



DEPARTMENT OF VETERANS AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR ACQUISITION AND MATERIEL MANAGEMENT
WASHINGTON, DC 20420

IL 90-01-5
June 25, 2001

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT INFORMATION LETTER

TO: Veterans Integrated Service Network Directors; Directors, VA Medical Center Activities, Domiciliaries, Outpatient Clinics, Medical and Regional Office Centers, Denver Distribution Center, Austin Automation Center, Records Management Center, VBA Benefits Delivery Centers, and VA Health Administration Center; Executive Director and Chief Operating Officer for the National Acquisition Center; and under Secretary for Memorial Affairs, National Cemetery Administration

ATTN: Heads of Contracting Activities; GS-1102 Contracting Series Employees; VA Contracting Officers and VA Contracting Officer Technical Representative
(COTR) Purchase Coordinators; Chief Logistics Officers

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

1. In December 2000, the Architectural and Transportation Barriers Compliance Board (Access Board), pursuant to Section 508(2)(A) of the Rehabilitation Act Amendments of 1998, established Information Technology accessibility standards for the Federal Government. Section 508(a)(1) requires that when Federal departments or agencies develop, procure, maintain, or use Electronic and Information Technology (EIT), they shall ensure that the EIT allows Federal employees with disabilities to 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. The Section 508 requirement also applies to members of the public seeking information or services from a Federal department or agency.

2. VA's compliance with Section 508 means ensuring that our interactions with veterans and our internal operations in VA are within the new standards.

3. The Rehabilitation Act Amendments require that procurement activities implement the standards through acquisition processes. This information letter and attachments provide VA with recommended means to implement Section 508. This information letter is issued pursuant to Section 508 of the Rehabilitation Act. The enforcement date of

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this law is June 21, 2001. In addition, the FAR Final Rule (Federal Acquisition Circular 97-27) was published April 25, 2001, with an effective date of the Section 508 Final Rule of June 25, 2001.

4. "Section 508" applies to all technologies developed, procured, maintained, or used by the Federal Government, such as:

- Software applications;
- Operations systems;
- Web-based information or applications;
- Telecommunication products;
- Video and multimedia products (including open or closed captions);
- Desktop and portable computers; and
- Self-contained, closed products such as information kiosks, calculators, fax machines, and photocopiers.

5. "Section 508" procurement compliance requirements do apply to:

- EIT acquired through any contracts awarded on or after the effective date, June 21, 2001;
- Task or delivery orders placed on or after June 21, 2001, against any IDIQ contract; and
- Procurement ordering against UNICOR, NIB/NISH, and Economy Act sources placed on or after June 21, 2001.

6. "Section 508" procurement compliance requirements do not apply to:

- Taking delivery for items ordered prior to June 21, 2001;
- Within-scope modification of contracts awarded before June 21, 2001;
- Exercising unilateral options for contracts awarded before June 21, 2001; or
- Multiyear contracts awarded before June 21, 2001.

7. The requiring activity must identify which standards would apply to the procurement using the Access Board's EIT Accessibility Standards found at 36 CFR 1194, unless complying would present an undue burden. If an undue burden is imposed on an agency, then an alternative means must be available to make information available to the disabled. In addition, there are some exceptions to compliance with the Section 508 standards, such as micro-purchases, national security systems, and EIT acquired by contractors incidental to a contract, i.e., item is not accessed or used by Federal employees or members of the public.

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8. Please direct any questions regarding this information letter to Paulette Creighton, Acquisition Program Management Team (95A), at (202) 273-8821.

/s/David S. Derr

Attachments:

- (1) VA Clause/Provision
- (2) EIT Commercial Non-Availability Certification
- (3) EIT Undue Burden Exception
- (4) Indefinite Delivery Indefinite Quantity (IDIQ) Contracts
- (5) Determination and Findings for Purchase Requests
- (6) Decision Tree for Procurement Requestor Processing
- (7) Offerors Checklist

Distribution: RPC 7029

Attachment (1)

NOTICE OF THE FEDERAL ACCESSIBILITY LAW AFFECTING ALL ELECTRONIC AND INFORMATION TECHNOLOGY PROCUREMENTS (SECTION 508)

On August 7, 1998, Section 508 of the Rehabilitation Act of 1973 was amended to require that when Federal departments or agencies develop, procure, maintain, or use Electronic and Information Technology, that they shall ensure it allows Federal employees with disabilities to 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.

Section 508 required the Architectural and Transportation Barriers Compliance Board (Access Board) to publish standards setting forth a definition of electronic and information technology and the technical and functional criteria for such technology to comply with Section 508. These standards have been developed and published with an effective date of December 21, 2000. Federal departments and agencies must develop all Electronic and Information Technology requirements to comply with the standards found in 36 CFR 1194.

