

adverse impact on their business. Another commenter recommended that the Committee abolish the B List and allow those products to be sold to the Federal Government by small businesses. As noted above, the purpose of the proposed policy is to clarify the A List. While the Committee is not considering substantive changes to the B List at this time, it may further clarify the B List in the future and will consider any recommendations (past or future) for the improvement of the B List.

One commenter from the reseller community requested the Committee's review and suspension of nine NSNs from the 2007 A List, which it states were still under contract when added to the Procurement List in 2005. The commenter claimed that these nine items were subsequently improperly purchased by GSA. The Committee investigated this concern and received documentation from GSA showing that each of the products' commercial contracts had expired before the Procurement List effective date and placement of initial orders under the auspices of the JWOD Program. This commenter also addressed the Committee's policy regarding commercial products that are "essentially the same" as JWOD preferred products. The Committee notes that the "essentially the same" policy is on its 2007 Regulatory Agenda, and comments will be solicited regarding that rule in the **Federal Register** at that time.

Comments were received from an industry association representing manufacturers and resellers of office supplies. In addition to addressing the B List as discussed above, this commenter requested that the Committee make public its impact analysis conducted on the current contractors for products that are proposed for addition to the Procurement List. The Committee does not believe such disclosure would be appropriate. Consistent with the Freedom of Information Act (FOIA), Exemption 4, 5 U.S.C. § 552(b)(4), the sales data obtained by the Committee and calculations based on such data are privileged, confidential commercial/financial information which is exempt from disclosure. Not only is this information submitted to the Committee in confidence, but its release would cause substantial harm to those organizations' respective competitive positions by affording their competitors information which could be used to the organizations' commercial disadvantage.

This commenter recommended that the Committee consider the impact of its

actions on the small business community and that it specifically consider impact on manufacturers as well as contract resellers. The Committee has and will continue to consider the impact of every Procurement List addition action on current contracts, as required by its regulatory suitability criteria. Based on substantial research, the Committee finds that the Federal Government spends approximately 5 percent of the amount spent for similar office products commercially. For cleaning products, this percentage drops to 2.4% of the commercial expenditure. Therefore, the maximum total market impact would be 5% or less on any given item, assuming a distributor or manufacturer had all of the Federal business and that the JWOD product subsequently captured all of that business. It is also noted that the Committee deletes products from the Procurement List as well as adding them. Further, authorized JWOD distributors can switch from offering the existing commercial products to selling the JWOD products, thereby keeping their revenue stream steady. The Committee's impact process has historically focused on the firm that has privity of contract with the Federal Government, rather than that firm's suppliers, who can be and are often changed at any time for a variety of business considerations.

**Patrick Rowe,**

*Deputy Executive Director.*

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### **COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

#### **Procurement List; Proposed Additions and Deletions**

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

**ACTION:** Proposed Additions to and Deletions from Procurement List.

**SUMMARY:** The Committee is proposing to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products and services previously furnished by such agencies.

*Comments Must Be Received On Or Before:* January 7, 2007.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@jwod.gov](mailto:CMTEFedReg@jwod.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

#### **Additions**

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

#### **Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.
2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

#### **End of Certification**

The following service is proposed for addition to Procurement List for production by the nonprofit agencies listed:

#### *Services*

*Service Type/Location:* Custodial Services/Juneau Ranger Station, Juneau Ranger Station, Admiralty Nat'l Monument, Mendenhall Glacier Visitor Ctr, 8465 Old Dairy Road, Juneau, AK.

*NPA:* REACH, Inc., Juneau, AK.

*Contracting Activity:* USDA, Forest Service, Region 10, Juneau, AK.

**Deletions***Regulatory Flexibility Act Certification*

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for deletion from the Procurement List.

*End of Certification*

The following products and services are proposed for deletion from the Procurement List:

**Products***Refill, Ballpoint Pen*

NSN: 7510-00-754-2689—Refill, Ballpoint Pen.

NSN: 7510-00-543-6793—Refill, Ballpoint Pen.

NPA: Industries for the Blind, Inc., West Allis, WI.

*Contracting Activity:* Office Supplies & Paper Products Acquisition Ctr, New York, NY.

**Services**

*Service Type/Location:* Custodial Services, USDA, Animal and Plant Health Inspection Service, (6901 West Sunrise Blvd), Plantation, FL.

NPA: Abilities, Inc. of Florida, Clearwater, FL.

*Contracting Activity:* USDA, Animal & Plant Health Inspection Service-PFQ, Minneapolis, MN.

*Service Type/Location:* Grounds Maintenance, Marine Corps Air Station, San Diego, CA.

NPA: The ARC of San Diego, San Diego, CA.

*Contracting Activity:* Department of the Navy.

**Sheryl D. Kennerly,**

*Director, Information Management.*

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**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED****Procurement List; Additions and Deletions**

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

**ACTION:** Additions to and Deletions from Procurement List.

**SUMMARY:** This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List services previously furnished by such agencies.

**DATES:** Effective Date: January 7, 2007.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@jwod.gov](mailto:CMTEFedReg@jwod.gov).

**SUPPLEMENTARY INFORMATION:****Additions**

On September 29, 2006, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (71 FR 57464 ) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

**Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish

the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

**End of Certification**

Accordingly, the following service is added to the Procurement List:

**Services**

*Service Type/Location:* Full Food Service, FBI & Drug Enforcement Administration Training Academies, Quantico, VA.  
NPA: ServiceSource, Inc., Alexandria, VA.

*Contracting Activity:* Federal Bureau of Investigation, Dept of Justice, Washington, DC.

Comments were received for the above addition from an association which represents State licensing agencies for the Randolph-Sheppard program (SLAs) and from the Virginia SLA. The association stated that the Committee's proposal to add full food service at the FBI and DEA training academies in Quantico, VA to the Procurement List is a violation of the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.*, which the association believes establishes a "mandatory priority" for blind vendors to provide food services on Federal property.

The documentation submitted to the Committee as a basis for this proposed addition to the Procurement List included a document from the FBI which enclosed a statement from the Virginia SLA indicating that the SLA had reviewed the statement of work for the food service and was "not interested in submitting a proposal for these operations." The Committee's program is well known to the Virginia SLA and the rest of the Randolph-Sheppard community, and the FBI, the Committee, and the other parties involved in developing this proposed addition to the Procurement List all regarded the Virginia SLA's statement as a knowing waiver of the Randolph-Sheppard priority. Relying on this waiver, the Committee's nonprofit community selected a nonprofit agency to provide the food service. That nonprofit agency has gone to considerable trouble and expense to prepare to provide the food service, which will generate employment for a substantial number of people with severe disabilities.

In the Virginia SLA's comment on the proposed addition, the same State official who earlier waived the Randolph-Sheppard priority now says that should the FBI offer to directly negotiate a contract for the food service with the SLA or publish a solicitation