



U.S. ABILITYONE COMMISSION

Policy 51.301
Effective Date: 05/01/2025

TITLE: PROCUREMENT LIST AND THE NPA SELECTION FRAMEWORK

1. PURPOSE.

To describe the overarching policy framework for the identification and development of product or service opportunities recommended for addition to the Procurement List (PL) and the selection of qualified nonprofit agencies (NPAs) to serve as mandatory sources for PL requirements.

2. APPLICABILITY.

This policy is applicable to the U.S. AbilityOne Commission staff, the designated central nonprofit agencies (CNAs), and AbilityOne-participating NPAs.

3. AUTHORITY.

- (a) 41 U.S.C. Chapter 85, Javits-Wagner-O'Day (JWOD) Act
- (b) 41 C.F.R. 51, Committee for Purchase From People Who Are Blind or Severely Disabled
- (c) Federal Acquisition Regulation, Title 48 C.F.R., Chapter 1 (as applicable).

4. DEFINITIONS.

Definitions, abbreviations, and acronyms frequently used throughout the Commission's policy system are provided in Policy 51.102 or defined in this document. Whenever the term "day" or "days" is used within this document, it means calendar days, unless otherwise specified.

Term	Definition
Allocation	A type of order distribution by the CNA(s) for requirements on the PL when multiple NPAs have been authorized by the Commission to fulfill that product or service requirement. The ordering activity must request an allocation from the CNA before issuing an order to an authorized NPA, unless direct order authorization has been provided.

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Assignment	The apportionment of new products or services opportunities between the designated CNAs for the purpose of evaluating the requirements for possible addition to the Procurement List. Assignments are processed through mutual agreement between the CNAs, except that National Industries for the Blind (NIB) has assignment priority for all product requirements.
Authorization (Deauthorization)	A formal determination by the Commission (or delegee) that authorizes one or more NPAs to serve as a mandatory source for a product or service on the Procurement List. Deauthorization is the formal determination terminating an NPA's ability to serve as a mandatory source for that PL requirement in accordance with Commission Policy 51.407.
Competitive Distribution	A process that permits limited competition among two or more authorized NPAs after considering price and nonprice selection criteria for certain high dollar value service contracts. The contracting activity must request a competitive distribution from the Commission in accordance with Commission Policy 51.301-04. The Commission will determine whether to approve a competitive distribution request.
Conflict of Interest	A real or perceived inconsistency between one's personal interest in a matter and one's official, positional responsibility to carry out duties with impartiality.
Designated Source	A written determination by the CNA that only one NPA will be recommended to the Commission to serve as an authorized source for a Procurement List requirement. Determinations for products or services that exceed the simplified acquisition threshold (SAT) must be approved by the designated Commission official.

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Direct Order	A type of order distribution by the CNA(s) for requirements on the Procurement List where a single NPA has been authorized by the Commission to fulfill that product or service requirement. The contracting activity may issue orders directly to the authorized NPA without requesting an allocation for each order from the designated CNA.
Limited Source	A written determination by the CNA that limits responses to a specific opportunity notice to a select group of NPAs approved by the Commission. Written determinations for limited source opportunity notices for products or services that are expected to exceed \$750K in total project value must be approved by a designated Commission official.
Opportunity Notice	A formal notice published by a CNA that describes a new or existing Procurement List requirement. Unless otherwise permitted (i.e., designated or limited source), all NPAs within that CNA's network of AbilityOne NPAs must be given the opportunity to respond to an opportunity notice.

5. RESPONSIBILITIES.

(a) The Commission will:

- i. Establish the strategic direction of the AbilityOne Program and provide guidance for the development of employment opportunities that meet the objectives of the Commission's Strategic Plan or other Commission-issued policies or directives.
- ii. Designate one or more CNAs to distribute orders for products and services on the PL to the qualified NPAs within their network of associated NPAs.
- iii. Ensure that a CNA's evaluation and recommendation policies, procedures, and processes are transparent, accountable, auditable, and administered fairly and equitably in accordance with Commission oversight and guidance.
- iv. Independently deliberate and vote on each proposed product or service PL addition, an authority that may be delegated in accordance with Commission Policy 51.205 and 51.207.
- v. Vote to authorize (or deauthorize) a qualified NPA(s) to provide the product or service.

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- vi. Retain the authority, on an exception basis, to direct CNA(s) to redistribute a product or service requirement on the Procurement List to another authorized NPA using CNA-established procedures.

