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SECTION 508

PROCUREMENT

STANDARD OPERATING PROCEDURES

Developed by the Section 508 Procurement Team for publication on the FAA Section 508 Website.

Section 508 Standard Operating Procedures for Procurements

	<u>Page</u>
Introduction.....	3
1. Contracting Officer’s Role and Responsibilities.....	4
2. Requirement Organization’s Role and Responsibilities.....	4
3. Purchases for Electronic Information Technology (EIT).....	4
4. Exceptions.....	5
5. EIT is Not Available.....	5
6. Undue Burden.....	5
7. Procurement Evaluation Factors to Consider.....	6
8. Purchase Card Section 508 Guidance.....	6

EXHIBITS

Exhibit A FAA Section 508 Procurement Checklist	7
Exhibit B Common Methods to Use for Market Research	8
Exhibit C Definitions.....	9
Exhibit D Requiring Organization Checklist for Credit Card	10
Exhibit E Pre-award Tools	11

Section 508 Standard Operating Procedures for Procurements

Introduction

The FAA Acquisition Management System (AMS), Rehabilitation Act policy mandates that after June 21, 2001, new procurements (contract awards, task orders, delivery orders, orders under government-wide schedules, interagency agreements) shall include requirements that have provisions for Electronic and Information Technology (EIT) Accessibility Standards (for telecommunication products, information kiosks, transaction machines, web sites, multimedia, office equipment and others). The applicable EIT standards are those initiated by the U.S Architectural and Transportation Barriers Compliance Board (Access Board). For your support, Exhibit A, a checklist designed to aid EIT requirement identification, market research documentation, exception and undue burden codification is included.

Additional information on the AMS policy and guidance, Access Board and Section 508 of the Rehabilitation Act can be obtained at the following websites:

AMS Policy: <http://fast.faa.gov/ams/ams3-2.htm>

Note: Paragraph 3.2.2.9, titled "Section 508 Rehabilitation Act"

AMS Guidance: http://fast.faa.gov/procurement_guide/html/3-2-2.htm#5

Note: Source Selection, sub-paragraph 5

Access Board: <http://www.access-board.gov>

Section 508: <http://www.Section508.gov>.

Section 508 Standard Operating Procedures for Procurements

1. Contracting Officer's role and responsibilities

- Ensure that the Screening Information Request, Statement of Work and resulting contract or other agreement contain a reference, with supporting documentation, to obtain EIT compliant with Access Board standards.
- Maintain in the contract file appropriate records to account for exceptions, non-availability, or undue burden determinations for EIT purchases.
- Coordinate with agency council regarding Section 508 issues including "undue burden."
- Ensure proper use of the Pre-award Tools found in Exhibit E

2. Requirement Organization's role and responsibilities

- Understand the Access Board's EIT standards located at <http://www.access-board.gov/sec508/508standards.htm> and available resources at <http://www.Section508.gov>.
- Identify the appropriate reference for SIR and SOW inclusion from the "Purchases for EIT" paragraph included in this document.
- Conduct market research i.e. information on vendor websites and the government's Section 508 web site (refer to Exhibit B).
- Document in writing non-availability, including market research performed and standards that cannot be met. Forwarded non-availability documentation to the Contracting Officer for inclusion in the contract file.
- Determine Undue Burden (refer to section 6 below).
- Shall complete THE SECTION 508 REQUIRING ORGANIZATION CHECKLIST FOR PURCHASE CARDS (refer to Exhibit D).

3. Purchases for EIT

When a determination that the new procurement is for EIT is made, a reference to the applicable standard of 36 CFR Part 1194 requirement is identified: (Refer to website:<http://www.access-board.gov/sec508/guide/index.htm>)

- 1194.21-Software applications and operating systems
- 1194.22-Web-based information or applications
- 1194.23-Telecommunication products
- 1194.24-Video and multimedia products
- 1194.25-Self contained, closed products (e.g., information kiosks, calculators, copiers, and fax machines)
- 1194.26-Desktop and portable computers
- 1194-31-Functional Performance Criteria
- 1194-41-Information, Documentation and Support

Section 508 Standard Operating Procedures for Procurements

4. Exceptions

Section 508 compliance is not required, if the EIT can be classified as an exception. The FAA Section 508 Procurement Checklist identifies the Section 508 exceptions, as follows:

- EIT acquired by a contractor incidental to a Federal contract;
- EIT for a national security system (defined by Clinger-Cohen Act);
- EIT located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment; and
- EIT that would impose an undue burden on the agency.

5. EIT is not Available

When acquiring commercial items, an agency must comply with those accessibility standards that can be met with supplies or services that are available in the commercial marketplace in time to meet the agency's delivery requirements. When EIT is not available, the market research performed and standards that cannot be met must be documented and included in the contract file.

6. Undue Burden

Agencies are required by statute to document the basis for an undue burden. Requiring organizations should be aware that when there is an undue burden, the statute requires an alternative means of access be provided to individuals with disabilities. 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.

