

**Business and Fiscal Affairs
DRAFT as of 3/22/13**

**AP 6365 CONTRACTS – ACCESSIBILITY OF INFORMATION
TECHNOLOGY**

References:

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);
36 Code of Federal Regulations Sections 1194.1 et seq.;
Government Code Section 11135;
Title 5 Sections 59300 et seq.

NOTE: This procedure is legally required.

Whenever the District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self-contained closed products such as copiers, and desktop and portable computers.

Each contract with such a vendor shall contain the following provision:

"The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the District from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement."

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and their legal counsel. This document was reviewed by Victoria Lamica on March 22, 2013.

Date Approved:

*(This is a new procedure recommended by the
Policy and Procedure Service)*