(b) The Executive Director shall:

- i. Ensure that Commission policies and procedures for recommending and selecting NPAs to serve as authorized sources are transparent, fair, and equitable.
- ii. Ensure the CNAs' evaluation, recommendation, and distribution processes are developed and administered under the Commission's overall direction, guidance, and oversight and in accordance with the requirements of cooperative agreements between the CNAs and the Commission.
- iii. Review a CNA's NPA evaluation/recommendation policies, procedures, or processes at least every three (3) years or when substantive changes are made in such policies, procedures, or processes.
- iv. Direct the CNA(s) to redistribute a product or service requirements on the Procurement List to another authorized NPA using CNA-established procedures when the Executive Director makes a written determination that redistribution is in the best interest of the Government.

(c) The CNAs shall:

- i. Evaluate the qualifications and capabilities of NPAs and provide the Commission with pertinent data, manufacturing or service capabilities, standing, and any other information to better inform the Commission's authorization decisions.
- ii. Recommend qualified and capable NPAs, with the supporting information required by Commission procedures, to the Commission for authorization to serve as mandatory sources for PL requirements.
- iii. Explore new and emerging lines of business and new ways of doing business that will expand employment opportunities for participating employees.
- iv. Recommend to the Commission, with the supporting information required by Commission procedures, suitable products or services for addition to the PL.
- v. Distribute orders from Federal entities for products or services on the PL in accordance with applicable statutes, regulations, other Commission policies, procedures, processes or other guidance or directions from the Commission.
- vi. Distribute orders from the Government only to NPAs authorized by the Commission to furnish the specific product or service and do so efficiently while ensuring the Government's requirements are fulfilled in accordance with the contract terms/work statement.

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- vii. Conduct competitive distributions under 41 C.F.R. 51-3.4 in accordance with Commission policies and procedures, including recommending to the Commission the NPA that, in the determination of the CNA, and based on the criteria and any sub-criteria approved by the Commission, provides the best value to the ordering Federal agency and best meets the mission of the Program.

(d) The NPAs shall:

- i. Respond to PL opportunity notices that are appropriate for the NPA's capabilities and provide any additional information as directed.
- ii. Be prepared to deliver product(s) or provide service(s) on the date(s) the product or service is required by the Federal entity, when authorized by the Commission to produce a product or provide a service on the PL pursuant to a CNA recommendation.
- iii. Provide timely notification to the CNA if/when the NPA becomes incapable of performance or is unwilling to further perform the PL requirement.
- iv. Ensure compliance with 41 CFR 51-5.2(f), if the Commission deauthorizes the NPA as the mandatory source.

6. POLICY.

In accordance with 41 CFR 51-1.1, it is the policy of the Government to increase employment and training opportunities for individuals who are blind or have a significant disability. It is Commission policy to encourage all Federal entities and employees to provide the necessary support to ensure the Javits-Wagner-O'Day (JWOD) Act is implemented in an effective manner. The competitive procedures prescribed by the Federal Acquisition Regulation (FAR) do not apply to the NPA selection process in the AbilityOne Program. However, it is the policy of the Commission that the selection process of NPAs as mandatory sources to provide requirements on the PL must be transparent, fair, and equitable.

There are seven (7) stages to the selection process, briefly described as follows:

- (a) Assignment & Opportunity Identification: The designated CNAs (SourceAmerica and NIB) are generally responsible for identifying new products or services for possible addition to the PL. However, NIB shall be assigned and have the initial right to develop a new product in accordance with 41 CFR § 51-3.3.

The Commission, CNAs, and NPAs do not define the Government's needs and do not unilaterally develop requirements for the PL. Instead, every opportunity starts with a need within a federal agency and a desire by that agency to participate in the AbilityOne Program.

- i. *CNA Assignments and NIB Waiver*: The CNAs must determine by mutual agreement the assignment to one of them of a product or service for the purpose of evaluating requirements for possible addition to the PL. Sixty (60) days after the

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effective date of this policy, the CNAs must enter into an agreement with each other and provide a copy of that agreement to the Commission. The agreement must contain the following elements:

- a. A description of how the parties will ensure that the opportunity to develop products and services will be equitably distributed between both CNAs.
 - b. An agreement that SourceAmerica will request a waiver from NIB, in accordance with 41 U.S.C. § 8503(d)(2) and 41 C.F.R. § 51-3.3(b) and (c), and provide the approved waiver to the Commission when a product is proposed for PL addition.
 - c. A CNA-level dispute resolution process.
 - d. An acknowledgement that, if disputes cannot be resolved between the CNAs, that such matters should be raised to the Commission.
- ii. *Federal Prison Industries (FPI or UNICOR) Waiver:* The CNAs shall, in accordance with 41 CFR § 51-3.3, ensure that appropriate market research is conducted to determine whether a product proposed for PL addition is otherwise required for purchase from FPI or UNICOR (the tradename of FPI) under 18 U.S.C. § 4124.
- a. If a product is listed on the UNICOR schedule of products, the CNA shall seek out and receive a formal waiver from FPI before taking steps to develop the opportunity.
 - b. If the CNA does not receive a written waiver from FPI within 30 days of the initial request, the CNA shall forward the matter, along with any pertinent information supporting its waiver request, to the Executive Director (or designee).
 - c. The CNA may not move forward with developing the requirement until it has received written approval from the Executive Director (or designee). The Executive Director (or designee) will normally respond within 30 days from the date of notification.
- iii. *Randolph-Sheppard Act (R-S Act) Memorandum of Understanding (MOU):* For any opportunities that may have R-S Act implications, meaning any contracting opportunity for an NPA that could be for any part of a “vending facility” as defined in the R-S Act implementing regulations at 34 C.F.R. § 395.1(x), the CNA shall follow the protocol outlined in the January 19, 2021, [MOU](#) between the AbilityOne Commission and the Rehabilitation Services Administration (RSA), which administers the R-S Act.
- iv. *Other Preference Programs:* Prior to proposing a product or service for addition to the PL, the CNAs shall identify any other statutory or regulatory priority or