An undue burden is a purchase that would be considered a significant difficulty or expense. The significant difficulty or expense must be substantiated with the following:

- the applicable technical provisions of the Access Board's standards;
- the market research performed to locate items that meet the applicable technical provisions;
- the specific provisions that cannot be met as a result of undue burden;
- the estimated cost of acquiring EIT that meets the applicable technical provisions along with an explanation of how costs were estimated; and
- all funds available to the agency including the component for which the supply or service is being acquired.

Section 508 Standard Operating Procedures for Procurements

7. Procurement Evaluation Factors to Consider

During the evaluation of EIT procurements, consider the following factors:

- The technical standards are **mandatory** requirements that must be met (directly or through equivalent facilitation) unless (a) the product or service (if it is a commercial item) is not available, (b) an exception applies (such as an undue burden) or (c) meeting the applicable provisions would require the agency to alter its requirements to the point where the procured EIT would not meet its needs.
- If an exception applies preventing an agency's acquisition of EIT that meets all of the applicable technical provisions (e.g. no such products are available in the commercial marketplace), the agency may acquire EIT that meets some of those provisions.
- If an exception applies to an agency's acquisition of EIT that meets some of the applicable provisions, the agency may acquire EIT that does not meet any of those provisions.
- An agency is not required to alter its acquisition requirements in order to comply with Section 508 if the alteration would be so fundamental that the agency would no longer be procuring EIT that meets its needs.

8. Purchase Card Section 508 Guidance

EIT procurements with FAA purchase cards shall be made used for products and services that meet the Access Board standard. Buyers are strongly encouraged to comply with the Section 508 accessibility standards to the maximum extent practicable. The same applies to FAA purchase cardholders. FAA purchase cardholders are required to ensure Section 508 compliance for all purchases that exceed \$2,500.

When purchase cards are used the checklist found in Exhibit D shall be completed.

Section 508 Standard Operating Procedures for Procurements

Exhibit A

FAA SECTION 508 PROCUREMENT CHECKLIST

STANDARDS

Check the Access Board's standards that apply to the EIT purchase:

- 1194.21 Software Applications and Operating Systems
- 1194.22 Web-based Information or applications
- 1194.23 Telecommunication Products
- 1194.24 Video and Multimedia Products
- 1194.25 Self-Contained Products
- 1194.26 Desktop and Portable Computers
- 1194.31 Functional Performance Criteria
- 1194.41 Information, Documentation and Support
- Request vendor Section 508 compliance template (e.g. vendor's website or other website location)

RESEARCH

After market research, the product is considered:

- Compliant
- Partially compliant
- Noncompliant
- EIT is not available

EXCEPTIONS

- EIT acquired by a contractor incidental to a Federal contract
- EIT for a national security system
- EIT located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment
- EIT that would impose an **UNDUE BURDEN** on the agency

EXHIBIT B

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Section 508 Standard Operating Procedures for Procurements

COMMON METHODS TO USE FOR MARKET RESEARCH

- Visiting the Buy Accessible website:
http://www.Section508.gov/buy_accessible/main.cfm Government procurement personnel will be able to search the site by specific product or service and see all vendors who have provided links. They can use the links to reach the template information and product and service descriptions necessary to complete the market research. Vendor participation is voluntary.
- Contacting knowledgeable individuals in Government and industry regarding market capabilities to meet requirements.
- Reviewing the results of recent market research undertaken to meet similar or identical requirements.
- Publishing formal requests for information in appropriate technical or scientific journals, business publications, or in electronic data exchanges.
- Querying Government databases that provide information relevant to agency acquisitions.
- Participating in interactive, on-line communication among industry, acquisition personnel, and customers.
- Attending trade shows and receiving capability and “futures” briefings from original equipment manufacturers and developers.
- Obtaining source lists of similar items from other agencies, contracting activities, trade associations, or other sources.
- Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers (or available on-line).
- Conducting interchange meetings or holding presolicitation conferences to involve potential offerors early in the acquisition process.
- Releasing to industry information on planned acquisitions and draft solicitations (which often prompts contractors to submit comments and information on products and capabilities).
- Using technical analysis publications.
- Using the Internet to post requests for information or to search for technical information.
- Reviewing Government-managed web sites that provide information on products and pricing (often available from existing Government contracts).¹

¹ Examples include *GSA Advantage!* (Available through <http://www.fss.gsa.gov/>) and the Commercial Advocates Forum (<http://www.cadv.org>) <http://www.imart.org> can be used to locate potential sources by industry, product description, Federal Supply Classification, or Federal Supply Group.

Section 508 Standard Operating Procedures for Procurements

EXHIBIT C

Definitions

Access Board. The U.S. Architectural and Transportation Barriers Compliance Board is an independent Federal agency devoted to people with disabilities. It operates with a staff of about 30 and a governing board of representatives from Federal departments and public members appointed by the President. Key responsibilities of the board include:

- Developing and maintaining accessibility requirements for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology;
- Providing technical assistance and training on these guidelines and standards; and
- Enforcing accessibility standards for federally funded facilities.

Alternate means of access. Focuses on the accessibility of the information and data, rather than the technology. Alternative means may include, but are not limited to: voice, fax, relay service, qualified sign language interpreters, TTY, Internet posting, captioning, text-to-speech synthesis, readers, personal assistants, or audio description.

