

SENATE BILL 240

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1998 Regular Session
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By: **Senators Conway, Trotter, Pinsky, Sfikas, McCabe, Madden, Dyson,
Dorman, Hollinger, Collins, and Blount**

Introduced and read first time: January 30, 1998

Assigned to: Economic and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

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
10 the inclusion of a clause regarding nonvisual access in each invitation for bids or
11 request for proposals for information technology under the State procurement
12 law.

13 BY repealing and reenacting, with amendments,
14 Article - State Finance and Procurement
15 Section 3-402 and 13-218(a)
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

18 BY adding to
19 Article - State Finance and Procurement
20 Section 3-412
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1997 Supplement)

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

25 **Article - State Finance and Procurement**

26 3-402.

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

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

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

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

5 (1) maintenance;

6 (2) telecommunications; and

7 (3) associated consulting services.

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

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

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

17 3-412.

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

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

24 (2) WILL PRESENT INFORMATION, INCLUDING PROMPTS USED FOR
25 INTERACTIVE COMMUNICATIONS, IN FORMATS INTENDED FOR BOTH VISUAL AND
26 NONVISUAL USE; AND

27 (3) CAN BE INTEGRATED INTO NETWORKS FOR OBTAINING,
28 RETRIEVING, AND DISSEMINATING INFORMATION USED BY INDIVIDUALS WHO ARE
29 NOT BLIND OR VISUALLY IMPAIRED.

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

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

1 (I) THE INFORMATION TECHNOLOGY IS NOT AVAILABLE WITH
2 NONVISUAL ACCESS; OR

3 (II) INCLUSION OF THE NONVISUAL ACCESS CLAUSE WOULD
4 INCREASE THE COST OF THE PROCUREMENT BY MORE THAN 5 PERCENT.

5 13-218.

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

7 (1) termination for default;

8 (2) termination wholly or partly by the State for its convenience if the
9 head of the primary procurement unit determines that termination is appropriate;

10 (3) variations that occur between estimated and actual quantities of
11 work in a procurement contract;

12 (4) liquidated damages, as appropriate;

13 (5) specified excuses for nonperformance;

14 (6) except for real property leases, the unilateral right of the State to
15 order in writing:

16 (i) changes in the work, if the changes are within the scope of the
17 procurement contract; and

18 (ii) a temporary stop or delay in performance; [and]

19 (7) the obligation of the contractor to comply with the political
20 contribution reporting requirements under Subtitle 30 of Article 33 of the Code, to
21 which the contractor may be subject as required under § 17-402 of this article; AND

22 (8) NONVISUAL ACCESS FOR INFORMATION TECHNOLOGY AS REQUIRED
23 UNDER § 3-412 OF THIS ARTICLE.

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

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