SECTION 508 – ELECTRONIC AND INFORMATION TECHNOLOGY (EIT) STANDARDS

The Section 508 standards established by the Architectural and Transportation Barriers Compliance Board (Access Board) are incorporated into, and made part of all VA contracts, solicitations and purchase orders developed to procure Electronic and Information Technology (EIT). These standards are found in their entirety at: <http://www.section508.gov>. A printed copy of the standards will be supplied upon request. The contractor must comply with the technical standards at 36 CFR 1194.

_____ in performing this contract

Fill in Section Number and Title

EIT Commercial Non-Availability Certification

To be completed by the Requiring Official (Purchase Requestor) for purchase requests involving Electronic & Information Technology (EIT).

The following quote from FAR subpart 2.101 defines items that are commercial:

"Commercial item" means--

(a) Any item, other than real property, that is of a type customarily used for nongovernmental purposes and that--

(1) Has been sold, leased, or licensed to the general public; or

(2) Has been offered for sale, lease, or license to the general public;

(b) Any item that evolved from an item described in paragraph (a) of this definition through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;

(c) Any item that would satisfy a criterion expressed in paragraphs (a) or (b) of this definition, but for—

(1) Modifications of a type customarily available in the commercial marketplace;
or

(2) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. Minor modifications means modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor;

(d) Any combination of items meeting the requirements of paragraphs (a), (b), (c), or (e) of this definition that are of a type customarily combined and sold in combination to the general public;

(e) Installation services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in paragraphs (a), (b), (c), or (d) of this definition, and if the source of such services--

Accommodation; GSA’s FSS; Internet market research; industry consultation; Request-for-Information (RFI) in Federal Business Opportunities (FedBizOpps, or FBO))

NOTE: Even if not fully compliant, you are required to acquire the commercial product that provides the greatest degree of compliance while satisfying other functional requirements. (36 CFR subpart 1194.2 (b))

I have determined and hereby certify that the product(s) that I require to have procured is not now available in a compliant version in the commercial marketplace, nor expected to become available in a compliant version in time to satisfy agency delivery requirements.

Signature	Printed Name	Date	Phone Number
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Attach this document to the “Section 508 Determination and Findings for Purchase Requests” form, and affix both to your procurement request.

SECTION 508 DEFINITIONS and TECHNICAL STANDARDS

A. Definitions

Agency. Any Federal department or agency, including the United States Postal Service.

Alternate formats. Alternate formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats that comply with this part.

Alternate methods. Different means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

Assistive technology. Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.

Electronic and information technology. Includes information technology and any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication 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, and office equipment such as copiers and fax machines. 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 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.

Information technology. Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term information technology includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

Operable controls. A component of a product that requires physical contact for normal operation. Operable controls include, but are not limited to, mechanically operated controls, input and output trays, card slots, keyboards, or keypads.

Product. Electronic and information technology.

Self Contained, Closed Products. Products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, calculators, fax machines, and other similar types of products.

Telecommunications. The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TTY. An abbreviation for teletypewriter. Machinery or equipment that employs interactive text based communications through the transmission of coded signals across the telephone network. TTYs may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTYs are also called text telephones.

Undue burden. Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, an agency shall consider all agency resources available to the program or component for which the product is being developed, procured, maintained, or used.

B. Technical Standards

1. Software applications and operating systems.

(a) When software is designed to run on a system that has a keyboard, product functions shall be executable from a keyboard where the function itself or the result of performing a function can be discerned textually.

(b) Applications shall not disrupt or disable activated features of other products that are identified as accessibility features, where those features are developed and documented according to industry standards. Applications also shall not disrupt or disable activated features of any operating system that are identified as accessibility features where the application programming interface for those accessibility features has been documented by the manufacturer of the operating system and is available to the product developer.

(c) A well-defined on-screen indication of the current focus shall be provided that moves among interactive interface elements as the input focus changes. The focus shall be programmatically exposed so that assistive technology can track focus and focus changes.

(d) Sufficient information about a user interface element including the identity, operation and state of the element shall be available to assistive technology. When an image represents a program element, the information conveyed by the image must also be available in text.

(e) When bitmap images are used to identify controls, status indicators, or other programmatic elements, the meaning assigned to those images shall be consistent throughout an application's performance.

(f) Textual information shall be provided through operating system functions for displaying text. The minimum information that shall be made available is text content, text input caret location, and text attributes.

(g) Applications shall not override user selected contrast and color selections and other individual display attributes.

(h) When animation is displayed, the information shall be displayable in at least one non-animated presentation mode at the option of the user.

(i) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

(j) When a product permits a user to adjust color and contrast settings, a variety of color selections capable of producing a range of contrast levels shall be provided.

(k) Software shall not use flashing or blinking text, objects, or other elements having a flash or blink frequency greater than 2 Hz and lower than 55 Hz.

(l) When electronic forms are used, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

2. Web-based intranet and internet information and applications.

(a) A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content).

(b) Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.

