next annual

reevaluation. The file on individuals who have been in the nonprofit agency for two or more years shall contain, as a minimum, the reports of the two most recent annual reevaluations.

(d) The information collection requirements of §§51-4.2 and 51-4.3 and the recordkeeping requirements of §51-4.3 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96-511). The information collection requirements have been assigned the following OMB control numbers:

Committee form	OMB control No.
Committee form 401	3037-0004
Committee form 402	3037-0003
Committee form 403	3037-0001
Committee form 404	3037-0002

The recordkeeping requirements have been assigned OMB control number 3037-0005

[(e) Nonprofit agencies shall also be required to enter into a written agreement (approved by the Commission) detailing the roles and responsibilities of both the central nonprofit and the nonprofit agency as participates in the AbilityOne Program.]

[§51-4.6 Designation.]

[(a) If the Commission removes the designation of an NPA as the authorized source of supply for a product or service on the Procurement List, the de-authorized NPA shall allow as many personnel as practicable to remain on the job with the new designated and authorized successor NPA in order to ensure continuity of services required by contract with the federal customer. The successor NPA is required to offer employees under the predecessor contract a right of first refusal of employment under the successor contract in positions for which they are qualified. The de-authorized NPA shall disclose necessary personnel records and allow the successor NPA to conduct on-site interviews with those identified employees. If selected employees are agreeable to the change, the de-authorized NPA shall release them at a mutually agreeable date and negotiate transfer of their earned fringe benefits and any other relevant employment information to the successor NPA.]

§51-5.2 Mandatory [Designated/Authorized] source requirement.

(a) ~~Nonprofit agencies designated by the Committee are a~~ [As provided in §51-1.2 of this chapter, the Procurement List is the] mandatory source of supply for all entitles of the Government for ~~commodities~~ [products] and services ~~included on the Procurement List.~~

(b) ~~Purchases of commodities on the Procurement List by entities of the Government shall be made from sources authorized by the Committee. [As a separate process, the Commission shall designate a nonprofit agency(ies) as the authorized source of supply for products or services (to include services in a similar manner) on the Procurement List.] These sources may include [Products and Services may be purchased from nonprofit agencies, central nonprofit agencies, Government central supply agencies such as the Defense Logistics Agency and the General Services Administration, and certain commercial distributors.]~~ Identification of the authorized sources for a particular commodity [product] may be obtained from the central nonprofit agencies at the addresses noted in §51-6.2 of this chapter.

(c) Contracting activities shall require other persons providing commodities which are on the Procurement List to entities of the Government by contract to order these commodities from the sources authorized by the ~~Committee~~ Commission.

(d) Procedures for obtaining military resale commodities are contained in §51-6.4 of this chapter.

(e) Contracting activities procuring services which have included within them services on the Procurement List shall require their contractor for the larger service requirement to procure the included Procurement List services from nonprofit agencies designated by ~~Committee~~ [the Commission.]

[(f) In alignment with 51-2.2(a) when a new nonprofit agency is designated by the Commission, as part of the Transition process, the current nonprofit agency shall allow as many personnel as practicable to remain on the job to help the successor maintain the continuity and consistency of the services required by this contract. The nonprofit agency also shall disclose necessary personnel records and allow the successor to conduct on-site interviews with these employees. If selected employees are agreeable to the change, the nonprofit agency shall release them at a mutually agreeable date and negotiate transfer of their earned fringe benefits to successor.]

§51-5.3 Scope of requirement.

(a) When a commodity is included on the Procurement List, the mandatory source requirement ~~[of §51-1.2]~~ covers the National Stock Number or item designation listed and ~~commodities~~ [products] that are essentially the same [(ETS)] as the listed item. In some instances, only a portion of the Government requirement for a National Stock Number or item designation is specified by the Procurement List. Where geographic areas, quantities, percentages or specific supply locations for a ~~commodity~~ [product] are listed, the mandatory provisions of the JWOD Act apply only to the portion or portions of the ~~commodity~~ [product] indicated by the Procurement List. [ETS products are determined by the Commission in cooperation with its CNAs and other government agencies. A complete policy and procedure defining ETS is maintained on the Commission's website.]

(b) For services, where an agency and location or geographic area are listed on the Procurement List, only the service for the location or geographic area listed must be procured from the [designated/authorized] nonprofit agency~~(ies)~~, except as provided in §51-6.14 of this chapter. Where no location or geographic area is indicated by the Procurement List, ~~it is mandatory that~~ [then] the total Government requirement for that service [shall be] procured from a [the designated/authorized] nonprofit agency.

