

Supply Chain Risk & Resolution:

Products that are “Essentially the Same” as AbilityOne Products

Background

FAS regularly contacts Schedule contractors regarding the following Essentially The Same (ETS) and other related Ability One (AB1) catalog issues:

- The Ability One Program is a Federal procurement program that generates jobs for individuals who are blind or have another significant disability.
- Ability One products are mandatory purchases for Federal customers. Therefore, Schedule contract holders must not sell any ETS items under their contract. Schedule contract holders should review their products against the [Ability One procurement list](#).
- [FAR 8.704](#), Purchase priorities, states that the [Javits-Wagner-O’Day Act \(41 U.S.C. 46-48c\)](#) requires the Federal government to purchase supplies or services on the Ability One Procurement List, at prices established by the U.S. AbilityOne Commission, from AbilityOne participating nonprofit agencies if they are available within the period required.
- Certain commercial products are considered “Essentially The Same” (ETS) as AbilityOne products.

If interested in distributing Ability One products, a Schedule contract holder must be an authorized AbilityOne Program distributor as designated by the U.S. AbilityOne Commission.

For more information on the AbilityOne Program, ETS products, and becoming an authorized AbilityOne distributor, please visit the AbilityOne site or contact Mr. Mike Jurkowski at mjurkowski@abilityone.gov/ 703-603-2117.

Essentially The Same (ETS) Compliance

Schedule contractors must not offer or sell any items similar to those found on the [Ability One procurement list](#). If there are ETS items identified on a Schedule contract holder’s contract, these items will be removed from the contract via modification. Should a Schedules contract holder incur multiple ETS violations, the Schedule contract may be cancelled.

Process

FAS will seek to resolve ETS products for flagged contracts by: 1) Notifying Schedule contract holders regarding their item’s ETS designation, 2) Allowing Schedule holders to Challenge the ETS designation of their items, 3) Informing Schedule contract holders of the outcome of ETS designation challenge (Successful or Unsuccessful).

Schedule contractors will generally have a few weeks to review the products designated as ETS. If you are contacted, please respond to GSA in accordance with the instructions in the email. ETS Designated Products will be deleted from your contract via modification.

- Other than challenging the ETS designation of your items, you should not take any actions during the ETS product removal process until the contract modification has been completed.
- After the contract modification to remove ETS items has been completed, you must update your GSA *Advantage!*® catalog file to remove the ETS items.
- Should you not update your GSA *Advantage!*® catalog file to remove the ETS items, the same items will be flagged again the next time an ETS review is performed. This may result in corrective actions.