- (c) Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.
- (d) Documents shall be organized so they are readable without requiring an associated style sheet.
- (e) Redundant text links shall be provided for each active region of a server-side image map.
- (f) Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.
- (g) Row and column headers shall be identified for data tables.
- (h) Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.
- (i) Frames shall be titled with text that facilitates frame identification and navigation.
- (j) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.
- (k) A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.
- (l) When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by assistive technology.
- (m) When a web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with §1194.21(a) through (l).
- (n) When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.
- (o) A method shall be provided that permits users to skip repetitive navigation links.
- (p) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

Note to 1. The Board interprets paragraphs (a) through (k) of this section as consistent with the following priority 1 Checkpoints of the Web Content Accessibility Guidelines 1.0 (WCAG 1.0) (May 5, 1999) published by the Web Accessibility Initiative of the World Wide Web Consortium:

Section 1194.22 Paragraph (a) WCAG 1.0 Checkpoint 1.1
Section 1194.22 Paragraph (b) WCAG 1.0 Checkpoint 1.4
Section 1194.22 Paragraph (c) WCAG 1.0 Checkpoint 2.1
Section 1194.22 Paragraph (d) WCAG 1.0 Checkpoint 6.1
Section 1194.22 Paragraph (e) WCAG 1.0 Checkpoint 1.2
Section 1194.22 Paragraph (f) WCAG 1.0 Checkpoint 9.1
Section 1194.22 Paragraph (g) WCAG 1.0 Checkpoint 5.1
Section 1194.22 Paragraph (h) WCAG 1.0 Checkpoint 5.2
Section 1194.22 Paragraph (i) WCAG 1.0 Checkpoint 12.1
Section 1194.22 Paragraph (j) WCAG 1.0 Checkpoint 7.1
Section 1194.22 Paragraph (k) WCAG 1.0 Checkpoint 11.4

2. Paragraphs (l), (m), (n), (o), and (p) of this section are different from WCAG 1.0. Web pages that conform to WCAG 1.0, level A (i.e., all priority 1 checkpoints) must also meet paragraphs (l), (m), (n), (o), and (p) of this section to comply with this section. WCAG 1.0 is available at <http://www.w3.org/TR/1999/WAI-WEBCONTENT-19990505>.

3. Telecommunications products.

(a) Telecommunications products or systems which provide a function allowing voice communication and which do not themselves provide a TTY functionality shall provide a standard non-acoustic connection point for TTYs. Microphones shall be capable of being turned on and off to allow the user to intermix speech with TTY use.

(b) Telecommunications products which include voice communication functionality shall support all commonly used cross-manufacturer non-proprietary standard TTY signal protocols.

(c) Voice mail, auto-attendant, and interactive voice response telecommunications systems shall be usable by TTY users with their TTYs.

(d) Voice mail, messaging, auto-attendant, and interactive voice response telecommunications systems that require a response from a user within a time interval, shall give an alert when the time interval is about to run out, and shall provide sufficient time for the user to indicate more time is required.

(e) Where provided, caller identification and similar telecommunications functions shall also be available for users of TTYs, and for users who cannot see displays.

- (f) For transmitted voice signals, telecommunications products shall provide a gain adjustable up to a minimum of 20 dB. For incremental volume control, at least one intermediate step of 12 dB of gain shall be provided.
- (g) If the telecommunications product allows a user to adjust the receive volume, a function shall be provided to automatically reset the volume to the default level after every use.
- (h) Where a telecommunications product delivers output by an audio transducer which is normally held up to the ear, a means for effective magnetic wireless coupling to hearing technologies shall be provided.
- (i) Interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening devices) shall be reduced to the lowest possible level that allows a user of hearing technologies to utilize the telecommunications product.
- (j) Products that transmit or conduct information or communication, shall pass through cross-manufacturer, non-proprietary, industry-standard codes, translation protocols, formats or other information necessary to provide the information or communication in a usable format. Technologies which use encoding, signal compression, format transformation, or similar techniques shall not remove information needed for access or shall restore it upon delivery.
- (k) Products which have mechanically operated controls or keys, shall comply with the following:
- (1) Controls and keys shall be tactilely discernible without activating the controls or keys.
 - (2) Controls and keys shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls and keys shall be 5 lbs. (22.2 N) maximum.
 - (3) If key repeat is supported, the delay before repeat shall be adjustable to at least 2 seconds. Key repeat rate shall be adjustable to 2 seconds per character.
 - (4) The status of all locking or toggle controls or keys shall be visually discernible, and discernible either through touch or sound.

4. Video and multimedia products.

- (a) All analog television displays 13 inches and larger, and computer equipment that includes analog television receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals. As soon as practicable, but not later

than July 1, 2002, widescreen digital television (DTV) displays measuring at least 7.8 inches vertically, DTV sets with conventional displays measuring at least 13 inches vertically, and stand-alone DTV tuners, whether or not they are marketed with display screens, and computer equipment that includes DTV receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals.