(c) When a ~~commodity~~-[product] or service is added to the Procurement List, the addition does not affect contracts for the ~~commodity~~-[product] or service awarded prior to the effective date of the Procurement List addition or options exercised under those contracts.

§51-6.1 Direct order process.

(a) Once a commodity or service is added to the Procurement List, the central nonprofit agency may authorize the contracting activity to issue orders directly to a nonprofit agency without requesting an allocation for each order. This procedure is known as the direct order process.

(b) In these cases, the central nonprofit agency shall specify the normal leadtime required for orders transmitted directly to the nonprofit agencies. This method shall be used whenever possible since it eliminates double handling and decreases the time required for processing orders.

(c) An order for ~~commodities~~-[products] or services shall provide leadtime sufficient for purchase of materials, production or preparation, and delivery or completion.

(d) The central nonprofit agency shall keep the contracting activity informed of any changes in leadtime experienced by its nonprofit agencies in order to keep to a minimum requests for extensions once an order is placed. Where, due to unusual conditions, an order does not provide sufficient leadtime, the central nonprofit agency or the individual nonprofit agency may request an extension of delivery or completion date which should be granted, if feasible. If extension of delivery or completion date is not feasible, the contracting activity shall:

(1) Notify the central nonprofit agency and the individual nonprofit agency(ies) as appropriate.

(2) Request the central nonprofit agency to reallocate or to issue a purchase exception authorizing procurement from commercial sources as provided in §51-5.4 of this chapter.

(e) The contracting activity shall promptly provide to the central nonprofit agency concerned a copy of all orders issued to nonprofit agencies.

(f) The written direct order authorization remains valid until it is revoked by the central nonprofit agency.

§51-6.11 Quality complaints.

[(c) When the quality of a service is not considered satisfactory by the contracting activity, it shall address complaints to the nonprofit agency involved in writing with a copy to the central nonprofit agency with which it is affiliated.]

§51-6.12 Specification changes and similar actions.

(a) Contracting activities shall, [within 10 calendar days,] notify the nonprofit agency or agencies authorized to furnish a ~~commodity~~ [product] on the Procurement List and the central nonprofit agency concerned of any changes to the specification or other description of the ~~commodity~~ [product].

§51-6.2 Allocation process.

(a) In those cases where a direct order authorization has not been issued as described in §51-6.1, the contracting activity shall submit written requests for allocation to the appropriate central nonprofit agency [.] at the address listed below:

Agency	Agency symbol
National Industries for the Blind, 1310 Braddock Place, Alexandria, Virginia 22314 1691	NIB
Source America, 8401 Old Courthouse Road, Vienna, Virginia 22182 5200	SA

(b) Requests for allocations shall contain, as a minimum:

(1) For ~~commodities~~ [products]. Name, stock number, latest specification, quantity, unit price, and place and time of delivery.

(2) For services. Type and location of service required, latest specification, work to be performed, estimated volume, and time for completion.

(c) Contracting activities shall request allocations in sufficient time for the central nonprofit agency to reply, for the order(s) to be placed, and for the nonprofit agencies to furnish the commodity or service (see paragraph (i) of this section).

(d) When a ~~commodity~~ [products] on the Procurement List also appears on the Federal Prison Industries' "Schedule of Products," the contracting activity shall obtain clearance from the

Federal Prison Industries prior to requesting an allocation or placing an order directly to the nonprofit agency(ies).

(e) The central nonprofit agency shall make allocations to the appropriate [designated/authorized] nonprofit agency(ies) upon receipt of a request from the contracting activity and instruct that the orders be forwarded to the central nonprofit agency or direct to the nonprofit agency(ies) with a copy provided promptly to the central nonprofit agency.

(f) Central nonprofit agencies shall reply promptly to requests for allocation. When a request for allocation provides a delivery schedule (based on established lead times and time required for processing the allocation request) which cannot be met, the central nonprofit agency shall request a revision, which the contracting activity shall grant, if feasible, or the central nonprofit agency shall issue a purchase exception authorizing procurement from commercial sources as provided in §51-5.4 of this chapter.

(g) An allocation is not an obligation to supply a commodity [product] or service, or an obligation for the contracting activity to issue an order. Nonprofit agencies are not authorized to commence production until receipt of an order.

