U.S. ABILITYONE COMMISSION

Policy 51.301
Effective Date: 05/30/2012

TITLE: SELECTION OF NONPROFIT AGENCIES FOR PROJECT ASSIGNMENT AND ORDER ALLOCATION

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1. PURPOSE.

Prescribe the policies pertaining to Commission-designated Central Nonprofit Agencies (CNA) in the selection of nonprofit agencies (NPA) for assignment of projects to be developed and/or the allocation of orders for products or services on the Procurement List.

2. APPLICABILITY.

This policy is applicable to the U.S. AbilityOne Commission, its designated CNAs, and to AbilityOne-participating NPAs.

3. AUTHORITY.

(a) 41 USC 8503(c), Central Nonprofit Agency or Agencies
(b) 41 CFR 51-2.2, Powers and Responsibilities, Paragraph (f)
(c) 41 CFR 51-3.2, Responsibilities under the AbilityOne Program, Paragraph (f)
(d) 41 CFR 51-3.4, Distribution of Orders
(e) 41 CFR 51-6.2, Allocation Process

4. DEFINITIONS AND ACRONYMS.

Term	Definition
Allocation	Distribution of orders by the CNA(s) for items on the Procurement List among multiple NPAs that have been designated by the Committee to fulfill that particular product or service requirement. Allocation of a product or service occurs when the product or service is placed on the Procurement List as determined by the Commission.
Assignment **Also referred to as "Project Distribution"**	The selection of one or more qualified NPAs to develop a product or service that may be proposed for addition to the Procurement List. The selection is usually made by the CNA.
Base Supply Center (BSC)	A retail store (physical and/or virtual) that is operated by an AbilityOne authorized NPA to distribute office supplies and other required products. For purposes of assignment and allocation, operation of a BSC is a service.
Conflict of Interest	A real or apparent inconsistency between one's personal interest in a matter and one's official, positional responsibility to carry out duties with impartiality.
Designation	The official determination by the Commission that one or more NPAs will deliver a product or service that is on or added to the Procurement List. Designation occurs after the Commission determines a proposed product or service is suitable to be added to the Procurement List and the Commission independently decides that the NPA(s) are qualified and capable to deliver the product or service. The designation is announced in the Federal Register Notice

Term	Definition
	of Addition to the Procurement List. Designation may also be changed by administrative action subsequent to Procurement List addition. A Notice of Change to the Procurement List is issued to show the designated NPA(s). NOTE: A Designated NPA is not the same as a Participating NPA.
FAR	Federal Acquisitions Regulations
Participating NPA	An NPA that is currently authorized to perform AbilityOne-related projects.
Good Standing	The capability of an AbilityOne nonprofit to meet the initial AbilityOne Program qualification requirements. The Commission verifies and determines that a nonprofit meets the initial qualifications described at 41 CFR 51-4.2. If the NPA is already producing at least one AbilityOne project, it is determined by the Commission to be in compliance with the regulation at 41 CFR 51-4.3. The CNAs shall respectively establish and maintain 'good standing' policies in accordance with guidance from their Boards of Directors and shall provide copies of these policies to the AbilityOne Commission for review upon their effective date and whenever changes are made. CNA 'good standing' policies and determinations do not take precedence over requirements of the Commission.
QWE	Quality Work Environment

5. RESPONSIBLITIES.

(a) The U.S. AbilityOne Commission:

i. Independently deliberate and vote on each proposed PL addition to include the designation of qualified NPA(s) to provide the product or service to the Government.

ii. Designates one or more Central Nonprofit Agencies (CNAs) to facilitate the assignment of projects for development and the allocation of orders for items on the Procurement List (PL) to qualified NPAs.

iii. Ensures that the CNAs' assignment and allocation processes are developed and administered under its guidance and oversight.

iv. Retains the authority, on an exception basis, to direct CNA(s) to reassign or reallocate work using CNA-established procedures when it is in the best interest of the Government. This responsibility can be exercised to meet critical product or service delivery requirements and/or to further the AbilityOne Program mission to enhance employment opportunities or other significant programmatic matters.

a. Such a determination by the Commission will be documented by the Director of Operations and approved by the Executive Director or designee.

(b) The Commission Executive Director:

i. Has been delegated authority to guide and oversee implementation of the assignment and allocation process in accordance with this policy.

ii. Shall review CNA policies and procedures at least every three years or annually, if changes are made.

iii. Will report determinations described in (a) iv above to the Commission.

iv. Shall document and report the results of the CNAs' implementation of 6(a) ii below to the Commission at least every three years.

