

39.203 Applicability.

(a) *General*. Unless an exception at [39.204](#) or an exemption at [39.205](#) applies, *acquisitions* for ICT *supplies* and services *shall* meet the applicable ICT accessibility standards at [36 CFR 1194.1](#).

(b) *Indefinite-quantity contracts*. Confirmation of an exception or a determination of an exemption is not required prior to award of an indefinite-quantity contract, except for requirements that are to be satisfied by initial award. The contract *must* identify 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 website location).

(c) *Task order or delivery order*. At the time of issuance of a *task order* or *delivery order* under an indefinite-quantity contract, the requiring and ordering activities *shall* ensure compliance with the ICT accessibility standards and document an exception or exemption if applicable. Any *task order* or *delivery order*, or portion thereof, issued for a noncompliant ICT item *shall* be supported by the appropriate exception or exemption documented by the requiring activity.

(d) *Commercial products and commercial services*. When acquiring *commercial products* and *commercial services*, an agency *must* comply with those ICT accessibility standards that can be met with *supplies* or services that are available in the commercial marketplace and that best address the agency's needs, but see [39.205\(a\)\(3\)](#).

(e) *Legacy ICT*. Any *component* or portion of existing ICT (*i.e.*, ICT that was procured, maintained, or used on or before January 18, 2018) is not required to comply with the current ICT accessibility standards if it—

(1)Complies with an earlier standard issued pursuant to section 508 of the Rehabilitation Act of 1973 ([29 U.S.C. 794d](#)), which is set forth in Appendix D to [36 CFR 1194.1](#); and

(2)Has not been altered (*i.e.*, a change that affects interoperability, the user interface, or access to information or data) after January 18, 2018.

(f) *Alterations of legacy ICT*. When altering any *component* or portion of existing ICT, after January 18, 2018, the *component* or portion *must* be modified to conform to the current ICT accessibility standards in [36 CFR 1194.1](#).

Parent topic: [Subpart 39.2 - Information and Communication Technology](#)