

NASPO ValuePoint
AMENDMENT #3
PARTICIPATING ADDENDUM
CLOUD SOLUTIONS
Led by the State of Utah



Master Agreement #: **AR3107** (*hereinafter "Master Agreement"*)

Contractor: **INTERNATIONAL BUSINESS MACHINES CORP.** (*hereinafter "Contractor"*)

Participating State: **STATE OF HAWAII** (*hereinafter "Participating State"*)

State of Hawaii, State Procurement Office (SPO) Vendor List Contract No. 17-18 (herein after "Contract")

Add Section 3, subsection K.

Hawaii Electronic Information Technology Disability Access Standards

All electronic information technology developed or provided under this contract or procurement shall comply with the applicable requirements of the Hawaii Electronic Information Technology Disability Access Standards (Access Standards).

NASPO ValuePoint
AMENDMENT #3
PARTICIPATING ADDENDUM
CLOUD SOLUTIONS
Led by the State of Utah



THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT THROUGH THEIR AUTHORIZED REPRESENTATIVES WITH FULL KNOWLEDGE OF AND AGREEMENT WITH ITS TERMS AND CONDITIONS.

Participating State: STATE OF HAWAII	Contractor: INTERNATIONAL BUSINESS MACHINES CORP.
Signature: 	Signature: 
Name: BONNIE KAHAKUI	Name: Urania Davis
Title: Administrator, SPO	Title: Public Sector Program Manager
Date: 08/20/2025	Date: 08/18/2025

APPROVED AS TO FORM:



08/19/2025

Deputy Attorney General

For questions on executing a participating addendum, please contact:

NASPO ValuePoint

Cooperative Development Coordinator:	Solomon Kingston
Telephone:	
Email:	skingston@naspo.org

[Please email fully executed PDF copy of this document to

PA@naspovaluepoint.org

to support documentation of participation and posting in appropriate data bases.]



Hawaii Electronic Information Technology Disability Access Standards

Published By: The Department of Accounting and General Services, Office of Enterprise
Technology Services, & the
Disability and Communication Access Board

Effective Date: January 1, 2025
Version 1.1

Revision History

Revision Number	Date	Revised By	Description of Changes
1.0	01/01/2025	ETS/DCAB	Initial release
1.1	01/22/2025	ETS/DCAB	Minor wording, diacritical mark, and formatting changes

Table of Contents

Purpose	2
Scope.....	2
Background	2
Authorities	3
Dates	3
Roles and Responsibilities.....	3
Functional Performance Criteria and Technical Requirements.....	4
Section 508 Standards	4
WCAG 2.1 Level A and AA	5
Exceptions	5
Section 508 E202 General Exceptions.....	6
DOJ Rule Exceptions.....	7
Accessibility Recommendations	7
Incorporate Accessibility Early in the IT Project Roadmapping and Planning Phases	7
Incorporate Accessibility in the Procurement Phase.....	7
Voluntary Product Accessibility Template (VPAT®)	8
Establish Monitoring and Reporting Mechanisms.....	8
Conduct Periodic Accessibility Reviews	8
Provide Training and Awareness.....	9
Continuously Improve.....	9
Definitions.....	10
References and Additional Resources	11
Appendix	12
Appendix C to Part 1194 – Functional Performance Criteria of Section 508 of the Rehabilitation Act .	12
Chapter 3: Functional Performance Criteria	12
Chapter 4: Hardware.....	12
Chapter 5: Software	19
Chapter 6: Support Documentation and Services	22
Chapter 7: Referenced Standards	23

Purpose

The State of Hawai'i is committed to providing individuals with disabilities access to electronic information technology (EIT) equivalent to access provided to individuals without disabilities.

The purpose of the Hawaii Electronic Information Technology Disability Access Standards, henceforth referred to as the Access Standards, is to establish minimum accessibility requirements to ensure that all electronic information technology developed, purchased, used, or provided by a state entity are made accessible to individuals with a disability.