(b) Television tuners, including tuner cards for use in computers, shall be equipped with secondary audio program playback circuitry.

(c) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain speech or other audio information necessary for the comprehension of the content, shall be open or closed captioned.

(d) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain visual information necessary for the comprehension of the content, shall be audio described.

(e) Display or presentation of alternate text presentation or audio descriptions shall be user-selectable unless permanent.

5. Self contained, closed products.

(a) Self contained products shall be usable by people with disabilities without requiring an end-user to attach assistive technology to the product. Personal headsets for private listening are not assistive technology.

(b) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

(c) Where a product utilizes touchscreens or contact-sensitive controls, an input method shall be provided that complies with §1194.23 (k) (1) through (4).

(d) When biometric forms of user identification or control are used, an alternative form of identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.

(e) When products provide auditory output, the audio signal shall be provided at a standard signal level through an industry standard connector that will allow for private listening. The product must provide the ability to interrupt, pause, and restart the audio at anytime.

(f) When products deliver voice output in a public area, incremental volume control shall be provided with output amplification up to a level of at least 65 dB. Where the ambient noise level of the environment is above 45 dB, a volume gain of at least 20 dB above the

ambient level shall be user selectable. A function shall be provided to automatically reset the volume to the default level after every use.

(g) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

(h) When a product permits a user to adjust color and contrast settings, a range of color selections capable of producing a variety of contrast levels shall be provided.

(i) Products shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.

(j) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following:

(1) The position of any operable control shall be determined with respect to a vertical plane, which is 48 inches in length, centered on the operable control, and at the maximum protrusion of the product within the 48 inch length (see Figure 1 of this part).

(2) Where any operable control is 10 inches or less behind the reference plane, the height shall be 54 inches maximum and 15 inches minimum above the floor.

(3) Where any operable control is more than 10 inches and not more than 24 inches behind the reference plane, the height shall be 46 inches maximum and 15 inches minimum above the floor.

(4) Operable controls shall not be more than 24 inches behind the reference plane (see Figure 2 of this part).

6. Desktop and portable computers.

(a) All mechanically operated controls and keys shall comply with §1194.23 (k) (1) through (4).

(b) If a product utilizes touchscreens or touch-operated controls, an input method shall be provided that complies with §1194.23 (k) (1) through (4).

(c) When biometric forms of user identification or control are used, an alternative form of identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.

(d) Where provided, at least one of each type of expansion slots, ports and connectors shall comply with publicly available industry standards.

C. Functional Performance Criteria

1. Functional performance criteria.

(a) At least one mode of operation and information retrieval that does not require user vision shall be provided, or support for assistive technology used by people who are blind or visually impaired shall be provided.

(b) At least one mode of operation and information retrieval that does not require visual acuity greater than 20/70 shall be provided in audio and enlarged print output working together or independently, or support for assistive technology used by people who are visually impaired shall be provided.

(c) At least one mode of operation and information retrieval that does not require user hearing shall be provided, or support for assistive technology used by people who are deaf or hard of hearing shall be provided.

(d) Where audio information is important for the use of a product, at least one mode of operation and information retrieval shall be provided in an enhanced auditory fashion, or support for assistive hearing devices shall be provided.

(e) At least one mode of operation and information retrieval that does not require user speech shall be provided, or support for assistive technology used by people with disabilities shall be provided.

(f) At least one mode of operation and information retrieval that does not require fine motor control or simultaneous actions and that is operable with limited reach and strength shall be provided.

D. Information, Documentation, and Support

1. Information, documentation, and support.

(a) Product support documentation provided to end-users shall be made available in alternate formats upon request, at no additional charge.

(b) End-users shall have access to a description of the accessibility and compatibility features of products in alternate formats or alternate methods upon request, at no additional charge.

(c) Support services for products shall accommodate the communication needs of end-users with disabilities.

Figures to Part 1194 Figure 1 Figure 2

EIT Undue Burden Exception Determination and Certification

To be completed by the Requiring Official (Purchase Requestor)

When acquiring commercial items, this Determination is not required to address Sec 508 technical standards of Electronic and Information Technology (EIT) products that are not yet available in the commercial marketplace in time to meet the agency delivery requirements. (Refer to *Attachment A* if this applies to your requirement.)

For each provision of 36 CFR Part 1194 (see Addendum of Attachment A) that an agency finds to be an undue burden, the Requiring Official must explain below why, and to what extent, compliance with each such provision creates an undue burden. A thorough, rational explanation is required. (The format may be expanded for additional space. Relevant attachments are encouraged. Explanations must be adequate to survive protests and litigation challenges.)

