



NATIONAL FEDERATION OF THE BLIND

NATIONAL ASSOCIATION OF
BLIND MERCHANTS

Live the life you want.

The Blitz 18 in 18

The National Association of Blind Merchants a Division of the National Federation of the Blind, each January publishes a special issue of The Blitz highlighting some of the accomplishments and bigger stories for the prior year. 2018 was an exciting year. An entire chapter in the history of Randolph-Sheppard could be devoted to 2018 and that is no exaggeration. But no one has time to read an entire chapter. Plus if we get any complaints about The Blitz it is that is too long and an example of information overload. So, we decided to take a little different angle this year and offer up 18 highlights for 2018. There are many successes to celebrate so let's get started.

1. **Rest Area Commercialization** – Perhaps, the largest legislative threat to Randolph-Sheppard in decades was the effort to allow states to commercialize interstate rest areas. The President included commercialization in his infrastructure plan and the Chair of the House Committee with jurisdiction endorsed the idea. However, NABM joined with a coalition of other groups who opposed rest area commercialization to fight it. That coalition included the National Association of Truck Stop Operators, National Association of Convenience Stores, National Automated Merchandising Association, and others. Our National Federation of the Blind Office in Baltimore got involved in support of the blind merchants. Consequently, the legislative effort gained no traction and now has been pushed to the back burner. NABM made it easy for blind entrepreneurs and other stakeholders to communicate their opposition by creating a website that allowed them to send letters to their members of Congress. NABM met with the Assistant Secretary of the Department of Transportation to discuss the issue and later sponsored a roundtable discussion with DOT. Although we enjoyed success in 2018, we must remain vigilant in 2019. The issue is not going because governors are looking for new sources of revenue.

2. **DoD Successes** – We could devote pages to Department of Defense issues. We won't analyze each arbitration decision or court ruling. DoD issues can best be summarized with the following:

- *DoD Withdraws Proposed Rules* – In 2016, DoD published proposed rules that would have drastically impacted the Randolph-Sheppard priority for military dining contracts. The rules would have limited the priority to only a few contracts. The intent of the rules was to implement the Joint Policy Statement of 2006 which attempted to resolve the conflict over when the priority applies. NABM and the National Federation of the Blind led the charge in opposition to these rules. We created a website that allowed our stakeholders to generate over 5,000 public comments in opposition to the proposed regulations. We advocated with the Department of Education. We solicited help from members of Congress. We advocated with DoD and OMB. Ultimately, the Department of Education advised DoD that the Joint Policy Statement no longer represented the views of the Department. DoD was left with little choice except to withdraw the rules. Kudos to RSA and the Department of Education for its willingness to denounce the Joint Policy Statement; thus, bringing an end to DoD's attempt to torpedo the priority.
- *The Priority Applies to DFA Contracts* – In line with its stance that it no longer supported the Joint Policy Statement, Department of Education Secretary Betsy DeVos responded to an inquiry from Congressman Pete Sessions regarding the applicability of the Randolph-Sheppard priority to military dining contracts. Specifically, the Congressman wanted to know if the priority applies to Dining Facility Attendant (DFA) services. The Secretary was unambiguous in her reply. Her answer was yes. The letter was a shot in the arm for the Randolph-Sheppard community which had always maintained that this was the case. It also gave states ammunition in arbitration cases and court appeals where states had challenged the military's position that the priority did not apply. A federal judge in Texas who was hearing the State of Texas' appeal of a Fort Bliss arbitration panel decision took note of the letter and ruled in favor of the SLA. There were other arbitration panels who issued rulings stating the priority applies. 2018 was a huge year in terms of victories on this issue. However, the battle rages on. The military doesn't take much stock in the Secretary's letter or the court's rulings. They continue to issue solicitations without the Randolph-Sheppard priority forcing states willing to fight the fight to litigate. And you can bet there are folks trying to make the case with members of Congress that they need to change the law. This means we have to be even more vigilant in protecting our priority. We must do our part to educate members on this very important issue.