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preference programs associated with products or services requirements that could impact the Commission's decision to add a product or service to the PL. These include the veteran-owned contracting priority for certain requirements of the Department of Veterans Affairs (HR 4920) and Small Business Administration (SBA) preference programs, particularly § 8(a) Program set-asides, or other SBA preference programs. If such considerations exist, the CNA must report this information to the Executive Director (or designee) before it can continue to develop the opportunity, as well as describe any steps it has taken to ensure that any loss to the affected Program will be mitigated. The Executive Director (or designee) will normally respond within 30 days of notification.

- v. *Contractor Impact:* If the product or service under consideration is already being performed by a contractor, the CNA shall provide to the Commission a contractor impact assessment on the impacted contractor prior to proposing that the product or service be placed on the PL. Contractor impact assessments, in addition to financial impact, shall address the following factors, unless such information is not readily available:
 - a. The size of the impacted business.
 - b. Whether the contractor participates in an SBA preference program for the impacted requirement.
 - c. Estimated number of employees impacted if the contractor is displaced by an AbilityOne NPA.
 - d. Whether the current employees have a collective bargaining agreement.
 - e. Any other factors the Commission should take into consideration in making a final impact determination.

CNAs are responsible for providing a recommendation to the Commission in the form of the initial contractor impact assessment. The ultimate determination as to whether to proceed with placing the product or requirement on the PL will be made by the Executive Director (or designee), supported by staff analysis and a recommendation to the Executive Director. The Executive Director (or designee) will provide a final determination within 30 days of receiving the CNA's initial contractor impact assessment, unless additional information is needed.

- vi. *Complex Projects:* A complex project is any project that requires additional detailed analysis before a CNA is permitted to proceed with opportunity development. Detailed analysis of potential complex projects must be conducted for all requirements with characteristics described in this policy, including those at Appendix A. When submitting an initial complex project proposal to the Commission for analysis, the CNA must provide a Complex Project Feasibility Analysis (CPFA) report at least 12 months prior to the anticipated start date of the

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project, unless excepted by the Executive Director (or designee). A CPFA report must include the following information:

- a. An introduction setting forth the purpose of the complex project, location, NPA, contracting activity, the number of participating employees that would be employed, and other information that the CNA determines would be relevant to the Commission's determination.
- b. An Executive Summary describing the potential project and identifying the risks and high visibility characteristics of the proposed project. This discussion should include a description of appropriate mitigation strategies to address any identified risks and a proposed course(s) of action to implement those mitigation strategies.
- c. A Potential Risks and High Visibility Concerns section that sufficiently addresses each Topic Criteria set forth in Appendix A applicable to the complex project being presented. Each Topic Criteria discussion must include a proposed mitigation strategy(ies) and a discussion of how the mitigation strategy(ies) will be implemented.
- d. Evidence of coordination with the contracting activity that validates the Government's need for the complex project and the contracting activity's desire to add the requirement to the PL.

The CNA must submit the CPFA to the Executive Director (or designee) for review and approval. Written approval to further develop a complex project authorizes the CNA to continue with the opportunity development, but does not guarantee the addition of the product or service requirement to the PL.

- (b) Opportunity Development: CNAs must strive to develop opportunities that offer participating employees diverse employment opportunities across a wide range of industries to the maximum extent practicable. This means that CNAs must endeavor to maintain current lines of business and to pursue new lines of business consistent with the existing and emerging needs of the Government.
- i. Many current lines of business provide good jobs and opportunities for employee career mobility, while leveraging qualified NPAs' core competencies to deliver high quality products and services to Federal customers.
 - ii. Additional opportunities for career mobility can be achieved through the introduction of new or emerging lines of business, particularly in industries such as advanced manufacturing and professional services.
 - iii. The CNA must continually leverage market research to identify emerging lines of business to guard against risks such as market saturation, current PL products or services becoming obsolete, or PL products/services failing to meet customers'

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changing requirements, each of which can lead to a loss of future or current employment opportunities for participating employees.

