

**IL 90-01-**

**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

**SUBJ:** 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

## IL-90-01

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.

**IL-90-01**

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

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

cc: 95ARF, 95RF, 90RF

CREIGHTON: q:/Paulette/IL 508revised 95A\_\_\_ 95\_\_\_ 90A\_\_\_