The data and findings providing the basis for my decision are the following:

- 1. Products or services required to meet the agency's needs:**

- 2. Dollar value of the acquisition, including any options:**

- 3. Applicable Section 508 standards (see 36 CFR part 1194) that are met and those that are unmet:**

- 4. Market research performed to locate commercial items that meet the applicable standards:**

- 5. The undue burden (i.e. the significant difficulty or expense the Government would incur in order to comply with a particular standard). If the monetary expense is deemed prohibitive, explain the costs and how they were estimated.**
 - a. Significant difficulty of compliance:**

- b. **Significant expense of compliance:**
 - c. **Insufficient agency resources available to the agency’s program or component for which the goods or service is being acquired:**
6. **Steps the agency is taking to reduce use of the undue burden exception in future procurements.**
 7. **Alternative means of access that will be provided that will allow the individuals with disabilities to use the information or data. (29 U.S.C. 794d(a)(1)(B)).**

I have determined and hereby certify that procurement of the applicable EIT product(s) required by my organization that are subject to Section 508 of the Rehabilitation Act of 1973, as Amended, in accordance with 36 CFR Part 1194, presents an “undue burden.”

Signature	Printed Name	Date	Phone Number
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Head of the Requiring Officials Office:

I hereby concur with and support this Determination & Certification.

Signature	Printed Name	Date	Phone Number
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Attach this document to the “Section 508 Determination and Findings for Purchase Requests” form, and affix both to your procurement request.

Attachment (4)

Indefinite Delivery Indefinite Quantity (IDIQ) Contracts

The Section 508 representation clause need not be used for IDIQ contracts since both compliant and non-compliant products may be offered by such contracts, regardless of award date. However, contracting offices that award indefinite-quantity contracts must indicate to ordering offices which supplies and services the contractor indicates as compliant, and show where full details of compliance can be found (e.g., vendor's or other exact web page location).

Contracting officers may wish to evaluate for initial award the extent of Section 508 compliant products (supplies and services) being offered versus the non-compliant products in order to encourage offerors to emphasize compliant goods and services. This can be done in a variety of ways, including provision by the offeror of a listing of compliant products, since he is required to provide one for ordering officials anyway per the FAR. The contracting officer could evaluate the percentage of compliant products relative to the total variety offered.

The below paragraph may be included in **Section C** of an IDIQ solicitation to satisfy the new FAR subpart 39.203 (b) (2) and provide other assurances. If the contracting officer is also seeking the list for proposal evaluation purposes, he will need to include something similar in solicitation **Section L** as well.

"XX.XX Section 508 Compliance

The Contractor must provide a comprehensive list of all offered specific electronic and information technology (EIT) products (supplies and services) that fully comply with Section 508 of the Rehabilitation Act of 1973, per the 1998 Amendments, and the Architectural and Transportation Barriers Compliance Board's Electronic and Information Technology Accessibility Standards at 36 CFR Part 1194. The Contractor must clearly indicate where this list with full details of compliance can be found (e.g., vendor's or other exact web page location). The contractor must ensure that the list is easily accessible by typical users beginning five calendar days after award. The contractor must maintain this detailed listing of compliant products for the full contract term, including all forms of extensions, and must ensure that it is current within three calendar days of changes to his product line.

The offeror must ensure that all EIT products that are less than fully compliant are offered pursuant to extensive market research, which ensures that they are the most compliant products and services available to satisfy this solicitation's requirements.

For every EIT product accepted under this contract by the Government that does not comply with 36 CFR Part 1194, the contractor shall, at the discretion of the Government, make every effort to replace or upgrade it with a compliant equivalent product or service, if commercially available and cost neutral, on either the planned refresh cycle of the product or service, or on the contract renewal date, whichever shall occur first."

Attachment (5)

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?

