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Col. James Kent, United States Army
Army Food Transformation & Innovation
4400 Martin Road
Redstone Arsenal, AL 35898
VIA EMAIL

March 31, 2023

Dear Col. Kent,

I am writing as the President of the National Council of State Agencies for the Blind, the professional association of state vocational rehabilitation agencies for the blind. Our members are the State Licensing Agencies (SLAs) designated in the Randolph-Sheppard Act to exercise the priority for the blind in food services on federal properties. Our mission is to promote, through advocacy, coordination and education, the delivery of specialized services that enable individuals who are blind and visually impaired to achieve personal and vocational independence. The Randolph-Sheppard program is the only program designated in federal law solely to offer the training and services that enable persons who are blind to become entrepreneurs and to support themselves and their families by running their own businesses.

As you are aware, and as NCSAB outlined in its letter of January 26 to Assistant Secretary Katherine Neas of the US Department of Education Office of Special Education and Rehabilitation Services, NCSAB is concerned that prior iterations of the request for proposals issued for implementation of the Army Food Innovation and Transformation (A-FIT) initiative have not complied with the Randolph-Sheppard Act and the priority it affords for companies owned and managed by blind entrepreneurs. We appreciate the time you have taken to learn more about the Randolph-Sheppard Act, and your willingness to share with us your Information Paper of March 15, 2023 proposing a modified approach that includes language in the solicitation recognizing the Randolph-Sheppard priority. If the procurement were to proceed consistent with our understanding of the recommendations outlined in the Information Paper, detailed below, we believe this procurement would be consistent with the Randolph-Sheppard Act and would likely not be challenged by state licensing agencies.

As we understand it, the Information Paper recommends the following adaptations necessary to bring the A-FIT procurement into compliance with the Randolph-Sheppard priority:

1. The revised solicitation will include language recognizing the application of the Randolph-Sheppard priority.
2. If a state licensing agency determines that the requested food services on the installation within its borders is appropriate for a licensed blind vendor, it may submit a proposal just for that base. If the SLA proposal is deemed to be qualified and responsive then the SLA will be awarded a permit and the base in that state will not be part of the final multi-state award.

3. Nothing in the solicitation would prohibit the SLA from submitting a proposal on behalf of a licensed blind vendor and a teaming partner.
4. Nothing in the solicitation would prohibit an SLA from submitting a proposal on behalf of multiple state licensing agencies to provide food services on bases in multiple states.
5. Regardless of whether or not an SLA submits a bid to provide all requested food services on the base within its borders, if micro-markets, vending machines, C-stores, snack shops, coffee stands or other opportunities typically understood to be vending under the Randolph-Sheppard Act and regulations are part of a proposal, then the SLA shall have the right of first refusal to provide such services. Proposers shall make every effort to ensure that such services provide a meaningful business opportunity and liveable income for one or more blind entrepreneurs. In the event that the SLA accepts such a business opportunity, a permit to provide services will be awarded directly to the SLA; consistent with the priority afforded under the Act, the vending opportunity for the blind entrepreneur will not be a subcontract to the Proposer. The winning bidder shall have the responsibility of coordinating with the SLA and blind entrepreneur manager to ensure seamless delivery of services.
6. Nothing in this solicitation shall impact the Randolph-Sheppard priority to provide food services in other buildings on the five installations that are part of the A-FIT initiative, or at other installations that are not part of the A-FIT initiative. SLAs shall continue to compete for cafeteria contracts, including multi-state contracts, at Department of Defense installations and shall continue to work with the Department of Defense and installation commanders to recognize and exercise the Randolph-Sheppard priority for vending permits at all such facilities.

For too long, lack of appropriate guidance, education and understanding has created conflict between the Department of Defense and state agencies attempting to carry out their statutory obligations under the Randolph-Sheppard Act. The result has been decades of arbitrations and court cases that have required time, effort and money on the part of all concerned. Many blind entrepreneurs would welcome the opportunity to provide food services to the brave men and women of the Armed Forces; although they themselves cannot serve, the vendors who offer troop dining or vending at military installations are proud to support our country in this way. NCSAB welcomes the opportunity to work with you and your colleagues to reduce the friction between advocates for the blind and the Department of Defense, and to work together to offer high quality, innovative food services that support the successful achievement of the Army's mission.

Sincerely,

Carlos R. Servan

Carlos R. Servan, J.D.
President