



**U.S. ABILITYONE COMMISSION**  
***Interim Policy 51.301.1 Pilot Test (PT)***  
***Effective Date: June 10, 2019***

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**TITLE: INTERIM PILOT TEST POLICY 51.301.1, SELECTION OF NONPROFIT AGENCIES FOR PROJECT ASSIGNMENT AND ORDER ALLOCATION**

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**1. PURPOSE.**

This interim policy is a companion to existing policy 51.301, Selection of Nonprofit Agencies for Project Assignment and Order Allocation. It addresses aspects of pilot test(s) for Nonprofit Agency Allocation Competition. The purpose of this document is to communicate changes relevant to pilot test(s), in which a competitive nonprofit agency (NPA) recommendation process will be conducted, considering technical capability, past performance, and price (also see Policy 51.620 and interim policy 51.620.1 Pilot Test). The pilot test will result in the competitive reallocation of a project already on the Procurement List and establishment of a new Fair Market Price (FMP).

**2. APPLICABILITY.**

This interim policy addresses information that is not covered by the original policy, or is modified from the original policy, for purposes of the pilot test(s). The policy applies to the U.S. AbilityOne Commission (Commission), the Central Nonprofit Agencies (CNAs), and Nonprofit Agencies (NPAs) participating in the pilot test. This interim policy also describes the role of the cognizant Contracting Activity in accordance with applicable regulations and an intragovernmental agreement with the Commission.

**3. AUTHORITY.**

- (a) The Javits Wagner-O'Day (JWOD) Act, 41 U.S.C §§ 8501-8506
- (b) Section 898 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (FY17) (Public Law 114-328) "Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability and Integrity"

**4. DEFINITIONS AND ACRONYMS.**

Definitions, abbreviations, and acronyms frequently used throughout the Commission's policy system are provided in Policy 51.102, Definitions.

**5. RESPONSIBILITIES.**

In addition to the responsibilities listed in Section 5(a) in Policy 51.301, the Commission:

- i. Determined that pilot tests are in the best interest of the government to further the AbilityOne Program mission and to identify processes that may be required when adopting new business practices.
- ii. Exercises its authority in accordance with Policy 51.301 to direct CNA(s) to reassign or reallocate work using CNA-established procedures.



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- iii. May apply adapted contracting practices for purposes of pilot test(s) as set forth in existing or interim policy or other communications to participants in the pilot test.
- iv. Will lead a competition pilot test along with a designated CNA and the government, using CNA-established procedures and government-established procedures.
- v. Delegates authority for conducting the pilot test(s) to the Executive Director. The Executive Director may re-delegate some or all of the pilot test responsibilities to the Deputy Executive Director.
- vi. May modify or delegate additional roles to the CNAs, and may engage with other Federal agencies and/or private entities to conduct pilot tests.

The CNA responsibilities listed in Section 5(c) in Policy 51.301 are replaced in their entirety by the following:

- i. Participate in the pilot test(s), provide all information required by the Commission, and advise the government entities involved on the recommendation of an NPA(s) for assignment or allocation in accordance with the pilot test(s).
- ii. Allocate orders for the Procurement List requirement(s) involved in the pilot test(s) to the NPA or NPAs authorized by the Commission.
- iii. Certify to the Commission that the CNA participated in the pilot test process, and that the resulting allocation(s) will be made and documented in accordance with all applicable and interim Commission policies, as revised for pilot test(s) and/or any requirements or instructions specific to any particular pilot tests.
- iv. Certify to the Commission that the resulting allocation(s) are made and documented in accordance with the CNA's Recommendation Process or as revised for the pilot test(s).

## **6. POLICY.**

Section 6(a)(ii) of Policy 51.301 is replaced by the following:

When the Commission conducts pilot tests, CNAs shall participate as requested, follow the Commission's instructions, and obtain Commission concurrence or approval for any change in their processes required by the pilot test(s).

Section 6(b) of Policy 51.301 is replaced in its entirety by the following:

- i. Unless otherwise stated in Commission policy or interim policy, when evaluating and recommending an NPA(s) under Commission-led pilot tests, neither the CNAs nor the government entities are required to follow the competitive procedures in the Federal Acquisition Regulation (FAR).
- ii. The CNAs shall advise the Commission and the relevant contract/requirement(s) activity on evaluation criteria that include qualitative and quantitative factors and include special considerations for review during the pilot tests.
- iii. The CNAs shall assist in the review of minimum standards for NPAs participating in the pilot test(s) in addition to any other specific evaluation criteria that may be identified in the specific pilot test(s).

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Section 6(c) of Policy 51.301 is replaced in its entirety by the following:

- (c) Minimizing subcontract reliance and risk in the pilot test(s).
  - i. The Commission encourages NPAs to develop organic capability to minimize their reliance on subcontractors, to reduce subcontract risk, and to provide additional employment opportunities to people who are blind or have significant disabilities.
  - ii. The Commission, a Commission-designated Evaluation Team, and/or the Commission-designated CNA(s) may consider NPA responses in the following preferred order: (1) no subcontracting; (2) subcontracting arrangements with AbilityOne NPAs; (3) subcontracting arrangements with Small Business; then finally (4) subcontracting arrangements with any other entity.

Section 6(d) of Policy 51.301 is replaced in its entirety by the following:

- (d) Debriefing
  - i. Written requests to be debriefed must be received by the Commission NLT 5:00 p.m. EDT four days after notice of the Commission's decision regarding the allocation and fair market price.
  - ii. Requests for debriefs received after the deadline will not be granted.

A new section 6(e) is established for Interim Policy 51.301.1 as follows:

- (e) Appeals
  - i. For purposes of the pilot test(s), appeals will be sent directly to the Commission, to the attention of the Deputy Executive Director.
  - ii. Requests for appeal must be received at the Commission's Arlington, Virginia, office, both in hard copy and electronic format on a USB port, NLT 5:00 p.m. EDT 10 business days after an NPA's debriefing or notice of the Commission's decision.
  - iii. Requests for appeals received after the deadline will not be granted.

**7. EXCEPTIONS TO POLICY.**

None.

**8. PROCEDURES.**

None.

**9. SUPERSESSION.**

This interim policy is a *companion to* Commission Policy 51.301 dated May 30, 2012. The elements of Policy 51.301 that are not revised herein remain in effect. Given the unique scope and evolving nature of pilot tests, the Commission may amend this interim policy as necessary.



APPROVED:   
E. Ballard  
Executive Director

DATE: 6/10/2019