- *Games Being Played with Competitive Range* – Even in those cases where the military concedes that the Randolph-Sheppard priority applies, they still attempt to circumvent the priority. At Fort Dix, the Army said the priority only applies if the SLA's bid is in the competitive range so they set no competitive range. An arbitration panel ruled a competitive range had to be set. At Fort Benning, the Army ruled the SLA's bid to be outside of the competitive range but used some unorthodox procedure to make that determination. The SLA is challenging this. The prior year we saw the same thing at Fort Lee and now Fort Jackson is having issues related to the application of the competitive range. It seems to be the Army's new strategy.
 - *Vending on Military Bases* – In early 2018, an arbitration panel in Florida ruled that the SLA has a priority to establish vending facilities at Tyndall Air Force Base. NABM provided expert testimony in that case. The panel went further and ruled that the SLA is also entitled to income sharing from vending machines operated by the post-exchange. This was a landmark ruling and is in conflict with a federal court ruling in Texas over 25 years ago. The SLA has not gone to court to enforce the ruling. The hurricane practically leveled the base which is being rebuilt. The SLA hopes to address the issues as new structures go up or old ones are repaired. If unsuccessful, court will be the next step. If a federal court were to rule that SLA's are entitled to income sharing, it would be huge and would create dozens if not hundreds of opportunities for blind entrepreneurs nationwide.
 - *Marines Reject SLA Bids for Multi-State Contracts* – The Randolph-Sheppard community had high hopes that 2018 would be the year that an SLA would be awarded its first multi-state contract. California took the lead and submitted a bid for the military dining at the Marine bases in California and Arizona. South Carolina submitted a bid on behalf of South Carolina, Virginia, and North Carolina. Both states selected FSIG as its teaming partner. Unfortunately, both bids were rejected on technical grounds that were very suspect. South Carolina has filed for arbitration.
3. **BLAST Was a Texas Size Success** – Regardless of what your tool is for measuring a successful conference, the 2018 BLAST in San Antonio would qualify as a whopping success. Records were set for attendance and the quality of the programming was second to none. BLAST has become the premiere training and networking event in the Randolph-Sheppard community. It is THE event to learn, network, and to be inspired. We have been bombarded by questions about when and where the 2019 BLAST will be. Unfortunately, there will not be a full-scale BLAST in 2019. The next one will be in 2020 and we will be announcing the location soon. Instead, we hope to announce a smaller conference, a mini BLAST if you will, in the coning weeks. Be on the lookout for both announcements.

4. **Regional and State Training** – In 2018, NABM sponsored one regional conference and contracted with one state to do its annual training conference. In September, we sponsored a two-day training conference in Des Moines, Iowa for the states in the Midwest. Approximately 50 SLA staff and blind entrepreneurs from Iowa, Nebraska, Kansas, Oklahoma, Illinois, Minnesota, Nevada, and Wisconsin attended. It was a great experience that included an afternoon at the U-Select-It manufacturing facility and headquarters. NABM expects to do more of these regional type trainings. In August, NABM contracted with the State of Tennessee to do its annual Statewide Managers Meeting. Again, the quality of the training was outstanding. NABM would like to have the opportunity to do similar training in other states. If you think you'd like to see a regional training in your area or your state wants to enhance the quality of its annual training conference, get in touch with Nicky Gacos or Terry Smith.
5. **President Gacos Launches Women's Initiative** – In 2018, NABM President Nicky Gacos realized that women are seriously underrepresented in Randolph-Sheppard. He wanted to do something about it so he launched what is now being referred to as WiSE – Women's Initiative Supporting Entrepreneurship. The states were surveyed and it was determined that only 24% of current Randolph-Sheppard entrepreneurs are women. Furthermore, it was discovered that women are represented in even smaller percentages in the larger income facilities such as troop dining contracts. Melba Taylor, a blind entrepreneur from Maryland, is heading up the initiative. She conducted a workshop at BLAST and the group came up with recommendations on how to address the problems. Those recommendations have been incorporated into a white paper that will soon be released. You will want to watch for that.
6. **NABM Releases White Paper on GSA Issues** – In recent years, the Randolph-Sheppard community has become increasingly frustrated by what it views as abuses of the law by the U.S. General Services Administration. NABM has had significant dialogue with GSA officials in Washington, D.C. but the problems persist. In an effort to get GSA's attention and to give the SLA's some ammunition in their fights to protect the rights of blind entrepreneurs on federal properties, NABM released a white paper that addresses a number of the problems. You can view the white paper by going to <https://blindmerchants.org/gsa-compliance-issues/>
7. **Hadley Training Becoming the Cornerstone of Entry Level Training** - 34 blind individuals enrolled in the NABM / Hadley Institute for the Blind on-line entry-level training program in 2018. This represents approximately 30% of all newly trained Randolph-Sheppard entrepreneurs in the country. That percentage will continue to rise as more and more states look to cut costs and increase referrals. The on-line training accomplishes both.