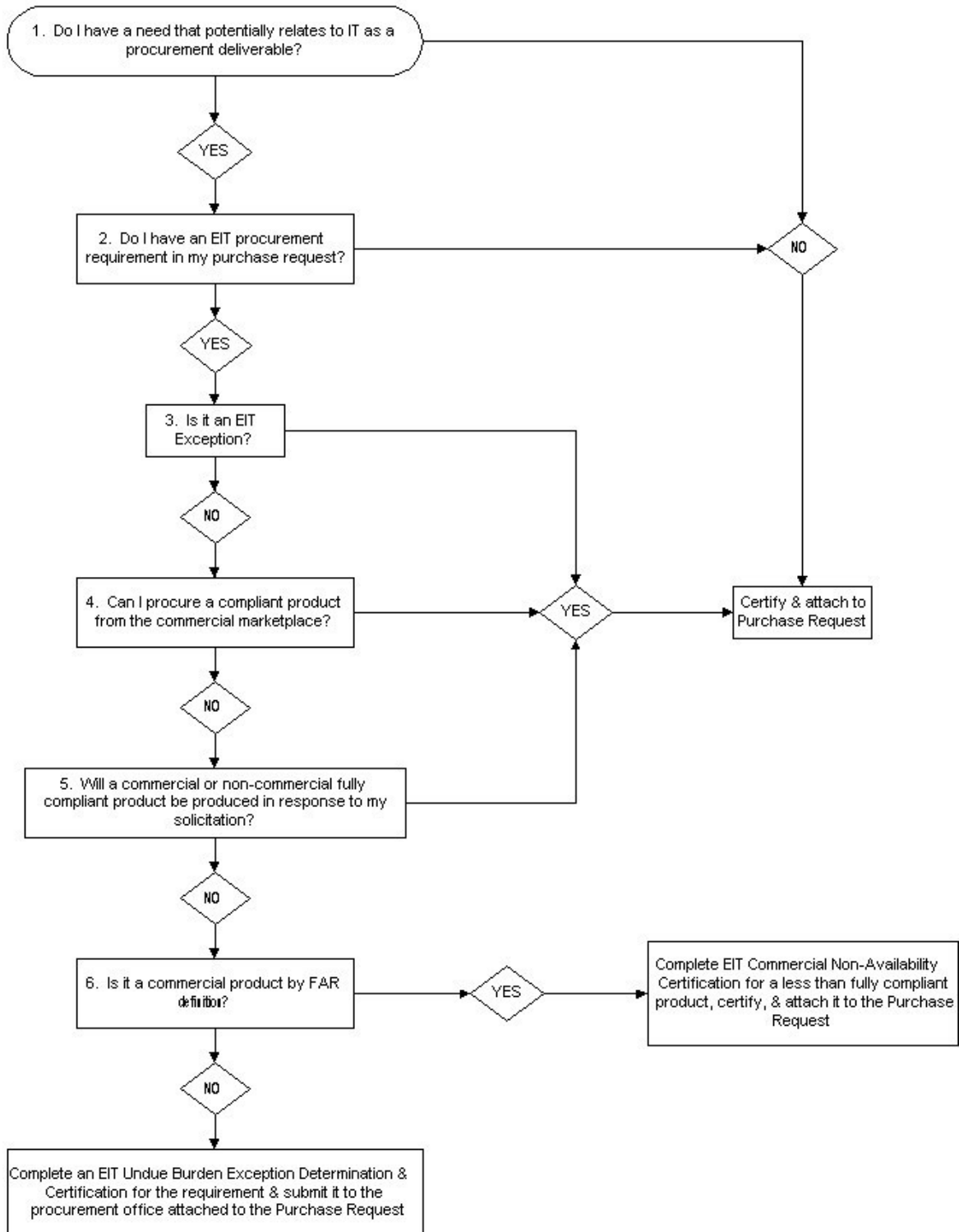
“X” one: _____ **Yes** _____ **No**

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.

ATT C - Section 508 Decision Tree for Procurement Requestor Processing



Attachment (7)

Offerors Checklist

1. As section 508 is a requirement it is not a part of the best value determination. Offerors will complete the following matrix in order for the government to determine if there are commercially available products that meet all of section 508 requirements. If there are not commercially available products that meet all of section 508 requirements then the government will consider those products, which offer the greatest compliance with the standards. In both the case of fully meet and partially met the government will consider whether purchasing a product that fully meets or partially meets poses an undue burden on the government as opposed to purchase of EIT that does not comply with the standard.
2. Check the box that represents the status of your product regarding compliance with a particular standard. Mark not applicable if the standard does apply to the product you are offering.

TECHNICAL STANDARDS				
Identify Products or Component	§ 1194.21 Software applications and operating systems.	Met	Not Met	Not Applicable
	(a) When software is designed to run on a system that has a keyboard, product function shall be executable from a keyboard where the function itself or the result of performing a function can be discerned textually.			
	(b) Applications shall not disrupt or disable activated features of other products that are identified as accessibility features, where those features are developed and documented according to industry standards. Applications also shall not disrupt or disable activated features of any operating system that are identified as accessibility features where the application programming interface for those accessibility features has been documented by the manufacturer of the operating system and is available to the product			

	developer.			
	(c) A well-defined on-screen indication of the current focus shall be provided that moves among interactive interface elements as the input focus changes. The focus shall be programmatically exposed so that assistive technology can track focus and focus changes.			
	(d) Sufficient information about a user interface element including the identity, operation and state of the element shall be available to assistive technology. When an image represents a program element, the information conveyed by the image must also be available in text.			
	(e) When bitmap images are used to identify controls, status indicators, or other programmatic elements, the meaning assigned to those images shall be consistent throughout an application's performance.			
	(f) Textual information shall be provided through operating system functions for displaying text. The minimum information that shall be made available is text content, text input caret location, and text attributes.			
	(g) Applications shall not override user selected contrast and color selections and other individual display attributes.			
	(h) When animation is displayed, the information shall be displayable in at least one non-animated presentation			

	mode at the option of the user.			
	(i) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.			
	(j) When a product permits a user to adjust color and contrast settings, a variety of color selections capable of producing a range of contrast levels shall be provided.			
	(k) Software shall not use flashing or blinking text, objects, or other elements having a flash or blink frequency greater than 2 Hz and lower than 55 Hz.			
	(l) When electronic forms are used, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.			
Identify Products or Component	§ 1194.22 Web-based intranet and internet information and applications.	Met	Not Met	Not Applicable
	(a) A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content).			
	(b) Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.			

