



Section 508 Determination & Findings for Purchase Requests

The purpose of this document is to ensure CMS' compliance with Federal requirements relative to any purchase of Electronic and Information Technology (EIT). This document must be completed by the Requesting Official (Purchase Requestor) and provided to the Procurement Official in the CMS Office of Acquisition Management (OAGM) as part of the documentation required for the procurement in accordance with the "CMS Policy for Section 508 Compliance" and associated "Procedure: Determining Section 508 Compliance."

Instructions: Proceed through the sections below as directed. Stop when your responses to the Certifications indicate that you should sign the document, attach the listed additional documentation as required, and attach to your procurement.

SECTION 1: Do I have a need that potentially relates to information technology (IT) as a procurement deliverable?

According to OMB Circular A-130, "information technology" is equipment or interconnected systems that are used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

CERTIFICATION 1:

If your answer is "Yes" to the question above, place an "X" before this sentence and proceed to SECTION 2.

If your answer is "No" to the question above [i.e., my requirement has nothing to do with information technology (e.g., uniform cleaning services, furniture, paper products, etc.)]:

- (1.) Complete the certification line below.
- (2.) READ Sections 2 and 3, but do not certify to them.
- (3.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and proceed with standard CMS procurement processing, as appropriate.

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SECTION 2: Do I have an EIT procurement requirement in my purchase request?

Within the Federal Acquisition Regulation (FAR) 2.101, EIT has the same meaning as "information technology," except EIT also includes any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term EIT, includes, but is not limited to, telecommunication products (such as telephones), information kiosks and transaction machines, worldwide websites, multimedia, and office equipment (such as copiers and fax machines).

To further clarify the FAR definition, EIT includes any product used to acquire, store, manipulate, or transmit information. This includes software applications and operating systems; web-based intranet and internet information and applications such as distance learning; telephones and other telecommunications products; information kiosks and transaction machines; video equipment and multimedia products that may be distributed on videotapes, CDs, DVDs, or the World Wide Web; office products such as photocopiers and fax machines; calculators; and computer hardware.

According to the Access Board, EIT does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. Examples of non-EIT include heating, ventilation, and air conditioning (HVAC) equipment such as thermostats or temperature control devices and medical equipment where information technology is integral to its operation.

The term excludes any EIT acquired by a contractor incidental to a contract, or which is neither used nor accessed by Federal employees or members of the public. Contractor employees and all personnel related to the contract are not considered members of the public.

CERTIFICATION 2:

If your answer is “Yes” to the question above, place an “X” before this sentence and proceed to SECTION 3.

If your answer is “No” to the question above:

- (1.) Complete the certification line below.
- (2.) READ Section 3, but do not certify to it.
- (3.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and proceed with standard CMS procurement processing, as appropriate.

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SECTION 3: Is the EIT procurement requirement an applicable General EIT exception?

There are a number of allowed exceptions among EIT products:

- (a) (NOTE: THIS EXCEPTION IS EXTREMELY RARE FOR HHS OPDIVs.) The new standards DO NOT APPLY to any EIT operated by agencies, the function, operation, or use of which involves:
 - (1) Intelligence activities
 - (2) Cryptographic activities related to national security
 - (3) Command and control of military forces
 - (4) Equipment as an integral part of a weapon or weapon system
 - (5) Systems critical to the direct fulfillment of military or intelligence missions
- (b) Products developed, procured, maintained, or used by a contractor incidental to a contract.
- (c) Products located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment, sometimes referred to as “back office” equipment. (NOTE: This does NOT include products that are commonly accessed remotely for day-to-day operations.)
- (d) Products or components of products that would require a fundamental alteration in their nature. (NOTE: Contact your business component’s CMS Section 508 Clearance Officer or the CMS Section 508 Coordinator to be sure this applies to your product.)

CERTIFICATION 3:

If your answer is “No” to the question above, place an “X” before this sentence and proceed to SECTION 4.

If your answer is “Yes” to the question above:

- (1.) Place an “X” just before the applicable exception(s) listed above and write the appropriate letter(s) on the line below.
- (2.) Complete the certification line below.
- (3.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (4.) Complete the **Section 508 General EIT Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attach it to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (5.) Proceed with standard CMS procurement processing, as appropriate.

