



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

IN REPLY REFER TO:

DIRECTOR'S ORDER NO. 185

Subject: Compliance with Section 508 of the Rehabilitation Act of 1993, when Acquiring Electronic and Information Technology

Sec. 1 What is the purpose of this Order? This Order assigns responsibilities and establishes procedures to ensure that we comply with Section 508 of the Rehabilitation Act when we procure Electronic and Information Technology (EIT).

Sec. 2 What does Section 508 require?

a. Section 508 requires that all procurement actions for EIT, regardless of dollar value, must comply with the technical standards required by the Act.

b. When we develop, procure, maintain, or use EIT, we must ensure that Federal employees who have disabilities have access to and use of information and data that is comparable to the access to and use of information and data by other Federal employees.

c. Individuals with disabilities, who are members of the public seeking information or services from us, must have access to and use of information and data that is comparable to that provided those without disabilities. Comparable access is not required if it would impose an undue burden. However, you must provide an alternative solution for individuals with disabilities to access the information.

Sec. 3 What are our authorities for implementing Section 508?

a. Section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794(d).

b. 36 CFR Part 1194.

c. Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.

d. Federal Acquisition Regulation (FAR) Part 39.2, Electronic and Information Technology.



Sec. 4 To whom does this Order apply? This Order applies to all Service staff involved with procuring and managing EIT.

Sec. 5 What is EIT? EIT has the same meaning as information technology, except that EIT also includes any equipment or interconnected system or subsystem of equipment used when creating, converting, or duplicating data or information. Following are a few examples of EIT:

- a. Telephones.
- b. Information kiosks and transaction machines.
- c. Web-based Intranet and Internet information and applications.
- d. Multimedia (including videotapes).
- e. Office equipment (such as laptops/desktop computers, scanners, copiers, and facsimile machines).
- f. Software.
- g. Cellular phones and Personal Digital Assistants (PDAs).

Sec. 6 Who has responsibilities for Section 508 compliance?

a. Assistant Directors, Regional Directors, and the California/Nevada Operations Office (CNO) Manager must ensure that their staffs are aware of and comply with all Section 508 requirements.

b. Assistant Regional Directors/CNO Assistant Manager for Budget and Administration must ensure that their staffs are aware of, trained, and comply with Section 508 requirements. They also must provide integrated (contracting, IT, etc.) technical guidance and assistance to Service programs.

c. The Chief Information Officer and Regional/CNO/Program Chief Technical Officers (CTO's) must provide expert advice, technical guidance, and support to all Service offices in the development, acquisition, and maintenance of EIT to ensure compliance with Section 508.

d. Requiring Officials (i.e., system owners, managers and program staff who manage or have a need to acquire EIT) are responsible for ensuring that their acquisition requirements for EIT supplies and services meet the applicable accessibility standards or seek an exception.

e. Contract Specialists, Contracting Officers, purchase cardholders, ordering officers, Blanket Purchase Agreement authorized callers, and other individuals delegated with procurement authority under FAR 1.603.3, must satisfactorily complete applicable Section 508 training, develop and maintain their knowledge of Section 508 requirements, and purchase products and services that comply with those requirements.

f. Approving Officials and the Supervisors of Requiring Officials are responsible for monitoring the activities of staff within their organizations to ensure compliance with Section 508, including monthly review of charge card statements.

Sec. 7 What are the steps for acquiring EIT products and services?

a. Determine if the acquisition meets the definition of EIT.

b. Determine if an exception (other than undue burden) applies.

c. Review Access Board standards in 36 CFR 1194.21 – 26 and determine which apply to the purchase. More than one technical standard may apply.

d. Perform market research to determine what items are available in the marketplace. Search the General Services Administration's Buy Accessible website for specific products or service types and links to vendors.

e. Draft technical specifications and/or minimum requirements that are compliant with Section 508 or prepare a determination and findings of undue burden.

f. Follow Service purchase card and procurement procedures.

Sec. 8 What are the exceptions to the Section 508 requirements? Exceptions include:

a. Micropurchases made before April 1, 2005 (FAR 39.204(a)).

b. Products acquired for a national security system (FAR 39.204(b) and 36 CFR 1194.3(a)).

c. Products acquired by a contractor incidental to a contract (FAR 39.204(c) and 36 CFR 1194.3(b)).

d. Equipment that is located in spaces where staff maintain, repair, or occasionally monitor equipment (FAR 39.204(d) and 36 CFR 1194.3(f)).

e. Acquisition of goods or services that would impose an undue burden on the Service (FAR 39.204(e) and 36 CFR 1194.2). Undue burden exceptions may also have legal consequence. Consult with the Solicitor's office in the Washington Office or the Regional/CNO office before you consider such an exception.

Sec. 9 What if my acquisition does not comply with Section 508? If you make an EIT purchase that does not comply with Section 508, and there is no sufficient documentation to support that purchase, people with disabilities can file administrative complaints or bring civil actions against the Service in Federal court.

Sec. 10 What are the steps for ensuring sufficient documentation if Section 508 EIT is not available or acquiring it is an undue burden? You must complete the following steps:

- a. List the technical standards that your acquisition does not meet.
- b. Prepare a written findings and determination document that describes the market research you performed and includes support statements of non-availability or undue burden.
- c. Give the document to the Contracting Officer or purchase cardholder.

Sec. 11 If EIT is acquired through another agency's contract, which agency is responsible for Section 508 compliance? The agency with the need for EIT is responsible for ensuring that the acquisition complies with Section 508. (See FAR 39.203(b)(3)).

Sec. 12 Where can I find more information on Section 508 requirements?

- a. The Section 508 website provides information, training, and frequently asked questions.
- b. To conduct market research and locate compliant products and services, use the GSA's Buy Accessible website.
- c. You can find the Access Board standards in 36 CFR 1194.21 – 26 and on their website.
- d. Other sources of information include the Department of the Interior Integrated Charge Card Bulletin No. 2005-01, your Regional/CNO or program CTO, your servicing procurement office, the Service Section 508 Coordinator, or the Department of the Interior Section 508 Coordinator.

e. Exhibit 1 is a quick reference sheet for information about Section 508 requirements.

Sec. 13 What is the effective date of this Order? This Order is effective immediately. We will include the contents of this Order in the Fish and Wildlife Service Manual and the Integrated Charge Card Handbook. This Order will expire on September 30, 2006, unless amended, superseded, or revoked.



DIRECTOR

Date: SEP 29 2005