

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603-7740.

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

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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

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

2. The action does not appear to have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

#### **Commodity**

Plug Assembly, Drain  
2590-00-299-0739  
NPA: Goodwill Industries—Knoxville, Inc., Knoxville, Tennessee

#### **Services**

Grounds Maintenance

U.S. Department of Energy  
Western Area Power Administration  
Phoenix, Arizona  
NPA: Mesa ARC, Mesa, Arizona

#### **Janitorial/Custodial**

U.S. Department of Energy  
Western Area Power Administration  
Phoenix, Arizona  
NPA: Mesa ARC, Mesa, Arizona

#### **Order Processing Service**

GSA, Northeast Distribution Center  
Burlington, New Jersey  
NPA: Bestwork Industries for the Blind, Inc., Westmont, New Jersey

#### **Beverly L. Milkman,**

*Executive Director.*

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

#### **Procurement List Addition**

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

**ACTION:** Addition to the Procurement List.

**SUMMARY:** This action adds to the Procurement List a commodity to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** August 18, 1997.

**ADDRESS:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

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**SUPPLEMENTARY INFORMATION:** On April 4, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (62 F.R. 16134) of proposed addition to the Procurement List. Comments were received from a current contractor for this plastic postal tray, a contractor for the paper version of the tray, and the mayor of the city and a U.S. Senator from the state where the first contractor's plant is located. The first contractor objected to the Committee's regulation requiring consideration of impact on the entire corporate entity of a current contractor, including the parent corporation, as it stated its parent corporation would not subsidize any losses the contractor sustains if the trays are added to the Procurement List. The contractor also claimed that the addition would have a severe impact on the

contractor's sales and would require layoffs having a dramatic impact on the local economy which has a high unemployment rate and a largely minority population. The mayor and Senator seconded these contentions about the local economy. The contractor claimed that addition of another postal tray to the Procurement List has raised prices and stopped development on the tray by eliminating competition, and predicted the same thing would happen with this tray. The contractor also claimed there would be impacts on its suppliers and subcontractors, and objected to being relegated to six-month contracts as a supplier of raw materials to the nonprofit agencies producing the trays as the short-term arrangement made business planning impossible.

The Committee's assessment of impact on a contractor's entire corporate structure, rather than just the corporate division holding the contract for the commodity or service being added to the Procurement List, reflects the ability of large corporations to shift assets between divisions to minimize the impact of adverse developments in a way that smaller entities cannot do. Under these circumstances, any impact on the division is the result of the parent corporation's decision not to help its division, not the Committee's action.

The contractor will continue to have the opportunity to supply raw materials to the nonprofit agencies producing the other tray and the portion of the Government requirement for this tray which is already on the Procurement List, as well as the opportunity to supply materials for the portion currently being added. Since the materials the contractor will continue to have the opportunity to supply constitute a substantial majority of the value of the contract, this fact should significantly mitigate the impact of this addition on the contractor, its suppliers, and the local economy. Moreover, approximately 25% of the requirements for this tray continues to be available for procurement outside the Committee's Program.

The prices the nonprofit agencies charge are set by the Committee, which is required to establish a fair market price for each commodity and service on the Procurement List. The price established for this tray is within the Committee's guidelines. The United States Postal Service (USPS) and the nonprofit agencies are working to improve features of both trays, so it is not correct to say development ceased when the trays were added to the Procurement List. The Committee has been informed that raw material

suppliers, including the contractor and its competitors, not the nonprofit agencies, have insisted the supply contracts be only six months long.

The second contractor produces only the paper version of the tray, not the plastic version being added to the Procurement List. The firm would like the opportunity to produce the plastic tray, which is replacing the paper version, and is taking steps to be ready to produce the plastic tray.

However, the contractor's plastic tray has not been approved by USPS, which has also advised that the transition from paper to plastic will be a long-term process. Accordingly, the contractor is only losing an opportunity to compete for further contracts, if its product is approved, and the Committee has long taken the position that loss of an opportunity to compete is not severe adverse impact on a contractor without current Government sales of the item being added to the Procurement List. In addition, as noted above, no contractor is completely losing the opportunity to compete for future plastic tray business because approximately one-quarter of the USPS requirements for the tray will be available for procurement outside the JWOD Program.

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

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

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

2. The action will not have a severe economic impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity to the Government.

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

Accordingly, the following commodity is hereby added to the Procurement List:

Corrugated Plastic MM Tray

P.S. Item 3925

(U.S. Postal Service requirements for East Hartford, CT; Somerville, NJ and Baltimore, MD)

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

**Beverly L. Milkman,**

*Executive Director.*

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

#### Procurement List; Proposed Additions

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

**ACTION:** Proposed Additions to Procurement List.

**SUMMARY:** The Committee has received a proposal to add to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** August 18, 1997.

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

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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

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

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

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities have been proposed for addition to Procurement List for production by the nonprofit agency listed:

Box, Shipping, Fiberboard

8115-00-559-9998

8115-00-559-9999

8115-00-576-8407

8115-00-579-8461

8115-00-559-5516

8115-00-616-9151

8115-00-616-9154

8115-00-993-2790

8115-00-993-2791

8115-00-579-8406

8115-00-616-9147

8115-00-616-9150

8115-00-616-9152

8115-00-774-6562

8115-00-559-9996

8115-00-782-1695

8115-00-926-4887

8115-00-926-4888

8115-00-953-0276

8115-00-935-1140

8115-00-926-4886

8115-00-142-9594

8115-00-901-6434

8115-00-901-6428

8115-00-901-6435

8115-00-935-5904

8115-00-935-5905

8115-00-935-5906

8115-00-935-5907

8115-00-935-6510

8115-00-753-4690

8115-00-753-4691

(50% of the Government's requirement)

NPA: Orange County Rehabilitation

Center—Occupations Incorporated,

Middletown, New York.

**Beverly L. Milkman,**

*Executive Director.*

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