

Originally Processed With FOIA(s):

S

FOIA Number:

S

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: Donated Historical Materials
Collection/Office of Origin: Frieden, Lex, Collection
Series: Disability Rights Organizations
Subseries:

OA/ID Number: 52056
Folder ID Number: 52056-008

Folder Title:
D.C. Mayor's Committee [1979-1983]

Stack:

Row:

Section:

Shelf:

Position:



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
WASHINGTON, D. C. 20001

IN REPLY REFER TO:

D. C. COMMITTEE
FOR THE PURCHASE OF PRODUCTS AND SERVICES
OF THE BLIND AND OTHER SEVERELY HANDICAPPED

July 13, 1983

Mr. Roy Poston
210 Park Manor Drive
Dayton, Ohio 45410

Dear Mr. Poston:

I enjoyed very much our telephone conversation today and am enclosing copies of the various materials we discussed. The materials, when viewed collectively, will give you a general overview of our program. They tend to run the gamut from initial exploration to the passage of the law and the creation of an administrative operational mechanism. I think that you will find the document "Proposed Procedures and Guidelines For Implementation of the Employment Opportunities Act (D. C. Law 2-128) very useful as a source guide. It provides comprehensive information about the various aspects of our use law and possibly could have some implications for your program.

Please contact me after you peruse these enclosures should you have additional questions or require further amplification on any aspect of the materials.

I spoke with Mr. Hawkins and apprised him of our discussion and also passed along the information about your meeting on August 8-9, 1983. He will be in contact with you later regarding his attendance. Meanwhile, permit me to wish you success as you endeavor to institute this worthwhile program in your community.

Sincerely

A handwritten signature in dark ink, appearing to read "Thomas A. Wilkins", written in a cursive style.

Thomas A. Wilkins
Staff Director

Enclosures

TAW:emr

MINUTES
OHIO REHABILITATION ASSOCIATION
- FULL BOARD MEETING -
WEDNESDAY, JUNE 15, 1983

The full Board of the Ohio Rehabilitation Association was convened at Columbus Goodwill Industries at 10:50 a.m., Wednesday, June 15, 1983 by Roger Flint, president.

Board Members Present: M. Diana Anderson (ORCA), Robert Caplinger (at-large), Flint, Richard Gunden (NWORA), Walter Hales (sec'y), Michael Igney (SWORA), Mary Martin (at-large), Karol S. Morley (for Elizabeth Aino, OJPD); Ken Nuzum (at-large, ACORA), Richard Oestreich (past president), Joyce Quinlivan (at-large), Marcie Snyder (OVEWAA), Carol Wagner (at-large) and Harriett Whiteside (OARS).

Board Members Absent: Mark Anderson (at-large), Diane Bessener (Interchange), Joy Bice (at-large), Christine Dietsch (at-large), Robert Hafner (treas), Jean Kmetec (DACORA), James Lenahan (NEORA), H. Scott Myers (pres.-elect), family illness, Roy Poston (consumer repr.).

Guest: Paul Meyer (Great Lakes Regional, pres.).

MOTION by Oestreich that the MINUTES of the May 18, 1983 executive board meeting, as distributed at today's meeting, be approved. (He noted that James Puleo represented the OARF president at the May 18 meeting.) Motion passed.

Flint noted the receipt of a synopsis of the state biennium budget as passed by the House of Representatives.

COMMITTEE REPORTS:

1. Newsletter. No report. (Flint noted that a 10 to 11 page Interchange has been prepared for a mailing in the very near future.
2. Membership. Martin reported that the June-August period is historically the biggest renewal period for NRA membership and she called upon board members to encourage membership renewals among members in respective areas, chapters and divisions. She shared an example of recruitment incentives in Minnesota. This was followed by the board passing the following MOTION made by Martin: that ORA offer a free ORA conference registration to any ORA member who recruits two new NRA members and, in addition, enlists the new members for conference registration. Martin drew the board's attention to the untapped membership potential represented by substance abuse counselors.

3. ORA Conference. No report.

4. Legislation. Report attached.
5. Ways and Means. Flint noted that Myers had informed him of difficulties she had encountered in trying to arrange a mutually agreed upon meeting time for the committee. A telephone meeting approach is being considered.
6. Ad hoc Fund Raising Committee. No report.
7. Consumer Representative. Flint noted Poston's high level of activity with Access Unlimited in Dayton. Gunden, Quinlivan and Hales commented on Poston's valuable contribution as a resource person at a meeting the previous evening in Toledo. at which persons interested in a more accessible transportation system for the handicapped and the aged were assembled.

CHAPTERS/DIVISIONS:

1. Snyder reported the difficulty OAIL was having in securing members willing to serve as officers. She, also, disclosed that OVEWAA's plan to hold a workshop at the October 1983 ORA Conference and the decision to be an ORA Conference patron.
2. SWORA is staging another program on June 29 and is conducting a letter campaign directed at Governor Celeste and Senator Bowen(finance committee chairman) regarding support of the RSC budget request.
3. Gunden commented on NWORA's successful wine-cheeze party in May, with 30 in attendance, and the June 8 continuing education program (Adaptive Equipment and Rehabilitation Engineering). Plans are underway for a fall program dealing with substance abuse and rehabilitation.

OLD BUSINESS:

Caplinger reported that the letter-survey on collective bargaining was sent to 607 RSC employees. To date there has been an approximate 20% return of post cards with a four to one preference for a professionally-oriented collective bargaining agent.

Oestreich suggested an item in the Interchange which would invite comments from ORA members on the collective bargaining issue.

MOTION by Caplinger that the president appoint a committee to continue the work on the collective bargaining issue and develop a written package proposal for collective bargaining for presentation to the next executive board meeting. Motion passed. Caplinger asked for a show of hands on the vote. There were ten votes for the motion and four abstentions.

Nuzum accepted the chairperson position for the committee. Caplinger agreed to serve as a committee member. It was suggested that consideration be given to recruiting committee members from among RSC employees who responded to the survey.

The committee will be assisted by Roger Walk, a Cincinnati lawyer, and Al Schulman, attorney from Canton.

NEW BUSINESS:

Flint announced that ORA qualifies to send nine official delegates to the August NRA Convention. Delegate forms were requested by Martin, Anderson, Wagner and Meyers. Another was requested for Margaret Duffey. The Interchange will be used to locate other ORA members willing to attend the convention as delegates.

Meyers reported the GLR covered the \$350 expense for the GLR Training Conference promotion mailing and incurred approximately \$250 in unexpected expenses in connection with the appearance of NRA president, Marvin Spears, as a speaker. (All other speakers covered their own expenses.) He requested ORA reimburse GLR with \$150. Oestreich MOVED that ORA reimburse GLR \$150 toward the training conference speaker expense. Motion passed.

Flint noted that the ORA executive board is scheduled to meet on July 20 while the August 17 full board meeting conflicts with the NRA Convention. By consensus it was agreed to hold the August full board meeting on August 10.

Whiteside asked for clarification on the membership recruitment motion. It was agreed that any recognized NRA membership category would be acceptable.

The meeting was adjourned at 12:25 p.m..

Respectfully submitted,

Walter C. Hales, Jr.
Secretary

LEGISLATION REPORT to the June 15, 1983 ORA Board Meeting

1. The budget bill (House Bill 291) is in the Senate Finance Committee. The president's message in the Interchange this week is about the budget and why we need to contact Senator Bowen and the members of his committee to let them know we think the loss of federal matching money for rehabilitation services is totally unacceptable.

All the information for writing to state senators is in the Interchange. We should also make our displeasure known to Governor Celeste.

2. The collective bargaining bill is presently in the House Commerce and Labor Committee, chaired by Rep. Cliff Skeen of Akron. There are rumors there will be substantial changes in it before it reaches the House floor. There is an article about the collective bargaining bill in the Interchange.
3. The other major piece of legislation we are following is the counselor licensure bill. A brief synopsis of the bill's provisions is in the Interchange. The bill, I think, has passed the House and still hasn't been assigned to a Senate Committee.

Diane Bessemer,
Legislation Chairperson

TRANSPORTATION COMMUNICATIONS

Elderly and Handicapped Data Collection Study

This report is the product of a study financed by the U. S. Department of Transportation, Urban Mass Transportation Administration.

(UMTA Project Number OH-09-7001)

The contents of this report reflect the views of the Montgomery-Greene County Transportation and Development Planning Program, which is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policy of the U. S. Department of Transportation.

Introduction

Under a grant from the Urban Mass Transportation Administration (UMTA), the Transportation Coordinating Committee (TCC) and the Peat, Marwick, Mitchell and Co. consulting firm conducted the Elderly and Handicapped (E&H) Data Collection Study during 1980-81. The general purpose of this study was to develop and test a set of principles and effective procedures for collecting data on transportation handicapped people. One of the specific objectives was to evaluate these procedures and determine the methods to be tested, with a manual then prepared describing a recommended methodology for application nationwide. Of several cities under consideration, Dayton was selected as the test site to develop this methodology.

The study uncovered a large number of existing sources of data, all of which had numerous limitations. No single existing source or combination of sources was found to provide complete, accurate, and reliable information on the entire transportation handicapped population in an urbanized area.

Two often-utilized approaches to collecting new data were also examined. These consisted of surveys of handicapped clients of social service agencies and related organizations, and surveys employing self-identification techniques. The major disadvantage of both approaches was that neither provided any assurance that the people responding were representative of the transportation handicapped population at large.

Still another method reviewed was telephone interviewing. This technique involves screening a scientifically selected sample of households by telephone and conducting interviews with any handicapped people identified. In light of the difficulties with the alternative methods, this technique was selected for application in the Dayton study.

Survey Objectives

After selecting the telephone interview approach, several survey objectives were established. Among these were to:

1. Determine if telephone interviewing was a practical and economical method of locating handicapped people and obtaining useful information on their transportation needs;
2. Test various assumptions about the handicapped population;
3. Determine the representativeness of handicapped clients of social service agencies;
4. Determine reliability of 1980 Census data on the disabled population; and
5. Determine accuracy of handicapped population estimation techniques.

Methodology

Nearly 21,000 households in 35 census tracts throughout the two-county area were interviewed in the course of the study. To obtain the required sample size, a systematic sampling technique was employed. Under this approach, all census tracts were arrayed in ascending numerical order, with every fifth tract selected. All residential addresses within the selected tracts were then identified, with every other household subsequently telephoned.

Each person interviewed was asked to complete a "screening" questionnaire. This questionnaire was designed to determine if anyone in the household had a physical, mental, or other health condition which limited or prevented him/her from using public transportation. If such a person was located, then he/she was asked to complete a more extensive questionnaire. This latter questionnaire provided the surveyors with various information on the respondent including the type of disability, the degree of difficulty in getting to a bus stop, daily travel patterns, social service agency affiliation, and socioeconomic characteristics.

Concurrent with the administration of the survey, a publicity campaign was conducted to heighten public awareness. This campaign involved television, radio, and newspaper coverage, as well as the distribution of flyers.

Survey Results

In general, the survey was a success and showed the telephone interviewing technique to be a cost-effective and reliable means of collecting data on the transportation handicapped population. The survey questionnaire was also particularly adept at identifying those people who were transportation handicapped, but were still able to use buses and/or taxis without any difficulty or without a need for personal assistance. Of primary benefit to the Dayton area, however, was the wealth of up-to-date information which was obtained on the magnitude, geographic distribution, and travel patterns of the local transportation handicapped population.

The final report for the E&H Data Collection Study describes, in detail, the design, administration, and results of the Dayton telephone survey.¹ Data on the transportation handicapped population are presented in the following three ways:

1. on an aggregate areawide basis;
2. in terms of the transportation handicapped population identified by the 1980 Census question on disability versus those transportation handicapped not identified by the census question; and
3. in terms of those transportation handicapped people who are clients of social service agencies versus those who are not.

Listed below are some of the more important study findings:

1. The estimated number of transportation handicapped people in the two-county area is 29,973, or 4.60% of the population five years of age or older. Of these 29,973 people, 25,356 reside in Montgomery County and 4,637 reside in Greene County for countywide incidence rates of 4.77% and 3.84%, respectively.
2. Local transportation handicapped people are not uniformly distributed throughout the two-county area.
3. The most common functional disability of local transportation handicapped people is a difficulty in going up and down steps, with 20,683 people, or 69.0%, experiencing this problem.

¹Peat, Marwick, Mitchell and Co. Dayton Telephone Survey of Transportation Handicapped Persons: Design, Administration, and Analysis of Results, Elderly and Handicapped Data Collection Study. Prepared for Urban Mass Transportation Administration, U.S. Department of Transportation, Washington, D.C., 1981.

4. Approximately 40.7% of the local transportation handicapped population use special aids such as wheelchairs, leg braces, crutches, canes, or walkers.

5. The estimated number of wheelchair users in the two-county area is 3,599.

6. Approximately 51.2% of local transportation handicapped people have difficulty riding a conventional transit bus due to a health condition or disability.

7. The most common problem encountered in using conventional bus service is a difficulty in riding while standing, with 73.1% of transportation handicapped people experiencing this problem.

8. Approximately 53.2% of the local transportation handicapped population have some difficulty in getting from home to a bus stop no more than two blocks away.

9. Many transportation handicapped people need assistance in order to use conventional bus service. Listed in Table 1 are the types of assistance required and the number of persons to benefit.

TABLE 1

ASSISTANCE NEEDED TO USE
CONVENTIONAL BUS SERVICE

Type of Assistance	Persons to Benefit	
	Number	Percent
Personal assistance to get to a bus stop	15,076	50.3
Personal assistance to get on and off a bus	13,008	43.4
A travelling companion	7,493	25.0
Curb cuts	10,371	34.6

10. Approximately 52.1% of local transportation handicapped people live within two blocks of a bus stop.

11. Only 20.8% of the local transportation handicapped population have difficulty using a taxicab because of a health condition or disability.

12. Approximately 50.0% of local transportation handicapped people possess a driver's license.

13. Only 23.0% of local transportation handicapped people reside in households where no auto is available.

14. Approximately 41.1% of transportation handicapped people in the two-county area are 65 years of age or over.

15. The overwhelming majority of local transportation handicapped people, or 62.1%, are female.

16. Only 14.6% of the local transportation handicapped population are employed.

17. The typical transportation handicapped person in the two-county area resides in a household with two to three people.

18. Only 39.0% of local transportation handicapped people use some type of social service.

19. Only 8.1% of the local transportation handicapped population are registered with the Miami Valley Regional Transit Authority.

20. According to the criteria used to define a transportation handicapped person in this study, the 1980 Census question on disability was effective in identifying only 52.0% of the areawide transportation handicapped population. A person was classified as transportation handicapped if he/she:

a. used a wheelchair;

b. could not see well enough to detect moving objects;

c. would have difficulty performing one or more of the tasks typically associated with travelling by bus and/or taxi;

d. would have difficulty getting to a bus stop two blocks away because of a physical, mental, or other health condition; or

e. would need personal assistance to use local bus and/or taxi service.

