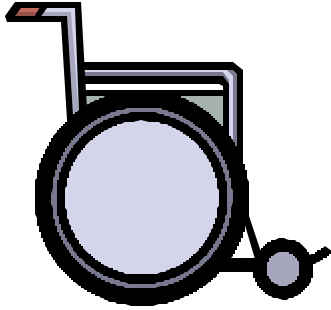


# PPD ALERT



## Section 508

Section 508 of the Rehabilitation Act of 1973 requires when Federal agencies develop, procure, maintain or use Electronic and Information Technology (EIT) , they shall ensure that the required EIT products allows employees with disabilities to have access to and use information or data that is comparable to the access and use of information or data by employees without disabilities, unless an undue burden would be imposed on the agency. Examples of EIT equipment are computers and peripherals, copiers, fax machines, telephones, etc.

The final Federal Acquisition Regulation (FAR) rule involving Section 508 was published in the Federal Register on April 25, 2001. All Federal agencies must be compliant with this rule (also referred to as accessibility standards) beginning **June 25, 2001**. Failure to comply will subject agencies to administrative complaints and lawsuits. The rule is not retroactive and only applies to purchases made on or after **June 25, 2001**.

Section 508 will significantly impact the following types of purchases:

- Micro-Purchases
- Contracts (fixed price, cost, time & materials, labor hours, etc.)
- IDIQ Contracts (Federal Supply Schedule, Government-wide Agency Contracts, etc.)
- Solicitations

The following chart provides an overview of the compliance dates and pertinent requirements for each of the above types of purchases.

Type of Purchase/Contract	Compliance Date	Requirements
<b>Micropurchases</b>	<b>January 1, 2003</b>	Micropurchases are exempt from meeting Section 508 accessibility standards until 2003. Requiring program officials, however, are encouraged to comply with these standards immediately.
<b>Contracts</b>	<b>June 25, 2001</b>	Section 508 Accessibility standards will apply to contracts, other than IDIQ, on or after June 25, 2001. Refer to following page for compliant language.
<b>IDIQ Contracts, Task Orders, Delivery Orders, Call Orders, etc.</b>	<b>June 25, 2001</b>	Section 508 compliant language must be placed in all IDIQ contracts and orders issued against IDIQ contracts (i.e., task orders, delivery orders) on or after June 25, 2001. For compliant language refer to following section.
<b>Solicitations</b>	<b>June 25, 2001</b>	REE contracting activities shall place the "Section 508 Accessibility Compliance and Compliance Details" Clauses in all solicitations , task, delivery, or call orders issued on or after June 25, 2001. Refer to clause language on following section.

## **Compliant Language**

All REE contracting activities shall place the following Section 508 compliant language in all solicitations, task orders, delivery orders, and call orders issued on or after June 25, 2001. This compliant language shall also be placed in all general contracts awarded on or after June 25, 2001. Currently, the FAR Council has not developed standard language that instructs potential bidders and proposed contractors to comply with Section 508 standards for uniform use in Government solicitations or orders. Therefore, until the FAR Council develops and issues such a clause, REE agencies shall use the following clause in all solicitations, task orders, delivery orders, and call orders issued on or after June 25, 2001 :

### **Section 508 Accessibility Compliance Clause**

“All Electronic and Information Technology (EIT) procured through this Contract must meet the applicable accessibility standards at 36 CFR 1194, unless an agency exception to this requirement exists. (36 CFR 1194 implements Section 508 of the Rehabilitation Act of 1973, as amended, and is viewable at <http://www.access-board.gov/sec508/508standards.htm> - PART 1194).

The following standards have been determined to be applicable to this contract:

- \_\_\_\_\_ 1194.21 Software applications and operating systems.
- \_\_\_\_\_ 1194.22 Web-based intranet and internet information and applications.
- \_\_\_\_\_ 1194.23 Telecommunications products.
- \_\_\_\_\_ 1194.24 Video and multimedia products.
- \_\_\_\_\_ 1194.25 Self contained, closed products.
- \_\_\_\_\_ 1194.26 Desktop and portable computers.

The standards do not require the *installation* of specific accessibility-related software or the attachment of an assistive technology device, but merely require that the EIT be compatible with such software and devices so that it can be made accessible if so required by the agency in the future.”

Contracting activities that award indefinite-quantity contracts must indicate to ordering offices which supplies and services the contractor certifies are compliant and show where the full details of compliance can be found (e.g., vendor’s or other exact webpage location). To collect this information from the vendor, REE contracting activities shall include the following clause in the proposal preparation instructions for solicitations that will result in IDIQ contracts:

### **Compliance Details Clause**

“The contractor must denote in the schedule whether each product or service is compliant or noncompliant with the accessibility standards at 36 CFR 1194. For each line item that is identified as compliant the contractor shall provide evidence or verification of compliance. The proposal must indicate where full details of compliance can be found (e.g., schedule attachment, vendor’s website or other readily available location).”

## **Federal Acquisition Regulation Requirements**

All REE Contracting Officers (CO’s) shall comply with the following FAR regulations and guidance related to Section 508:

### **Part 2 – Definition of Words and Terms**

2.101 Definitions ....Electronic and information technology

### **Part 7 – Acquisition Planning**

Agency –head responsibilities

### **Part 10 – Market Research**

10.001 Policy

### **Part 11 -Describing Agency Needs**

11.002 Policy

**Part 12** -Acquisition of Commercial Items

12.202 Market research and description of agency need

**Part 39** –Acquisition of Information Technology

39.00 Scope of part.

39.2 -Electronic and Information Technology

39.201 Scope of subpart.

39.202 Definition

39.203 Applicability

39.204 Exceptions

**Purchase Requests**

Under the FAR rule, **Requiring Program Officials (RPO's)** must ensure that EIT purchase requests are compliant with the Section 508 accessibility standards. With assistance and consultation from their cognizant Computer Specialists, RPO's should ensure that market research is conducted to identify commercial items that meet these standards and develop a draft technical specification or Statement of Work (SOW). The specification/SOW and applicable documents (i.e., purchase requisition, etc.) should be submitted to the cognizant contracting activity for processing.

**Additional Resources for Information on Section 508**

Department of Education - <http://ocfo.ed.gov/coninfo/clibrary/software.htm>

USDA- TARGET Center - <http://www.usda.gov:80/oo/target.htm>

Department of Justice - <http://www.usdoj.gov/crt/508/508home.html>

GSA, Section 508 - <http://www.section508.gov/>

**Contact:** For additional questions regarding the information provided in this document, please contact Charles J. Conrad, Procurement Analyst, on 301-504-1731 or at [cconrad@ars.usda.gov](mailto:cconrad@ars.usda.gov). A comprehensive REE policy is expected to be available by late summer.