

Treasury Section 508 Purchase Cardholder Guidance (Revised October 2004)

Introduction: Section 508 of the Rehabilitation Act of 1973 and accompanying regulations require that the federal government purchase only those electronic and information technology (EIT) products and services that meet accessibility standards. The accessibility requirement applies to products and services for both federal employees and the public. Since June 25, 2001, Section 508 has affected how you may use your purchase card to buy EIT products and services.

The following is an excerpt from the Section 508 Law portion of the Section 508 Web page (www.Section508.gov):

In 1998, Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities. Inaccessible technology interferes with an individual's ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508 (29 U.S.C. § 794d), agencies must give disabled employees and members of the public access to information that is comparable to the access available to others.

1. What is covered by Section 508 as "electronic and information technology?"

This term has a broad formal definition in Section 508. For our purposes, you can consider it as including anything of an electronic nature or anything that may be considered information technology. This includes data systems and equipment, all forms of Web sites, telecommunication products such as telephones, office equipment such as copiers and fax machines, computers, monitors, printers, software, firmware, and computer peripheral equipment. It is difficult to identify any form of electronic or information technology service or physical product that would not be included. The GSA website www.Section508.gov contains definitions and training materials on what is covered by Section 508. You may also refer to the Treasury Office of the Procurement Executive Web page on Section 508 at www.treas.gov/offices/management/dcfo/procurement/508/ for additional information.

2. What is the Section 508 exception for micro-purchases?

FAC 2001-25, published in the Federal Register on October 5, 2004, provides an exemption from Section 508 requirements for one-time, open-market purchases of \$2,500 or less until April 1, 2005. However, buyers are strongly encouraged to comply with the Section 508 accessibility standards to the maximum extent practicable. The purchase card or any other micro-purchase method may be used.

Beginning April 1, 2005, one-time open market micro-purchases **will** be covered. If the card is used to pay any amount for an order placed against an existing contract (such as an indefinite-quantity contract), the action is covered now. (See question #4 below for examples of "indefinite quantity contracts.")

3. Does the Section 508 micro-purchase exception cover all purchases under \$2,500?

No. The exception is for one-time purchases of \$2,500 or less, made before April 1, 2005, on the open market as opposed to under an existing procurement action. A software package that costs \$1,800 is not a micro-purchase if it is part of a \$3,000 purchase requirement -- or a \$3,000,000 purchase requirement.

4. Does Section 508 cover micro-purchases made against the Federal Supply Schedule, Government-Wide Acquisition Contracts (GWACs), multi-agency contracts, IDIQ contracts, Blanket Purchase Agreements (BPAs), and Blanket Ordering Agreements (BOAs)?

Yes, because they are not micro-purchases made on the open market. However, the contracting officers responsible for these contracts are required to have the contractors provide a list of the conforming and non-conforming products being offered to make your purchasing easier. So, you will be able to easily proceed with your purchase of conforming products.

5. How do I know whether the "electronic and information technology" product that I want to buy is conforming to Section 508?

The best way to determine whether a particular product is Section 508 conforming is to have the seller certify to you in writing whether it is conforming -- whether it fully satisfies all technical provisions of the Section 508 Access Board final rule. Over time, more and more products and services have become conforming. The commercial marketplace does not want to lose business opportunities with the government since the government must try to buy conforming products and services. There may be times when you are able to identify only partially conforming products and services. In these cases, you must purchase the most conforming product or service that meets your needs.

Under "Buy Accessible" on the GSA Section 508 Web site <http://www.section508.gov/index.cfm?FuseAction=Content&ID=2> there is information on product accessibility. The Information Technology Industry (ITI) Council, a partnership between government and industry, hosts a Voluntary Product Accessibility Template on their site. It allows vendors who choose to participate the ability to copy the template and complete it to describe how a particular product or service they offer conforms to Section 508 Access Board standards. This template would be placed on the vendor's accessible web site, and the link to the template provided to the Buy Accessible database.

6. If I cannot find a Section 508 conforming product or service at the micro-purchase level under an existing contract and none exists in the open market, would it be better to buy a non-conforming product from the open market under the available micro-purchase exception?

Generally, yes, if the price and other factors are reasonable and it meets your needs. This is because there may be significant Section 508 paperwork and possibly time involved if you buy the non-conforming product or service under an existing indefinite quantity acquisition vehicle for which you cannot take advantage of the exception.

7. If I am procuring EIT under a GSA contract, costing \$2,500 or less, using the purchase card, am I required to complete a Determination & Finding (D&F) since the micro-purchase exception does not apply? If so, what do I do with the completed Determination & Finding since there will be no procurement order prepared?

If you are using the purchase card under the conditions stated [the GSA contract is an indefinite delivery indefinite quantity (IDIQ) not itself subject to Section 508], the D&F would have to be completed. Retention location of the D&F is a local Bureau procurement matter; however, it needs to be appropriate for audit and review purposes. It should be filed with the invoice, receipt, and other purchase information; or its location should be identified in the documentation supporting the purchase. (Refer to the Treasury Office of the Procurement Executive Web page on Section 508 at www.treas.gov/offices/management/dco/procurement/508 for more details.)

8. What do I have to do if I have to make an "electronic and information technology" micro-purchase?

First, you need to ensure that you are sufficiently familiar with the requirements of Section 508 compliance so that you are proceeding appropriately. Your Bureau procurement office can provide guidance on purchases subject to Section 508. The Treasury Office of the Procurement Executive Web page on Section 508 at www.treas.gov/offices/management/dco/procurement/508 and

the GSA Web page at www.Section508.gov also contain information on Section 508 purchases.

Second, you need to do some market research to determine whether your required product or service exists in the commercial marketplace in a conforming version through existing contracts. (This may be done by phone, over the Internet, or by other means.) If a conforming product or service is not available through an existing contract, you should purchase the requirement from the open market while attempting to acquire the most conforming product that meets your overall needs.

If you decide to purchase the partially conforming or non-conforming product through an existing contract, you are required to prepare documentation supporting your action. Contact your Bureau procurement office if you choose this option.

9. Why is the micro-purchase exception temporary?

The Federal Acquisition Regulation (FAR) provides an exemption for micro-purchases until April 1, 2005. The temporary exception reflects the difficulty program officials have faced in identifying conforming products while industry manufacturing and labeling of conforming products becomes commonplace. Many products now do conform to the standards, and may be so labeled by the manufacturer. This latest, and last, extension of the exemption from Section 508 for micro-purchases is intended to allow government agencies time to complete the incorporation of procurement requirements for micro-purchases into their training programs and to train their cardholders. Even though the exemption is available until April 1, 2005, contracting officers and purchase cardholders are strongly encouraged to comply with the applicable Section 508 accessibility standards now, to the maximum extent practicable, in buying products and services.

WANT MORE INFO??? If you would like more details about Section 508 standards or requirements, in general or as relates to procurement activity, please refer to the Treasury Office of the Procurement Executive Web page on Section 508 at www.treas.gov/offices/management/dco/procurement/508 and the GSA Section 508 Web page at www.section508.gov. Each Bureau has a Section 508 coordinator; their names are available on the GSA website under the topic "508 Coordinators."

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