(c) CNAs:

i. Will distribute project assignments for development and allocate orders for existing Procurement List products or services (by direct allocation, subcontract or other means) as follows:

a. Will allocate orders from the Government only to NPAs that have already been designated to furnish the specific product or service.

b. Will allocate orders efficiently and ensure the Government's requirements can be fulfilled in a timely manner. If the desired results are not achieved, the CNA may take appropriate action to reallocate the work or otherwise enable the Government to fulfill its requirement.

ii. When a CNA determines its selection for an assignment or allocation, it will certify, upon request of the Commission, that selection for project assignment or allocation (initially and if/when modified) was made and documented in accordance with all applicable policy and procedures.

6. POLICY.

(a) CNAs shall develop processes for project assignment and order allocation that result in fair, equitable, and transparent distribution of opportunities among NPAs, taking into account the unique mission and objectives of the AbilityOne Program.

i. CNAs' assignment and allocation processes shall be published and transparent to the AbilityOne-associated NPAs.

ii. CNAs shall provide their processes and policy for review by the Commission as requested by the Executive Director, at least every three years beginning in 2012, and any time there is an update. Upon receipt of the Commission's feedback, the CNA will address any concern(s) and take corrective action(s) as required.

iii. An individual or NPA representative with a conflict of interest as defined in this policy shall not participate in the project assignment or allocation process.

(b) CNAs are not required to follow the competitive procedures prescribed by or similar to those in the Federal Acquisition Regulation (FAR) when selecting NPAs for assignment or allocation. Rather, criteria should be based on the following:

i. CNAs shall assign projects and allocations to NPAs that can meet the customers' technical and delivery requirements.

a. NPAs shall leverage efficiencies and best practices in the delivery of products and services to the Government while maximizing labor hours for people who are blind or have other significant disabilities.

ii. The CNAs shall consider the impact of project assignment or allocation on establishment and sustainment of employment of people who are blind or who have other significant disabilities in the AbilityOne Program.

iii. CNAs shall consider qualitative and quantitative factors in making a decision.

a. CNAs shall implement criteria that include the following minimum standards for NPAs to be eligible for an assignment or allocation:

1. NPA(s) must be in good standing in accordance with the CNA's policies and the definition herein.
2. NPA(s) must be capable of providing all contractual requirements by the Government-established date of performance.
3. NPAs must agree to fulfill all legal requirements of the contract, to include flow-down clauses.
4. NPAs shall properly document all subcontracts, acknowledging within them the Commission's authority regarding both subcontracting policy and determination of the fair market price.
5. NPA(s) must have appropriate financial and management qualifications related to capital intensive products and services, including Base Supply Center (BSC) operation.

b. Special consideration may be provided in certain circumstances including, but not limited to:

1. NPA(s) that have lost AbilityOne work due to no fault of their own.
2. NPA(s) that have adopted the Quality Work Environment (QWE) initiative, demonstrated by submission to their CNA of a self-assessment and current action plan.
3. NPA(s) targeting and/or employing a significant number of wounded warriors, service-disabled veterans or veterans with significant disabilities.
4. NPA(s) demonstrating initiative in meeting or exceeding laws, regulations, Executive Orders and industry standards on the manufacture and use of environmentally preferable products.
5. CNAs will determine if special considerations are warranted. This determination will be documented by the CNA and, upon request, included in documents provided to the Commission for review when products and services are being considered for addition to the Procurement List.

(c) The procedures developed by CNAs must provide for the appeal (reconsideration) of a selection decision for project assignment or allocation of orders.

i. The procedures for appeal within the CNA shall be clearly articulated with a specified final level of decision.

ii. The procedures may require NPAs to accept the decision of the CNA as final, as a condition of seeking assignment or allocation unless grounds for appeal to the Commission apply.

iii. Appeals related to the assignment of a potential project will be reported to the Commission in any related proposed addition package.

iv. All appeals related to project assignments or allocations shall be summarized, with trend analysis and recommendations, in an annual report to the Commission.

(d) Appeals to the Commission will be considered under the following circumstances:

i. General policies and procedures for appeals to the Commission have been followed as detailed in separate Commission policy/procedures.

ii. The Commission will only consider assignment and allocation appeals if one or more of the following apply:

a. A CNA fails to follow their established policies and procedures.

b. A CNA did not properly document its decision.

c. The NPA selected did not meet the minimum criteria.

7. PROCEDURES.

N/A

8. EXCEPTION TO POLICY.

None

9. SUPERSESSION.

N/A

APPROVED: _____ **Date:** 5/30/2012

E. Ballard

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