



# NATIONAL FEDERATION OF THE BLIND

NATIONAL ASSOCIATION OF  
BLIND MERCHANTS

*Live the life you want.*

## BLIND ENTREPRENEURS INITIATIVE

### THE BLITZ Holiday Issue 2018

Happy Holidays! This will be somewhat of an abbreviated issue of The Blitz. We wanted to bring you up to date on everything Randolph-Sheppard before the year's end. In January, watch for our annual edition that will summarize the activities of the whole year. But first, on behalf of President Nicky Gacos, the NABM Board of Directors, and the entire NABM team, we want to wish you a very Merry Christmas and a Happy New Year. This is a very special time of year. Take some time and enjoy it with your friends and families.

***Lone Star BLAST Biggest Ever*** – Ever heard it said they do things bigger and better in Texas? Well, the Lone Star BLAST held in San Antonio in November proved that statement to be true. It was a record setting event that will be long remembered. The conference featured an outstanding SLA training on the first day, excellent breakout sessions, quality presenters, and a fantastic trade show. It also featured our first-ever all walk for women to heighten the awareness of the unique challenges faced by Randolph-Sheppard women. The challenge will be trying to top this year's BLAST the next time around. It is always the goal of NABM President Nicky Gacos to make the next one better than the last one. You can bet he will try. When and where will that be? Be patient. Nicky is hard at work on that and an announcement will be sent out once those plans are finalized.

***Big News from DoD*** – For the last 2 and ½ years, you've heard us talk about the proposed Department of Defense rules that would have seriously limited opportunities for Randolph-Sheppard in troop dining. The intent of the rules was to implement the 2006 Joint Policy Statement which stated the Randolph-Sheppard priority did not apply to most contracts and that the SLA's bid had to be within 5% of \$1 Million of the lowest bid. NABM maintained that the rules were illegal and was prepared to sue DoD. However, DoD announced earlier this month that it was closing the rulemaking case with no further action. In other

words, the rules are dead. Remember the 5,000 comments we generated when the rules were first proposed? Remember the letter we pushed from the Secretary of Education to Congressman Sessions? Remember NABM's advocacy with the Department of Education and DoD? Well, it all paid off. However, we must remain vigilant. You can bet DoD and AbilityOne (the main benefactor of the Joint Policy Statement) will not take this defeat lying down and they will back in Congress pushing for changes in the law. We must continue to thwart these efforts through our advocacy efforts in D.C.

***More Good News on the DoD Front*** – There was also some other exciting news related to military dining.

**Fort Irwin** - We reported in the last issue that the Army had tried the same strategy used at Fort Bliss attempting to carve out the DFA portion of the contract and award it separately. However, a federal judge ruled the Army violated the Randolph-Sheppard Act at Fort Bliss. The Army has now conceded the point and has elected to rebid the entire food service under one contract with a Randolph-Sheppard priority. This is a nice win for Randolph-Sheppard, the California SLA, Ron Long the blind entrepreneur, and FSIG the teaming partner.

**King's Bay Submarine Base** - In Georgia, the Navy actually approached the SLA about its food service contract at its Kings Bay Submarine Base. It solicited bids with a Randolph-Sheppard priority for the DFA contract. No award has been made but signs are encouraging that the contract could be awarded to the SLA very soon.

**Marine Corps Base Hawaii (also known as K-Bay)** - This contract was a Randolph-Sheppard operation but when the contract was re-solicited the SLA's bid was rejected. The SLA took aggressive steps to prevent this from happening. A court hearing for a Temporary Restraining Order was held in May and the Court granted the SLA a TRO until an arbitration panel could hear the case and render a decision. As a result, the Marine Corps provided a four-month bridge contract followed by a one-year additional bridge contract that will keep a blind entrepreneur there until [September 2019](#).

***NABM Releases White Paper on GSA Issues*** – Like many blind entrepreneurs and SLAs, NABM has become frustrated with ongoing problems on properties controlled by the U.S. General Services Administration. The problems range from security clearance issues to competition from private cafeterias to the new template GSA is proposing for permits. In response to these ongoing issues, NABM released a white paper that outlines 12 areas of concern and contains 23 recommendations. The intent was to facilitate dialogue and that is occurring. GSA has written to the Rehabilitation Services Administration asking for clarification on a number of the issues we identified in the white paper. We await

RSA's response. In the meantime, we urge you to familiarize yourself with the white paper and hold GSA accountable in your state. If there are violations, take advantage of your right to arbitration. NABM is willing to assist those states anyway we can. To view the white paper, go to <https://blindmerchants.org/gsa-compliance-issues/>

**Mid-term Elections** – The midterm elections have come and gone and the impact can be debated. We refrain from engaging in partisan politics in this publication. However, we'd be remiss if we did not mention the disappointment of seeing Congressman Pete Sessions of Texas lose his bid for re-election. He was a true friend of Randolph-Sheppard and was a champion on troop dining issues. The death of the DoD rules referenced earlier and several positive court rulings are the direct result of our cultivating that relationship and getting him involved on our issues. Good luck Pete in whatever you do next.

