



**TITLE: ABILITYONE PROGRAM NONPROFIT AGENCY ENTRY
QUALIFICATIONS**

1. PURPOSE.

This document sets forth the qualifications required for a nonprofit agency (NPA) to enter the AbilityOne Program (Program).

2. APPLICABILITY.

This policy is applicable to NPAs seeking to enter the Program, designated Central Nonprofit Agencies (CNAs), and the U.S. AbilityOne Commission (Commission).

3. AUTHORITY.

- (a) 41 U.S.C. §§ 8501 – 8506, Javits-Wagner-O’Day (JWOD) Act
- (b) 41 CFR Chapter 51, Committee for Purchase From People Who Are Blind or Severely Disabled

4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations, and acronyms frequently used throughout this policy system are provided in 51.102, Definitions of Terms. Terms unique to this subject matter are defined below.

Term	Definition
NPA Entry Qualification Application	Program entry qualification application, and supporting materials, submitted by NPAs to achieve AbilityOne Program qualification.
Related Entities	Entities that have (1) significant common purposes and substantial common membership, or (2) directly or indirectly substantial common direction or control.



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Qualified Nonprofit Agency	An NPA evaluated by the CNA and verified by the Commission to meet the Program entry qualification requirements of 41 C.F.R. 51-4.1 and 4.2. A qualified NPA is eligible for Procurement List assignment(s) and/or allocation(s).
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5. RESPONSIBILITIES.

- (a) The Commission:
 - i. Establishes the standards for the AbilityOne Program's NPA entry qualifications.
 - ii. Approves and oversees the effectiveness of the CNA's NPA entry qualification process.
 - iii. Determines whether an NPA is qualified to participate in the Program.
- (b) The CNA:
 - i. Develops the NPA entry verification process to review and evaluate an NPA's capability to meet initial qualification requirements.
 - ii. Executes the NPA entry qualification process to review and evaluate an NPA's capability to meet NPA entry qualifications, and provides a recommendation.
 - iii. Provides guidance, training, and technical assistance to NPAs seeking Program qualification.
 - iv. Provides data to the Commission regarding the NPA's entry qualifications in an electronic format directly and fully accessible to the Commission.
- (c) The NPA:
 - i. Completes the NPA entry qualification process, providing accurate and complete information as required.
 - ii. Responds timely to entry qualification inquiries.

6. POLICY.

- (a) To participate in the Program, a privately incorporated nonprofit corporate entity must submit an NPA Entry Qualification Application through the appropriate CNA.
- (b) If the NPA is a related entity, then it must have its own articles of incorporation and bylaws. If these documents imply or state control by another entity, that controlling entity must be another qualified NPA whose mission also involves serving people who

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are blind or significantly disabled.

- (c) An NPA must certify that it will not use wage certificates authorized under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) to pay employees on any contract or subcontract tied to a Procurement List product or service (41 CFR 51-4.2(a)(1)(iv)).
- (d) Reserved. The Commission is developing standards for employee career development.
- (e) An NPA related to other entities must meet the following criteria when seeking Program qualification:
 - i. The NPA seeking qualification must maintain, separate from any related corporation, control of records including, but not limited to, payroll, accounting, and personnel.
 - ii. If any related entity is a for-profit corporation, the NPA seeking qualification must be able to demonstrate a complete separation from that entity in the areas of finance and control of the agency (for example, separate accounting capability, separate members of the boards of directors, separate key leadership positions). Additionally, the NPA must provide documentation verifying that no private inurement will occur.
 - iii. Agreements an NPA may have with other entities for support services to be provided to the NPA seeking qualification must not interfere with the independence of the NPA. The written support services agreement(s) providing for reimbursement at market rates should demonstrate that an arm's length relationship exists between the NPA and the other entity.
- (f) An NPA seeking Commission qualification that is operated, authorized, or established under other than state corporation laws and is not privately incorporated must submit through its CNA the appropriate documents described in 41 CFR 51-4.2.
- (g) At least two members of the senior management team of each new NPA shall attend specialized Program training as part of the NPA's qualification process. Evidence of completion of this training must be submitted with the qualification request.
 - i. CNAs shall develop specialized Program training for new NPAs.
 - ii. As part of the submission to the Commission, the appropriate CNA shall certify that an NPA completed the specialized Program training.

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- (h) If entry qualification is accepted, the NPA becomes eligible for Procurement List assignment(s) and/or allocation(s), and thereafter subject to maintaining its qualified NPA status. See Policy 51.402.

7. PROCEDURES.

None.

8. EXCEPTIONS.

None.

9. SUPERSESSION.

This policy supersedes Commission Policy 51.402, dated March 22, 2013.



APPROVED: _____ Date: _____
Kimberly M. Zeich
Executive Director

