

Indefinite Delivery Indefinite Quantity (IDIQ) Contracts (Revised 5/8/01)

The Section 508 representation clause need not be used for IDIQ contracts since both compliant and non-compliant products may be offered by such contracts, regardless of award date. However, contracting offices that award indefinite-quantity contracts must indicate to ordering offices which supplies and services the contractor indicates as compliant, and show where full details of compliance can be found (e.g., vendor's or other exact web page location).

Contracting officers may wish to evaluate for initial award the extent of Section 508 compliant products (supplies and services) being offered versus the non-compliant products in order to encourage offerors to emphasize compliant goods and services. This can be done in a variety of ways, including provision by the offeror of a listing of compliant products, since he is required to provide one for ordering officials anyway per the FAR. The contracting officer could evaluate the percentage of compliant products relative to the total variety offered.

The below paragraph may be included in **Section C** of an IDIQ solicitation to satisfy the new FAR subpart 39.203 (b) (2) and provide other assurances. If the contracting officer is also seeking the list for proposal evaluation purposes, he will need to include something similar in solicitation **Section L** as well.

"XX.XX Section 508 Compliance

The Contractor must provide a comprehensive list of all offered specific electronic and information technology (EIT) products (supplies and services) that fully comply with Section 508 of the Rehabilitation Act of 1973, per the 1998 Amendments, and the Architectural and Transportation Barriers Compliance Board's Electronic and Information Technology Accessibility Standards at 36 CFR Part 1194. The Contractor must clearly indicate where this list with full details of compliance can be found (e.g., vendor's or other exact web page location). The contractor must ensure that the list is easily accessible by typical users beginning five calendar days after award. The contractor must maintain this detailed listing of compliant products for the full contract term, including all forms of extensions, and must ensure that it is current within three calendar days of changes to his product line.

The offeror must ensure that all EIT products that are less than fully compliant are offered pursuant to extensive market research, which ensures that they are the most compliant products and services available to satisfy this solicitation's requirements.

For every EIT product accepted under this contract by the Government that does not comply with 36 CFR Part 1194, the contractor shall, at the discretion of the Government, make every effort to replace or upgrade it with a compliant equivalent product or service, if commercially available and cost neutral, on either the planned refresh cycle of the product or service, or on the contract renewal date, whichever shall occur first."