21. The average trip rate for transportation handicapped persons in the two-county area is 1.03 trips per day.

22. Similarly with the general public, most local transportation handicapped people travel by automobile. Listed in Table 2 is a complete breakdown of average daily trips by mode of travel.

TABLE 2

MODE OF TRAVEL BY LOCAL
TRANSPORTATION HANDICAPPED PEOPLE

Mode	Percent of Total	
	Mont. Co.	Greene Co.
Auto driver/passenger	84.4	86.4
Public transportation	5.8	1.5
Social service transportation	2.5	1.6
School bus	3.3	5.0
Taxi	0.8	0.3
Walking	3.0	5.2
Other	0.2	0.0
	100.0	100.0

23. Partially due to the large number of transportation handicapped people who are 65 or over, the two most common purposes of daily trips by this group are for social/recreational activities and shopping. A complete breakdown of average daily trips by purpose appears in Table 3.

TABLE 3

TRIP PURPOSES OF LOCAL
TRANSPORTATION HANDICAPPED PEOPLE

Purpose	Percent of Total	
	Mont. Co.	Greene Co.
Work	5.8	8.3
School	5.1	6.0
Shopping	15.5	13.8
Medical	5.2	5.2
Social/recreational	16.0	13.0
Personal business	10.1	10.4
Return home	41.5	41.3
Other	0.8	2.0
	100.0	100.0

Application of Survey Data

Although the primary purpose of the E&H Data Collection Study was to develop and test a set of principles and effective procedures for collecting data on transportation handicapped people, the resulting data base can be used to estimate the demand for both demand-responsive and/or fixed-route transit services in the two-county area. Such an application was employed in the development of the Transportation Handicapped Special Efforts Plan for Montgomery County, Ohio adopted in January, 1982.

The specific demand estimation process is documented, in detail, in the subject Special Efforts Plan. Listed in Tables 4 and 5 is the outcome of that process relative to both Montgomery and Greene Counties. Figures 1 and 2, on the other hand, depict the geographic distribution and tripmaking rates of local bus transportation handicapped people.

TABLE 4

PROJECTED ANNUAL RIDERSHIP DEMAND
FOR DEMAND-RESPONSIVE SERVICE

<u>Ridership Category</u>	<u>Montgomery County</u>	<u>Greene County</u>	<u>Total</u>
Wheelchair	14,232	2,393	16,625
Non-Wheelchair	<u>36,501</u>	<u>6,139</u>	<u>42,640</u>
TOTAL	50,733	8,532	59,265

TABLE 5

PROJECTED ANNUAL RIDERSHIP DEMAND
FOR ACCESSIBLE FIXED-ROUTE SERVICE

<u>Ridership Category</u>	<u>Montgomery County</u>	<u>Greene County</u>	<u>Total</u>
Wheelchair	6,449	1,084	7,533
Non-Wheelchair	<u>16,540</u>	<u>2,782</u>	<u>19,322</u>
TOTAL	22,989	3,866	26,855

Conclusion

The results of the telephone survey in Dayton, Ohio, showed that telephone screening and interviewing can be a practical and effective way of obtaining a representative sample of transportation handicapped people. By screening a sufficient number of households randomly selected, enough transportation handicapped people can be located to develop statistically reliable estimates of the number and characteristics of transportation handicapped people in the urbanized area and the number of trips being made by these people on an average day.

Making Government Procurement Work For Disabled Workers

Charles S. Richman

Directed Government Procurement Programs

Preferential purchases of goods and services produced and supplied by disabled workers dates back more than 50 years. The Federal Government (as well as some state governments) established laws encouraging the procurement and purchase of "blind-made products" shortly before WW II. The most widely recognized of these directed procurement programs was set up under the Javits-Wagner-O'Day Act (P.L. 92-28, as amended). Established in 1938, it offered preferential treatment in federal government procurements for products produced by blind workers in sheltered workshops for the blind. In the first year of operation, there were modest sales of \$220,000. This consisted of items traditionally associated with blind workers, including mops and brooms.

In subsequent years, the law was amended to include "other severely handicapped" and to include services as well as products. The program has grown steadily through the years so that, today, some 7,400 disabled workers earn their livelihood from contracts under the act. Last year, sales of products and services were almost \$108 million, with 193 sheltered workshops participating. With increased sales has also come an expansion into more complex and sophisticated items, which now ranges from desk lamps, pens, and automobile safety belts to grounds maintenance

and typewriter repair services.

And yet, the market for federal and state procurement dollars still remains largely untapped. The Federal Government alone has been estimated to spend more than \$150 billion annually and state governments spend about \$75 billion each year. Although much of this money is spent on major projects such as building dams and B-1 bombers, many thousands of small governmental contracts are let to buy pencils, calendars, custodial services, building repairs, etc.

Through government procurement of goods and services probably 8 million Americans are indirect governmental employees. They are not directly on governmental payrolls, but their jobs are dependent on governmental purchases. Many of these indirect governmental employees are not on governmental payrolls because their services are needed intermittently or for brief periods, such as janitors and building guards. In other instances the government can get its goods and services cheaper by contracting out. In still other instances, the government gains needed flexibility by going to outside contractors. Whatever the reasons might be, there is no doubt that federal and state governments are some of the largest consumers in our nation.¹

Given the immensity and diversity of the governmental procurement marketplace, employment opportunities for disabled workers abound here. The range of federal, state, and local government purchases comprise

in excess of 4 million items, running the gamut from audio-visual products to xerography. Figure 1 provides just a brief sampling of the diversity of these procurements. Furthermore, the jobs associated with their production or provision are equally as diverse and rewarding. If this marketplace can be tapped, employment opportunities for disabled workers could be expanded and immeasurably enhanced.

Through the years, government has recognized the power that its procurements have on shaping our economy and society. The Federal Government alone has more than 40 laws which affect the procurement process. These so called "socio-economic programs" have been put in place to attain national social and economic objectives, not directly related to the delivery of goods and services. Through these provisions, programs such as affirmative action, fair employment practices, environmental protection, fair wages, etc. are facilitated. In other instances the huge purchasing power of the Federal Government is directed towards disadvantaged groups, such as minority and small businesses, prison populations, and handicapped people. Under these special procurement programs certain groups are assigned procurement preferences, priorities, or protected markets. Examples of this type of program include the Federal Prison Industries Program for rehabilitation of public offenders, and the Small Business Administration and U.S. Department of Commerce programs for small business set-asides and Section 8(a) minority business contract programs. The basis of these programs, which are similar to the Javits-Wagner-O'Day Program, is to insure that the government assigns a fair portion of federal contracts to these disadvantaged or needy groups. 27

This is accomplished by restricting competition through setting aside certain procurements for selective competition by an exclusive class of bidders. Under directed procurements or "class set-asides," the government requires sole source purchasing on a recurring and ongoing basis of the selected product or service; hence, under the Javits-Wagner-O'Day Pro-

gram, a permanent "contract for life" is possible.

State Use Laws

As noted earlier, a significant portion of government procurements are made by state and local governments. Many states have longstanding programs mandating purchases from prison industries. These laws, known

as state use laws, are usually applicable to products produced in state prisons, while state public works laws are applicable to services. Under the rubric of state use laws, many states also have included products and services provided by disabled workers.

Other states created freestanding legislation directed solely at improving employment opportunities for disabled workers. Initially, most of these directed procurement and state use laws benefitting disabled workers were limited only to the blind worker. However, as with the federal program, these laws have been gradually amended and extended to include all severely handicapped workers. Based on the progress made in the Javits-Wagner-O'Day Act, the states set up comparable, preferred purchase arrangements.

Today, about 37 states have legislation in place to encourage preferential treatment of disabled workers. More than 100 sheltered workshops are currently involved in producing items for state government which have an annual, combined value exceeding \$10 million. Recent surveys of state use programs indicate that the most common items supplied were mops, brooms, writing instruments, and pillow cases.²

One of the most successful and well established programs is Industries for the Blind of New York State, Inc. Annual sales of the 10 participating facilities exceed \$5 million. Items such as maintenance equipment, mops of various sorts, brooms, miscellaneous brushes, textile products, flags, reflective safety equipment, and vinyl portfolios are purchased by the State of New York and distributed throughout state agencies.

The establishment and operation of a state use program that benefits disabled workers depend upon a clear-cut rationale which highlights the societal

Figure 1

Example Of Government Procurement Opportunities (Federal, State, and Local)

Audio-Visual Products and Services: photography, photographic processing, microfilming, arts and graphics services.

Maintenance, Overhaul, and Repair: motor vehicle repair, office equipment and furniture repair and refinishing, medical and dental equipment repair.

Systems Engineering, Installation, Operations and Maintenance: recreation, area maintenance, bulk storage facilities, communications systems.

Manufacturing, Fabrication, Processing and Packaging: Clothing and fabric products, logging and lumber products, communications and electronic equipment, rubber and plastic products.

Real Property: Landscaping, draining, mowing and care of grounds, construction, alteration, building repair and maintenance.

Industrial Shops and Services: custodial and janitorial services, refuse collection and processing, plumbing, repair and carpentry.

Health Services: dietary services, medical and dental laboratories, medical and other related care.

Automatic Data Processing: ADP services, key punching and data entry, programing and systems analysis.

Food Services: cafeteria operation, mess hall, bakery, and vending machine management.

Transportation: motor pool operations, bus service, vehicle operation, trucking and hauling, etc.

Printing and Reproduction: printing and binding, reproduction and duplication, blueprinting.

Research and Development: basic and applied research, R & D studies, testing programs.

Office Services: stenographic, recording and transcribing, messenger and mail services, word processing, auditing services, etc.

Security: Guard and protection services, installations and maintenance of security systems.

Other Services: laundry and dry cleaning, library operation, cataloging, training.

SOURCE: adaptation of "Examples of Commercial and Industrial Activities,"

Circular No. A-76, Office of Management and Budget, March 29, 1979.

Figure 2

Rationale For Development Of State Use Laws For Disabled Workers

Special state use directed procurement programs benefitting disabled workers have been justified on the following bases:

- creation of improved and expanded training, evaluation and employment opportunities, not otherwise available to disabled workers;
- improvement in earned wages of disabled workers;
- gainful employment of handicapped workers who might not otherwise be employed in the competitive job market;
- retention of state funds within the local economy (unlike open bidding contract awards may be made to out of state firms);
- significant cost savings in simplifying the procurement process by eliminating issuance and award procedures;
- incorporation of quality, delivery, and other procurement requirements through standard safeguards and assurances;
- proven effectiveness for many years of the Javits-Wagner-O'Day model in achieving desirable socio-economic benefits.

benefits of preferred procurement status. In some instances, the prices paid for products and services may be greater than comparable goods procured on the open market. However, from a broader social and economic basis, directed, disabled procurements can be demonstrated as providing true overall cost savings. When the costs of institutionalization and forced idleness are calculated, the program can easily be justified. Some of the reasons which have been advanced to justify state use programs for disabled people are summarized in Figure 2.

The successful operation of these programs varies considerably from state to state. In a number of instances, a mandatory purchase accompanied by a smoothly operating sales and marketing effort has provided dramatic results (such as in the New York program).

A number of the crucial factors in operating a good state use program for the disabled worker includes the need for adequate startup funds that

are necessary for administering the program; continuous and extensive promotions, public relations, and marketing; sustained involvement of key state agencies and purchasing personnel; ongoing participation of sheltered workshops in program planning; and cooperation between sheltered workshops for the blind and the other severely handicapped.³

It must be realized, furthermore, that the program itself is being marketed. Not only are disabled workers capabilities to be marketed, but also the value of the directed procurement process. Yes, products and services are being sold, but, to work effectively, the program must be recognized and used.

State Use In The District Of Columbia

One of the most recent entries to state use law programs is a program currently under development within the District of Columbia. Since establishment in 1978 as the Employment Opportunities Act of 1978 (DC Law

2-128), the government of the District of Columbia has encouraged the purchase of products and/or services provided by nonprofit agencies for the handicapped. The law directly recognizes the goal of assisting blind and other severely handicapped people to lead more active and productive lives through gainful employment. This is to be achieved by assuring an expanded and consistent market for products and services provided through nonprofit agencies in the District of Columbia.

Implicit in the district legislation is the need to provide gainful employment for thousands of disabled persons recently leaving institutions for the mentally handicapped in the community. The program has been promoted as an essential support adjunct to the deinstitutionalization program.

In support of this, it has been demonstrated that institutionalization of one mentally disabled person in a state institution may cost as much as \$30,000 annually. However, with the employment opportunities provided through the state use law, accompanied by community residence in a group home, considerable cost savings can be demonstrated.

A 10 member group, the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped actually implements the program in the district. It is structured so that six private citizens representing the blind and severely handicapped predominate, with four governmental representatives having subsidiary and ex officio status. In many states, this is just the opposite with governmental representation predominating.

In other respects, the district program resembles other state use programs. Under its provisions the committee determines and revises product and service prices; makes applicable 29

rules and regulations; establishes, publishes, and distributes a procurement list of items which must be procured by District Government agencies; and works cooperatively with D.C. Government procurement activities to promote directed purchases.

To encourage and strengthen the procurement process, in many states a central nonprofit intermediary agency is set up to provide technical and procurement support and assistance. These organizations operate similar to the National Industries for the Blind (NIB) and the National Industries for the Severely Handicapped (NISH) which facilitate federal government purchases. However, because of the limited number of nonprofit agencies for the severely handicapped in the District of Columbia, the establishment of a separate, central, nonprofit agency was considered unnecessary. In the district, the regulatory and advocacy roles for directed purchases is provided through the committee. This means that the committee enforces compliance by qualified nonprofit agencies and by district government agencies while stimulating sales through its role as advocate.

Even in a limited market such as district government, purchases of goods and services are significant. Best estimates show that district government buys more than \$211 million annually. Based on initial efforts, qualified nonprofit agencies plan to supply services such as addressing and mailing services, grounds maintenance services, writing instruments, abrasive pads, and customized, embossed signs to district agencies. It is expected that the actual awarding of contracts under this new program will be made in the near future.

As with other, similar efforts, actual implementation of sales requires lengthy lead times. However, once procurement process problems are

ironed out, the program can develop quickly.

Another area of concern to most state use programs, including the program in the District of Columbia, is the potential problem of industry impact. In operating state use programs, it is important to minimize unneeded adverse impacts on small businesses. With proper procedures and public notification, however, good relations with business and industry can be maintained.

Future Viability Of The Programs

Despite some of the difficulties encountered in operating directed procurement programs, the economic advantages accorded to disabled workers far outweigh the disadvantages. Programs on the state and national level have not even begun to reach their potential impact upon improving employment possibilities for disabled people. The value of programs of this type has become even more apparent recently with cutbacks in governmental social service budgets. With the general austerity in funding and the gradual decline in grants, fees for service and other forms of contributed income, the earned income from producing goods and services through government contracts becomes all the more important. Self-funding through these contracts should be a viable option not only for sheltered workshops but for others serving the disabled.

