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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 to issue and enforce nonvisual access standards to
5 be used in the procurement of information technology and the provision of
6 information technology services by or on behalf of units of State government;
7 requiring the adoption of the standards on or before a certain date; requiring the
8 inclusion of a nonvisual access clause in each solicitation for bids or request for
9 a proposal relating to a procurement or modification of a procurement; requiring
10 the Chief and the Information Technology Board within the Department to
11 extend a requirement that a nonvisual access clause be used in certain
12 procurement to apply the requirement to the procurement of information
13 technology services; providing an exception to a provision removing the need for
14 a nonvisual access clause where nonvisual access requires a modification for
15 compatibility with software and hardware; requiring the Secretary of Budget
16 and Management to adopt standards for electronic equipment used by State
17 employees or the public that are compatible with the nonvisual access
18 procurement standards; defining a certain term; and generally relating to
19 nonvisual access standards for the procurement of information technology and
20 information technology services by units of State government and the use of
21 electronic equipment by State employees and the public.

22 BY repealing and reenacting, with amendments,
23 Article - State Finance and Procurement

1 Section 3-402, 3-410, 3-412, and 4-312
2 Annotated Code of Maryland
3 (1995 Replacement Volume and 1999 Supplement)

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

6 **Article - State Finance and Procurement**

7 3-402.

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

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

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

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

13 (1) maintenance;

14 (2) telecommunications; and

15 (3) associated consulting services.

16 (E) "INFORMATION TECHNOLOGY SERVICES" MEANS INFORMATION
17 PROVIDED BY ELECTRONIC MEANS BY OR ON BEHALF OF A UNIT OF STATE
18 GOVERNMENT.

19 [(e)] (F) "Nonvisual access" means the ability, through keyboard control,
20 synthesized speech, Braille, or other methods not requiring sight, to receive, use and
21 manipulate information, and operate controls necessary to access information
22 technology.

23 [(f)] (G) "Telecommunications" has the meaning provided in § 3-701 of this
24 article.

25 [(g)] (H) "Resource sharing" means the utilization of a State resource by
26 private industry in exchange for the provision to the State of a communication service
27 or other consideration.

28 3-410.

29 (a) The Chief of Information Technology is established within the Department.

30 (b) The Chief shall be appointed by the Secretary and serves at the Secretary's
31 pleasure.

1 (c) The Chief shall be provided appropriate professional and administrative
2 staff by the Secretary as provided in the budget.

3 (d) The Chief is responsible to the Secretary in carrying out the following
4 duties:

5 (1) developing, maintaining, and enforcing statewide information
6 technology standards, policies, and procedures;

7 (2) providing technical assistance, advice, and recommendations to the
8 Secretary concerning information technology matters;

9 (3) reviewing major information technology projects for consistency with
10 statewide plans, policies, and standards; [and]

11 (4) developing and maintaining a statewide information technology
12 master plan that will:

13 (i) be the basis for the management and direction of information
14 technology within the Executive Branch of State government;

15 (ii) include all aspects of State information technology including
16 telecommunications, data processing, and information management;

17 (iii) consider interstate transfers due to federal legislation and
18 regulation;

19 (iv) ensure that information technology plans and budgets are
20 consistent; and

21 (v) ensure that State information technology plans, policies, and
22 standards are consistent with State goals, objectives, and resources, and represent a
23 long-range vision for using information technology to improve the overall
24 effectiveness of State government; AND

25 (5) ADOPTING BY REGULATION AND ENFORCING NONVISUAL ACCESS
26 STANDARDS TO BE USED IN THE PROCUREMENT OF INFORMATION TECHNOLOGY
27 AND THE PROVISION OF INFORMATION TECHNOLOGY SERVICES BY OR ON BEHALF
28 OF UNITS OF STATE GOVERNMENT.

29 3-412.

30 (a) The Chief and the Board, in consultation with other units of State
31 government, and after public comment, shall develop a nonvisual access clause for
32 use in the procurement of information technology AND INFORMATION TECHNOLOGY
33 SERVICES which specifies that the technology AND SERVICES:

34 (1) must provide equivalent access for effective use by both visual and
35 nonvisual means;

1 (2) will present information, including prompts used for interactive
2 communications, in formats intended for both visual and nonvisual use;

3 (3) can be integrated into networks for obtaining, retrieving, and
4 disseminating information used by individuals who are not blind or visually impaired;
5 and

6 (4) shall be obtained, whenever possible, without modification for
7 compatibility with software and hardware for nonvisual access.

8 (b) (1) Except as provided in paragraph (2) of this subsection, the nonvisual
9 access clause required under subsection (a) of this section shall be included in each
10 invitation for bids or request for proposals AND IN EACH PROCUREMENT CONTRACT
11 OR MODIFICATION OF A CONTRACT ISSUED UNDER TITLE 13 OF THIS ARTICLE,
12 WITHOUT REGARD TO THE METHOD CHOSEN UNDER TITLE 13, SUBTITLE 1 [under
13 Division II] of this article for the purchase of new or upgraded information technology
14 AND INFORMATION TECHNOLOGY SERVICES.

15 (2) [The] EXCEPT AS PROVIDED IN SUBSECTION (A) (4) OF THIS
16 SECTION, THE nonvisual access clause required under paragraph (1) of this
17 subsection is not required if:

18 (i) the information technology is not available with nonvisual
19 access because the essential elements of the information technology are visual and
20 nonvisual equivalence cannot be developed; or

21 (ii) the cost of modifying the information technology for
22 compatibility with software and hardware for nonvisual access would increase the
23 price of the procurement by more than 5 percent.

24 4-312.

25 Consistent with Division II of this article, the Secretary shall set standards for
26 supplies to be purchased by a unit, INCLUDING STANDARDS FOR ELECTRONIC
27 EQUIPMENT USED BY STATE EMPLOYEES OR THE PUBLIC FOR COMMUNICATIONS
28 THAT ARE CONSISTENT WITH THE STANDARDS FOR NONVISUAL ACCESS
29 INFORMATION TECHNOLOGY ISSUED UNDER § 3-410 OF THIS ARTICLE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
31 ~~2004~~ 2003, the Chief of Information Technology of the Department of Budget and
32 Management shall adopt the nonvisual access procurement standards required under
33 § 3-410(d)(5) of the State Finance and Procurement Article as enacted under this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2000.