**Making Headway with the VA?** – You may want to sit down for this one. There is actually something good to report as it relates to the Veteran's Administration. First, the State of Indiana has been awarded a permit to operate vending machines at the VA Hospital in Indianapolis. Congratulations to the Indiana SLA and to Locket Phillips and Greg Jinks. This is only the 4<sup>th</sup> VA Hospital that has allowed Randolph-Sheppard to have a presence. The SLA did not get all of the vending but took the major portion of it. In Minnesota, the SLA had filed for arbitration against the VA over vending in a VA facility in that state. NABM was prepared to offer expert testimony in that case; however, it was settled before the hearing could be held. Here again, the SLA did not get all of the vending but it got most of it. Congratulations to John Hulet and Company. These are two examples of what is possible if an SLA is committed to making the effort and staying the course. There are almost 150 other VA Hospitals that do not have Randolph-Sheppard vendors. Let's go get them. NABM is willing to help.

**Some Good News at RSA** – We don't want to spread rumors but we are hearing that RSA will indeed bring on two new staff members in January to work on Randolph-Sheppard. This is indeed great news for our community. It is even better news for Jesse Hartle, RSA Randolph-Sheppard Specialist, who has been carrying a heavy load all alone. NABM has been advocating for the additional positions for years and the new positions fulfill a promise made by previous RSA Commissioner Janet LaBreck and Tom Finch.

**NABM Publishes Information on SSDI** – Mike Dalto, a nationally acclaimed Social Security expert, contracts with NABM to assist blind entrepreneurs who are having issues with their SSDI. He conducted a breakout at BLAST and someone suggested he put together some information that could be shared with all blind entrepreneurs. Well, he did just that and it is on the NABM website. Check it out at <https://blindmerchants.org/ssdi-instructions-vendors-randolph-sheppard-program-2019/>

***NFB Taking Accessibility Seriously*** – You have read many times about NABM President Nicky Gacos' efforts to bring accessibility of micromarkets to the forefront of the national conversation. He has personally visited the facilities of several micromarket providers and arranged for at least one to visit the NFB's National Center in Baltimore to get some technical assistance. NABM is a Division of the National Federation of the Blind and the NFB takes accessibility seriously. In fact, the NFB recently sued Wal-Mart because its self-checkout systems are not accessible to blind users. Micromarket providers need to take notice. Here's a link to an article about the aforementioned lawsuit.

<https://www.baltimoresun.com/news/maryland/baltimore-county/bs-md-walmart-blind-lawsuit-20181026-story.html>

***Rest Area Coalition Preps for 2019*** – The threat of rest area commercialization was the biggest issue Randolph-Sheppard faced in 2018. Fortunately, we did not see much of an appetite for it in Congress even though President Trump had endorsed the idea in part of his infrastructure plan. NABM is part of a rest area coalition that includes the National Association of Truck Stop Operators, National Association of Convenience Stores, National Automated Merchandising Association, and others. The goal of the coalition is to pool resources to educate members of Congress about the real impact commercialization would have blind entrepreneurs, businesses at the interstate exits, and local governments. NABM President Nicky Gacos attended the coalition's strategy meeting earlier this year for next year. Yes, we were successful this year with our advocacy efforts; however, we must continue to get our story out there because there are many who are still pushing the idea including the governors. And now, DOT is contemplating pilot projects that would allow states to expand beyond traditional vending machines. NABM will continue to be an active leader on this issue.

***Join NABM in D.C. at the NFB Washington Seminar*** – As usual, NABM will hold a half-day training in conjunction with the National Federation of the Blind's Washington Seminar which is being held January 28-30. NABM President Nicky Gacos is putting together a solid agenda for the training which will be held on the afternoon of January 28<sup>th</sup>. Come join us and feel free to stay to visit The Hill the next two days with NFB as we continue to educate members of Congress about blindness issues. For more on the Seminar, go to [www.nfb.org](http://www.nfb.org).