8. **States Jumping On Board with Subscription Service** – The number of states subscribing to the National Federation of the Blind Entrepreneurs Initiative (NFBEI) increased to 37 in 2018. They see value in the services that NFB and NABM have to offer and see great benefits in the training and technical assistance services that are being made available.
9. **Emerging Leaders Growing in Numbers** - In May 2018, NABM conducted its third Emerging Leaders Training. This class was held in Washington, D.C. with 13 future leaders from 11 different states in attendance. NABM recognizes the need for future leaders in our community and is trying to develop the leaders of tomorrow.
10. **Critical Issues Conference** – NABM conducted a Critical Issues Conference in Washington, D.C. It was a two-day event that afforded an opportunity to discuss and address many of the challenges being faced by Randolph-Sheppard today. The highlight of the 2018 Conference was the roundtable discussions held with federal entities. Participants had an opportunity to sit down with representatives from the Department of Education, U.S. General Services Administration, and Department of Transportation to discuss critical issues specific to those federal agencies. During the conference, a work group identified the most critical issues. To review those go to <https://blindmerchants.org/critical-issues-conference/>
11. **Blind Entrepreneurs Let Their Voices Be Heard at D.C. Fly In** - With the support of the National Federation of the Blind's national office, NABM sponsored its most successful D.C. Fly In ever with 125 individuals going to Congress to educate members about the Randolph-Sheppard Program and to urge their support of the Program. They talked with their members about 3 issues – rest area commercialization, the Department of Defense's non-compliance with the Act, and bureaucratic delays in RSA.
12. **NAMA News: The Partnership Grows** – NABM President Nicky Gacos was re-elected to his second term on the NAMA Board of Directors. His re-election is reaffirmation of the importance of the role Randolph-Sheppard plays in the convenience industry as a whole. Nicky is helping raise that visibility. As an example of how the partnership has grown, a large contingent of blind entrepreneurs attended NAMA's Fly In which was held in July. What was NAMA's number one issue to push to members of Congress? It was rest area commercialization. That never would have happened just 5 or 6 years ago. NABM and blind entrepreneurs were also very visible at NAMA's One Show in Las Vegas. NABM helped sponsor a half-day of training especially for Randolph-Sheppard attendees.
13. **RSA Prior Approval and Policy Changes Pose Major Threats**– Although RSA is to be applauded for its strong stance in support of Randolph-Sheppard

against the Department of Defense, NABM and the state agencies are very concerned about two policy decisions. One requires state agencies to seek prior approval from RSA for all purchases that exceed \$5,000. Additionally, prior approval must be sought before the SLA can hold a Committee of Blind Vendors Meeting, conduct its annual training conference, and when sending blind entrepreneurs out-of-state to training conferences such as BLAST. But there is also growing concern about RSA's position on not allowing states to use federal dollars to renovate space for a vending facility. It has told states that such simple things as painting, putting tile down, running electricity or water, etc. are not allowable. This is a dramatic change that threatens opportunities for blind people to go to work. NABM has communicated its concerns in writing and has met with the Assistant Secretary in person. We proposed a number of recommendations to address the issues.

14. **Healthy Vending Issues Still on the Front Page** – Blind entrepreneurs continue to face challenges as health advocates, particularly the American Heart Association, push for healthier foods in vending machines. They are advocating an unreasonable position in that in many instances they want every item in a machine to meet strict guidelines. In Louisiana, the American Heart Association convinced the Governor to issue an executive order requiring 100% healthy items in all vending machines on state property. It was an ill-advised strategy as it affected all state properties including the state universities. NABM got involved and solicited help from NAMA. NABM President Nicky Gacos facilitated a compromise. He traveled to Baton Rouge to meet with the Governor's Office and other officials and eventually brokered a deal whereby blind entrepreneurs would ensure that 25% of all vended products meet the NAMA Fit Pick guidelines. NABM supports offering healthier options to customers but it rejects the idea of mandates believing instead that the market should determine what products will be sold.
15. **Having SSDI Issues?** – NABM continues to offer a service to its members who are experiencing problems with the Social Security Administration over their SSDI. The organization contracts with a nationally recognized Social Security expert who aided several dozen blind entrepreneurs in 2018. He also prepared information that all blind entrepreneurs should know about SSDI and unincurred business expenses. These are posted on our website and can be viewed at <https://blindmerchants.org/ssdi-instructions-vendors-randolph-sheppard-program-2019/>.
16. **On the Road Again** – NABM made on-site visits to 26 states presenting at annual blind vendor meetings, providing training to Elected Committees of Blind Vendors, conducting staff training, and/or providing technical assistance on Randolph-Sheppard compliance and best practices;

17. Accessibility is a Priority – The National Federation of the Blind is a strong advocate on accessibility issues. NABM President Nicky Gacos is carrying on that tradition when it comes to the accessibility of micromarkets. He is devoting much time and resources to assisting companies who manufacture micromarket kiosks in making them accessible for blind users. This will remain a priority until all micromarket kiosks are accessible for blind users and blind business owners.

18. National Federation of the Blind Convention News – NABM members joined 2,500 other blind men and women in Orlando in July for the NFB national convention. As always, the merchants division held its annual business meeting in conjunction with the convention. The meeting included a strong training component. Earlier in the year, NABM held its midyear meeting at the Washington Seminar in D.C. Blind entrepreneurs joined hundreds of other blind individuals in educating members of Congress about blindness issues.

Yes, 2018 was a very busy year. 2019 is already shaping up to be just as busy. NABM is prepared to work hard to protect Randolph-Sheppard and create new opportunities for blind entrepreneurs.

Dates to Remember

- 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
- May 20-21 – Critical Issues Conference, Washington, D.C.
- May 20-22 – Emerging Leaders Training – Washington, D.C.
- July 7-12 – National Federation of the Blind National Convention in Las Vegas, Nevada
- July 16-17 – NAMA Fly In

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.

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 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.