	(c) Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.			
	(e) Redundant text links shall be provided for each active region of a server-side image map.			
	(f) Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.			
	(g) Row and column headers shall be identified for data tables.			
	(h) Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.			
	(i) Frames shall be titled with text that facilitates frame identification and navigation.			
	(j) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.			
	(k) A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever			

	the primary page changes.			
	(l) When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by assistive technology.			
	(m) When a web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with §1194.21(a) through (l).			
	(n) When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.			
	(o) A method shall be provided that permits users to skip repetitive navigation links.			
	(p) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.			

Note to §1194.22: 1. The Board interprets paragraphs (a) through (k) of this section as consistent with the following priority 1 Checkpoints of the Web Content Accessibility Guidelines 1.0 (WCAG 1.0) (May 5, 1999) published by the Web Accessibility Initiative of the World Wide Web Consortium:

Section 1194.22 Paragraph	WCAG 1.0 Checkpoint
(a)	1.1
(b)	1.4
(c)	2.1

(d)	6.1
(e)	1.2
(f)	9.1
(g)	5.1
(h)	5.2
(i)	12.1
(j)	7.1
(k)	11.4

2. Paragraphs (l), (m), (n), (o), and (p) of this section are different from WCAG 1.0. Web pages that conform to WCAG 1.0, level A (i.e., all priority 1 checkpoints) must also meet paragraphs (l), (m), (n), (o), and (p) of this section to comply with this section. WCAG 1.0 is available at <http://www.w3.org/TR/1999/WAI-WEBCONTENT-19990505>.

Identify Products or Component	§ 1194.23 Telecommunications products.	Met	Not Met	Not Applicable
	(a) Telecommunications products or systems which provide a function allowing voice communication and which do not themselves provide a TTY functionality shall provide a standard non-acoustic connection point for TTYs. Microphones shall be capable of being turned on and off to allow the user to intermix speech with TTY use.			
	(b) Telecommunications products which include voice communication functionality shall support all commonly used cross-manufacturer non-proprietary standard TTY signal protocols.			
	(c) Voice mail, auto-attendant, and interactive voice response telecommunications systems shall be usable by TTY users with their TTYs.			
	(d) Voice mail, messaging, auto-attendant, and interactive voice response telecommunications systems that require a response from a user within a time interval, shall			

	give an alert when the time interval is about to run out, and shall provide sufficient time for the user to indicate more time is required.			
	(e) Where provided, caller identification and similar telecommunications functions shall also be available for users of TTYs, and for users who cannot see displays.			
	(f) For transmitted voice signals, telecommunications products shall provide a gain adjustable up to a minimum of 20 dB. For incremental volume control, at least one intermediate step of 12 dB of gain shall be provided.			
	(g) If the telecommunications product allows a user to adjust the receive volume, a function shall be provided to automatically reset the volume to the default level after every use.			
	(h) Where a telecommunications product delivers output by an audio transducer which is normally held up to the ear, a means for effective magnetic wireless coupling to hearing technologies shall be provided.			
	(i) Interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening devices) shall be reduced to the lowest possible level that allows a user of hearing technologies to utilize the telecommunications product.			
	(j) Products that transmit or conduct information or communication shall pass through cross-manufacturer, non-proprietary, industry-standard			

		codes, translation protocols, formats or other information necessary to provide the information or communication in a usable format. Technologies which use encoding, signal compression, format transformation, or similar techniques shall not remove information needed for access or shall restore it upon delivery.			
		(k) Products which have mechanically operated controls or keys, shall comply with the following:			
		(1) Controls and keys shall be tactilely discernible without activating the controls or keys.			
		(2) Controls and keys shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls and keys shall be 5 lbs. (22.2 N) maximum.			
		(3) If key repeat is supported, the delay before repeat shall be adjustable to at least 2 seconds. Key repeat rate shall be adjustable to 2 seconds per character.			
		(4) The status of all locking or toggle controls or keys shall be visually discernible, and discernible either through touch or sound.			
Identify Products or Component		§ 1194.24 Video and multimedia products.	Met	Not Met	Not Applicable
		(a) All analog television displays 13 inches and larger, and computer equipment that includes analog television receiver or			

