



**AP 6365**

**CONTRACTS - ACCESSIBILITY OF  
INFORMATION TECHNOLOGY**

**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 Sections 1194.1 et seq.;

Whenever the District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the vendor 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 vendor shall contain the following provisions:

"The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the District from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement."

"The contractor acknowledges that all products/services under this contract relating to the development, procurement, maintenance, and use of electronic and information technology are governed by Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S. Code Section 794d), and its implementing regulations set forth in Title 36 Code of Federal Regulations, Part 1194. The contractor warrants that any such services provided under this contract will comply with the accessibility requirements of Section 508 and its implementing regulations. The contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services which are brought to its attention. The contractor further agrees to indemnify and hold harmless



the District, the California Community Colleges Chancellor's Office, and any California community college using the contractor's products or services from any claim arising out of its failure to comply with the aforesaid requirements. Failure to comply with these requirements shall constitute a material breach of this contract. More detailed information on the District's Section 508 requirements can be found on the Purchasing webpages on the District's website."

Also see BP/AP 3410 Nondiscrimination, BP/AP 3710 Copyright Compliance, BP/AP 3720 Computer and Network Use, and BP/AP 3730 Web Standards.

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