***On the Road Again*** – NABM President Nicky Gacos and NFBEI Director Terry Smith were still on the road even as the year wound down. Nicky continued his campaign to make micromarket kiosks accessible for blind users by paying a visit with a contingent of NABM members to Wisconsin to talk with Three Square Markets about accessibility. He also attended the aforementioned meeting of the rest area coalition in D.C. earlier in December. Terry Smith represented NABM at the fall conference of the National Council of State Agencies for the Blind and was also in Kansas.

### ***Dates to Remember***

- January 28-30 - NFB Washington Seminar in Washington, D.C.
- April 10–12 – National Council of State Agencies for the Blind Spring Conference in Bethesda, Maryland
- April 24-26 – National Automatic Merchandising Association One Show in Las Vegas
- July 7-12 – National Federation of the Blind National Convention in Las Vegas, Nevada

***Check Us Out on Facebook*** – Like the National Association of Blind Merchants on Facebook and keep up with the latest and greatest when it comes to Randolph-Sheppard.

### ***Tidbits -***

- On September 18<sup>th</sup> National Federation of the Blind President Mark Riccobono threw out the first pitch at a Baltimore Orioles baseball game. In honor of National Federation of the Blind Night at the park, the Orioles wore uniforms with Braille numbers. Yes, it was a perfect strike.
- Congratulations to Brooke Lierman, an attorney with Brown, Goldstein, and Levy who does a lot of Randolph-Sheppard work, for being re-elected to the Maryland State Legislature.
- Most of you know Claudia Lannan with the RSA Management Group. You probably didn't know that her brother, Mario Tobia, is an outstanding golfer and finished fourth in the World Blind Golf Association Championship held in Italy in October.
- Patrick Shirley, the Kentucky State Attorney best known for spearheading the landmark Fort Campbell case, has left state government. We wish him well.
- According to the National Association of Convenience Stores, 21 states will see their minimum wage increase at or around the first of the year. 29 states and the District of Columbia have higher minimum wages than the federal minimum which is \$7.25 per hour.
- Add the City of Memphis to those considering a plastic bag tax.
- The issues between Randolph-Sheppard and AbilityOne have been well documented in past issues of The Blitz. Well, the problems go beyond Randolph-Sheppard and the National Federation of the Blind has sued the AbilityOne Commission for its lack of transparency.
- Dunkin' Donuts is changing its name to simply Dunkin'.
- According to NACS, Coke is considering adding a non-psychoactive component of cannabis to some of its wellness beverages.

***You Can Still Help*** – Do you like what the National Federation of the Blind and NABM are doing to advocate for the program on a national level and to assist

individual state programs and blind entrepreneurs? Do you enjoy reading *The Blitz* and being kept informed about what is going on in the Randolph-Sheppard community? If so, we can use your financial support. Over half of our support comes from the NFBEI subscriptions, but we count on donations to make up the rest. If you would like to contribute to the cause, we would welcome your donation. You can donate by sending a check to:

*National Association of Blind Merchants  
7450 Chapman Highway, #319  
Knoxville, TN 37920*

Make the check payable to NABM and write "NFBEI" in the memo portion of the check. Your support is greatly appreciated.

You can also donate by going to our website at [www.blindmerchants.org](http://www.blindmerchants.org) where we have added a new way you can contribute. We can create a bank draft for you so you can sign up for monthly giving. Contact Terry Smith if you are interested in setting up bank draft donations.

If your state is one of the 11 that doesn't subscribe to the services of the NFBEI, we'd welcome your involvement. Terry Smith would be happy to discuss the services with you.

***Share Your News with Everyone***- Help us keep everyone informed about what is happening around the country. Let us hear from you. Tell us what is going on in your state. What is happening in one state affects what is going on in another. NABM and the NFBEI offer the best vehicle to keep everyone updated on what is going on out there.

## ***GET THE BLITZ-READ THE BLITZ- SHARE THE BLITZ***

***PLEASE FEEL FREE TO SHARE THE BLITZ WITH  
OTHERS AND DISTRIBUTE ON YOUR LISTSERVS. WE  
WANT ALL BLIND ENTREPRENEURS, BEP  
ADMINISTRATORS, and OTHER STAKEHOLDERS TO  
KNOW WHAT NABM AND THE NFBEI ARE DOING***

*The National Federation of the Blind knows that blindness is not the characteristic that defines you or your future. Every day we raise the expectations of blind people, because low expectations create obstacles between blind people and our dreams. You can live the life you want; blindness is not what holds you back.*