- iv. The CNAs are expected to explore and develop new and emerging lines of business that meet the needs of Federal customers and maximize opportunities for participating employees.
- (c) Publication: CNAs must publicize potential PL requirements to their network of NPAs through an Opportunity Notice. Opportunity Notices must be published to the maximum extent practicable, and every NPA affiliated with the CNA should be able to participate in the opportunity, unless an exception applies.
- (d) Evaluation: CNAs are responsible for coordinating the requirement with the contracting activity to determine the needs of the Federal agency. Once those needs are determined, the CNA must evaluate the capabilities of all NPAs responding to an Opportunity Notice and decide which NPAs meet or exceed the Government's needs. In addition, CNAs must determine whether an NPA is meeting or exceeding AbilityOne programmatic requirements.
- (e) CNA Recommendation: The CNA must provide a recommendation to the Commission identifying the NPA that should be authorized to serve as a mandatory source for the PL requirement. The CNA's recommendation must be supported with all the pertinent information the CNA relied upon to arrive at its recommendation.
- (f) Commission Determination: Based on the recommendation and information received from the CNA, the Commission will determine whether a proposed product or service is suitable for addition to the PL and whether it is appropriate to authorize one or more NPAs to serve as mandatory sources, in accordance with 41 CFR § 51-2.4 and any applicable Commission policy and procedures.
- (g) Distribution of Orders: If the Commission determines that a proposed product or service is suitable for addition to the PL and has authorized one or more NPAs to serve as mandatory sources, the CNA may facilitate the distribution of the order as a (1) direct order, if the Commission has authorized only one NPA; (2) an allocation, if the Commission has authorized multiple NPAs or when a CNA has been approved to serve as a Prime contractor; or (3) as a competitive distribution, when requested by a Federal agency and approved by the Commission.
 - i. The CNA must distribute orders from the Government only to NPAs authorized by the Commission to furnish the specific product or service and only in accordance with the JWOD Act, the Commission's regulations, and applicable Commission policies, procedures, or other guidance.
 - ii. The CNA must distribute Government orders efficiently while ensuring the Government's requirements are fulfilled in accordance with the contract terms/work statement. If the authorized NPA is unwilling or incapable of meeting the

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Government's requirements, the CNA must take timely appropriate action(s) to either redistribute the requirement to a capable and willing NPA, issue a purchase exception, or recommend deletion of the product or service from the PL.

- iii. In the event of failed or failing performance, the Commission reserves the right to deauthorize an NPA in accordance with Policy 51.407-01. In the event of deauthorization or a proposed deauthorization, the CNA may be directed by the Executive Director (or designee) to publicize, evaluate, and provide a recommendation for a replacement NPA that is capable and willing to perform the requirement.

7. PROCEDURES.

None.

8. EXCEPTIONS.

Exceptions to this policy are permitted with written approval from the Commission Chairperson. Any responsibilities assigned to the Executive Director may be delegated in accordance with Commission Policy 51.205.

9. SUPERSESSSION.

This policy supersedes Commission Policy 51.301, effective May 30, 2012.



APPROVED: _____ Date: _____

Robert D. Hogue
Chairperson

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APPENDIX A

Complex Project Feasibility Analysis Report
Potential Risks and High Visibility Concerns Topic Criteria

- A. Potential “pilot project.”
- B. Potential for unilateral addition due to extraordinary sponsorship (e.g., no contracting activity concurrence) or other considerations.
- C. Potential for high political and/or media visibility (i.e., instances where addition might displace an existing workforce or multiple commercial contractors).
- D. Project has additional locations to be added to the Procurement List and combined with existing locations to form a new expanded project (e.g., IRS Mailroom (national), IRS Document Destruction (national)).
- E. Recognizable challenging or unusual subcontractor relationships.
- F. Carving out requirements or requirement changes (e.g., extracting locations from a grouped location, base-wide).
- G. Highly technical Line of Business that may have suitability challenges.
- H. A significant number of jobs and/or direct labor hours that may or may not be performed by participating employees will have to be commercially subcontracted.
- I. Significant time passage to phase out a commercial entity as part of stringent transition plan.
- J. Multiple NPAs producing each National Stock Number (NSN) at multiple/different percentages of the requirement and in multiple stages of production. Different requirements for different NPAs.
- K. Complexity in volume of NSNs or Product Codes, varying fee calculations because some items are commercial, multiple NPA manufacturers, once on the PL there is complexity in how to add new components (e.g., uniforms for the U.S. Forest Service).
- L. Cooperative Agreement with Industry (i.e., enclave) is required.
- M. Total contract value is expected to exceed \$10M.