

HOUSE BILL 185

Unofficial Copy  
P2

1998 Regular Session  
(81r1201)

*ENROLLED BILL*

-- Commerce and Government Matters/Economic and Environmental Affairs and Budget and Taxation --

Introduced by Delegates Curran, Dypski, Hammen, and ~~Krysiak~~ Krysiak, Bobo, Pendergrass, Turner, Morgan, Mohorovic, Montague, McHale, DeCarlo, Dewberry, Getty, Fulton, Marriott, Boston, Opara, Kirk, C. Mitchell, Watson, Branch, C. Davis, Harrison, Malone, D. Murphy, Bissett, Clagett, Crumlin, B. Hughes, Patterson, Proctor, Hutchins, Slade, Exum, Rzepkowski, M. Burns, Hubbard, Dembrow, Mandel, Gordon, Genn, Barve, Snodgrass, Conway, Pitkin, Faulkner, Brinkley, and Benson

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Procurement - Information Technology - Nonvisual Access**

3 FOR the purpose of requiring the Chief of Information Technology in the Department  
4 of Budget and Management, in consultation with certain persons, to develop for  
5 inclusion in State procurement contracts, after a certain date, a clause  
6 regarding nonvisual access to information technology; providing certain  
7 exceptions; defining a certain term; requiring that each procurement contract  
8 include a clause covering the requirements for nonvisual access to information  
9 technology; providing for the application of this Act; and generally relating to

1 the inclusion of a clause regarding nonvisual access in each invitation for bids or  
2 request for proposals for information technology under the State procurement  
3 law.

4 BY repealing and reenacting, with amendments,  
5 Article - State Finance and Procurement  
6 Section 3-402 and 13-218(a)  
7 Annotated Code of Maryland  
8 (1995 Replacement Volume and 1997 Supplement)

9 BY adding to  
10 Article - State Finance and Procurement  
11 Section 3-412  
12 Annotated Code of Maryland  
13 (1995 Replacement Volume and 1997 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Finance and Procurement**

17 3-402.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Board" means the Information Technology Board.

20 (c) "Chief" means the Chief of Information Technology.

21 (d) "Information technology" means all electronic information processing  
22 hardware and software, including:

23 (1) maintenance;

24 (2) telecommunications; and

25 (3) associated consulting services.

26 (E) "NONVISUAL ACCESS" MEANS THE ABILITY, THROUGH KEYBOARD  
27 CONTROL, SYNTHESIZED SPEECH, BRAILLE, OR OTHER METHODS NOT REQUIRING  
28 SIGHT, TO RECEIVE, USE AND MANIPULATE INFORMATION, AND OPERATE CONTROLS  
29 NECESSARY TO ACCESS INFORMATION TECHNOLOGY.

30 [(e)] (F) "Telecommunications" has the meaning provided in § 3-701 of this  
31 article.

32 [(f)] (G) "Resource sharing" means the utilization of a State resource by  
33 private industry in exchange for the provision to the State of a communication service  
34 or other consideration.

1 3-412.

2 (A) THE CHIEF AND THE BOARD, IN CONSULTATION WITH OTHER UNITS OF  
3 STATE GOVERNMENT, AND AFTER PUBLIC COMMENT, SHALL DEVELOP A NONVISUAL  
4 ACCESS CLAUSE FOR USE IN THE PROCUREMENT OF INFORMATION TECHNOLOGY  
5 WHICH SPECIFIES THAT THE TECHNOLOGY:

6 (1) MUST PROVIDE EQUIVALENT ACCESS FOR EFFECTIVE USE BY BOTH  
7 VISUAL AND NONVISUAL MEANS;

8 (2) WILL PRESENT INFORMATION, INCLUDING PROMPTS USED FOR  
9 INTERACTIVE COMMUNICATIONS, IN FORMATS INTENDED FOR BOTH VISUAL AND  
10 NONVISUAL USE; ~~AND~~

11 (3) CAN BE INTEGRATED INTO NETWORKS FOR OBTAINING,  
12 RETRIEVING, AND DISSEMINATING INFORMATION USED BY INDIVIDUALS WHO ARE  
13 NOT BLIND OR VISUALLY IMPAIRED; AND

14 (4) SHALL BE OBTAINED, WHENEVER POSSIBLE, WITHOUT  
15 MODIFICATION FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR  
16 NONVISUAL ACCESS.

17 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
18 NONVISUAL ACCESS CLAUSE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
19 SHALL BE INCLUDED IN EACH INVITATION FOR BIDS OR REQUEST FOR PROPOSALS  
20 UNDER DIVISION II OF THIS ARTICLE FOR THE PURCHASE OF NEW OR UPGRADED  
21 INFORMATION TECHNOLOGY.

22 (2) THE NONVISUAL ACCESS CLAUSE REQUIRED UNDER PARAGRAPH (1)  
23 OF THIS SUBSECTION IS NOT REQUIRED IF:

24 ~~(I) THE INFORMATION TECHNOLOGY IS NOT AVAILABLE WITH~~  
25 ~~NONVISUAL ACCESS; OR~~

26 ~~(II) INCLUSION OF THE NONVISUAL ACCESS CLAUSE WOULD~~  
27 ~~INCREASE THE COST OF THE PROCUREMENT BY MORE THAN 5 PERCENT.~~

28 (I) THE INFORMATION TECHNOLOGY IS NOT AVAILABLE WITH  
29 NONVISUAL ACCESS BECAUSE THE ESSENTIAL ELEMENTS OF THE INFORMATION  
30 TECHNOLOGY ARE VISUAL AND NONVISUAL EQUIVALENCE CANNOT BE DEVELOPED;  
31 OR

32 (II) THE COST OF MODIFYING THE INFORMATION TECHNOLOGY ~~TO~~  
33 SUPPORT FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR NONVISUAL  
34 ACCESS WOULD INCREASE THE COST OF THE PROCUREMENT BY MORE THAN 5  
35 PERCENT.

36 13-218.

37 (a) Each procurement contract shall include clauses covering:

- 1           (1)     termination for default;
- 2           (2)     termination wholly or partly by the State for its convenience if the  
3 head of the primary procurement unit determines that termination is appropriate;
- 4           (3)     variations that occur between estimated and actual quantities of  
5 work in a procurement contract;
- 6           (4)     liquidated damages, as appropriate;
- 7           (5)     specified excuses for nonperformance;
- 8           (6)     except for real property leases, the unilateral right of the State to  
9 order in writing:
- 10           (i)     changes in the work, if the changes are within the scope of the  
11 procurement contract; and
- 12           (ii)    a temporary stop or delay in performance; [and]
- 13           (7)     the obligation of the contractor to comply with the political  
14 contribution reporting requirements under Subtitle 30 of Article 33 of the Code, to  
15 which the contractor may be subject as required under § 17-402 of this article; AND
- 16           (8)     NONVISUAL ACCESS FOR INFORMATION TECHNOLOGY AS REQUIRED  
17 UNDER § 3-412 OF THIS ARTICLE.

18     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
19 each invitation for bids and request for proposals issued after December 31, 1998 for  
20 award under a State procurement contract for the purchase of new or upgraded  
21 information technology.

22     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1998.