(h) Upon receipt of an allocation, the contracting activity shall promptly submit an order to the appropriate central nonprofit agency or designated nonprofit agency(ies). Where this cannot be done promptly, the contracting activity shall advise the central nonprofit agency and the nonprofit agency(ies) immediately.

(i) An order for commodities [products] or services shall provide leadtime sufficient for purchase of materials, production or preparation, and delivery or completion.

(j) The Central nonprofit agency shall keep the contracting activity informed of any changes in leadtime experienced by its nonprofit agency(ies) in order to keep to a minimum requests for extensions once an order is placed. Where, due to unusual conditions, an order does not provide sufficient leadtime, the central nonprofit agency or nonprofit agency may request an extension of delivery or completion date which should be granted, if feasible. If extension of delivery or completion date is not feasible, the contracting activity shall:

(1) Notify the central nonprofit agency and nonprofit agency(ies) as appropriate.

(2) Request the central nonprofit agency to reallocate or to issue a purchase exception authorizing procurement from commercial sources as provided in §51-5.4 of this chapter.

(k) In those instances where the central nonprofit agency is the prime contractor rather than the nonprofit agency, the central nonprofit agency will designate the nonprofit agency(ies) authorized by the ~~Committee~~ [Commission] to furnish definite quantities of products or specific services upon receipt of an order from the contracting activity.

§51-6.3 Long-term procurements.

(a) Contracting activities are encouraged to investigate long-term ordering agreements for ~~commodities~~ [products] listed on the Procurement List to level off demand, thereby helping ensure stability of employment and development of job skills for persons who are blind or have other severe disabilities. [Nothing herein suggests a perpetual contract.]

(b) Contracting activities are encouraged to use the longest contract term available by law to their agencies for contracts for products and services under the AbilityOne Program, in order to minimize the time and expense devoted to formation and renewal of these contracts. [Nothing herein suggests a perpetual contract; a single contract award by a contracting activity does not entitle the nonprofit agency to retain that work for the contracting activity in perpetuity.]

§51-6.4 Military resale ~~commodities~~ [products].

(a) Purchase procedures for ordering military resale ~~commodities~~ [products] are available from the central nonprofit agencies. Authorized resale outlets (military commissary stores, Armed Forces exchanges and like activities of other Government departments and agencies) shall request the central nonprofit agency responsible for the military resale ~~commodity~~ [product] being ordered to designate the nonprofit agency or its agent to which the outlets shall forward orders.

(b) Authorized resale outlets shall stock military resale ~~commodities~~ [products] in as broad a range as practicable. Authorized resale outlets may stock commercial items comparable to military resale ~~commodities~~ [products] they stock, except that military commissary stores shall stock military resale ~~commodities~~ [products] in the 300-800-, 900-, 1000-, 1100-, 10000- (10000-10999); 13000 (13000-13999); 14000 (14000-14999); 15000 (15000-15999); and 16000 (16000-16999) series exclusively, unless an exception has been granted on an individual store basis for the stocking of comparable commercial items for which there is a significant customer demand.

(c) The Defense Commissary Agency shall, after consultation with the ~~Committee~~ [Commission]:

(1) Establish mandatory lists of military resale ~~commodities~~ [products] to be stocked in commissary stores.

(2) Require the stocking in commissary stores of military resale ~~commodities~~ [products] in the 0- (0-99), 200-, 300-, 400-, 500-, 600-, 700-, 800-, 900-, 1000-, 1100-, 1200- (1200-9999), 10000- (10000-10999), 11000 (11000-11999); 12000 (12000-12999); 13000 (13000-13999); 14000 (14000-14999); 15000 (15000-15999); and 16000 (16000-16999) series in as broad a range as is practicable.

(3) Issue guidance requiring commissary store personnel to maximize sales potential of military resale ~~commodities~~ [products].

(4) Establish policies and procedures which reserve to its agency headquarters the authority to grant exceptions to the exclusive stocking of 300-, 800-, 900-, 1000-, 1100-, 10000- (10000-

10999); 13000 (13000-13999); 14000 (14000-14999); 15000 (15000-15999); and 16000 (16000-16999) series military resale ~~commodities~~ [products].

(d) The Defense Commissary Agency shall provide the Committee a copy of each directive which relates to the stocking of military resale products in commissary stores, including exceptions authorizing the stocking of commercial items in competition with 300-, 800-, 900-, 1000-, 1100-, 10000- (10000-10999); 13000 (13000-13999); 14000 (14000-14999); 15000 (15000-15999); and 16000 (16000-16999) series military resale products.

