

3-412.

(A) 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 WHICH SPECIFIES THAT THE TECHNOLOGY:

(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; ~~AND~~

(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 UNDER DIVISION II OF THIS ARTICLE FOR THE PURCHASE OF NEW OR UPGRADED INFORMATION TECHNOLOGY.

(2) 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; OR~~

~~(II) INCLUSION OF THE NONVISUAL ACCESS CLAUSE WOULD INCREASE THE COST OF THE PROCUREMENT BY MORE THAN 5 PERCENT.~~

(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 TO SUPPORT FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR NONVISUAL ACCESS WOULD INCREASE THE COST OF THE PROCUREMENT BY MORE THAN 5 PERCENT.

13-218.

(a) Each procurement contract shall include clauses covering:

(1) termination for default;