	<p>display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals. As soon as practicable, but not later than July 1, 2002, widescreen digital television (DTV) displays measuring at least 7.8 inches vertically, DTV sets with conventional displays measuring at least 13 inches vertically, and stand-alone DTV tuners, whether or not they are marketed with display screens, and computer equipment that includes DTV receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals.</p>			
	<p>(b) Television tuners, including tuner cards for use in computers, shall be equipped with secondary audio program playback circuitry.</p>			
	<p>(c) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain speech or other audio information necessary for the comprehension of the content, shall be open or closed captioned.</p>			
	<p>(d) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain visual information necessary for the comprehension of the content, shall be audio described.</p>			

	(e) Display or presentation of alternate text presentation or audio descriptions shall be user-selectable unless permanent.			
Identify Products or Component	§ 1194.25 Self contained closed products.	Met	Not Met	Not Applicable
	(a) Self contained products shall be usable by people with disabilities without requiring an end-user to attach assistive technology to the product. Personal headsets for private listening are not assistive technology.			
	(b) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.			
	(c) Where a product utilizes touchscreens or contact-sensitive controls, an input method shall be provided that complies with § 1194.23 (k) (1) through (4).			
	(d) When biometric forms of user identification or control are used, an alternative form of identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.			
	(e) When products provide auditory output, the audio signal shall be provided at a standard signal level through an industry standard connector that will allow for private listening. The product must provide the ability to interrupt, pause, and restart the audio at anytime.			

	<p>(f) When products deliver voice output in a public area, incremental volume control shall be provided with output amplification up to a level of at least 65 dB. Where the ambient noise level of the environment is above 45 dB, a volume gain of at least 20 dB above the ambient level shall be user selectable. A function shall be provided to automatically reset the volume to the default level after every use.</p>			
	<p>(g) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.</p>			
	<p>(h) When a product permits a user to adjust color and contrast settings, a range of color selections capable of producing a variety of contrast levels shall be provided.</p>			
	<p>(i) Products shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.</p>			
	<p>(j) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following:</p>			

		(1) The position of any operable control shall be determined with respect to a vertical plane, which is 48 inches in length, centered on the operable control, and at the maximum protrusion of the product within the 48 inch length (see Figure 1 <figure1.htm> of this part).			
		(2) Where any operable control is 10 inches or less behind the reference plane, the height shall be 54 inches maximum and 15 inches minimum above the floor.			
		(3) Where any operable control is more than 10 inches and not more than 24 inches behind the reference plane, the height shall be 46 inches maximum and 15 inches minimum above the floor.			
		(4) Operable controls shall not be more than 24 inches behind the reference plane (see Figure 2 <figure2.htm> of this part).			

Identify Products or Component	§ 1194.26 Desktop and portable computers.	Met	Not Met	Not Applicable
	(a) All mechanically operated controls and keys shall comply with §1194.23 (k) (1) through (4).			
	(b) If a product utilizes touchscreens or touch-operated controls, an input method shall be provided that complies with §1194.23 (k) (1) through (4).			
	(c) When biometric forms of user identification or control are used, an alternative form of			

	identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.			
	(d) Where provided, at least one of each type of expansion slots, ports and connectors shall comply with publicly available industry standards.			
	Subpart C -- Functional Performance Criteria			
Identify Products or Component	§ 1194.31 Functional performance criteria.	Met	Not Met	Not Applicable
	(a) At least one mode of operation and information retrieval that does not require user vision shall be provided, or support for assistive technology used by people who are blind or visually impaired shall be provided.			
	(b) At least one mode of operation and information retrieval that does not require visual acuity greater than 20/70 shall be provided in audio and enlarged print output working together or independently, or support for assistive technology used by people who are visually impaired shall be provided.			
	(d) Where audio information is important for the use of a product, at least one mode of operation and information retrieval shall be provided in an enhanced auditory fashion, or support for assistive hearing devices shall be provided.			
	(e) At least one mode of operation and information retrieval that does not require user speech shall			

	be provided, or support for assistive technology used by people with disabilities shall be provided.			
	(f) At least one mode of operation and information retrieval that does not require fine motor control or simultaneous actions and that is operable with limited reach and strength shall be provided.			
	Subpart D -- Information, Documentation, and Support			
Identify Products or Component	§ 1194.41 Information, documentation, and support.	Met	Not Met	Not Applicable
	(a) Product support documentation provided to end-users shall be made available in alternate formats upon request, at no additional charge.			
	(b) End-users shall have access to a description of the accessibility and compatibility features of products in alternate formats or alternate methods upon request, at no additional charge.			
	(c) Support services for products shall accommodate the communication needs of end-users with disabilities.			

In making a determination of which product to buy the government is compelled to buy the product that is most compliant therefore if products offered are fully compliant and do not put an undue burden on the government then the government shall consider only the products that are fully compliant. If all products are partially compliant then the government (so long as it does not place an undue burden on the government) shall consider the products that are most compliant. Only if all products offered were non-compliant will the government consider non-compliant products or purchase of a compliant product would place an undue burden on the government.