In many instances nonprofit groups, such as independent living centers, cooperatives composed of disabled people, and other similar organizations may qualify to participate in state use contracts. In some instances, state laws will have to be amended or modified to accommodate these groups. Some states may also be interested in modifying their laws to encourage the participation of disa-

bled workers as subcontractors to major state contracts. Likewise, some programs might be modified to direct state procurements to disabled entrepreneurs and not just to nonprofit agencies.

An important ingredient in making directed procurement work for disabled workers is a clear understanding of the procurement process and an appreciation of economic development as a tool for vocational rehabilitation. As with most new business ventures, developing governmental contracts usually requires capital. And this is what most nonprofit groups for the handicapped and handicapped workers lack. However, with preferred market status and creative resource development, many new venture opportunities for disabled workers will be possible.

Mr. Richman is staff director for the D.C. Committee for the Purchase of Products and Services of the Blind and Other Severely Handicapped which is administered by the Vocational Rehabilitation Services Administration, District of Columbia government.

References

- 1) Blumenthal, Barbara, "Uncle Sam's Army of Invisible Employees," *National Journal*, Washington, D.C. Government Research Corporation, Vol. 11, No. 18, May 5, 1979, 730-33.
- 2) *Survey of National State Use Programs*, prepared for the Governor's Office for the Visually Handicapped, State of Texas, Fort Worth, Texas: Moore Diversified Services, Inc., August 1978.
- 3) Goehrig, Jean C., "Implementation of State Use Laws—The New York Experience," Garden State Park, N.Y.: Industries for the Blind of New York State, Inc., May 1976.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND
AND OTHER SEVERELY HANDICAPPED

ARTICLE I. Name

District of Columbia Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter also referred to as the "Committee").

ARTICLE II. Authority for the Committee

Established in D. C. Law 2-128.

ARTICLE III. Purpose of Committee

The purpose of this Committee shall be:

- A. To further the policy of the District of Columbia to encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through useful, productive and gainful employment by assuring an expanded and constant market for products and services of the blind and other severely handicapped thereby enhancing their dignity and capacity for self-support.
- B. To create employment opportunities for the blind and other severely handicapped individuals which enhance training, evaluation, adjustment and open market employment for those persons who become sufficiently capable.

ARTICLE IV. Definitions

- (a) "Committee" means the Committee for the Purchase of Products and Services from the Blind and Other Severely Handicapped.
- (b) "Direct Labor" means all work required for preparation, processing, and packing of a commodity or work directly related to the performance of a service but not supervision, administration, inspection, or shipping.
- (c) "Fiscal Year" means the 12-month period beginning October 1 of each year.
- (d) "Government" means the District of Columbia Government.
- (e) "Blind" means an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better

than 20/200 is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20°.

- (f) "Other severely handicapped" means a person, other than a blind person, who has a severe physical or mental impairment (a residual, limiting condition defect) which so limits the person's functional capabilities (mobility, communication, self-care, self-direction, work skills) that the individual is unable to engage in normal competitive employment over an extended period of time.
- (g) "Qualified non-profit agency for the blind and other severely handicapped" (hereinafter at times also referred to as workshops for the blind and other severely handicapped) means an agency organized under the laws of the United States or of the District of Columbia, operated in the interest of blind and other severely handicapped individuals, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the laws of the United States or of the District; and which in the manufacture of commodities and the provision of services (whether or not the commodities or services are procured under these regulations) during the fiscal year employs blind and other severely handicapped individuals for not less than 75 percent of the man-hours of direct labor required for the production or provision of the commodities or services, and such other standards as may be promulgated by the D. C. Government.
- (h) "Procurement list" means a list of (1) the commodities, produced by any workshop for the blind or any workshop for other severely handicapped, and (2) the services provided by any such workshop, which the Committee determines are suitable for procurement by the D. C. Government pursuant to these regulations.
- (i) "Central non-profit agency" means an agency organized under the laws of the United States or of any State, operated in the interest of the blind or other severely handicapped, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual, and designated by the Committee to facilitate the distribution (by direct allocation, subcontract, or any other means) of orders of the Government for commodities and services on the procurement list among workshops for the blind or workshops for other severely handicapped, and to assist the Committee in administering these regulations.
- (j) "Ordering office" means any activity in an entity of the Government that places orders for procurement of any commodity or services on the procurement list.

- (k) "Workshop" means a workshop for the blind or workshop for other severely handicapped, as appropriate.
- (1) "Ex-officio members" means the representatives of the Directors of the Department of General Services, the Office of Budget and Management Systems and the Department of Human Services.

ARTICLE V. The Committee

Section 1. General Powers and Duties. The duties of the Committee shall be as follows:

- (1) to determine the price of all products manufactured and services provided by the blind and other severely handicapped and offered for sale to the various agencies of the District Government by any qualified non-profit agency (workshop) for the blind and other severely handicapped. The price shall be set to recover the cost of raw materials for the workshops, labor, overhead and delivery costs, but shall not include the profit;
- (2) to revise such prices from time to time in accordance with changing cost factors; and
- (3) to make such rules and regulations regarding specifications, time of delivery of such products and services.
- (4) the Committee may secure directly from any agency of the District of Columbia Government (hereinafter referred to as "District Government") information which the Committee deems necessary to carry out this act. Upon request of the chairperson of the Committee, the head of such agency shall furnish such information to the Committee.
- (5) The Committee shall, not later than ninety (90) days following the close of each fiscal year, transmit to the Mayor and to the Council of the District of Columbia (hereinafter referred to as the "Council") a report which shall include: (1) the names of the Committee members serving in the preceeding fiscal year; (2) the dates of Committee meetings in that year; (3) a description of its activities under this act in that year; (4) a list of contracts awarded under this act and the recipients thereof; and (5) any recommendations for changes in this act which it determines are necessary.
- (6) to establish and publish a procurement list of products produced by any qualified agency (workshop) for the blind and other severely handicapped and the services provided by any such agency which the Committee determines are suitable for procurement by agencies of the District Government

pursuant to this act. This procurement list and revisions shall be distributed to all purchasing officers in the District of Columbia.

- (7) to provide rules directing the procurement by agencies of the District Government of products and services on the procurement list.
- (8) to provide by itself, or with any agency of the District Government for which procurement of products or services required to enter into contractual agreements, cooperative working relationships or other arrangements as may be determined necessary for efficient realization of the objectives of the "Employment Opportunities Act of 1978" and other law requiring procurement of products or services for any agency of the District Government.
- (9) to designate at its discretion a Central Non-profit Agency (CNA) or agencies to facilitate the distribution (among the workshops for the blind and other severely handicapped) of orders of the Government for commodities or services appearing on the procurement list (by direct allocation, subcontract, or any other means). Duties and responsibilities of the Central Non-profit Agency may be performed by the Committee until such time that a Central Non-profit Agency is designated and established.
- (10) to establish rules and regulations regarding the effective implementation of D.C. Law 2 -128.

Section 2. Composition of the Committee.

- (1) The Committee shall be composed of two (2) private citizens conversant with the problems incident to the employment of the blind and other severely handicapped, two (2) citizens representing individuals who are handicapped consumers employed in qualified non-profit agencies for the blind and other severely handicapped, two (2) citizens representing the general public and a representative of each of the following agencies: Directors of the Department of General Services, the Office of Budget and Management Systems and the Department of Human Services. The members of the Committee shall be appointed by the Mayor for a term of four (4) years and shall not serve beyond the expiration of their term: EXCEPT, that of the six (6) private citizen members first appointed, two (2) shall be appointed for a term of two years., two (2) shall be appointed for a term of four (4) years, as designated by the Mayor at the time of appointment. The members of the Committee shall designate one (1) of their members to be chairperson.

- (2) Any private citizen member, appointed under subsection (a) of this act to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed only for the remainder of such term.
- (3) Members of the Committee shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Committee. Such reimbursement shall be effected by Committee member's submitting itemized lists of expenses to the Secretary who shall forward them to the appropriate District Government organization for payment.
- (4) Subject to such rules as may be adopted by the Committee, the Mayor may appoint and fix the pay of any personnel which the Committee determines is necessary to assist it in carrying out its duties and powers under this act.

Section 3. Removal of a Committee Member.

- A. Any member of the Committee shall be automatically suspended from serving after he or she has been indicted for commission of a felony. Upon a final determination of his or her guilt or innocence the term of such member shall automatically be reinstated or terminated.
- B. The Mayor may remove any Committee member who he determines is guilty of misconduct or malfeasance in office after providing said member with a copy of the charges. Within ten (10) days of receipt of such notice, the member may request a hearing from an independent hearing examiner as provided for by the laws and regulations of the District of Columbia Government.

Section 4. Resignation of a Committee Member.

- A. A Committee member may resign, at any time, by giving written notice of his resignation including an effective date therefore to the Mayor and the Chairperson of the Committee. Such resignation shall take effect at the time specified therein. If no effective date is given therein, the resignation shall take effect thirty (30) days from the date of receipt of such notification by the Mayor and the Chairperson of the Committee.

Section 5. Meetings.

A. Frequency of Meetings

The Committee shall meet at least once each month. Regular meetings shall be held at 122 C Street, N.W., on the third (3rd) Thursday of each month and shall be open to the public except where a majority of the commissioners vote to go into executive session.

B. Quorum and Manner of Acting

Three (3) Committee members (constituting two (2) citizen members and one (1) public agency representative) shall be present in person and qualified to vote at any meeting to transact the business at such meeting, and a majority of the members present at such a meeting at which a quorum shall be necessary for the passage of any resolution of the Committee except as otherwise expressly provided in the By-laws. In the absence of a quorum of any such meeting, the members present may adjourn such meeting until a quorum shall be present.

C. Rules of Order

The rules contained in the current edition of the Robert's Rules of Order Revised shall govern the Committee in all cases not inconsistent with the applicable and in which they are not inconsistent with the By-laws and any special rules adopted by the Committee and Regulation of the District of Columbia.

D. Order of Business

The order of business at each regular meeting shall be as follows:

1. Roll call
2. Acceptance of the minutes of the last meeting and all special meeting preceeding.
3. Report of the Chairperson
4. Old business
5. New business
6. Reports of committees of the Committee
7. Adjournment

E. Official Record of Meeting

The Secretary shall cause to be prepared minutes of every meeting, except those convened in closed session, within ten (10) working days after such meeting. The minutes shall contain as an addendum thereto all substantial business transacted by reference and will record the vote on each motion, those for the motion, those against the motion, and those abstaining. All minutes shall record those members present or absent.

F. Official Actions

No official action may be taken by the Committee except at a meeting of the Committee where a quorum is present.

G. Special Hearings

A lesser number of Committee members than a quorum may hold hearings in which no official action is taken.

H. Voting

Each Committee member shall have one (1) vote except that the Chairperson shall only vote to break a tie.

I. Absentee Balloting

Absentee balloting or proxy voting shall be allowed if the Committee member wishing to do so was present during the discussion of the issue.

J. Conflict of Interest

Any Committee member who, in the discharge of official duties, would be required to take an action or make a decision that would affect directly or indirectly the member's financial interest or those of a member of his household, or a business with which the member is associated, or must take an official action on a matter as to which he/she has a conflict situation created by a personal, family, or client interest, shall prepare a written statement to be submitted to the Committee Chairperson describing the matter requiring action or decision, and the nature of his/her potential conflict of interest with respect to such action or decision. The member who has such a conflict shall be excused from voting, from any deliberations, and other action relating to the matter on which a potential conflict exists.

K. Presiding Officer

Meetings of the Committee shall be presided over by the Chairperson of the Committee or in his or her absence, by a Chairperson pro tem designated by the duly elected Chairperson.

L. Public Participation in Committee Meetings

The Committee welcomes public interest and participation in Committee activities. Participation of the public at committee meetings must pertain to an item on the agenda of the committee, and the agenda may be modified by the Chairperson. Members of the public should communicate their interest and concerns to the Committee in writing. Members of the public will normally not be allowed to address the Committee at its regularly scheduled meetings.

ARTICLE VI. Officers

Section 1. Titles

- A. The officers of the Committee shall be the Chairperson and Secretary.

Section 2. Election of Officers

- A. Any committee member is qualified to be an officer of the Committee. The officers shall be elected at the May meeting of the Committee, and each officer shall hold office for two years or until he or she resigns, or is removed or otherwise disqualified to serve, or until a successor shall be elected and qualified, whichever occurs first. The terms of all officers shall commence on October 1, of each other year and continue for a period of two (2) years, and all officers shall be eligible for reelection.

Section 3. Duties of the Chairperson.

It shall be the duty of the Chairperson to:

- A. Perform all such duties as are incident to the office and such other duties as may be required by law, regulation, these By-laws or which may be prescribed from time to time by the Committee.
- B. Preside, if present, at meeting of the Committee.
- C. Appoint all subcommittees and subcommittee chairpersons subject to the approval of the committee except as otherwise provided by these By-laws.
- D. Serve as an ex-officio non-voting member of all standing subcommittees.

- E. Submit an annual report of committee activities within 120 days after the end of a fiscal year to the Mayor.
- F. Have such other powers and perform such other duties as may be assigned to him/her from time to time by the committee.

Section 4. Responsibility of the Secretary

- A. Certify and keep at the principal office of the committee the original or a copy, of the By-laws as amended or otherwise altered to date.
- B. Keep or cause to be kept at the principal office of the committee a book of minutes of all meetings of the committee, recording therein the time and place of holding, whether regular or special and if special, how authorized, notice thereof given, names of those present at meetings of the committee and the proceedings thereof.
- C. Insure that all notices are duly given in accordance with the provisions of these By-laws or as required by law.
- D. Keep or cause to be kept at the principal office of the Committee a register containing the name and address of each member of the Committee.
- E. Exhibit at any reasonable time to any Committee member or any member of the general public the By-laws, the register, the minutes or proceedings, and such data and records of the Committee to which the register has the right of access by law or regulation.
- F. In general to perform all duties incidental to the office of the Secretary and such other duties that may be required by law, by regulation, or by these By-laws or which may be assigned to him/her from time to time by the Committee.

ARTICLE VII. Subcommittees

Section 1. General Provisions

A. Standing and Special Subcommittees

Subcommittees of the Committee shall be standing or special. A Standing Subcommittee is one whose functions are determined by continuous need. The function and duration of a Special Subcommittee shall be determined by its specific assignment, and stated in a resolution by the Committee creating it.

B. Composition

Each of the Standing Subcommittees shall consist of at least three (3) Committee members, one of whom shall be the Chairperson. Other additional persons including staff may be appointed as deemed necessary. The Chairperson of the Committee is an ex-officio non-voting member of each Standing Subcommittee.

C. Appointment

The Chairperson of the Committee every second year shall appoint, with the approval of majority of the Committee present and voting, members of the Committee to the Standing Committee.

D. Subcommittee Chairperson

The Chairperson of each Subcommittee, both standing and special, shall be designated by the Chairperson of the Committee subject to approval by a majority of the Committee present and voting at the designation meeting.