(e) The prices of military resale ~~commodities~~ [products] include delivery to destination or, in the case of destinations overseas, to designated depots at ports of embarkation. Zone pricing is used for delivery to Alaska and Hawaii.

§51-6.5 ~~Adjustment~~ [Reallocation] and cancellation of procurements.

(a) When the central nonprofit agency or ~~an individual~~ [a designated/authorized nonprofit agency] fails to comply with the terms of a Government contract, the contracting activity shall make every effort to ~~negotiate an adjustment before taking~~ [establish a corrective action plan with the nonprofit agency] before taking action to [terminate/cancel the contract.] [Neither the contracting activity nor the designated nonprofit agency are impeded from pursuing and exercising the remedies available for non-compliance with the terms of the Government contract.] When a Government ~~order~~-contract is [terminated/]cancelled for failure to comply with its terms, the central nonprofit agency shall be notified, and, if practicable, requested to reallocate the order. The central nonprofit agency shall notify the ~~Committee~~ [Commission] of any [termination/] ~~cancellation of an order~~ a contract and the reasons for that cancellation.

§51-6.6 Request for waiver of specification requirement.

(a) Nonprofit agencies and central nonprofit agencies are encouraged to recommend changes to specification requirements or request waivers where there are opportunities to provide equal or improved products at a lower cost to the Government.

(b) A nonprofit agency shall not request a waiver of a specification requirement except when it is not possible to obtain the material meeting the specification or when other requirements contained in the specification cannot be met.

(c) Requests for waiver of specification shall be transmitted by the nonprofit agency to its central nonprofit agency.

(d) The central nonprofit agency shall review the request and the specification to determine if the request is valid and shall submit to the contracting activity only those requests which it has determined are necessary to enable the nonprofit agency to furnish the item.

(e) The central nonprofit agency request for waiver shall be transmitted in writing to the contracting activity. In addition, a copy of the request shall be transmitted to the ~~Committee~~

[Commission], annotated to include a statement concerning the impact on the cost of producing the item if the waiver is approved.

§51-6.7 Orders in excess of nonprofit agency capability.

(a) Nonprofit agencies are expected to furnish ~~commodities~~ [products] on the Procurement List within the time frames specified by the Government. The nonprofit agency must have the necessary production facilities to meet normal fluctuations in demand.

(b) Nonprofit agencies shall take those actions necessary to ensure that they can ship ~~commodities~~ [products] within the time frames specified by the Government. In instances where the nonprofit agency determines that it cannot ship the ~~commodity~~ [product] in the quantities specified by the required shipping date, it shall notify the central nonprofit agency and the contracting activity. The central nonprofit agency shall request a revision of the shipping schedule which the contracting activity should grant, if feasible, or the central nonprofit agency shall issue a purchase exception authorizing procurement from commercial sources as provided in §51-5.4 of this chapter.

§51-6.8 Deletion of items from the Procurement List.

(a) When a central nonprofit agency decides to request that the ~~Committee~~ [Commission] delete a ~~commodity~~ [product] or service from the Procurement List, it shall notify the ~~Committee~~ [Commission] staff immediately. Before reaching a decision to request a deletion of an item from the Procurement List, the central nonprofit agency shall determine that none of its nonprofit agencies is capable and desirous of furnishing the product or service involved.

(b) Except in cases where the Government is no longer procuring the item in question, the ~~Committee~~ [Commission] shall, prior to deleting an item from the Procurement List, determine that none of the nonprofit agencies of the other central nonprofit agency is desirous and capable of furnishing the product or service involved.

(c) Nonprofit agencies will normally be required to complete production of any orders for products on hand regardless of the decision to delete the item. Nonprofit agencies shall obtain concurrence of the contracting activity and the ~~Committee~~ [Commission] prior to returning a purchase order to the contracting activity.

(d) For services, a nonprofit agency shall notify the contracting activity of its intent to discontinue performance of the service 90 days in advance of the termination date to enable the contracting activity to assure continuity of the service after the nonprofit agency's discontinuance.

