

Standardized Contract Language

Overview:

The AbilityOne Program is a federal program that generates jobs for individuals who are blind or otherwise severely disabled through the manufacturing of products or the provision of services required by federal personnel. The Javits-Wagner-O'Day (JWOD) Act (41 USC Chapter 85) established the AbilityOne Program which is administered by the Committee for Purchase From People Who Are Blind or Severely Disabled ("Committee"). Products and services on the AbilityOne Procurement List are mandatory for use by federal customers. If you are attempting to place products on a Schedule that overlap the AbilityOne products, you are encouraged to become an authorized distributor of AbilityOne products. For more information on the AbilityOne Program, please visit www.abilityone.gov.

"Essentially the Same" (ETS) Commercial Products:

Certain products required through this contract are considered ETS as products on the AbilityOne Procurement List. Because the AbilityOne products are mandatory purchases for federal customers, contractors are required to remove the commercial ETS items from its offer. The Procurement List and the current AbilityOne catalog can be viewed from www.abilityone.gov. The cross-reference files that list office and janitorial/sanitation products that are ETS are available at www.abilityone.gov/distributors/potential.html. The ETS files do not include private label products. Contractors must have private label products reviewed by the AbilityOne personnel for ETS. All contractors are subject to a formal ETS review conducted by AbilityOne personnel. Failure to comply with removing private label products will result in a unilateral modification of your GSA contract and suspension of authorization as an AbilityOne dealer for a period of 90 days. In accordance with the cancellation clause of your schedule (INSERT CANCELLATION CLAUSE) failure to comply with AbilityOne Program requirements will result in cancellation of your contract.

Authorized Distributor Program:

The AbilityOne Program authorizes commercial contractors to distribute AbilityOne products to federal customers. Contractors must be officially authorized prior to selling AbilityOne products. Contractors seeking authorization must demonstrate how its order entry system will automatically block the sale of commercial ETS items to federal customers and substitute the appropriate

AbilityOne product. Contractors that become authorized to distribute AbilityOne products must include the appropriate AbilityOne product offering on its contract. Please visit www.abilityone.gov/distributors/potential.html to download the application for authorization. Regardless of whether a contractor is authorized to distribute AbilityOne products or not, no contractor shall be permitted to sell commercial ETS items under this contract. Point of contact at the AbilityOne Program is Mr. Eric Beale at ebeale@abilityone.gov or (703) 603-2119.

Pricing of AbilityOne Products:

The AbilityOne Program strives to ensure that the prices federal customers pay for its products are fair market prices. When applying for authorization, contractors will be required to provide its proposed mark-ups to the Committee staff for review. The purpose of the review is to ensure that AbilityOne products offered to federal customers are competitively priced. Contractors should provide its “mark-up percentage above cost” when submitting AbilityOne products to GSA for inclusion on the Schedule.

Dec. 28, 2011