E. Meetings

Each Standing Subcommittee shall meet at least six (6) times annually except as otherwise stipulated in these By-laws or agreed to by a majority of the Committee members at a meeting in which a quorum is present. The Calendar of regularly scheduled subcommittee meetings will be published in the District of Columbia Register. Members of the public who register with a subcommittee and have a continuing interest in the subcommittee activities, will be notified of special meetings.

F. Quorum and Subcommittee Action

There shall be at least one (1) voting member of the Committee present to transact business.

G. Reports

Each Subcommittee shall report in writing to the Committee at its regular meeting, on all business transacted by it since the last regular committee meeting.

H. Special Subcommittee

The Committee may, by resolution passed by a majority of the number of committee members present and voting, designate Special Subcommittees, each consist of three (3) or more committee members, one of whom shall be the Chairperson. The Committee may name additional persons who are not members of the Committee to Special Subcommittees for technical purposes. The resolution establishing a Subcommittee shall at a minimum specify the following:

- (1) Purpose
- (2) Charge
- (3) Objectives
- (4) Work projects
- (5) Relationships
- (6) Staffing report
- (7) Term
- (8) Number of members

Section 2. Standing Subcommittees

1. Procurement Control Subcommittee
2. Budget and Finance Subcommittee

ARTICLE VIII. Amendments

The By-laws of the Committee may be amended by affirmative vote of a two-thirds majority of the committee members present, at any regular meeting or a special meeting of the Committee, provided that a full presentation of the proposed amendments shall have been published in the notice call of the meeting.

COUNCIL OF THE DISTRICT OF COLUMBIA

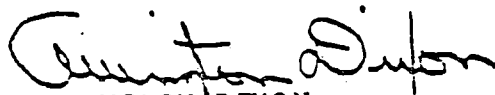
NOTICE

D. C. LAW 2-128

"Employment Opportunities Act of 1978"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-151, on first and second readings, July 11, 1978 and July 25, 1978 respectively. Following the signature of the Mayor on August 17, 1978, this legislation was assigned Act 2-263, published in the September 8, 1978, edition of the D.C. Register, (Vol. 25 page 2236) and transmitted to Congress on January 18, 1979 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites the following legislation as D.C. Law 2-128, effective March 3, 1979.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	18, 19, 22, 23, 24, 25, 26, 29, 30, 31
February	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2

EFFECTIVE
DATE MAR 03 1979

AN ACT

2-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 17, 1978

To create employment opportunities for blind and other severely handicapped individuals by assuring a market for products and services provided by them, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Employment Opportunities Act of 1978".

Sec. 2. Declaration of Purpose.

The purpose of this act is to further the policy of the District of Columbia to encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for blind and other severely handicapped products and services thereby enhancing their dignity and capacity for self-support.

Further, it is the purpose of this act to create employment opportunities for blind and other severely handicapped individuals which enhance training, evaluation, adjustment and open market employment for those persons who become sufficiently capable.

Sec. 3. Definitions.

For the purposes of this act:

(a) The term "blind" refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty (20) degrees.

(b) The term "direct labor" includes all work required for preparation, processing and packing but not supervision, administration, inspection and shipping.

(c) The term "qualified nonprofit agency for the blind and other severely handicapped" means an agency:

(1) organized under the laws of the United States or of the District of Columbia operated in the interest of blind individuals and other severely handicapped and the net income of which does not [>]ensure, in whole or in part, to the benefit of any shareholder or other individual;

(2) which complies with any applicable occupational health and safety standard required by the laws of the United States or of the District of Columbia; and

(3) which in the manufacture of products and in the provision of service (whether or not the products or services are procured under this act) during the fiscal year employs blind and other severely handicapped individuals for not less than seventy-five per centum (75%) of the person-hours of direct labor required for the manufacture or provision of the products or services.

(d) The term "severely handicapped" means any person (other than a blind person as heretofore defined) who is so severely incapacitated by any physical or mental disability that he or she cannot engage in normal competitive employment because of such disability.

Sec. 4. Establishment of a Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

(a) There is hereby created a Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter referred to as the "Committee") to be appointed by the Mayor of the District of Columbia (hereinafter referred to as the "Mayor"). The Committee shall be composed of two (2) private citizens conversant with the problems incident to the employment of the blind and other severely handicapped, two (2) citizens

representing individuals who are handicapped consumers employed in qualified nonprofit agencies for the blind and other severely handicapped, two (2) citizens representing the general public and a representative of each of the following agencies: Directors of the Department of General Services, the Office of Budget and Management Systems and the Department of Human Resources. The members of the Committee shall be appointed by the Mayor for a term of four (4) years and shall not serve beyond the expiration of their term: EXCEPT, That of the six (6) private citizen members first appointed, two (2) shall be appointed for a term of two (2) years, two (2) shall be appointed for a term of three (3) years, and two (2) shall be appointed for a term of four (4) years, as designated by the Mayor at the time of appointment. The members of the Committee shall designate one (1) of their number to be chairperson.

(b) Any private citizen member, appointed under subsection (a) of this act to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed only for the remainder of such term.

(c) Members of the Committee shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Committee.

*members**Terms**Unexpired
Term**Members'
Compensation*

(d) Subject to such rules as may be adopted by the Committee, the Mayor may appoint and fix the pay of any personnel which the Committee determines is necessary to assist it in carrying out its duties and powers under this act.

*Personnel
Assistance*

(e) The Committee may secure directly from any agency of the District of Columbia government (hereinafter referred to as "District government") information which the Committee deems necessary to carry out this act. Upon request of the chairperson of the Committee, the head of such agency shall furnish such information to the Committee.

*Agency
Information*

(f) The Committee shall, not later than ninety (90) days following the close of each fiscal year, transmit to the Mayor and to the Council of the District of Columbia (hereinafter referred to as the "Council") a report which shall include: (1) the names of the Committee members serving in the preceding fiscal year; (2) the dates of Committee meetings in that year; (3) a description of its activities under this act in that year; (4) a list of contracts awarded under this act and the recipients thereof; and (5) any recommendations for changes in this act which it determines are necessary.

Report

Sec. 5. Duties and Powers of the Committee.

(a) The duties of the Committee shall be as follows:

DUTIES OF
COMMITTEE

(1) to determine the price of all products
manufactured and services provided by the blind and other
severely handicapped and offered for sale to the various
agencies of the District government by any qualified
nonprofit agency for the blind and other severely
handicapped. The price shall be set to recover the cost of
raw materials for the workshops, labor, overhead and
delivery costs, but shall not include profit;

(2) to revise such prices from time to time in
accordance with changing cost factors; and

(3) to make such rules and regulations regarding
specifications, time of delivery, authorization of a central
nonprofit agency to facilitate the distribution of orders
among agencies for the blind and other severely handicapped
and other relevant matters of procedure as shall be
necessary to carry out the purposes of this act.

(b) The Committee shall establish and publish a list of
products produced by any qualified nonprofit agency for the
blind and other severely handicapped and the services
provided by any such agency which the Committee determines
are suitable for procurement by agencies of the District
government pursuant to this act. This procurement list and
revisions thereof shall be distributed to all purchasing
officers of the District government.

Sec. 6. Procurement Requirements for District Government.

(a) If any agency of the District government intends to procure any product or service on the procurement list, that agency shall, in accordance with rules and regulations not contrary to the procurement laws and rules and regulations of the District of Columbia and of the Committee, procure such product or service, at the price established by the Committee, from a qualified nonprofit agency for the blind and other severely handicapped if the product or service is available within the period required by that agency and if the product meets the minimum quality standards required by the agency: PROVIDED, That this act shall not apply in any cases where products or services are available for procurement from any agency of the District government and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this act. These procurement actions shall not abrogate any existing contractual agreements for goods or services but shall only apply after the termination of existing contractual agreements.

(b) In furthering the purposes of this act and in contributing to the economy of the District government, it is the intent of the Council that there be close cooperation

between the Committee and any agency of the District government from which procurement of products or services is required under the provisions of any law in effect on the date of enactment of this act. The Committee and any such agency of the District government are authorized to enter into such contractual agreements, cooperative working relationships or other arrangements as may be determined to be necessary for effective coordination and efficient realization of the objectives of this act and any other law requiring procurement of products or services from any agency of the District government.

Sec. 7. Effective Date.

This act shall take effect as provided for acts of the Council of the District of Columbia in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: BILL 2-151

First Reading Action: JULY 11, 1978

☒ VOICE VOTE: BY MAJORITY (2abs) BARRY, HARDY

W. J. T. [Signature]
Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAK									
DIXON					SACKETT									
Y-Inclusive Vote A. 3-Absent N. 7-Not Voting														

W. J. T. [Signature]
Secretary to the Council

Amended First Reading Action: _____

☐ VOICE VOTE: _____

W. J. T. [Signature]
Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAK									
DIXON					SACKETT									
Y-Inclusive Vote A. 3-Absent N. 7-Not Voting														

W. J. T. [Signature]
Secretary to the Council

Final Reading or Emergency Action: JULY 25, 1978

☒ VOICE VOTE: ADOPTED UNANIMOUSLY (ALL PRES.)

W. J. T. [Signature]
Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAK									
DIXON					SACKETT									
Y-Inclusive Vote A. 3-Absent N. 7-Not Voting														

W. J. T. [Signature]
Secretary to the Council

RECORD OF OFFICIAL COUNCIL ACTION (Pa. 1)

Docket No: BILL 2-151

Presented to the Mayor: AUG 14 1978

John T. ...
Secretary to the Council

Action of the Mayor: 17 AUG 1978

☒ Approved: ☐ Disapproved;
☐ Disapproved in part --*Reference Document:
*Budget Actions.

Acton Washington 17 AUG 1978
Mayor of the District of Columbia

☐ Returned Without Action

Executive Secretary, D.C.

Enacted without Mayor's Signature

Secretary to the Council

Council Reenactment:

☐ VOICE VOTE:

Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, L.					WINTER				
CLARKE					ROLARK									
DIXON					SACKETT									
Indicates Vote A. B. Absent N. V. Not Voting														

Secretary to the Council

Presented to the President:

Secretary to the Council

Action of the President:

☐ Reenactment: Approved

☐ Mayor's Veto Sustained

President of the U. S.

Submitted to the Congress: SEP 5 1978

Patricia E. ...
Secretary to the Council

Senate Action: _____
Resolution Number: _____

House Action: _____
Resolution Number: _____

Secretary of the Senate

Clerk of the House

Enacted Without Congressional Action:

D.C. Law No. Effective Date

Secretary to the Council

GOVERNMENT OF THE DISTRICT OF COLUMBIA

MAYOR'S COMMITTEE
FOR THE PURCHASE OF PRODUCTS AND SERVICES
OF THE BLIND AND OTHER SEVERELY HANDICAPPED
LISTING OF DIRECTED PROCUREMENT ITEMS

The following is the quarterly listing of commodities and services which have been added to the Committee Procurement List. Under D.C. Law 2-128, the "Employment Opportunities Act of 1978" agencies of the District of Columbia government are required to purchase approved items on a mandatory basis. For further information and ordering instructions contact:

Mr. Charles Richman
or
Mr. Thomas Wilkins
605 G St., NW, RM. 1100
Washington, DC 20001
Tel: 727-0911

COMMODITIESCLASS 7510

PENS, WRITING, NON MECHANICAL
(BALLPOINT PEN, STICK TYPE)

<u>NSN</u>	<u>CURRENT PRICE</u>
7520-01-058-9978	\$1.31/doz.
7520-01-058-9977	" "
7520-01-058-9976	" "
7520-01-059-4125	" "
7520-01-060-5820	" "
7520-01-058-9975	" "
7520-01-060-8513	" "
7520-01-060-5821	" "

CLASS 5350

MAT, ABRASIVE

<u>NSN</u>	<u>CURRENT PRICE</u>
5350-00-967-5089	\$25.68/cs. (60/case)

<u>NSN</u>	<u>CURRENT PRICE</u>
5350-00-967-5093	\$26.16/cs. (60/case)
5350-00-967-5092	\$45.60/cs. (60/case)
 <u>CLASS 7920</u> PAD, SCOURING	
7920-00-753-5242	\$8.76/cs. (60/case)
7920-00-151-6120	\$26.28/cs. (60/case)
 <u>CLASS 7910</u> PAD, FLOOR POLISHING MACHINE	
7910-00-685-6686	\$4.33/cs.
7910-00-685-6687	\$5.02/cs.
7910-00-685-3908	\$5.50/cs.
7910-00-685-6671	\$5.96/cs.
7910-00-685-3909	\$6.49/cs.
7910-00-685-6672	\$7.28/cs.
7910-00-685-3910	\$7.94/cs.
7910-00-685-6656	\$4.48/cs.
7910-00-685-6657	\$5.08/cs.
7910-00-685-3912	\$5.56/cs.
7910-00-685-6659	\$6.22/cs.
7910-00-685-3915	\$6.74/cs.
7910-00-685-6660	\$7.59/cs.
7910-00-685-3914	\$7.98/cs.
7910-00-685-4239	\$6.02/cs.