(e) The ~~Committee~~ [Commission] may delete an item from the Procurement List without a request from a central nonprofit agency if the ~~Committee~~ [Commission] determines that none of the nonprofit agencies participating in the AbilityOne Program are capable and desirous of furnishing the ~~commodity~~ [product] or service to the Government, or if the ~~Committee~~ [Commission] decides that the ~~commodity~~ [product] or service is no longer suitable for

procurement from nonprofit agencies employing people who are blind or have other severe disabilities. In considering such an action, the ~~Committee~~ [Commission] will consult with the appropriate central nonprofit agency, the nonprofit agency or agencies involved, and the contracting activity.

§51-6.9 Correspondence and inquiries.

Routine contracting activity correspondence or inquiries concerning deliveries of products being shipped from or performance of services by nonprofit agencies employing persons who are blind or have other severe disabilities shall be with the nonprofit agency involved. Major problems shall be referred to the appropriate central nonprofit agency. In those instances where the problem cannot be resolved by the central nonprofit agency and the contracting activity involved, the contracting activity or central nonprofit agency shall notify the ~~Committee~~ [Commission] of the problem so that action can be taken by the ~~Committee~~ [Commission] to resolve it.

§51-6.10 Quality of merchandise.

(a) ~~Commodities~~ [Products] furnished under Government specification by nonprofit agencies employing persons who are blind or have other severe disabilities shall be manufactured in strict compliance with such specifications. Where no specifications exist, ~~commodities~~ [products] furnished shall be of a quality equal to or higher than similar items available on the commercial market. ~~Commodities~~ [Products] shall be inspected utilizing nationally recognized test methods and procedures for sampling and inspection.

(b) Services furnished by nonprofit agencies employing persons who are blind or have other severe disabilities shall be performed in accordance with Government specifications and standards. Where no Government specifications and standards exist, the services shall be performed in accordance with commercial practices.

§51-6.11 Quality complaints.

(a) When the quality of a product received is not considered satisfactory by the using activity, the activity shall take the following actions as appropriate:

[(1) For products received from Defense Logistics Agency supply centers, General Services Administration supply distribution facilities, Department of Veterans Affairs distribution division or other central stockage depots, or specifically authorized supply source, notify the supplying agency in writing in accordance with that agency's procedures. The supplying agency shall, in turn, provide copies of the notice to the nonprofit agency involved and its central nonprofit agency.]

[(2) For products received directly from nonprofit agencies employing persons who are blind or have other severe disabilities, address complaints to the nonprofit agency involved with a copy to the central nonprofit agency with which it is affiliated.]

(b) Services furnished by nonprofit agencies employing persons who are blind or have other severe disabilities shall be performed in accordance with Government specifications and standards. Where no Government specifications and standards exist, the services shall be performed in accordance with commercial practices.

[(c) When the quality of a service is not considered satisfactory by the contracting activity, it shall address complaints to the nonprofit agency involved with a copy to the central nonprofit agency with which it is affiliated.]

§51-6.12 Specification changes and similar actions.

(a) Contracting activities shall notify the nonprofit agency or agencies authorized to furnish a ~~commodity~~ [product] on the Procurement List and the central nonprofit agency concerned of any changes to the specification or other description of the ~~commodity~~ [product].

(b) When a Government entity is changing the specification or description of a ~~commodity~~ [product] on the Procurement List, including a change that involves the assignment of a new national stock number or item designation, the office assigned responsibility for the action shall obtain the comments of the ~~Committee~~ [Commission] and the central nonprofit agency concerned on the proposed change and shall notify the nonprofit agency and the central nonprofit agency concerned at least 90 days prior to placing an order for a commodity covered by the new specification or description.

(c) For services on the Procurement List, the contracting activity shall notify the nonprofit agency furnishing the service and the central nonprofit agency concerned at least 90 days prior to the date that any changes in the statement of work or other conditions of performance will be required, including assumption of performance of the service by the contracting activity.

(d) If an emergency makes it impossible for a contracting activity to give the 90-day notice required by paragraphs (b) and (c) of this section, the contracting activity shall inform the nonprofit agency and the central nonprofit agency concerned of the reasons it cannot meet the 90-day notice requirement when it places the order or change notice.

(e) Nonprofit agencies shall recommend changes in specifications, item descriptions, and statements of work that will improve the ~~commodity~~ [product] or service being provided, reduce costs, or improve overall value to the Government. Contracting activities shall respond promptly to these recommendations and work with the nonprofit agencies to implement them when appropriate.

§51-6.13 Replacement and similar ~~commodities~~ [products].

