

U.S. ABILITYONE COMMISSION
2015 REPRESENTATIONS AND CERTIFICATIONS PROJECT

INTRODUCTION

The Commission has required that participating nonprofit agencies submit an annual certification to the Commission for over 30 years. This certification has two purposes, to assure that the participating nonprofit agencies are complying with the Commission regulations for maintaining their qualification to participate in the AbilityOne Program and to gather Program level data that the Commission can utilize to report on the Program and further grow the Program. The Representations and Certifications being proposed for use beginning in 2015 are an expansion of the current certification to more closely match the Commission's regulatory requirements, gather additional information on non-AbilityOne nonprofit qualifications that could impact a nonprofit agency's qualification to participate in the Program.

The requirement of providing annual Representations and Certifications (Reps and Certs) is drawn from the Federal Acquisition Regulation (FAR) and reflects a well-established Federal practice in the AbilityOne® Program. By aligning ourselves with other Federal programs and adapting proven business practices, we increase the AbilityOne Program's credibility, accountability and stability. The use of Reps and Certs for AbilityOne information reporting is the result of a collaborative and robust effort to improve the Program's critical business processes.

PURPOSES

- Implement Commission-approved recommendations for annual Reps and Certs in order to improve program performance and accountability
- Fulfill and improve the current nonprofit agency (NPA) annual certification process (Commission Forms 403 and 404 will be replaced by a single, more expansive form)
- Document the Procurement List (PL) decision-making process
- Align processes and documentation with the program's growth in size and complexity
- Protect AbilityOne Program employees, enhance NPAs' economic viability and ensure the successful implementation of government contracts
- Maintain the highest ethical standards in administering the AbilityOne Program by adhering to the latest audit methods, standards and requirements

MILESTONES

- **Briefed nonprofit agencies during NCSE and NAEPB meetings of the Commission plan to implement Reps and Certs**
- COMPLETED: Pilot test of annual Reps and Certs document, April 1-- April 22, 2015. A total of 59 NPAs from SourceAmerica and NIB responded by completing the form and providing feedback on a short questionnaire.
- Review test results and feedback and modify Reps and Certs as needed, May 2015
- 60-day OMB public comment period, May 2015 -- June 2015
- Submit for OMB approval, July 2015
- Train NPAs on Reps and Certs, June to September 2015

- Release final approved Reps and Certs, August 2015
- NPAs submit Reps and Certs November 1, 2015
- Electronic submission of quarterly data for Reps and Certs, January 2016
- Full rollout of the Reps & Certs including IT systems, October 2016.

WHO WILL BE INVOLVED

- For the full rollout, points of contact will be assigned and required by and for:
 - o U.S. AbilityOne Commission®
 - o Central nonprofit agencies (CNAs), NIB and SourceAmerica®
 - o NPAs
- All NPAs are required to submit annual Reps and Certs.

WHAT WILL BE REQUIRED FROM NPAs

- The new form will include data and have narrative yes/no questions that may require more information in an appendix.
- Use of Information Technology to transmit Reps and Certs quarterly data to the CNAs and the Commission

BENEFITS TO NPAs, CNAs AND COMMISSION

- Greater customer and stakeholder confidence in program integrity and credibility
- Strengthened documentation that substantiates Commission PL addition decisions
- Certified evidence that NPAs are in conformance with laws and regulations

UNDER DEVELOPMENT

- New procedures for project-specific Reps and Certs with anticipated implementation later in calendar year 2015, ensuring currency of information relied upon by the Commission to make PL addition decisions
- Certificate of Conformance process for additions below the Simplified Acquisition Threshold, thereby increasing efficiency and decreasing process time for certain actions

TRAINING AND SUPPORT

- Podcast(s) and online tutorials
- Portal to special microsite on www.abilityone.gov, available 24/7
- Conference presentations
- Specified staff contacts at the Commission, NIB, and SourceAmerica
- New executive orientation
- Webinars
- Series of updated Reps and Certs and FAQs (see below)

CONTACT INFORMATION

- NIB NPAs may contact Harlan Erker at 703-310-0633 or herker@nib.org.
- SourceAmerica NPAs may contact Patty Pappas at 571-226-4541 or ppappas@sourceamerica.org.
- CNAs may contact Amy Jensen at 703-603-21232 or ajensen@abilityone.gov.

As a result of the briefings that have already been provided to nonprofit agencies and the pilot study the Commission has already collected a number of frequently asked questions and provides the following answers to those questions.

FAQs

FREQUENTLY ASKED QUESTIONS (V11.05.06.15)

Q1: Why is the Commission implementing annual Representations and Certifications, and are Representations and Certifications required by the current statute and regulations?

A: The Commission has required that participating nonprofit agencies submit an annual certification to the Commission for over 30 years. This certification has two purposes, to assure that the participating nonprofit agencies are complying with the Commission regulations for maintaining their qualification to participate in the AbilityOne Program and to gather Program level data that the Commission can utilize to report on the Program and further grow the Program. The Representations and Certifications being proposed for use beginning in 2015 are an expansion of the current certification to more closely match the Commission's regulatory requirements, gather additional information on non-AbilityOne nonprofit qualifications that could impact a nonprofit agency's qualification to participate in the Program.

Q2: Why is the Commission collecting new data such as dollars spent by NPAs in subcontracting to small business; and veterans to include Wounded Warriors?

A: As the AbilityOne Program has grown additional questions have been raised about the Program and the additional information required as part of the Reps and Certs will provide the Commission with data to be able to answer these questions and help the Commission to continue to grow the Program. Information on nonprofit contracts awarded to small businesses will help demonstrate that the Program's nonprofit also work with small businesses. As the Program's sales have increasingly shifted to the Defense Department, 63% in FY 2014, information on veterans employed at nonprofit agencies has become more and more important in continuing to grow the Program.

