

# COUNCIL OF DEFENSE AND SPACE INDUSTRY ASSOCIATIONS

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March 28, 2001

CODSIA Case No. 4-01

Ms. Laurie Duarte  
General Services Administration  
FAR Secretariat (MVR)  
1800 F Street, NW  
Room 4035  
Washington, DC 20405

REF: FAR Case 1999-607, Electronic and Information Technology Accessibility

Dear Ms. Duarte:

The undersigned members of the Council of Defense and Space Industry Associations (CODSIA) appreciate the opportunity to comment on the proposed FAR rule on Electronic and Information Technology Accessibility as published in the *Federal Register* on January 22, 2001 (66 Fed. Reg. 7165).

Formed in 1964 by industry associations with common interests in the defense and space fields, CODSIA is currently composed of eight associations representing over 4,000 member companies across the nation. Participation in CODSIA projects is strictly voluntary; a decision by any member association to abstain from participating in a particular activity is not necessarily an indication of dissent.

While the undersigned CODSIA members generally support the proposed rule for the acquisition of accessible products and services, we believe that certain revisions and clarifications should be incorporated. Our suggested changes are included below:

1. It is recommended that Part 7, Acquisition Planning, provision 7.103 (o) be expanded to address the need for a determination of any applicable exceptions to the rule. This focus would deter the inclusion in solicitations of excessive requirements that could limit competition and increase Government costs.
2. It is recommended that the rule specifically address how compliance with the standards is to be evaluated in the source selection process. For acquisition of commercial products that meet some but not all of the standards, the rule should indicate that procurement officials should evaluate the degree to which commercial products meet the applicable

standards in a balanced best value determination of satisfaction of agency needs with cost and other factors considered.

3. Part 39.X03 of the proposed rule states "that when acquiring commercial items, an agency must comply with those accessibility standards that are available in the commercial marketplace in time to meet the agency's delivery requirements." However, commercial availability could be established for parts of the standards but not for all. It is recommended that this circumstance be addressed in the rule.
4. Part 39.X04 of the proposed rule states that the accessibility requirements do not apply to electronic and information technology (EIT) that is acquired by a contractor incidental to a contract. However, Section 508 only applies to EIT that the Government procures to provide information or services to disabled federal employees and members of the public. Therefore, it is recommended that this exemption be expanded to include any contractor acquired EIT to which members of the designated communities do not have access.
5. It is unclear as to which acquisitions the standards will apply on the June 21, 2001, effective date of a final FAR rule. Many solicitations that were issued prior to that date will still be in process to award. Some of these solicitations were issued prior to the December 21, 2000, publication of the final standards. Retroactive application of the rule to these acquisitions would impose significant burden on both the buying agency and the participating offerors. In accord with the established practice for new FAR rules, it is recommended that the rule be clarified to apply only to new solicitations issued after June 20, 2001. Likewise, it should be clarified that the standards do not apply to EIT delivered under those contracts awarded prior to June 21, 2001, that did not require conformance to the standards.

CODSIA members strongly support the inclusion in Part 30.X04 of the exception to the standards for purchase made at or below the micro-purchase threshold. As is expressed in the Background section of the proposed rule, we agree that it would be impractical for such acquisitions to comply until all commercial-off-the-shelf products incorporate the standards.

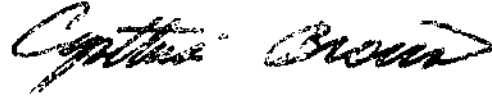
We appreciate the opportunity to submit these comments and trust that they will be helpful to the Council in the formulation of the final rule. If you have any questions, please contact CODSIA Project Officer Jim Serafin at (703) 907-7585 or Charles Cantus at (703) 875-8059.

Sincerely,

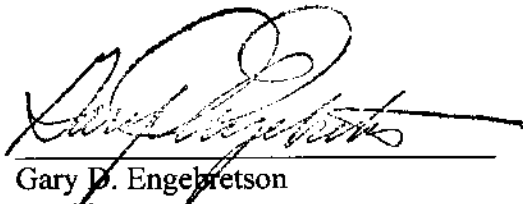
(SEE ATTACHED CODSIA SIGNATORIES)



Lorraine M. Lavet  
Chief Operating Officer  
American Electronics Association



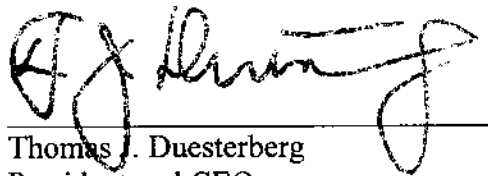
Cynthia Brown  
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American Shipbuilding Association



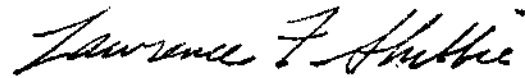
Gary D. Engelbreton  
President  
Contract Services Association



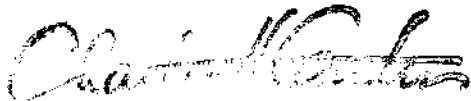
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