CHAPTER_____

1 AN ACT concerning

State Procurement - Information Technology - Nonvisual Access

2 FOR the purpose of requiring the Chief of Information Technology in the Department
of Budget and Management to issue and enforce nonvisual access standards to
be used in the procurement of information technology and the provision of
information technology services by or on behalf of units of State government;
requiring the adoption of the standards on or before a certain date; requiring the
inclusion of a nonvisual access clause in each solicitation for bids or request for
a proposal relating to a procurement or modification of a procurement; requiring
the Chief and the Information Technology Board within the Department to
extend a requirement that a nonvisual access clause be used in certain
procurement to apply the requirement to the procurement of information
technology services; providing an exception to a provision removing the need for
a nonvisual access clause where nonvisual access requires a modification for
compatibility with software and hardware; requiring the Secretary of Budget
and Management to adopt standards for electronic equipment used by State
employees or the public that are compatible with the nonvisual access
procurement standards; defining a certain term; and generally relating to
nonvisual access standards for the procurement of information technology and
information technology services by units of State government and the use of
electronic equipment by State employees and the public.

22 BY repealing and reenacting, with amendments,

Article - State Finance and Procurement
Article - State Finance and Procurement

3-402.

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

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

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

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

(1) maintenance;

(2) telecommunications; and

(3) associated consulting services.

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

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

(G) "Telecommunications" has the meaning provided in § 3-701 of this article.

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

3-410.

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

(b) The Chief shall be appointed by the Secretary and serves at the Secretary's pleasure.
The Chief shall be provided appropriate professional and administrative staff by the Secretary as provided in the budget.

The Chief is responsible to the Secretary in carrying out the following duties:

1. developing, maintaining, and enforcing statewide information technology standards, policies, and procedures;
2. providing technical assistance, advice, and recommendations to the Secretary concerning information technology matters;
3. reviewing major information technology projects for consistency with statewide plans, policies, and standards; and
4. developing and maintaining a statewide information technology master plan that will:
   (i) be the basis for the management and direction of information technology within the Executive Branch of State government;
   (ii) include all aspects of State information technology including telecommunications, data processing, and information management;
   (iii) consider interstate transfers due to federal legislation and regulation;
   (iv) ensure that information technology plans and budgets are consistent; and
   (v) ensure that State information technology plans, policies, and standards are consistent with State goals, objectives, and resources, and represent a long-range vision for using information technology to improve the overall effectiveness of State government; AND
5. ADOPTING BY REGULATION AND ENFORCING NONVISUAL ACCESS STANDARDS TO BE USED IN THE PROCUREMENT OF INFORMATION TECHNOLOGY AND SERVICES by or on behalf of units of State government.

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

1. must provide equivalent access for effective use by both visual and nonvisual means;
(2) will present information, including prompts used for interactive communications, in formats intended for both visual and nonvisual use;

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

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

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

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

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

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

4-312.

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

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2001, the Chief of Information Technology of the Department of Budget and Management shall adopt the nonvisual access procurement standards required under § 3-410(d)(5) of the State Finance and Procurement Article as enacted under this Act.

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