OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

February 17, 2004

DPAP/P

MEMORANDUM FOR DIRECTORS OF THE DEFENSE AGENCIES
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(POLICY AND PROCUREMENT), ASA(ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION MANAGEMENT), ASN(RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/ACQ
DEPUTY DIRECTOR FOR LOGISTICS (DLA)
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, ARMY CONTRACTING AGENCY

SUBJECT: Contracting With Employers of Persons With Disabilities

The purpose of this memorandum is to bring to your attention a recently enacted statutory provision that makes the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*) (RSA) inapplicable to certain existing contracts awarded in compliance with the Javits-Wagner-O'Day Act (41 U.S.C. 48) (JWOD Act).

The RSA requires that a priority be given to blind persons licensed by a State agency for the operation of vending facilities on Federal property. The JWOD Act requires Government agencies to purchase selected products and services from nonprofit agencies employing people who are blind or otherwise severely disabled.

Section 852 of the National Defense Authorization Act for Fiscal Year 2004 (Pub.L. No. 108-136) applies to any contract entered into before November 24, 2003 and in effect on that date, with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the JWOD Act, for the operation of a military mess hall, troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces. As provided for in section 852, no such contract shall be subject to the RSA so long as the contract is in effect, including any period for which the contract is extended pursuant to an option provided in the contract.

If you have any questions regarding the Department's policies or procedures for doing business in accordance with the RSA and the JWOD Act, please contact Ms. Susan Schneider at (703) 614-4840.

Deidre A. Lee
Director, Defense Procurement
and Acquisition Policy