In addition, the 2012 Government Accountability Office report to Congress on the AbilityOne Program also recommended that the Commission gather more comprehensive information.

Q3: Will it be costly for NPAs to purchase new software to satisfy the new Reps and Certs requirements and to train personnel in how to use it?

A: Some nonprofit agencies may need to make modifications to existing software and reporting systems, but no new software should be required. The Commission through NIB and SourceAmerica will provide free training in completing the form via webinars, at conferences and other venues.

Q4: Will the CNAs continue to collect quarterly data from NPAs?

A: Yes. The CNAs will continue to collect the information during the rest of 2015 that they have collected for the first two quarters. Beginning with the first quarter of FY2016 (January 2016) the CNA will collect all of the data required for the Representations and Certifications form.

Q5: Will the nonprofits have to provide the information that has not been reported to the CNAs via the quarterly reports for FY 2015?

A: No, any data field in sections 9 through 14 of the Representations and Certifications that was not previously reported via the CNA quarterly reports does not have to be reported in FY 2015. However, the nonprofit agencies will have to provide answers to the reps and certs in sections 6, 7 and 8.

Q6: Will the CNAs continue to populate the Reps and Certs form as they have with the 403/404 form?

A: In FY 2016 both CNAs will populate the Reps and Certs form with the all of the data fields for each participating nonprofit. However, 2015 will be a transition year. As noted in question 5 nonprofits will not have to complete any data fields that were not asked for in 2014. SourceAmerica will provide its agencies with a Reps and Certs form for FY2015 that has those carry over data fields already filed out. NIB will provide its agencies with a copy of the old annual certification that contains the data for FY 2015.

Q7: With the new information requirements, will NPAs be allowed additional time to collect, aggregate, and submit data?

A: Since the data that must be reported for 2015 is the same as that required in previous years there should be no need for additional time to complete the form. The completed Reps and Certs form will be due at the CNAs on November 1, 2015.

Q8: What is the purpose of requiring NPAs to provide a DUNS number (s)?

A: The Dun and Bradstreet *Data Universal Numbering System (DUNS®)* numbers are utilized by the System for Award Management (SAM) to identify AbilityOne participating nonprofit agencies with the Commission providing SAM with the DUNS numbers of participating nonprofits. If the Commission does have the DUNS numbers that the nonprofit uses to identify itself in SAM then SAM will not correctly identify the nonprofit as an AbilityOne participating nonprofit and the awarding of contracts could be delayed.

**The DUNS number was adopted as the standard business identifier for Federal electronic commerce in October 1994. The DUNS number was also incorporated into the FAR in April 1998 as the Federal*

Q9: Why are agencies required to report changes in Agency bylaws, and how does this impact the AbilityOne program?

A: In order to qualify to participate in the AbilityOne Program an entity must provide documentation as to its legal status. Unless the nonprofit is state owned, operated or authorized by a state statute the required documentation is the nonprofit's articles of incorporation and by-laws. Since changes to these documents can affect the nonprofit status of an agency the Commission wants to review changes to ensure that nothing has affected the nonprofits qualification to participate in the Program. Obviously, changes to articles of incorporation will contain name changes and the Commission utilizes the legal name of nonprofits. The other major item that the Commission checks for is an inurement statement, which occasionally gets deleted because the nonprofit doesn't realize it is a Program requirement.

Q10: What is the AbilityOne Licensee Agreement?

A: The Commission has trademarked AbilityOne® and in order for a nonprofit agency to properly utilize a trademarked item there needs to be a licensing agreement between each nonprofit and the Commission. The Commission currently has licensing agreements with NIB and SourceAmerica and is in the process of developing the agreement for individual nonprofit use.

Q11: How long should it take to fill out the Reps and Certs form?

A: First it is important to remember that under the Paper Work Reduction Act the Commission has two separate recordkeeping requirements with the time it takes to perform the requirement called burden. The first, and biggest, requirement is for agencies to maintain medical documentation, Individual Eligibility Evaluations (IEEs) and the documentation to determine the direct labor hour ratio, wages and sales for the agency and AbilityOne projects on at least a product or service family basis. The second requirement is for submitting the information on a quarterly basis to the CNAs and completing the Commission's annual certification.

The burden for the current annual certification (403 or 404) is six hours a year. As part of the pilot study that the Commission conducted we requested agencies to fill out the form completely utilizing FY2014 data. Agencies reported taking from less than 1 hour to more than 8 hours with the average being 4.2 hours. Since the time reported in the pilot did not include the time to submit the quarterly data to the CNA, but did include time to research data that had not previously been requested the Commission believes that the burden to submit all the quarterly data and complete the new representations and certifications form should be 8 hours, or an increase of 2 hours.

Q12: Why does the form use both 75% and 74.5%, isn't the requirement a direct labor hour ratio requirement of 75%?

A: The JWOD Act requires that an nonprofit agency maintain an overall agency direct labor hour ratio of 75% for the fiscal year. However, the Commission also allows for normal rounding rules. Thus an agency with a 74.51% direct labor hour ratio would meet the 75% requirement. In order to ensure that agencies with ratios between 74.50 and 74.99% do not incorrectly respond to the certifications on direct labor hour ratio the Commission has included language using the 74.50%.

Q13: Is there a text accessible version of the Reps and Certs form?

A: The Commission is in the process of ensuring that the current form is fully accessible or if necessary having a separate form that is fully accessible.