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The Honorable Katherine Neas
Assistant Secretary, Office of Special Education and Rehabilitation Services
United States Department of Education
Room 5106 Potomac Plaza Center
550 12th St SW
Washington DC 20202
VIA EMAIL

January 26, 2022

Dear Assistant Secretary Neas,

I am writing on behalf of the National Council of State Agencies for the Blind regarding the US Army Installation Management Command's Request for Proposal (RFP) NAFBA1-23-R-005 to establish a firm-fixed price indefinite delivery indefinite quantity contract to finance, build out and otherwise operate and maintain a Warrior Restaurant Center at five US Army garrisons. This request for proposal has raised concerns on the part of state agencies for the blind regarding the priority for blind vendors afforded under the Randolph-Sheppard Act in the procurement of food services on federal property.

In this procurement, the Army seeks a food service provider that will partially finance the reconfiguration of traditional cafeteria-style mess halls on five Army installations and subsequently operate them as "campus-style dining" venues. No military or civilian cooks or personnel will be provided by the Army as part of this activity. Soldiers will be allocated up to \$35 per day, paid for by the Army, for meals; desserts and food items above that limit will be paid for by soldiers themselves. Other patrons including military families, civilians and contractors will pay cash for food and beverages. The language of the request for proposal underscores the use of a nonappropriated fund instrumentality for the purposes of this agreement. Although the RFP is clearly seeking delivery of food services on properties controlled by the federal government, it makes no mention of the Randolph-Sheppard priority.

NCSAB is concerned about the apparent disregard of the Randolph-Sheppard priority represented by this RFP, and requests your response on behalf of the Secretary of Education to the following questions:

1. Does the service being solicited meet the definition of "vending facility?" If so, would the service being solicited require a permit or a contract?
2. Is the requirement that the winning bidder pay for building improvement costs in excess of \$2 million per facility, which is estimated to be approximately half of the total cost, a potential limitation on the operation of a vending facility? If so, did the Department of Defense seek from the Department of the Education an exception that would allow such a limitation?

3. Does the Randolph-Shepard Act include any exemption for facilities utilizing nonappropriated funds? Does the priority apply to facilities paid for with nonappropriated funds?

Thank you for your work to support individuals who are blind, and to expand business opportunities for blind entrepreneurs under the Randolph-Sheppard Act. I look forward to your reply.

Sincerely,

Carlos R. Servan

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President