

December 31, 2002

AGAR ADVISORY

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT
PROCUREMENT POLICY DIVISION
AGAR ADVISORY NO. 50

Implementation of Section 508 of the Rehabilitation Act of 1973, as amended Instructions Specifically Addressing Purchase Card Users

INTRODUCTION: This Agriculture Acquisition Regulation (AGAR) Advisory provides information, specifically for purchase card users and purchase card system managers, on implementation of Section 508 of the Rehabilitation Act of 1973, as amended.

SUMMARY: The Federal Acquisition Regulation previously provided an exception to the application of the Section 508 standards found in 36 CFR Part 1194. That exception has now been extended (80321 FEDERAL REGISTER Vol. 67, Number 251, Tuesday, December 31, 2002). Therefore, when electronic information technology is purchased in accordance with FAR Subpart 13.2 (micro-purchases of \$2,500 or less) prior to October 1, 2004 the Section 508 standards are not mandatory. However, card users are encouraged to seek compliance with the Section 508 standards to the maximum extent practicable.

SPECIFIC ISSUES :

What is "electronic and information technology"?^e

This phrase has a broad meaning. You should consider it to be most things of an electronic nature or anything that can in any way be considered information technology. This includes data systems, all forms of Internet sites, telecommunication products such as telephones, office equipment such as copiers and fax machines, calculators, computers, monitors, printers, software, hardware, and computer peripheral equipment. Operational electronic technology, such as elevator or heating and air conditioning controls and fire alarms, is not included.

What is the exception for cardholders?

If the card is used for a micro-purchase, that is a stand-alone, open-market purchase of \$2,500 or less and the action occurs prior to October 1, 2004, the action is **not** covered. However, you are strongly encouraged to apply the Section 508 standards to the maximum extent practicable.

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

No. The exception is for a *stand-alone open-market* purchase that *totals \$2,500 or less*, made *before October 1, 2004*, as opposed to a purchase under an existing procurement document. For example, buying a software package that costs \$1,800 is not a micro-purchase if it is part of a purchase requirement totaling more than \$2,500 or is acquired under an existing contract.

If the card is used to pay any amount for a new order placed against an existing contract after June 25, that action is covered.

Beginning June 25, 2001, does Section 508 cover purchases made against Federal Supply Schedule Contracts, Government-Wide Acquisition Contracts (GWA Cs), multi-agency contracts, or agency indefinite-delivery, indefinite-quantity contracts?

Yes. These are examples of existing contracts. Orders under these contracts are not micro-purchases.

What do I have to do to buy conforming products or services in a micro-purchase of "electronic and information technology"?

Today, the best way for a cardholder to determine whether a particular product or service conforms with the Section 508 standards is to ask the seller. Your responsibility, for now, is to acquire conforming products or services as best you can.

You will need sufficient familiarity with the Section 508 standards issued by the Architectural and Transportation Barriers Compliance Board, an independent Federal Agency created by Section 502 of the Rehabilitation Act of 1973. The Section 508 standards were published as a final rule in the *Federal Register* on December 21, 2000. The Section 508 standards can be reviewed on the web site <http://www.ocio.usda.gov/>. USDA's procurement working tools can be found at <http://www.usda.gov/procurement/policy/advisories.html>.

Apply sufficient familiarity in accord to the value of the purchase. If you need \$400 in supplies, do not spend time studying the Section 508 standards. If your need is for \$2,300 in web services or a \$1,900 software package, scan the Section 508 standards as time is available. By October 2, 2004, you will need to be very familiar with the Section 508 standards. Training is recommended.

Over time, more and more products and services will be clearly labeled as "conforming."

Why is the micro-purchase exception temporary?

The Federal government, through its acquisition rules, is attempting to change commercial practice. In drafting the rules, the expectation was that the various industries

would have a sufficient number of conforming products and informative labeling available by the time the exemption expires.

Do products or services have to be completely conforming?

Under the micro-purchase exception, no. After the exception expires -- ideally, yes. You may be able to identify only partially conforming products and services. Then you should purchase the most conforming product or service that meets your needs.

Who can provide further information on USDA's implementation of Section 508?

Your agency has a representative to the USDA 508 Team and will soon have an implementation plan for addressing this change. The 508 Team Members are listed at <http://www.ocio.usda.gov/>.

If you have questions about this advisory, please contact J. R. Holcombe Jr. by telephone at (202) 720-8484, by fax at (202) 720-8972, or by email to Richard.Holcombe@USDA.gov.

This advisory is available on the USDA procurement homepage at <http://www.usda.gov/procurement/policy/advisories.html>.

EXPIRATION DATE: October 2, 2004.

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