7910-00-685-4240	\$6.90/cs.
7910-00-685-4242	\$7.45/cs.
7910-00-685-4243	\$8.31/cs.
7910-00-685-4241	\$9.53/cs.
7910-00-685-4244	\$10.51/cs.
7910-00-685-4245	\$11.48/cs.
(all items 10/case)	

CLASS 0325
SERVICES, PLATE EMBOSSING

<u>ITEM</u>	<u>CURRENT PRICE</u>
2 x 10" Desk Name Plates	
1 Line with holder	\$4.50
1 Line with holder	\$3.00
2 Lines with holder	\$5.25
2 Lines no holder	\$3.75
3 Lines with holder	\$6.00
1-3/8 X 9 1/2	\$3.00
Holders (only)	\$1.75
2 x 8" Desk Name Plates	
1 Line with holder	\$4.50
1 Line with holder	\$3.00
2 Lines with holder	\$5.25
2 Lines no holder	\$3.75
3 Lines with holder	\$6.00
Holder (only)	\$1.75
1 x 8" Door Name Plates	
1 Line with holder	\$4.00
2 Lines no holder	\$2.75
2 Lines with holder	\$4.75
2 Lines no holder	\$3.50

1 x 3" Door Name Plates	
1 Line with holder	\$2.50
1 Line no holder	\$1.25
1 x 3" Name Badges	
1 Line	\$2.50
2 Lines	\$3.25
Embossed Door Signs	
1 - 2 Lines	\$3.50
3 - 4 Lines	\$5.00
5 - 6 Lines	\$6.50
7 - 8 Lines	\$8.50

CLASS 7331

MAILING SERVICES, (INCLUDING ADDRESSING; DISTRIBUTION;
LABELING; INSERTING; AND MAILING)

<u>TASK/ITEM</u>	<u>CURRENT PRICE PER THOUSAND</u>
1. <u>Hand inserting</u>	
a. 1 piece into envelopes, though sizes 4 1/8" X 9 1/2"	\$27.13
b. Per each additonal piece in same envelope, up to 3 pieces	6.37
c. 1 piece into envelope, sizes over 4 1/8" X 9 1/2" though 12" X 16"	33.49
d. Per each additional piece in same envelope, up to 3 pieces	7.86
e. Tight items with less than 1/8" around	35.27
2. <u>Hand folding</u>	
a. Single sheet, single fold through sizes 9" X 12"	14.23
b. Single sheet, single fold, sizes over 9" X 12" through 11" X 17"	18.93
c. Single sheert, double fold, through sizes 9" X 12"	23.41

3. Machine folding (20% Reduction in Price/1,000 allowed for all)
(quantities in excess of initial 50,000/order)

a. Single sheet, single fold, through sizes 9" X 12"	\$6.68
b. Single sheet, single fold, sizes over 9" X 12" through 11" X 17"	8.88
c. Single sheet, double fold, through sizes 9" X 12"	10.99

NOTE: A # 10 Envelope is 4 1/8 in. X 9 1/2 in. Ref. only

4. Hand labeling

a. Envelopes, peel and stick, any size	29.40
b. Self-mailer copy, peel and stick, through sizes 9" X 12"	33.49
c. Self-mailer copy, peel and stick, sizes over 9" X 12" through 12" X 16"	35.55
d. Wet label, through sizes 3" X 5"	46.60

5. Cheshire labeling (20% reduction in Price/1,000 for all quantities)
(in excess of initial 50,000/order)

a. Envelopes, sizes 4 1/8" X 9 1/2" through 9 1/2" X 12 1/2"	12.79 ~~16.02~~
b. On copy, through sizes 1/8" thick	16.02
c. On copy, sizes over 1/8" thick	19.52

6. Sealing

a. Hand sealing envelopes, all sizes	17.21
b. Closing Clasp envelopes	17.21
c. Closing string fastener envelopes	20.08
d. Tuck flap	15.77
e. Machine sealing envelopes up to #10	10.63

7. Collating

- | | |
|-------------------------------|---------|
| a. Collate and staple 2 pages | \$29.40 |
| b. Collate 2 pages only | 15.06 |
| c. Each additional page | 7.53 |

8. Stapling

- | | |
|--|-------|
| a. 1 staple per book/packet | 20.96 |
| b. Per each additional staple
per book/packet | 11.48 |

9. Saddle stitch, manual

- | | |
|----------------------------------|-------|
| a. Up to 2 signatures | 22.94 |
| b. Per each additional signature | 2.51 |

10. Saddle stitch, auto

- | | |
|----------------------------------|-------|
| a. Up to 2 signatures | 15.79 |
| b. Per each additional signature | 1.94 |

11. Machine inserting (20% reduction in Price/1,000 for all quantities)
(in excess of initial 50,000/order)

- | | |
|--|------|
| a. 1 to 3 pieces, through sizes
6 1/8" X 9 1/2" | 7.32 |
| b. Each additional insert of
the same type | 1.28 |

12. ZIP sorting (up to #10)

- | | |
|---------------------|-------|
| a. Random list | 46.82 |
| b. List in order | 11.32 |
| c. Oversized pieces | 22.63 |

13. Tie bundles and bag (zip sorting
not included)

1.95

14. Inside pick up (In addition to Item 20)

- | | |
|--------------------------------|---------|
| a. Loose cartons | .79 ea. |
| b. Per skid or pallet, up to 2 | 37.46 |

- c. Per each additional skid \$12.49
 - 15. Storage charge per cubic foot of space .193/cu ft
 - 16. Addressing
 - a. Typewritten .0694/line
 - 17. Hourly Rate Tasks 16.95/hr
- Hourly rate includes cost of packaging materials except for such special containers or items as jiffy bags, boxes, rubber stamps, plastic bags, or shrink-wrapping material.
- a. Postal preparation (in accordance with current regulations)
 - b. Wrapping, packaging, and other miscellaneous hand bindery services
 - c. Clipping, using paper clips
 - d. Tabbings
 - e. Edge sealing
 - f. Precanceled stamps
 - g. Jogging
 - h. Match work
 - i. Pasting, strip
 - j. Pasting, full
 - k. Flapping envelopes (prior to inserting)
 - l. Kit assembly
 - m. Bursting
 - n. In and out handling for stored materials
 - o. Rubber stamping
- 18. Premium charge for next work day turn around 50% over regular billing
 - 19. Minimum charge per Purchase Order \$41.62

20. Transportation: \$31.60/trip
Special pick up or delivery service within
Metropolitan D.C. Area per trip. (Trip
includes pick up of up to 5 loose cartons.
Excess material pick up will be charge at
rates in item #14, less 25% for loading
dock pick up.)
21. Minimum set up charge for 15.99
individual machine task changes
on runs of 5000 or under.

DESK COPY



THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

D.C. COMMITTEE
FOR THE PURCHASE OF PRODUCTS AND SERVICES
OF THE BLIND AND OTHER SEVERELY HANDICAPPED

MEMORANDUM

TO: Honorable Arrington Dixon
Chairman, City Council of the
District of Columbia

FROM: Elmer J. Moore
Chairperson, Committee for the Purchase
of Products and Services of the Blind
and Other Severely Handicapped

SUBJECT: Annual Report for Fiscal Years 1980 and 1981

I am transmitting by this memorandum our Committee's combined Annual Report, as stipulated by Section 4(f) of D.C. Law 2-128 "Employment Opportunities Act of 1978", which covers FY '80 and FY '81.

Attachment

C: Committee Members
Governmental Representatives



THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

D.C. COMMITTEE
FOR THE PURCHASE OF PRODUCTS AND SERVICES
OF THE BLIND AND OTHER SEVERELY HANDICAPPED

MEMORANDUM

TO: Honorable Marion S. Barry
Mayor of Washington

FROM: Elmer J. Moore
Chairperson, Committee for the Purchase
of Products and Services of the Blind
and Other Severely Handicapped

SUBJECT: Annual Report for Fiscal Years 1980 and 1981

I am transmitting by this memorandum our Committee's combined Annual Report, as stipulated by Section 4(f) of D.C. Law 2-128 "Employment Opportunities Act of 1978", which covers FY '80 and FY '81.

Attachment

C: Committee Members
Governmental Representatives

ANNUAL REPORT
FISCAL YEARS 1980 and 1981

SUBMITTED BY

The District of Columbia Committee
For the Purchase of Products and Services
Of the Blind and Other Severely Handicapped

Elmer J. Moore
Committee Chair
December 30, 1981

605 G Street, NW.
Room 1110
Washington, D.C. 20001
727-0911

COMMITTEE FOR THE PURCHASE OF PRODUCTS AND SERVICES
of the BLIND AND OTHER SEVERELY HANDICAPPED

MEMBERSHIP

Public

Mrs. Lois Hechinger England
Mr. Richard A. Lambert
Mr. Orlanda McCauley, Jr.
Mr. Elmer J. Moore, Chairperson
Mrs. Freddie L. Peaco
Mr. Edward J. Yates

Government

Director, Department of General Services
. Represented by Mr. Alex Smith

Director, Department of Employment Services
. Represented by Mr. Richard Groner

Office of Budget and Resource Development
. Represented by Mr. Willie Lynch

Mr. Vernon E. Hawkins, Administrator, Vocational
Rehabilitation Services Administration,
Department of Human Services

CONTENTS

Committee Membership	i
Contents	ii
Preface	iii
Foreword	iv
Introduction	vi
 PART I PROGRAM HIGHLIGHTS	 1
Formation	1
Preparation of Operation Plan	1
Interagency Implications	1
Role and Relationships with Community	
Non-Profit Agencies	2
Economic and Social Implications for Clients	2
 PART II ADMINISTRATIVE HIGHLIGHTS	 3
Legislative Overview	3
Program Regulations	3
Dates of Committee Meetings	4
Comments on Need for Legislation Revision	4
 PART III SUMMARY	 5
 APPENDIXES	 6
1. Biographical Sketch of Committee Members	6
2. Items Identified for Procurement List	8
3. Facilities Certified to Participate in Program	9
4. Roster of Non-Profit Agencies Surveyed	10

PREFACE

On March 3, 1979, the "Employment Opportunity Act of 1978" was enacted into law. The passage of D.C. Law 2-128 signaled a new thrust on the part of the District of Columbia to recognize and to take conscious action regarding a client group which had gone largely unnoticed in the past. The novel legislation permitted the District to join the ranks of other States and the Federal Government who previously had enacted similar laws. The Federal Government through the enactment of the Wagner-O'Day Act in 1938 went on record as recognizing the unmet needs of blind persons and the limited opportunities available to this client group regarding the attainment of vocational potential.

The current D.C. Law 2-128 is modeled in many respects after the precursor federal legislation. It gives recognition to the fact that the primary constituent groups, the blind and severely handicapped, are not able to attain maximum personal independence without effective intervention on the part of our local government. The law, itself, is simplistic and straightforward and is premised on the fact that an expanded market must be developed to provide for maximal gainful employment for the affected groups. The employment opportunities about which the legislation speaks would occur as a result of greater sensitivity and awareness on the part of the District Government and its desire to modify traditional methods for the acquisition of products and services.

After the passage of D.C. Law 2-128, the current administration moved swiftly to place in motion an administrative apparatus to achieve objectives of the legislation. A Mayor's Order was issued on March 5, 1980, officially creating the Committee for the Purchase of Products and Services of the Blind and Other Severely Handicapped. Six members were appointed from the public sector to terms of office varying from two to four years. The Mayor's Order further provided for representation of several government agencies, e.g., Directors of General Services and Labor (now Employment Services), Administrator of Vocational Rehabilitation Services Administration, and the Office of Budget and Resource Development. The activation of this Committee set into motion the first legal efforts on the part of the District of Columbia to address the employment problems, in a formal way, peculiar to the Blind and other Severely Handicapped persons.

FOREWORD

This submission represents the first Annual Report produced by the Committee for the Purchase of Products and Services of the Blind and Other Severely Handicapped. D.C. Law 2-128, section 4(f) stipulates that such report be transmitted to the Mayor and to the City Council on an annual basis. This particular report is combined in nature and will cover the period from the Committee's inception through September 30, 1981. The Committee met regularly during this period and performed many tasks and functions critical to the formation of the Committee in addition to limited community work with some of the potential non-profit agencies whom it thought would benefit from this new program.

The Committee accepted its charge with enthusiasm and commenced to structure an organization that would be responsive to the thrust of the policy of the District of Columbia of providing expanded opportunities for distribution of products and service and to increase employment and training opportunities for the affected group(s). One major aspect of the law is to permit access of the handicap groups to the procurement process within the District of Columbia Government. The role of the Committee is clear and concise which basically involves the following activities:

- . Selection of commodities and services which can be procured by agencies of the District Government;
- . Set prices for selected procurements; and
- . Develop appropriate administrative rules and regulations for the conduct of the program.

The Committee, to a large extent, has taken definitive actions in a number of areas designed to facilitate the modification of traditional procurement methodology. The results of these multiple actions will show tangible evidence during the succeeding fiscal period. A true beginning has been made which

undoubtedly should augur well for the Blind and Other Severely Handicapped persons. Our annual report which follows highlights, more specifically, activities covered during the reporting period.

It is our hope that the annual report will serve to enlighten the citizenry of our community and, further, give visibility to a long neglected group with the resultant achievement of a higher degree of sensitivity and awareness by all.

INTRODUCTION

There are two major components which undergird the policy of the Committee for the Purchase of Products and Services of the Blind and Other Severely Handicapped, hereinafter referred to as the "Committee". Perhaps a reiteration of the policy will help to set the tone of the report which follows:

- . To encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for the products and services of the blind and other severely handicapped;
- . To create employment opportunities and other enhancements for training, evaluation and placement in the competitive employment market.

Operating within the scope of the policy statement the Committee intended to introduce, open and expand the concept of directed government purchasing. The accomplishment of this laudable goal is the essence of the Committee's work. The following sections of this report focus on those elements considered germane to its mission and operation. It highlights, principally administrative and programmatic activities that have transpired since the inception of the Committee. Upon reflection, the Committee has been active and involved since its creation. In fact, the record will clearly show a series of meetings during the ensuing period emanating on the day on which the Mayor's Order 80-87 (dated March 5, 1980) was issued. The Committee began with a review of its mission and establishing priorities of assignments which were largely administrative in nature.

The Committee's initial thrust focused primarily on giving shape, form and direction to its operation. One of its immediate concerns dealt with the interagency implications of its operation. An exploration of interagency relations were essential since the Committee, as a legal entity, was designed as a dependent structure relying heavily on the support of other District agencies in the discharge of its primary functions. This called for system intervention and some degree of modification of procurement procedures in order to achieve the mission mandated by the Act and the Mayor's Administrative Issuance. The Committee readily recognized the role of

interagency relations and spent considerable time during its early formative stages analyzing this area and simultaneously placing in motion machinery to address this critical concern more fully.

Much of the accomplishments during Fiscal Year 1980 centered around the administrative apparatus necessary to provide direction and to give the Committee a degree of organization discipline. These accomplishments were obtained largely through an active dedicated Committee since it operated during this time period without any staff. Lack of staff served as a hindrance to the Committee; however, this situation was minimized by the efforts and support of Mr. Vernon Hawkins, Administrator of the Vocational Rehabilitation Services Administration, who recognized this shortcoming and tried to offset its impact through the utilization of a consultant on a temporary basis. This effort proved extremely useful in that it provided the Committee the opportunity to seriously explore its role and expectations. The document produced by the consultant further served as a guidepost in providing technical information and charting future courses of action by the Committee.

The adoption of the Operational Plan ushered in a new era during FY 1981. The plan specifically identified scope of work and delineated priority areas and provided a detailed work schedule for the accomplishment of defined tasks. This was an instrumental step in the developmental phases of the Committee, and a step that brought the Committee closer to realization of creating an expanded job market for the affected clients. The Committee has achieved functional status, a noteworthy accomplishment based solely on the efforts of many concerned individuals. Even though much work remains to be done, the prospects for the future are encouraging. This new level of attainment could not have been possible were it not for the untiring efforts of concerned private not-for-profit agencies and the leadership of the Vocational Rehabilitation community. Many challenges were met, many more will be encountered. However, the Committee is confident of meeting future challenges based on its dedication and the overall interest displayed by others and the commitment of the residents of the city at large.

PART I PROGRAM HIGHLIGHTS

Formation

The Committee for the Purchase of Products and Services for the Blind and Other Severely Handicapped came into existence as a result of the enactment of D.C. Law 2-128 on March 3, 1979. On March 5, 1980, a Mayor's Order 80-87 was issued appointing members to the Committee. The Committee convened its first meeting on that date and has met continuously since that time.

