

Section 508 Determination and Findings for Purchase Requests

To be completed by the Requiring Official (Purchase Requestor)

The purpose of this document is to help you comply with a new federal requirement relative to any new purchase of electronic and information technology (EIT).

This completed document must be provided to your procurement office.

A new law, Section 508 of the Rehabilitation Act Amendments of 1998 (29 U.S.C. § 794 (d)) as enacted in the Workforce Investment Act of 1998. It required that the Architectural and Transportation Barriers Compliance Board (Access Board) create **new federal standards for electronic and information technology (EIT) products to make them more accessible by individuals with disabilities**. 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.

In more detail, the purpose is the following:

“Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency.” (emphasis added)

“Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.” (emphasis added)

To better portray the process for your Section 508 compliance, refer to Attachment C, "Section 508 Decision Tree for Procurement Requestor Processing."

Proceed through the below sections as directed.

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

CERTIFICATION 1:

IF your answer is “**No**,”

- (a) Complete the certification line below, and attach this document to your procurement request;
- (b) READ Sections 2 and 3 but do not certify to them;

If your answer is “**Yes**,” proceed to Section 2.

Signature	Printed Name	Date	Phone Number
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SECTION 2: Do I have an EIT procurement requirement in my purchase request?

The new standards only apply to Electronic and Information Technology (EIT), a new term defined as:

Any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication of data or information, or used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

The term electronic and information technology includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, office equipment such as copiers and fax machines. It includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

The term 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 creation, conversion, duplication, acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.

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,” **PLACE AN “X” BEFORE THIS SENTENCE** and proceed to Section 3.

If your answer is “No,” complete the certification line below, and attach this document to your purchase request. You are finished.

Signature	Printed Name	Date	Phone Number
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SECTION 3: Is it an EIT Exception?

There are a number of allowed exceptions among EIT products:

- (a) 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 to be acquired by a contractor incidental to a contract.
- (c) Products or components of products that would require a fundamental alteration in their nature.
- (d) Products located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring.
- (e) Products to be acquired for up to \$2,500 each (in accordance with the Federal Acquisition Regulation subpart 13.2 on micro-purchasing) prior to January 1, 2003, but the buyer should comply with the accessibility standards to the maximum extent practicable.

CERTIFICATION 3:

If your answer is “Yes,” **PLACE AN “X” JUST BEFORE THE APPLICABLE EXCEPTION(S) ABOVE.** Also, complete the certification line below, and attach this document to your purchase request. You are finished.

If your answer is “**No**,” proceed to Section 4.

Signature	Printed Name	Date	Phone Number
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SECTION 4: Can I procure a compliant product from the commercial marketplace?

Refer to "**Addendum SECTION 508 TECHNICAL STANDARDS**" of Attachment A "EIT Commercial Non-Availability Certification" to review the standards essential to compliance. Seek assistance from your Office of the Chief Information Officer if you need assistance in interpreting the standards.

CERTIFICATION 4:

If your answer is “**Yes**,” complete the certification line below, and attach this document to your purchase request. You are finished.

If your answer is “**No**,” proceed to Section 5.

Signature	Printed Name	Date	Phone Number
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SECTION 5: Will a commercial or non-commercial fully compliant product be produced in response to my solicitation?

CERTIFICATION 5:

If your answer is “**Yes**,” complete the certification line below, and attach this document to your purchase request. You are finished.

If your answer is “**No**,” proceed to Section 6.

Signature	Printed Name	Date	Phone Number
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SECTION 6: Is it a commercial product by FAR definition?

“X” one: _____ Yes _____ No

CERTIFICATION 6:

If your answer is “Yes,” **complete the EIT Commercial Non-Availability Certification for a less than fully compliant product that is included as Attachment A**, attach it to this document, and affix both to your procurement request. You are finished.

If your answer is “No,” **complete the EIT Undue Burden Determination and Certification that is included hereon as Attachment B**, attach it to this document, and affix both to your procurement request. You are finished.