(a) When a ~~commodity~~ [product] on the Procurement List is replaced by another ~~commodity~~ [product] which has not been recently procured, and a nonprofit agency can furnish the replacement commodity in accordance with the Government's quality standards and delivery schedules, the replacement ~~commodity~~ [product] is automatically considered to be on the Procurement List and shall be procured from the nonprofit agency designated by the ~~Committee~~

[Commission] at the fair market price the Committee has set for the replacement commodity. The commodity being replaced shall continue to be included on the Procurement List until there is no longer a Government requirement for that ~~commodity~~ [product].

(b) If contracting activities desire to procure additional sizes, colors, or other variations of a ~~commodity~~ [product] after the ~~commodity~~ [product] is added to the Procurement List, and these similar ~~commodities~~ [products] have not recently been procured, these products are also automatically considered to be on the Procurement List.

(c) In accordance with §51-5.3 of this chapter, contracting activities are not permitted to purchase commercial items that are essentially the same as products on the Procurement List.

§51-6.14 Replacement services.

If a service is on the Procurement List to meet the needs of a Government entity at a specific location and the entity moves to another location, the service at the new location is automatically considered to be on the Procurement List if a qualified nonprofit agency is available to provide the service at the new location, unless the service at that location is already being provided by another contractor. If the service at the new location is being provided by another contractor, the service will not be on the Procurement List unless the ~~Committee~~ [Commission] adds it as prescribed in part 51-2 of this chapter. If another Government entity moves into the old location, the service at that location will remain on the Procurement List to meet the needs of the new Government entity.

§51-6.15 Disputes.

Disputes between a nonprofit agency and a contracting activity arising out of matters covered by parts 51-5 and 51-6 of this chapter shall be resolved, where possible, by the contracting activity and the nonprofit agency [in accordance with the terms of the contractual instrument governing the relationship], with assistance from the appropriate central nonprofit agency. Disputes which cannot be resolved by these parties shall be referred to the ~~Committee~~ [Commission] for resolution. [Nothing within this section prevents or prohibits the nonprofit agency and/or contracting activity from pursuing or exercising any remedies available in the underlying contractual relationship.]



FEDERAL REGISTER

Vol. 83

Friday,

No. 222

November 16, 2018

Part XIV

Committee for Purchase From People Who
Are Blind or Severely Disabled

Semiannual Regulatory Agenda

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Ch. 51

Semiannual Regulatory Agenda

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

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This document sets forth the regulatory agenda of the Committee for Purchase From People Who Are Blind or Severely Disabled. This agenda is issued in accordance with Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under

development or review or that the Committee expects to have under development or review during the next 12 months. The purpose for publishing this agenda is to advise the public of the Committee's current and future regulatory actions.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Shelly Hammond, Director, Contracting and Policy, Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, VA 22202; (703) 603-2127.

SUPPLEMENTARY INFORMATION: Under Executive Order 12866 (58 FR 51735, October 4, 1993), each agency is required to prepare an agenda of all regulations under development or

review. The Regulatory Flexibility Act (5 U.S.C. 601-612) has a similar agenda requirement (5 U.S.C. 602). Under the law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Dated: August 02, 2018.

Kim Zeich,
Deputy Executive Director.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
355	Significant Revisions of Part 51, Committee for Purchase From People Who Are Blind or Severely Disabled (Rulemaking Resulting From a Section 610 Review).	3037-AA12

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED (CPBSD)

Proposed Rule Stage

355. • Significant Revisions of Part 51, Committee for Purchase From People Who Are Blind or Severely Disabled (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 41 U.S.C. 85

Abstract: We are issuing a notice of proposed rulemaking (NPRM) to solicit public comments on the potential cost and benefits of certain corrections and clarifications to 41 CFR 51 to significant changes within the chapter or with the Federal Acquisition Regulation addressing the Javits-Wagner-O'Day Act or the AbilityOne Program. This regulation was originally published in 1991 and changes in Committee practices and concepts have occurred which need to be reflected in this section to the CFR. The revisions should clarify the roles and responsibilities of the Committee, Central Nonprofit, and Nonprofit Agencies.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Shelly Hammond, Director, Policy and Programs, Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, VA 22202, *Phone:* 703 603-2127, *Email:* shammond@abilityone.gov.

RIN: 3037-AA12

[FR Doc. 2018-24094 Filed 11-15-18; 8:45 am]

BILLING CODE 6353-01-P