Preparation of Operational Plan

A bulk of the tasks undertaken during the first year were performed by Committee members. This practice, with one minor exception, was in existence until June 1981 when the Committee received its first full-time staff. Even though the Committee functioned without a budget or a staff, the Vocational Rehabilitation Services Administration through the manifest interest of its Administrator, Vernon Hawkins, provided limited consultant services during the early stages of the Committee's involvement. The production of an operational plan by the Consultant made it possible for the Committee to (1) assess the situation, (2) define and delineate functions of the Committee, (3) prepare overall tasks to undertake, (4) establish timeframes and due dates, and (5) identify user agencies among others. After considerable discussion and relevant revisions the operational plan was formally adopted and placed into action during the latter stage of FY 1981. An essential fact is that the Operational Plan clearly set forth the major thrust of the Committee by identifying and prioritizing those tasks germane to the operation of the Committee.

Interagency Implications

The Committee as established by law is a dependent entity. Its role can be equated to that of a facilitator. Its functions being to develop a market for the utilization of goods and services produced by the clients serviced by the Committee. To accomplish this task, the Committee had to work with government agencies to alert them to the fact of the need to modify their traditional procurement procedures to make full use of the products and services of the handicapped through the process of directed purchasing. It is only through this kind of

interaction that the Committee can develop a market for the products produced by qualified non-profit agencies. Likewise, the Committee conducted concurrent activities with the proposed supplier agencies to ascertain their capability and the ability to produce and deliver on an agreed time schedule.

Role and Relationship with Community Non-Profit Agencies

An attempt to establish formal relations with central community agencies was undertaken during the early developmental phases of the Committee. The Committee's awareness of the interest of the community agencies was known since those agencies played a vital role in the development of the law. Once the Committee became activated, it began a process of contacting agencies potentially interested in participating in the program. Direct contact was made through communication, personal on-site visitation and by extension of invitation to regularly scheduled meetings. These contacts were supplemented by a major orientation session during which the Committee presented a detailed overview of the procurement program, paying special attention to the combined role of the government and of the qualified non-profit agencies. These approaches provided for ample access to the Committee in addition to promoting openness to overall operation. The Committee sought to achieve maximum community participation believing that through this process it would better serve its clients - thus promoting a more balanced operation.

Economic and Social Implications for Clients

It is roughly estimated that the Vocational Rehabilitation Services Administration provided some form of services to approximately 3,000 clients judged severely handicapped during Fiscal Year 1981. The directed procurement program has a built-in dual economic spinoff in that it will provide for expanded opportunities for the client groups while simultaneously realizing cost savings to the District Government. This basic objective is achieved by purchasing services and products directly, thereby by-passing the costly and, sometimes lengthy, bid process. Further, it will reduce the need and the level of funding for various social programs particularly those designed to service the handicapped groups associated with the Committee. From the standpoint of practical statistics it is anticipated that an active procurement program for the severely handicapped could possibly impact on this group by 15 - 20 percent over the next five years.

Another important aspect is that it will permit Vocational Rehabilitation Services Administration to broaden its scope of services to needed clients at a very nominal cost.

PART II ADMINISTRATIVE HIGHLIGHTS

Legislative Overview

The provision of maximum employment and training opportunities has been the hallmark for years of many facilities providing services to the handicapped. The District of Columbia community, particularly those agencies directly involved in sheltered workshop training and evaluation, felt that opportunities for certain client group(s) were grossly lacking. Among these groups were the Blind and Other Severely Handicapped persons. The Community Agencies were also aware of the existence of a Federal statute and similar legislation at the State level which provided for services to such groups through a new technique/concept known as directed purchasing. Armed with this information the concerned facility operators began to direct their attention on the need for such legislation in the District of Columbia. They took the initiative by seeking out appropriate government officials, both administrative and legislative, and apprising them of their concern for a program which bore resemblance to both State and Federal use laws.

The genuineness of their concern did not fall on deaf ears. They instead found a most receptive government structure and were encouraged to develop or to assist in the development of legislation appropriate to the concerns of the District community. Their individual and collective efforts culminated in the enactment of the "Employment Opportunities Act of 1978", an act designed to promote the improvement and expansion of opportunities for the Blind and Other Severely Handicapped persons. The final bill was a good piece of legislation because it involved the inputs of knowledgeable technicians and officials in the rehabilitation community in addition to providing a sound and practical approach to the amelioration of some longstanding problems attendant to the severely disabled. The above legislative action was followed closely by administrative action on the part of the Mayor which provided legal and administrative authority for the existence of the Committee. The Committee supplemented the legal and administrative documents by establishing bylaws to govern its internal affairs.

Program Regulations

An administrative regulatory document which contained program operational instructions was prepared by the Committee for publication. This particular administrative guidance document augmented both the law and the Mayor's administrative order

and was designed to provide (1) operational information and guidance to the non-profit agencies that wish to participate in the program; (2) specific information and procedures for District of Columbia agencies desiring to participate in the directed procurement program; and (3) overall general provisions for program operation and to further clarify specific implementation procedures as intended by the act.

Dates of Committee Meetings

Fiscal Year 1980

March 5, 1980
March 21, 1980
April 17, 1980
May 15, 1980
August 21, 1980

Fiscal Year 1981

October 16, 1980
March 5, 1981
March 19, 1981
April 16, 1981
June 18, 1981
July 16, 1981
September 17, 1981

Comments on Need for Legislation Revision

The "Employment Opportunities Act of 1978" is basically sound and sufficient in substance to permit the Committee to discharge its current responsibilities. The current thrust of the Committee has entailed mostly planning and organization matters and it's conceivable that changes in the legislation might be warranted at some future date when the program becomes fully activated. Meanwhile, the Committee would like to hold in abeyance any specific recommendations until it can gain some valuable experience factors based on actual program operation.

PART III SUMMARY

The Committee's report spans a timeframe of 18 months which includes two fiscal years. The overall initiatives of the Committee were thwarted due to lack of staff. In point of fact, staff only became available during the third quarter of Fiscal Year 1981. Moreover, it became necessary for the Committee members to actually perform certain staff functions in order to discharge the mandate of the Committee. Notwithstanding, a number of important tasks were done in preparation for more active role once having instituted the directed procurement program. The Committee's initial efforts were geared toward administrative matters necessary to the orderly discharge of responsibilities prescribed by the law. This was done to a large extent. Perceptible changes in the committee-work were evident after the acquisition of staff support. Most, if not all, of the mechanisms required to activate the directed procurement program were in place or in varying degrees of completion at the culmination of fiscal 1981. It now appears that fiscal 1982 will witness the activation of this new procurement program.

BIOGRAPHICAL SKETCH OF COMMITTEE MEMBERS

Mrs. Lois Hechinger England
2832 Chain Bridge Road, NW.
Washington, D.C. 20016

Currently serves on the International Council of Goodwill Industries Executive Committee; works with other countries in the establishment of programs for training, vocational rehabilitation and employment opportunities for the handicapped; a former member of the Board of Directors of Goodwill Industries of America; belongs to numerous committees serving to rehabilitate and employ the handicapped.

Richard A. Lambert
2814 Fort Baker Drive, SE.
Washington, D.C. 20020

Patent Attorney for Department of Energy; holds a certificate for successful completion of Judge Advocate General's Procurement Course; prior employment with the U.S. Atomic Energy Commission includes positions as Patent Attorney and Information Specialist. He is a member of the D.C. Bar, U.S. Patent Office Bar and the American Bar Association; has been admitted to practice before the Court of Customs and Patent Appeals, and the Supreme Court of the United States.

Elmer J. Moore, Chairperson
2717 Tennyson Street, NW.
Washington, D.C. 20015

Has a B.S. and M.S. in Economics; serves as an International Consultant; has a longstanding interest and commitment to the handicapped; is an active leader in the rehabilitation community.

Orlanda McCauley, Jr.
730 - 3rd Street, SW.
Washington, D.C. 20024

President, Federal Laboratories, Incorporated, a pharmaceutical consulting and distribution firm; represents a major European Company which produces antibiotics and has direct responsibility for sales and developmental activities in the Caribbean;

responsible for sales and distribution of pharmaceutical, medical, surgical and hospital supplies and products; previously served as Regional Manager for Sandoz Pharmaceutical Company with responsibility for the Tri-State Area of Maryland, Virginia and the District of Columbia.

Mrs. Freddie L. Peaco
2025 Taylor Street, NE.
Washington, D.C. 20018

Graduate of Howard and American Universities with B.A. and M.A. respectively; is employed by the Library of Congress, National Library for the Blind and Physically Handicapped. Graduate of the Governor Moorehead School for the Blind in Raleigh, N.C.; attended the Columbia Lighthouse for the Blind and received certificate for rehabilitation and mobility training; former member of the Library of Congress Affirmative Action Committee on the Handicapped; serves as a member of the American Council of the Blind; Board Member, Columbia Lighthouse for the Blind, Washington Ear Radio Reading Service, Volunteers for the Visually Handicapped, and Washington Volunteer Readers for the Blind.

Edward J. Yates
1631 Harvard Street, NW.
Washington, D.C. 20009

Program Analyst, Office of the Secretary and Assistant Secretary for Planning, Health and Human Services Programs; job duties include implementing plans designed to produce information for budget decisions; currently directs and oversees studies and evaluations related to budget and other policy issues in the Department of Health and Human Services; served as member of the D.C. Delegation to the White House Conference on the Handicapped; an active member and past Board Member of the Capitol Area Chapter of Paralyzed Veterans of America; graduate of Howard University School of Social Work.

ITEMS IDENTIFIED FOR PROCUREMENT LIST

Mailing, Distribution, Labeling and Insertion Services

Building Repair and Maintenance Services (Janitorial Service and Grounds Maintenance)

Addressing Services

Plate Embossing

Pens, Writing (non-mechanical)

Textile Fabrics

Abrasive Materials

Brooms, Brushes, Mops and Sponges

Floor Polisher and Vacuum Cleaning Equipment

FACILITIES CERTIFIED TO PARTICIPATE IN PROGRAM

Anchor Services Workshop of the Anchor Mental Health Association

Columbia Lighthouse for the Blind

Davis Memorial Goodwill Industries, Inc.

D.C. Association of Retarded Citizens, Inc.

Lt. Joseph P. Kennedy Institute

National Children's Center

ROSTER OF NON-PROFIT AGENCIES SURVEYED

Anchor Services Workshop
Anchor Mental Health Association
804 Rhode Island Avenue, NE.
Washington, D.C. 20018

Stanley J.D. James
Director

Columbia Lighthouse for the Blind
1421 P Street, NW.
Washington, D.C. 20015

Charles Fegan
Executive Director

Davis Memorial Goodwill Industries
1219 K Street, NW.
Washington, D.C. 20005

David Becker
President

D.C. Association of Retarded Citizens
405 Riggs Road, NE.
Washington, D.C. 20011

Vincent Gray
Executive Director

Lt. Joseph P. Kennedy Institute
801 Buchanan Street, NE.
Washington, D.C. 20017

Hugh Turley
Contract Manager

The National Children's Center
Express Services
6200 - 2nd Street, NW.
Washington, D.C. 20011

Howard Smith
Director

Gail Zimmerman
Contract Officer

MAYOR'S COMMITTEE
FOR THE PURCHASE OF PRODUCTS AND SERVICES
OF THE BLIND AND OTHER SEVERELY HANDICAPPED

COMMITTEE ORDERING PROCEDURES

I. INTRODUCTION

Under the "Employment Opportunities Act of 1978" (D.C. Law 2-128), a directed procurement program is established within the government of the District of Columbia. This Law requires that District government agencies purchase selected commodities/services from qualified nonprofit agencies for the blind and severely handicapped. Under the Act (Section 5 (a) (3), Duties and Powers):

The duties of the Committee for Purchase of Products and services of the Blind and Other Severely Handicapped include making such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency to facilitate the distribution of orders among agencies for the blind and other severely handicapped and other relevant matters of procedures as shall be necessary to carry out the purposes of this act.

It is the intent of the Committee to:

- * facilitate and simplify ordering procedures in order to encourage maximal program purchases and prompt deliveries of ordered items;
- * maintain monitoring and statutory accountability requirements expected of producing qualified nonprofit

- agencies for the blind and other severely handicapped;
- * sustain enforcement of mandatory directed procurement requirements placed upon departments and agencies of the District government; and,
 - * meet the responsibilities of the Committee regarding administration, direction, and control of the program.

In accordance with these principles, the Committee has promulgated the following ordering procedures which shall be operative thirty (30) days following Committee approval. Until otherwise revised or recinded, the Committee authorizes procurement and supply officers of the District of Columbia to place orders directly with authorized representatives of producing or supplying qualified nonprofit agencies for the blind or other severely handicapped.

In authorizing the direct ordering procedures contained in the procedures, the Committee delegates on a conditional basis the allocation of orders provided under the authority of D.C. Law 2-128. Allocation of orders is the action taken by the Committee to designate the qualified nonprofit agency (s) that will produce definite quantities of selected commodities or perform specific services upon receipt of an order from an ordering office of the District of Columbia. The Committee reserves the right to remove, rescind or modify this delegation of direct ordering and to retain responsibility for allocation of orders under the program.

II. ORDERING REQUIREMENTS AND INSTRUCTIONS (For Procuring Agencies)

- A. Procurement and supply officers and other authorized personnel of the District of Columbia are empowered to directly issue and allocate purchase orders without conferring with and receiving approval by the Committee.
- B. Purchase Order requests shall be made directly from the Committees "Listing of Qualified Nonprofit Agency Suppliers" for commodities/services specified in the "Committee Procurement List".
- C. Purchase Order requests for commodities shall include the following information:
Item; stock number; item description; current specifications; unit price; place; and time of requested delivery.
- D. Purchase Order requests for services shall include the following information:
Type and location of the service required; current specifications; description of the work to be performed; and estimated requirement and schedule for completion of the service.
- E. Prices for all purchase orders shall be prices prevailing in the most recently issued "Committee Procurement List". Prices are for delivery aboard the vehicle of the initial carrier at point of production (f.o.b. shipping point).
- F. Orders shall be placed so as to provide sufficient lead-time for the qualified nonprofit agency suppliers to purchase necessary materials, produce or prepare, and

to deliver or complete the order.

- G. Qualified nonprofit agencies are not required or obligated to supply a commodity or service unless an official purchase order has been received.
- H. Qualified nonprofit agencies are fully encouraged to directly contact agencies of the District government to solicit and arrange for purchases under the program.
- I. In all instances, the ordering office shall issue a copy of purchase orders to the Committee office at the time the order is placed.

III. PRODUCTION REQUIREMENTS

- A. Qualified non profit agencies may receive purchase order requests directly and shall fill these promptly within expected delivery requirements.
- B. Ordering offices should be informed of any anticipated delays in leadtime or potential delivery schedule delays by the supplying qualified nonprofit agency.
- C. Where a purchase order does not provide for sufficient leadtime (due to unusual circumstances) the supplying qualified nonprofit agency may request an extension of delivering or completion dates. If a delivery extension is not feasible, the supplying agency must immediately notify the Committee in writing of their inability to meet order requirements. In such cases, a purchase exception (see item IV) will be granted to the ordering agency authorizing procurement from commercial or other suppliers.