Electronic and Information Technology (EIT). 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. For purposes of the preceding sentence, equipment is used by the FAA if the equipment is used by the FAA directly or is used by a contractor under a contract with the FAA which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product. EIT includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services) and related resources. EIT includes:

- Telecommunication products, such as telephones;
- Information kiosks;
- Transaction machines;
- World Wide Web sites;
- Multimedia (including videotapes) and
- Office equipment, such as copiers and fax machines.

Exceptions. Agencies are not required to acquire EIT that meets the technical provisions of the Access Board's standards if the procurement:

- is for a national security system;
- is acquired by a contractor incidental to a contract;
- is located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring equipment; and
- would impose an undue burden on the agency.

Undue Burden. The EIT purchase is a significant difficulty or expense to the agency.

Section 508 Standard Operating Procedures for Procurements

EXHIBIT D

FAA SECTION 508 REQUIRING ORGANIZATION CHECKLIST FOR
PURCHASE CARDS

1. **If Section 508 compliant products/services are available:** document that the selected product(s)/service(s) are Section 508 compliant [i.e. by using the Buy Accessible website: http://www.Section508.gov/buy_accessible/main.cfm or by obtaining certification from the vendor].

_____ Make purchase.

2. **If Section 508 compliant products/services are *not* available:**
Document the non-availability and submit to the contracting officer and/or the cardholder making the purchase.

_____ Make purchase.

3. If Section 508 compliant products/services are available, but the requiring organization determines that an exception to Section 508 applies (i.e. undue burden on agency; national security; equipment in spaces frequented by backroom personnel):

_____ **Purchase cards shall NOT be used.**

Signature

Date

Section 508 Standard Operating Procedures for Procurements

EXHIBIT E Procurement Tools for Contract Pre-Award Task

Public Announcement / Market Survey / Screening SIR

1. The FAA has determined that this requirement must comply with the following accessibility standards under Section 508 of the Rehabilitation Act of 1973. The standards can be located at www.access-based.gov/sec508/508standards.htm

- Insert appropriate 1194.XX
- Insert appropriate 1194.XX

Offerors that fail to comply with the above standards, or provide equivalent salient characteristics, will be eliminated from further consideration for award.

2. Offers must submit with their proposal on company letterhead with supporting documentation, a certification of compliance with the above accessibility standards. Failure to provide this certification shall eliminate the offeror from further consideration for this award.

Section C Statement of Work

FAA has determined that the following accessibility standards (36 CFR Part 1194) apply to this procurement under Section 508 of the Rehabilitation Act of 1973.

- + Insert appropriate 1194.XX
- + Insert appropriate 1194.XX

(Attached at Section J)

The contractor shall deliver products and/or services that provide the features described in the above standards, or equivalent salient characteristics. Additionally, the contractor shall provide product support documentation and services (i.e. help desk and training) in alternate formats in order to accommodate end users with disabilities.

Contractor conformance with this requirement is a material term of the contract.

Section L Required Submissions

Offerors must certify on company letterhead, with supporting documentation, that offeror complies with the accessibility standards under Section 508 of the Rehabilitation Act of 1973 identified in Section C – Statement of Work. Failure to provide certification/supporting documentation shall eliminate the offeror from further consideration for award.

Section 508 Standard Operating Procedures for Procurements

Section M Evaluation Factors

Offerors must demonstrate compliance, as described in Section L of this solicitation, with the applicable accessibility standards under Section 508 of the Rehabilitation Act of 1973 identified in Section C of this solicitation and attached at Section J. Offerors that fail to demonstrate compliance with the applicable accessibility standards identified in Section C of this solicitation shall be eliminated from further consideration for award.

Section J Electronic Information Technology Access Board Standards

36 Code of Federal Regulations (CFR) Part 1194 Subpart B Section 21
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 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.

Section 508 Standard Operating Procedures for Procurements

- (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 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.

36 Code of Federal Regulations Part 1194 Subpart B Section 22 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.

Section 508 Standard Operating Procedures for Procurements

- 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.

36 Code of Federal Regulations 1194 Subpart B Section 23 Telecommunication 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.

Section 508 Standard Operating Procedures for Procurements

- (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 20dB. 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.

Section 508 Standard Operating Procedures for Procurements

- (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.

36 Code of Federal Regulations Part 1194 Subpart B Section 24 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, wide screen 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.

36 Code of Federal Regulations 1194 Subpart B Section 25 Self contained, closed products (Kiosks, ATMs, etc.)

- 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.

Section 508 Standard Operating Procedures for Procurements

- (c) Where a product utilizes touch screens 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).

36 Code of Federal Regulations Part 1194 Subpart B Section 26
Desktop and Portable Computers

Section 508 Standard Operating Procedures for Procurements

- (a) All mechanically operated controls and keys shall comply with §1194.23 (k) (1) through (4).
- (b) If a product utilizes touch screens 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.

36 Code of Federal Regulations Part 1194 Subpart C-Section 41 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.

36 Code of Federal Regulations Part 1194 Subpart D-Section 41 Information, documentation, and support

Section 508 Standard Operating Procedures for Procurements

- (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.