

ADMINISTRATIVE REGULATION 6365

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

BUSINESS AND FISCAL AFFAIRS

CONTRACTS – ACCESSIBILITY OF INFORMATION TECHNOLOGY

Whenever the District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the supplier shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self-contained closed products such as copiers, and desktop and portable computers.

Each contract with such a supplier shall contain the following provision:

The Supplier hereby warrants that the goods or services to be provided to the District comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, Part 194. The Supplier agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services. Supplier further agrees to indemnify and hold harmless the District from any claim arising out of its failure to comply with the aforesaid requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this order or Agreement.

Supplier is responsible for following all Federal and California accessibility laws set forth under Section 508 of the Rehabilitation Act of 1973, passed in 2000 and updated in 2017 and California Government Code Section 7405. All materials and Information and Communication Technology (ICT) produced or provided by the Supplier, as part of this contract must meet the standards set forth under these laws. These requirements include, but are not limited to, closed captioning of all videos or portions of videos; all presentations; training materials; curriculum; computers; and all other ICT as defined under the law, must be created and delivered in a manner where they meet accessible requirements. All websites developed and maintained must be accessible, built to the most current and highest Web Content Accessibility Guidelines (WCAG), and be delivered with documentation allowing the District to certify it as accessible and in compliance with California Government Code Sections 7405 and 11135. Supplier is responsible for all claims and expenses borne by the District, which arise out of the work under this contract, found to be non-compliant with Federal and California Laws. These costs include but are not limited to legal costs, court costs, and costs for remediation of work produced.

References:

Government Code Sections 7405 and 11135

Title 5 Sections 59300 et seq.

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d)

36 Code of Federal Regulations Parts 1194.1 et seq.

Accreditation Standard 3.9