- D. Qualified nonprofit agencies are required to make a monthly report of purchase orders filled under the program as required by the Committee.

IV. PURCHASE EXCEPTIONS

- A. The Committee may grant a purchase exception to an ordering office to permit procurement of commodities or services on the Committee Procurement List from commercial or other sources only when the following conditions occur:
- * the qualified nonprofit agency authorized as a supplier cannot furnish a commodity or deliver a service within the period required;
 - * the qualified nonprofit agency and the ordering agency cannot negotiate a delivery extension or extension of required completion dates; and,
 - * the commodity or service required is available from commercial or other sources in the quantities requested and at an earlier date than available from the qualified nonprofit agency;
- B. The Committee may grant a purchase exception to the ordering agency in instances where the quantity being ordered is insufficient or too small for economical production or provision by the qualified nonprofit agency.

- C. In instances where a purchase exception is requested by an ordering office, the Committee shall respond only to written requests. Requests shall be granted or denied within ten (10) working days of receipt of the exception request. Purchase exceptions shall cover the quantities involved and the conditions specified by the exception. The Committee shall approve or deny the purchase exception based upon the information provided by the ordering agency if such an action is warranted.
- D. Purchase order exemptions may be granted on a case by case basis. Such exemptions shall not be transferable to any other subsequent purchase order unless specifically authorized by the Committee.
- E. It is within the authority and discretion of the Committee to grant or deny all purchase exceptions. If such requests are denied, the ordering agency shall continue to be required to purchase commodities and services from the authorized sources.

V. ADJUSTMENT AND CANCELLATION OF ORDERS

- A. Commodities procured under D.C. government orders shall be produced or manufactured in accordance with such specifications and requirements as may be specified.
- B. Services procured under D.C. government orders shall be performed in accordance with such specifications and requirements as may be specified.
- C. When the qualified nonprofit agency or supplier fails to supply a commodity or service furnished by a D.C. government order, the ordering agency shall be notified immediately.

every effort to negotiate an adjustment. Such negotiation must be undertaken prior to taking action to adjust or cancel an order.

- D. In all instances the ordering office must notify the Committee in writing of any purchase order cancellation and the reasons for such cancellation.

VI. PROMPT PAYMENT

Payments for commodities or services supplied under the program should be made on a prompt payment basis. These shall normally be made within seven (7) days after shipment or receipt of a valid and accurate payment invoice or voucher. Such payments shall be made under a systematic "scheduled payments program" as authorized by the Comptroller's Office of the District of Columbia.

PROPOSED PROCEDURES AND GUIDELINES FOR
IMPLEMENTATION OF THE EMPLOYMENT
OPPORTUNITIES ACT (D.C. LAW 2-128)

1. District of Columbia Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

1-1. Authority of the Committee - established in D.C. Law 2-128

1-2. Purpose of Committee -

The Committee for Purchase of Products and Services from the Blind and Other Severely Handicapped was established by D.C. Law 2-128 for the purpose of directing the procurement of selected commodities and services by the D.C. Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the D.C. Register a procurement list of:

(1) Commodities produced by any qualified non-profit agency for blind or by any qualified non-profit agency for other severely handicapped, and

(2) the services provided by any such agency which the Committee determines are suitable for procurement by the Government pursuant to the Law.

a. The Law further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified non-profit agency for the blind or such agency for the other severely

handicapped if the commodity or service is available within the normal period required by the Government entity.

Definitions

As used in this text:

- (a) "Committee" means the Committee for Purchase of Products and Services from the Blind and Other Severely Handicapped.
- (b) "Direct Labor" means all work required for preparation, processing, and packing of a commodity or work directly related to the performance of a service but not supervision, administration, inspection, or shipping.
- (c) "Fiscal year" means the 12-month period beginning on October 1 of each year.
- (d) "Government" means District of Columbia government.
- (e) "Blind" means an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20°.
- (f) "Other Severely Handicapped Individual" means any person (other than a blind person as heretofore defined) who is so severely

incapacitated by any physical or mental disability that he or she cannot engage in normal competitive employment because of such disability.

NOTE: The Federal Committee on Purchases from Blind and Other Severely Handicapped amended the federal definition on January 26, 1979. We offer this new definition for consideration as well as for purposes of later amending D.C. Law to achieve accord with the federal legislation which has been utilized as a guide in developing the Employment Opportunities Act. The new federal definition is as follows:

"Other severely handicapped individual" means any person (other than a blind person) who is so severely incapacitated by any physical or mental disability that he cannot engage in normal competitive employment because of such disability. Further, "other severely handicapped" means a person, other than a blind person, who has a severe physical or mental impairment (a residual, limiting condition resulting from an injury, disease, or congenital defect) which so limits the person's functional capabilities (mobility, communication, self-care, self-direction, work tolerance or work skills) that the individual is unable to engage in normal competitive employment over an extended period of time.

- (g) Capability for normal competitive employment shall be determined from information developed by an on-going evaluation program conducted by or for the workshop and shall include, as a minimum, a preadmission evaluation and a reevaluation at least annually of each individual's capability for normal competitive employment. The workshop must maintain a placement program, or liaison with appropriate community services, for the placement of those workers who may qualify for competitive employment.
- (h) "Qualified non-profit agency for the blind and other severely handicapped"(hereinafter workshop for the blind and other severely handicapped) means an agency organized under the laws of the United States or of the District of Columbia, operated in the interest of blind and other severely handicapped individuals, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the laws of the United States or of the District; and which in the manufacture of commodities and the provision of services (whether or not the commodities or services are procured under these regulations) during the fiscal year employs blind and other severely handicapped individuals for not less than 75 percent of the man-hours of direct labor required for the production or provision of the commodities or services, and such other standards as may be promulgated by the D. C. Government.

- (i) "Procurement List" means a list of (1) the commodities, produced by any workshop for the blind or by any workshop for other severely handicapped, and (2) the services, provided by any such workshop, which the Committee determines are suitable for procurement by the D. C. Government pursuant to these regulations.
- (j) "Central non-profit agency" means an agency organized under the laws of the United States or of any State, operated in the interest of the blind or other severely handicapped, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual, and designated by the Committee to facilitate the distribution (by direct allocation, subcontract, or any other means) of orders of the Government for commodities and services on the procurement list among workshops for the blind or workshops for other severely handicapped, and to assist the Committee in administering these regulations. (See later discussion regarding the CNA)
- (k) "Ordering office" means any activity in an entity of the Government that places orders for the procurement of any commodity or service on the procurement list.
- (l) "Workshop" means a workshop for the blind or a workshop for other severely handicapped, as appropriate.
- (m) "Participating workshop" means any workshop which has been authorized by the Committee to produce a commodity or provide a service to the Government under the Law.

- (n) "Certified Workshop" means a workshop which meets the certification requirements set forth by the Committee under Section III-2 of these regulations, and which is notified by the Committee of its eligibility to participate under the Law.

I-3 Priorities

Refer to Prison Industries - See 1974 U.S. Code Section 24-451. Also Public Law 88-622

Minority Business Set-Aside D.C. Law 1 - 95.

I-4 Recommendations

All individuals, particularly those concerned with procurement, are encouraged to recommend to the Committee any commodities and services which appear to be suitable for procurement by the Government from blind or other severely handicapped workshops.

Committee Responsibilities

It is the Committee's responsibility to administer the Law, the purpose of which is to direct the procurement of selected products and services by the D.C. Government to qualified workshops for the blind and other severely handicapped. The objective is to increase the opportunities for the employment of blind and other severely handicapped individuals and,

whenever possible, to prepare these individuals to engage in normal competitive employment.

1-5 Duties and Powers

The duties and powers of the Committee are:

- (a) To establish and publish in the D.C. Register a procurement list of those commodities and services which it determines are suitable for workshops for the blind or other severely handicapped to supply to the Government.
- (b) To determine the fair market price of the commodities or services on the procurement list and to revise its price determinations in accordance with changing market conditions.
- (c) To designate at its discretion, a Central Non-profit Agency or agencies to facilitate the distribution, among the workshops for the blind and other severely handicapped, of orders of the Government for commodities or services appearing on the procurement list (by direct allocation, subcontract, or any other means). Duties and responsibilities of the Central Non-profit Agency may be performed by the Committee until such time that a Central Non-profit Agency is designated and established.
- (d) To establish rules and regulations regarding the effective implementation of the Law.
- (e) To conduct a continuing study and evaluation of its activities under the Law for the purpose of assuring effective and

efficient administration of the Law. On its own, or in cooperation with other public or non-profit private agencies, the Committee may study problems relating to the employment of the blind and other severely handicapped individuals, and to the development and adaptation of production methods which would enable a greater utilization of these individuals.

I o Procurement List

The Committee shall issue to each ordering office a procurement list which will include commodities and services which shall be procured from the indicated Central Non-profit Agency or its workshops.

(a) For commodities, the procurement list includes the item description, specification identification, and other pertinent information.

(b) For services, the procurement list identifies the type of service to be provided, the area(s) and/or agency(s) to be serviced and includes information on prices.

I-7 Fair market price

The Committee is responsible for determining the fair market prices including changes thereto, for commodities or services on the procurement list and shall consider recommendations from the procuring agencies and the Central Non-profit Agency concerned. Recommendations for fair market prices or changes thereto shall be submitted by the workshops to the Central Non-profit Agency representing the workshop. The

Central Non-profit Agency shall analyze the data and submit a recommended fair market price to the Committee along with the detailed justification necessary to support the recommended price.

I-8 Suitability

(a) The Committee has established the following criteria for determining if a commodity or service is suitable for addition to the Procurement List:

1. A qualified workshop must be capable of producing the commodity or providing the service at a fair market price.
2. The addition of the commodity or service to the Procurement List would not have a serious adverse impact on the current or most recent contractor for the commodity or service.

(b) To qualify to participate under the Law, a workshop must meet the requirements as a non-profit agency serving the blind or other severely handicapped set forth in the section, "participating workshops." A workshop desiring to produce a commodity or provide a service under the Law must satisfy the Committee that it will have the capability to meet the Government's quality standards and delivery schedules by the time it assumes responsibility for supplying the Government under the Law and that it can supply the commodity or service at a fair market price.

(c) . At least 30 days prior the Committee's consideration of the addition of a commodity or service to the Procurement List, the Committee publishes a notice in the D.C. Register announcing the proposed addition and providing interested persons an opportunity to submit written data, views, or arguments on the proposed addition.

(d) In deciding whether or not a proposed addition to the Procurement List would have a serious adverse impact on the current or most recent contractor for the particular commodity or service, the Committee gives particular attention to:

1. The possible impact on that contractor's sales, including any cumulative impact as the result of other recent Committee actions.
2. Whether or not that contractor has been a continuous supplier to the Government of the specific commodity or service proposed for addition and is, therefore, more dependent on the income from such sales to the Government, and
3. Any substantive comments received as the result of the notice in the D.C. Register.

(e) The Committee considers the particular facts and circumstances in each case in determining if a commodity or service is suitable for addition to the Procurement List.

When the Committee determines that a proposed addition to the Procurement List would have a serious adverse impact on a particular company, it takes this fact into consideration in deciding whether or not the Government's procurement of the commodity or service in question, or a portion thereof, should be added to the Procurement List.

1-9 Reconsideration of Committee Decision

An interested person may request reconsideration of a Committee decision by submitting a request to the Committee in writing setting forth the facts which he or she considers would justify the Committee's modifying or reversing its decision.

11 Central Non-profit Agency

At the federal level and in a number of states where a set-aside program has been established for workshops serving blind and other severely handicapped persons, a Central Non-profit Agency has been designated to facilitate conducting business with the Government. The Central Non-profit Agency (CNA) acts on behalf of all participating workshops, thus creating but one entity for the Government to relate to in terms of procurement functions. D.C. Law 2-128 provides that the Committee may designate a CNA to perform these procurement and liaison functions. However, it is felt that the small number of workshops coupled with the limited geographical size of the District may preclude the necessity for establishing

a CNA at this time. Therefore, it is recommended that the functions of the CNA be performed by the Committee until such time that creation of a separate and distinct CNA seems warranted. In fulfilling CNA functions, the Committee may elect to delegate these responsibilities to its staff. So that CNA functions are clearly differentiated in this document, the notation "acting as CNA" will appear in all instances hereafter where the Committee is fulfilling CNA duties and responsibilities.

The duties of the Central Non-profit Agency are as follows:

- (a) Represent sheltered workshops in dealing with the Committee under the Law.
- (b) Evaluate the qualifications and capabilities of its workshops, their status as qualified non-profit agencies, their manufacturing or service capabilities, and other information required by the Committee. Evaluations performed by the National Industries for the Blind and National Industries for the Severely Handicapped establishing the qualifications and capabilities of a workshop to perform a particular service or to manufacture a particular product will be accepted by the Committee in lieu of a duplicate assessment.
- (c) Recommend to the Committee, with appropriate justification including recommended prices, suitable commodities or services for procurement from its workshops.

- (d) Distribute within the policy guidelines of the Committee (by direct allocation, subcontract, or any other means) orders from Government activities among its workshops.
- (e) Maintain the necessary records and data on its workshops to enable it to allocate orders equitably.
- (f) Supervise its workshops to insure contract compliance in the production of a commodity or performance of a service.
- (g) As market conditions change, recommend price changes with appropriate justification for assigned commodities or services on the procurement list.
- (h) Monitor and inspect the activities of its workshops to insure compliance with the Law and appropriate regulations.
- (i) When authorized by the Committee, to assist D.C. Government procuring agencies to enter into contracts for the furnishing of commodities or services provided by certified workshops.
- (j) Prepare a comprehensive annual report for each fiscal year concerning the operations of its workshops under the Law, including significant accomplishments and developments, and such other details as the Central Non-profit Agency considers appropriate or the Committee may request. This report will be submitted by December 15 for the fiscal year ending the preceding September 30.

Again, it must be reiterated that the above functions have been enumerated as if the Committee and CNA are separate and distinct, which they indeed may be at a future time. However, it is felt that these functions can be fulfilled, at least initially, by the Committee.

II-2 Distribution of Orders

The Committee (acting as CNA) shall distribute orders from the Government only to workshops which the Committee has approved to produce the specific commodity or to perform the particular service. When the Committee has approved two or more workshops to produce a specific commodity or perform a particular service, the Committee (acting as CNA) shall distribute orders among those workshops in a fair and equitable manner.

It is recommended that a percentage factor be added to all fair market price determinations for services performed to be used to support the cost of Committee operating expenses.

II-3 Fees

The fees, if any, the Committee (acting as CNA) shall charge workshops for facilitating participation by their workshops under the Law shall not exceed the rates approved by the D.C. Government.

III Participating Workshops

III-1 General

If a separate and distinct CNA is eventually established, participating workshops must be represented by the CNA. This designation of the CNA will be made by the Committee and cannot be altered without prior written approval of the Committee.