Exception(s) Claimed: _____

Signature	Printed Name	Date	Phone Number
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SECTION 4: Are any of the Access Board's technical provisions (36 CFR Subparts 1194.21 through 1194.41) applicable to the purchase request?

Refer to the Section 508 EIT Accessibility Standards available at <http://www.access-board.gov/sec508/standards.htm>, the CMS Section 508 Product Assessment, and/or use the *Buy Accessible Wizard* at <http://www.buyaccessible.gov/> to assist in determining the technical provisions that apply. In making this certification, be certain that **NONE** of the Access Board technical provisions at Subparts 1194.21 through 1194.41 apply to the purchase request. An example of EIT to which no Access Board technical provisions apply would be a personal computer motherboard. **You must be especially careful in making this rare determination, and should perhaps consult an IT technical expert. Seek assistance from your business component's CMS Section 508 Clearance Officer, the CMS Section 508 Coordinator, or the HHS Office on Disability if you need assistance in interpreting the standards.**

CERTIFICATION 4:

If your answer is “Yes” to the question above, place an “X” before this sentence and proceed to SECTION 5.

If your answer is “No” to the question above:

- (1.) Complete the certification line below.
- (2.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (3.) Complete the **Section 508 General EIT Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attach it to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (4.) Proceed with standard CMS procurement processing, as appropriate.

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SECTION 5: Can CMS acquire the compliant product I need from the commercial marketplace?

This certification means that you have found a commercial product that meets **ALL** of the applicable technical provisions of Section 508 that apply to the purchase request.

CERTIFICATION 5:

If your answer is “No” to the question above, place an “X” before this sentence and proceed to SECTION 6.

If your answer is “Yes” to the question above:

- (1.) Complete the certification line below.
- (2.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (3.) Have the manufacturer, vendor, or developer of the compliant EIT product complete the **CMS Section 508 Product Assessment**. Attach the completed document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (4.) Proceed with standard CMS procurement processing, as appropriate.

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SECTION 6: Will a commercial or non-commercial product that meets applicable Access Board technical provisions be produced in response to my solicitation?

This certification indicates that a compliant EIT product can be acquired or is being built or adapted for HHS and/or CMS specifically, and that you have inserted contractual language requiring, monitoring, and testing conformance to the applicable Section 508 technical provisions.

CERTIFICATION 6:

If your answer is “No” to the question above, place an “X” before this sentence and proceed to SECTION 7.

If your answer is “Yes” to the question above:

- (1.) Complete the certification line below.
- (2.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and proceed with standard CMS procurement processing, as appropriate.

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SECTION 7: Is my requirement that is less than fully compliant with Section 508 a “commercial item” by FAR definition?

A “commercial item” is any item that can be purchased off-the-shelf and used without making changes, except those designed within the equipment or software. Reference FAR Subpart 2.101 for a more comprehensive definition. If you are buying a custom-built product, then a fully documented “Undue Burden” exception is the only reason for partial or non-compliance.

CERTIFICATION 7:

If your answer is “**Yes**” to the question above, place an “**X**” before this sentence and proceed to SECTION 8.

If your answer is “**No**” to the question above:

- (1.) Complete the certification line below.
- (2.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (3.) Complete the **Section 508 EIT “Undue Burden” Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attach it to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (4.) Proceed with standard CMS procurement processing, as appropriate.

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SECTION 8: Will CMS NOT acquire the available commercial product that best meets both the applicable Access Board technical provisions and the Agency minimum needs because this EIT would impose a significant difficulty or expense on the program or component for which the EIT is acquired?

CERTIFICATION 8:

8a. If your answer is “**Yes**” to the question above:

- (1.) Complete the certification line below.
- (2.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (3.) Complete the **Section 508 EIT “Undue Burden” Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attach it to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).
- (4.) Proceed with standard CMS procurement processing, as appropriate.

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8b. If your answer is “**No**” to the question above:

(1.) Complete the certification line below.

(2.) You are finished with this document. Attach this document to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).

(3.) Complete the **Section 508 EIT “Commercial Non-Availability” Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attach it to your purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable).

(4.) Proceed with standard CMS procurement processing, as appropriate.

Signature

Printed Name

Date

Phone Number