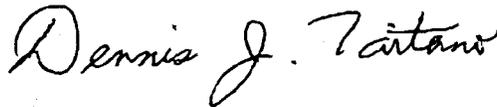


**For:** FAS, FSA, and RMA Offices

**Rehabilitation Act of 1973 (U.S.C. 794d), Section 508  
Electronic and Information Technology (EIT) Purchases at the Micro-Purchase Level**

**Approved by:** Acting Deputy Administrator, Management



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**1 Overview**

**A Background**

The Rehabilitation Act of 1973 (U.S.C. 794d), Section 508 requires that Federal Agency EIT is accessible to people with disabilities. The requirement applies to all purchases except those identified at Federal Acquisition Regulations (FAR) 39.204. Micro-purchases are no longer an exception. Beginning April 1, 2005, EIT purchases at the micro-purchase threshold must comply with Section 508 requirements.

**B Purpose**

This notice establishes policy for EIT purchases at the micro-purchase level.

**C Contact**

If there are any questions, contact Scott Cook, MSD, AMB, at 202-720-7349.

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<b>Disposal Date</b>	<b>Distribution</b>
March 1, 2006	All FAS, FSA, and RMA Offices; State Office relay to County Offices

## Notice AS-2088

### 2 Complying With Section 508 of the Rehabilitation Act

#### A EIT Purchases

Beginning April 1, 2005, EIT purchases valued at \$2,500 and under must comply with the accessibility rules as outlined in Section 508 of the Rehabilitation Act. Unless an exception at FAR 39.204 applies (Exhibit 1), acquisitions of EIT supplies and services must meet applicable accessibility standards at 36 CFR Part 1994. The standards:

- define the types of technologies
- set forth provisions that establish a minimum level of accessibility
- cover the full range of EIT in the Federal sector including those used for communication, duplication, computing, storage, presentation, control, transport, and production.

Computers, software, networking, peripherals, and other types of electronic office equipment are included in this group. Information on Section 508 standards is available on the Internet at <http://www.section508.gov>.

#### B Accessibility Documentation

Section 508 compliance determination (Exhibit 2) and accompanying documentation (checklist of 508 standards) are to be maintained on file for EIT purchases. Also, justifications (Exhibit 3) must be provided and kept on file when FAR 39.203 does not apply. For details, See Agriculture Acquisition Regulation (AGAR) Advisory No. 49 for details. This document can be accessed on the Internet at [www.usda.gov/procurement/policy/advisories\\_x/agarad49.htm](http://www.usda.gov/procurement/policy/advisories_x/agarad49.htm).

GSA offers a solution for documenting accessibility consideration before purchasing. The Buy Accessible Wizard provides a checklist of the applicable 508 standards for each particular EIT product or service on the Web site at [www.buyaccessible.gov](http://www.buyaccessible.gov).

**3 Additional Information**

**A Training**

Free online training is available on the Section 508 Web site at <http://www.section508.gov>. Purchase card holders must register online for the training. The USDA Section 508 Coordination Team recommends the following courses for purchase card holders:

- Buying Accessible EIT (Requiring Officials, Contracting Officials, and Purchase Card holders can benefit from this course)
- Micro-Purchases and Section 508.

**B USDA Section 508 Coordination Team**

A list of the members of the USDA Section 508 Coordination Team is available at <http://www.ocio.usda.gov/508/mem508.html>.

**FAR 39.204 Exceptions**

FAR 39.204 exceptions apply when EIT:

- 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 or repair or occasional monitoring of equipment
- would impose an undue burden on the agency.

An **undue burden** is a significant difficulty or expense. In determining whether compliance with all or part of the applicable accessibility standards in 36 CFR Part 1194 would be an undue burden, an agency must consider the difficulty or expense of compliance and agency resources available to its program or component for which the supply or service is being acquired.

**Written documentation.** The requiring official must document in writing the basis for an undue burden decision and provide the documentation to the Contracting Officer for inclusion in the contract file. To determine whether acquisition of EIT meets the applicable technical provisions would impose an undue burden, an agency must consider the difficulty or expense of compliance relative to all agency resources available to the program or component for which the product is being acquired. The requiring official must clearly explain why meeting one or more of the otherwise applicable technical provisions creates an undue burden and describe products or services required, the dollar value of the acquisition, the otherwise applicable technical provision that cannot be met, the market research performed to locate commercial items that meet the applicable standards, the costs and how they were estimated if monetary expense is deemed prohibitive, and the alternative means of access that will be provided. See Attachment One to AGAR Advisory No. 49 for additional information.

[www.usda.gov/procurement/policy/advisories\\_x/agarad49.htm](http://www.usda.gov/procurement/policy/advisories_x/agarad49.htm).

When acquiring commercial items, undue burden documentation is not required to address individual standards that cannot be met with supplies or services available in the commercial marketplace in time to meet the agency delivery requirements. See FAR 39.203(c)(2) regarding documentation of non-availability.

**Notes:** (FAR 39.203)

- (1) Exception determinations are not required prior to the award of indefinite-quantity contracts except for requirements that are to be satisfied by initial award. See FAR 39.203(b)(2) for further guidance.
- (2) Requiring and ordering offices must ensure supplies or services meet the applicable accessibility standards unless an exception applies at the time of issuance of task or delivery order.
- (3) Indefinite-delivery contracts may include 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. The requiring official must document in writing the non-availability including a description of market research performed and which standards cannot be met and provide documentation to the Contracting Officer for inclusion in the contract file.

**Section 508 Compliance Determination**

This is a sample of required compliance documentation for an EIT purchase.

U. S. Department of Agriculture  
Farm Service Agency

**DETERMINATION THAT REQUIREMENTS ARE 508 COMPLIANT**

Procurement Request Number \_\_\_\_\_

The Farm Service Agency requires the E&IT products and/or services listed, including cost, on the above referenced AD-700. A determination has been made that the requirements are 508 compliant (attached is the Checklist of 508 Standards).

I hereby certify that the information provided above in support of this acquisition is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Requiring Official

\_\_\_\_\_  
Date

**Section 508 Compliance Not Required Determination**

This is a sample of required documentation when compliance is not required for an EIT purchase.

U. S. Department of Agriculture  
Farm Service Agency

**DETERMINATION THAT FAR 39.203 DOES NOT APPLY  
TO THIS REQUIREMENT**

Procurement Request Number \_\_\_\_\_

The Farm Service Agency requires the E&IT products and/or services listed, including cost, on the above referenced AD-700. The agency does not need to meet the applicable accessibility standards from 36 CFR Part 1194 when:

- It is for a national security system.
- It is acquired by a contractor incidental to a contract, or is neither used nor accessed by Federal employees or members of the public.
- It is to be located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment.
- It would impose an undue burden on the agency (complete and attach the Undue Burden Determination).
- Section 508 does not apply to this procurement because:

\_\_\_\_\_

I hereby certify that the information provided above in support of this acquisition is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Requiring Official

\_\_\_\_\_  
Date