III-2 Procedures for Qualification

(A) To qualify for participation under the Law,

(1) A workshop, other than a District-owned or District-operated workshop, shall submit to the Committee through its Central Non-profit Agency the following documents, transmitted by a letter signed by an officer of the corporation or chief executive:

- (a) A legible copy (preferably a photocopy of the articles of incorporation showing the date of filing and the signature of an appropriate District official,
- (b) A copy of the bylaws certified by an officer of the corporation.
- (c) If the articles of incorporation or bylaws do not include a statement to the effect that no part of the net income of the workshop may inure to the benefit of any shareholder or other individual, one of the following:

- i. A certified true copy of the District statute under which the workshop was incorporated which includes wording to

the effect that no part of the net income of the workshop may inure to the benefit of any shareholder or other individual.

ii. A copy of a resolution approved by the governing body of the corporation, certified by an officer of the corporation to the effect that no part of the net income of the workshop may inure to the benefit of any shareholder or other individual.

iii. A copy of the Internal Revenue Service certificate, duly executed during the prior twelve months, indicating that the corporation has been accepted as a non-profit agency for taxation purposes.

(2) A District-owned or District-operated workshop for the blind or other severely handicapped shall submit to the Committee through the Central Non-profit agency, if one has been designated or otherwise directly, the following documents, transmitted by a letter signed by an officer of the wholly-owned District corporation or an official of the agency that directs the operations of the workshop, as applicable:

(a) A certified true copy of the District statute establishing or authorizing the establishment of workshop(s) for the blind or other severely handicapped.

(b) In the case of a wholly-owned District corporation,

a certified true copy of the corporation bylaws; and, in the case of a District agency, a certified true copy of implementing regulations, operating procedures, notice of establishment of the workshop, or other similar documents.

- (3) The Committee shall review the documents submitted and, if they are acceptable, notify the workshop through the CNA, if one has been designated or otherwise directly, of the workshop's eligibility to participate under the Law.
 - (a) At the same time a workshop requests the addition of a commodity or service to the procurement list, it shall submit a signed copy of the appropriate initial workshop certification, which can be the same as that certification required under the federal programs by the National Industries for the Severely Handicapped or National Industries for the Blind as outlined earlier. This requirement does not apply when a workshop is already authorized to produce a commodity or provide a service under the Law.
 - (b) To maintain its qualification under the Law, each workshop authorized to produce a commodity or provide a service under the Law must continue to meet the requirements of a "workshop for the blind" or "workshop for the other severely handicapped" as defined in preceding sections, and

shall complete and submit an annual workshop certification to the Committee by November 15 for the fiscal year ending the preceding September 30.

III-3 Responsibilities

- (a) Each workshop participating under the law shall:
- (1) Furnish commodities or services in strict accordance with the allocation and Government orders.
 - (2) Make its records available for inspection at any reasonable time to representatives of the Committee or the Central Non-profit Agency, if one has been designated.
 - (3) Maintain records of direct labor hours performed in the workshop by each worker.
 - (4) Submit to the Central Non-profit Agency, if one has been designated or otherwise directly to the Committee by November 15 the appropriate annual workshop certificate and the information required by the Committee for its annual report both covering the fiscal year ending the preceding September 30.
 - (5) Comply with applicable Occupational Health and Safety Standards prescribed by the United States or District of Columbia Departments of Labor.
 - (6) Maintain a file on each blind individual which includes a written report prepared by a licensed physician reflecting visual acuity and field of vision of each

- eye with and without glasses.
- (7) Maintain a file on each blind and other severely handicapped individual which includes reports of preadmission evaluation, and annual reevaluations of the individual's capability for normal competitive employment, prepared by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes and abilities of handicapped persons.
- (8) Maintain an ongoing placement program that includes staff assigned evaluation duties and liaison responsibilities with appropriate community services such as the District employment service, rehabilitation agency, employer groups, and others; and list with one or more of these services those individuals whose most recent evaluations show them to be capable of normal competitive employment.

(i) Each workshop for other severely handicapped participating under the Law shall, in addition to the requirements of paragraph (a) of this section, maintain a file for each other severely handicapped individual which includes a written report prepared by a licensed physician, psychiatrist, qualified psychologist, and/or other qualified professional(s) reflecting the nature and extent of the disability or disabilities that cause such person to qualify as severely handicapped.

III-4 Violations

Any alleged violations of these regulations by a workshop shall be investigated by the Central Non-profit Agency, if one has been designated or otherwise by the Committee which shall notify the workshop concerned and afford it an opportunity to submit a statement of facts and evidence. The Central Non-profit Agency, if one has been designated, shall report its findings to the Committee, together with its recommendations, including a recommendation regarding whether allocations to workshops concerned should be suspended for a period of time. In reviewing the case, the Committee may request the submission of additional evidence or may hold a hearing on the matter.

IV Procurement Requirements and Procedures

IV-1 General

- (a) Ordering offices shall obtain commodities and services on the procurement list from the Central Non-profit Agency, if one has been designated, or directly from participating workshop(s).
- (b) When a commodity is identified on the procurement list as being available, through District Government Services supply distribution facilities, it shall be obtained in accordance with the requisitioning procedures of the supplying agency.

IV-2 Allocations and Orders

- (a) Allocation is the action to be taken by a Central Non profit agency, if one has been designated or otherwise by the Committee, to designate the workshop(s) that will produce definite quantities of commodities or perform specific services upon receipt of an order from the ordering office.
- (b) Letter requests for allocation shall be submitted to the Committee under this Law.
- (c) The Central Non-profit Agency, if one has been designated, may authorize the ordering office to transmit orders for specified commodities or services directly to the workshop(s) concerned without requesting an allocation for each order. In these cases the Central Non-profit agency shall specify the normal leadtime required for orders transmitted directly to the workshop(s). This method shall be used whenever possible since it eliminates double handling and decreases the time required for processing orders. In the absence of a CNA, the ordering office may work directly with participating workshops.
- (d) Requests for allocations shall contain for:
 - (1) Commodities: Name, stock number, latest specification, quantity, unit price, and place and time of delivery.

- (2) Services: Type and location of service required, latest specification, work to be performed, estimated volume, and time for completion.
- (c) Ordering offices shall request allocations in sufficient time for the Central Non-profit Agency, if one has been designated, or the workshops to reply, for the order(s) to be placed, and for the workshops to produce the commodity or provide the service (see paragraph (k) of this section).
- (f) The Central Non-profit Agency (if one has been designated, otherwise the Committee) shall make allocations to the appropriate workshop(s) upon receipt of a request from the ordering office and instruct the ordering office to forward the order to the Central Non-profit Agency or directly to the workshop(s).
- (g) The Central Non-profit Agency, if one has been designated, shall reply promptly to requests for allocations. When a request for allocation provides a delivery schedule which cannot be met, the Central Non profit Agency shall request a revision, which the ordering office should grant, if feasible, or the Central Non-profit agency shall issue a purchase exception authorizing procurement from commercial sources. In the absence of a CNA, the Committee shall fulfill this responsibility.

- (h) Allocations are not an obligation to supply any commodity or service, nor an obligation for the ordering office to issue an order, nor are workshops authorized to commence production until receipt of an order.
- (i) Upon receipt of an allocation, the ordering office shall promptly submit an order to the Central Non-profit Agency, if one has been designated, or designated workshop(s). Where this cannot be done promptly, the ordering office shall so advise the Central Non-profit agency and the workshop(s) immediately.
- (j) An order for commodities or services shall provide lead-time sufficient for purchase of materials, production or preparation, and delivery or completion.
- (k) The Central Non-profit Agency (if one has been designated, otherwise the designated workshop) shall keep the ordering office informed of any changes in leadtime experienced by its workshop(s) in order to keep to a minimum, requests for extensions once an order is placed by the ordering office. Where, due to unusual conditions, an order does not provide sufficient leadtime, the Central Non-profit Agency or workshop, depending on which received the order, may request an extension of delivery or completion date, which should be granted, if feasible. If extension of delivery or completion date is not feasible, the ordering office shall (i) notify the Central Non-profit Agency and

workshop(s) as appropriate, and (ii) request the Central Non-profit Agency to reallocate or to issue a purchase exception authorizing procurement from commercial sources as provided in IV-3. In the absence of a CNA, the Committee shall fulfill this responsibility.

- (1) The ordering office shall provide to the Central Non profit Agency, if one has been designated, and the Committee a copy of all orders to workshops.

IV-3 Purchase Exceptions

- (a) A Central Non-profit Agency (if one has been designated, otherwise the Committee) shall grant a purchase exception for an ordering office to procure from commercial sources commodities or services on the procurement list when both of the following conditions are met:

- (1) The Central Non-profit Agency or workshop(s) cannot furnish a commodity or service within the period specified, and
- (2) The commodity or service is available from commercial sources in the quantities and at an earlier time than it is available from the workshop(s).

- (b) The Central Non-profit Agency (or Committee in the absence of a CNA) may grant a purchase exception when the quantity

involved is not sufficient for economical production or provision by the workshop(s).

- (c) When the conditions in paragraphs (a) and (b) are met, the Central Non-profit Agency (or Committee in the absence of a CNA) shall provide a purchase exception promptly and shall specify the quantities and delivery period covered by the exception. The Central Non-profit Agency, if one has been designated, shall inform the Committee prior to issuing a purchase exception to procure a commodity or service from commercial sources when the value of the procurement is \$2,500.00 or more.
- (d) When a purchase exception is granted for procurement from commercial sources under paragraph (a) above:
 - (i) Purchase action shall be taken within 15 days following the date of the purchase exception or as may be extended by the Central Non-profit Agency, if one has been designated, with the concurrence of the Committee.
 - (ii) A copy of the solicitation shall be provided to the Central Non-profit Agency, if one has been designated, at the time it is issued.
- (e) The Committee shall grant a purchase exception when it deems such action is appropriate.

IV-4 Prices

- (a) The prices included in the procurement list are fair market prices established by the Committee.
- (b) Prices for commodities are for delivery aboard the vehicle of the initial carrier at point of production (f.o.b. shipping points), and include packaging, packing, and marking as shown on the procurement list.
- (c) Price changes for commodities and services shall apply to all orders placed on or after the effective date of the change and in special cases, with the concurrence of the ordering office, to undelivered orders on hand at the workshop on the effective date of the change.
- (d) If an ordering office desires packing, packaging, or marking of products other than the standard pack or as provided on the procurement list, the difference in cost thereof, if any, shall be added to the purchase price.

IV-5 Shipping and Packing

- (a) For commodities, delivery is accomplished when a shipment is placed aboard the vehicle of the initial carrier. Time of delivery is the date shipment is released to and accepted by the initial carrier. When shipments are under Government bills of lading, the bills of lading may accompany orders or be otherwise furnished, but they shall

be supplied promptly. Failure by an ordering office to furnish bills of lading promptly, or to designate a method of transportation, may result in an excusable cause for delay in delivery. When the workshop pays for transportation to destination, these costs shall be included as a separate item on the workshop's invoice, and the workshop shall be reimbursed by the ordering office for these costs.

- (b) Standard pack information is stated in item descriptions. In ascending order, standard pack is given in multiples of the unit of issue contained within the inner wrap(s) and the outer shipping container pack.
- (c) Shipping weights, where available, are included in the Procurement List. The weight indicated applies to the last quantity shown in the information on standard pack.

IV 6 Payments

Payments for products or services of the blind or other severely handicapped shall normally be made within 20 days, but in no event later than 30 days, after shipment or receipt of a correct invoice or voucher.

IV 7 Adjustment and Cancellation of Orders

When the Central Non-profit Agency, if one has been

designated, or a workshop fails to comply with the terms of a Government order, the ordering office shall make every effort to negotiate an adjustment before taking action to cancel the order. When a Government order is canceled for failure to comply with its terms, the Central Non-profit Agency, if one has been designated, otherwise the Committee shall be notified, and if practicable, requested to reallocate the order. The Government agency shall notify the Committee of any cancellation of an order and the reasons therefor.

IV-8 Correspondence and Inquiries

Routine correspondence or inquiries concerning deliveries of commodities being shipped from or performance of service by blind and other severely handicapped workshops shall be with the workshop involved. Major problems shall be referred to the Central Non-profit Agency, if one has been designated, otherwise the Committee. In those instances where the problem cannot be resolved by the Central Non-profit Agency (if one has been designated) and the procuring activity involved, the procuring activity or Central Non-profit Agency shall notify the Committee of the problem so that action can be taken by the Committee to resolve it.

IV-9 Quality of Merchandise

- (a) Commodities furnished under Government specification by blind or other severely handicapped workshops shall be

manufactured in strict compliance with such specifications. Where no specifications exist, commodities produced shall be of the highest quality and equal to similar items available on the commercial market. Commodities shall be inspected utilizing nationally recognized test methods and procedures for sampling and inspection.

- (b) Services provided by blind or other severely handicapped workshops shall be performed in accordance with Government specifications and standards. Where no Government specification or standard exists, the services shall be performed in accordance with good commercial practices.

IV-10 Quality Complaints

- (a) When the quality of a commodity received is not considered satisfactory by the using activity, the activity shall take the following actions as appropriate:
 - (1) For commodities received from blind or other severely handicapped workshops, address complaints to the workshop involved, with a copy to the Central Non-profit Agency, if one has been designated, otherwise to the Committee.
- (b) When the quality of a service is not considered satisfactory by the using activity, the activity shall address complaints to the workshop involved with a copy to the Central Non-profit

Agency, if one has been designated, otherwise to the Committee.

- (c) In those instances where quality problems cannot be resolved by the workshop and the using activity, the Committee and the Central Non-profit Agency, if one has been designated, shall be advised.

IV-11 Specification Changes

- (a) Specifications cited on the procurement list may undergo a series of changes, indicated by successive suffix letters, to keep current with industry changes and agency needs. Since it is not feasible to show the latest revision current on the publication date, only the basic specification is referenced on the procurement list. Procurement agencies shall notify the Central Non-profit Agency, if one has been designated, otherwise the Committee of the latest applicable specification.
- (b) When a Government department or agency is changing the design or construction of a commodity on the procurement list that involves the assignment of a new Stock Number, the Committee and the Central Non-profit Agency, if one has been designated, shall normally be permitted to comment on such change and shall be notified of the change prior to its effective date.

Committee Staff

The Coalition of Rehabilitation Agencies recommends that the Committee perform the functions of the Central Non-profit Agency at least initially.

In view of the limited number of workshops currently qualified to participate in this program, it is felt that one procurement specialist, probably at the GS-11 level or above, assisted by the clerical support of one secretary, at the GS-5 level or above, should be sufficient to handle the CNA responsibilities assumed by the Committee.

Payment of Staff

Perhaps these staff could be detailed from the D.C. Department of General Services, or some other appropriate agency, until separate budgetary arrangements can be made. The Coalition of Rehabilitation Agencies recommends that a reasonable percentage for procurement services be added to each contract between sheltered workshops and the D.C. Government under this program, and that these fees be used to support the activities of the Committee and its staff. This practice is followed by the Federal Government under the Javits-Wagner-O'Day program, which sets a fee equal to four percent of the total contract price for these purposes.