



DEPARTMENT OF THE TREASURY
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**Acquisition
Bulletin (AB)**

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MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: Corey M. Rindner, Director *Corey M. Rindner*
Office of the Procurement Executive

SUBJECT: Implementation of Section 508 of the Rehabilitation Act of 1973, 1998 Amendments

Purpose: This AB implements Section 508 of the Rehabilitation Act of 1973, 1998 Amendments. As of the issuance date of this AB, the latest versions of the attachments have been included.

Effective Date: June 25, 2001

Expiration Date: This AB is effective until canceled or superseded.

Cancellation: This AB cancels PIM 01-04, Revision A.

Background: In December 2000, the Architectural and Transportation Barriers Compliance Board (Access Board), pursuant to Section 508 (a) (2) (A) of the Rehabilitation Act Amendments of 1998 (29 U.S.C. § 794 (d)) as enacted in the Workforce Investment Act of 1998, established information technology accessibility standards for the federal government. (The Access Board is an independent Federal agency established by Section 502 of the Rehabilitation Act (29 U.S.C. 792) whose primary mission is to promote accessibility for individuals with disabilities.)

The Rehabilitation Act Amendments require that procurement activities implement the standards through acquisition processes. This AB provides Treasury offices with recommended means to implement Section 508. You are free to modify these as you deem appropriate. This AB is pursuant to the Section 508 FAR Final Rule (Federal Acquisition Circular 97-27) published April 25, 2001.

Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology (EIT), Federal employees with disabilities have comparable access to and use of information and data as Federal employees who have no disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have comparable access to and use of information and data as the public without disabilities, unless an undue burden would be imposed on the agency.

Although Federal agencies have an explicit statutory obligation to make all EIT that they “develop, maintain or use” compliant with Section 508, there is an emphasis on “procured” EIT because it is the category that is explicitly enforceable by legal action.

It is important that procurement customers consider EIT standards compliance at the advanced planning stage for requirements. Make maximum use of the exceptions to compliance, as appropriate. To the extent feasible, issue draft solicitations to secure industry feedback.

The Treasury Procurement Intranet Web site will be used for listing the most current Section 508 procurement aids, including external resource Web sites.

Management of Section 508 within procurement activities is critical since bid protests are expected to be the primary venue for enforcing Section 508 by competing firms.

Although this AB provides extensive guidance, GSA is working with industry to establish Section 508 compliance testing standards that could be used by the American National Standards Institute (ANSI) or the International Standards Organization (ISO). If successful, this means of determining compliance will significantly simplify the processes shared in this AB. There will be no federal government listing of compliant products due to "endorsement liability." However, contracting offices that award IDIQ contracts must identify to requiring and ordering activities which supplies and services the contractor indicates as compliant and show where full details of compliance can be found.

Section 508 does not apply to the following acquisition conditions:

- (1) Taking delivery for items ordered prior to June 25, 2001;
- (2) Contracts awarded before June 25, 2001, including option year renewals;
- (3) IDIQ contracts (including FSS, GWACS, Interagency Agreements, etc.) provided that requiring and ordering activities ensure 508 compliance prior to placing an order or document an exception
- (4) Within-scope modifications of contracts awarded before 6/25/01
- (5) Exercising unilateral options for contracts awarded before 6/25/01
- (6) Multiyear contracts awarded before 6/25/01

Exception determinations are not required for award of indefinite quantity contracts (except for requirements that are to be satisfied by initial award); even though ordering activities must ensure section 508 compliance at time of issuance of task or delivery orders. Accordingly, indefinite quantity contracts may include noncompliant items, provided that any task or delivery order issued for noncompliant EIT meets an applicable exception.

Section 508 procurement compliance requirements do apply to:

- (1) EIT acquired through any contracts awarded on or after the effective date, June 25, 2001;
- (2) Task or delivery orders placed on or after June 25, 2001, against any IDIQ contract irrespective of the award date of the underlying contract;
- (3) Upgrades of EIT supplies and services for the purpose of adding new features or functionality;
- (4) New contracts (maintenance, support, functionality & features changes, etc.) for legacy systems (undue burden justifications may be needed);
- (5) Procurement ordering against UNICOR, NIB/NISH, and Economy Act sources;

- (6) Overseas acquisitions unless the procuring agency has a legislative exemption to the FAR overseas.

It is critical to note that procurement awards made on or after June 25th are subject to Section 508. **Hence, solicitations, RFQ's, etc., for EIT subject to Section 508 that are at any process stage that will result in award on or after June 25th should be amended to include Section 508 provisions.**

EIT that is standalone and for common use, such as photocopiers & fax machines, must have built into them all applicable technical features permitting compliance. Immediate attention should be given to replacing them at the earliest convenient opportunity before June 25, 2001, if such coincides with the replacement schedule.

Treasury Procurement Section 508 Internet page (active approximately 5/18/01):
<http://www.treas.gov/procurement/508/index.htm>

Attachments

Questions may be directed to Richard Miller at (202) 622-8136 or at richard.miller@do.treas.gov.