Scope

These Access Standards apply to all state entities: the executive, legislative, and judicial branches of the State, including its departments, divisions, agencies, offices; public bodies; public elementary, secondary, and postsecondary schools; and the University of Hawai'i. State entities that contract with other entities to provide public service have an obligation to ensure that their contractors comply with these Access Standards.

These Access Standards apply to all EIT developed, purchased, used, or provided by a state entity, and all substantial modifications made by a state entity to EIT. Electronic information technology means electronic information, software, systems, and equipment used in the creation, manipulation, storage, display, or transmission of data, including: (1) Internet and intranet systems; (2) Websites and interfaces; (3) Software applications; (4) Operating systems; (5) Video and multimedia; (6) Telecommunication products; (7) Electronic and digital kiosks; (8) Information transaction machines; (9) Copiers and printers; and (10) Desktop and portable computers.

Background

Section 504 of the Rehabilitation Act of 1973 is a United States federal law that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance.

Section 508 of the Rehabilitation Act requires federal agencies to make their electronic and information technology (EIT), also referred to as information and communication technology (ICT), accessible to people with disabilities. The law (29 U.S.C. § 794 (d)) applies to all federal agencies when they develop, procure, maintain, or use EIT. Under Section 508, access must be comparable to that available to employees and members of the public without disabilities.

The federal Americans with Disabilities Act (ADA) of 1990 extended anti-discrimination protections to various sectors beyond those covered by federal funding, including state and local governments. ADA Title II covers public services and accommodations.

Regulations issued by the U.S. Department of Justice (DOJ) on April 24, 2024, revised the ADA Title II regulations to specify that the Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA is the technical standard for state and local governments' web content and mobile apps.

In 2022, Hawai'i State Senate Bill 2144 was passed into law as Act 172, requiring the Office of Enterprise Technology Services, in consultation with the Disability and Communication Access Board and a working group composed of stakeholders, to develop and publish electronic information technology (EIT) accessibility standards to be implemented by all state entities.

The accessibility standards, referred to as the Hawaii Electronic Information Technology Disability Access Standards, shall require that all electronic information technology developed, purchased, used, or provided by a state entity be made accessible to individuals with a disability, consistent with federal standards to implement section 508 of the Rehabilitation Act of 1973, as amended, and the web access standards issued by the World Wide Web Consortium Web Accessibility Initiative, including functional performance criteria and technical requirements for accessibility.

Authorities

- A. [Section 508 of the Rehabilitation Act of 1973, as amended \(29 U.S.C. 794d\)](#)
- B. [Americans with Disabilities Act of 1990, As Amended \(42 U.S.C. §§ 12101–12213\)](#)
- C. [Act 172, Session Laws of Hawai‘i 2022 – Relating to Electronic Information Technology Accessibility for Persons with Disabilities](#)
- D. [DOJ Rule, Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities \(28 C.F.R. Part 35 Subpart H\)](#)

Dates

Effective Date of DOJ Rule: April 24, 2024.

Compliance Date: In accordance with 28 C.F.R. section 35.200 (DOJ Rule), a public entity with a total population of 50,000 or more shall ensure compliance with this DOJ Rule by April 24, 2026.

Roles and Responsibilities

- A. The Office of Enterprise Technology Services (ETS) Chief Information Officer (CIO):
 - a. Oversees development and publication of the Hawaii Electronic Information Technology Disability Access Standards.
 - b. Provides vision and direction for ensuring that electronic information technology (EIT) developed, purchased, used, or provided by a state entity is accessible to individuals with a disability.
 - c. Reviews the Access Standards every three years after the date of initial publication, or more frequently if deemed necessary by the ETS CIO, and amends the Access Standards to reflect advances or changes in electronic information technology.
- B. The Disability and Communication Access Board (DCAB):
 - a. Provides ETS CIO consultation to develop and publish the Access Standards.
 - b. Provides ETS CIO consultation to carry out the triennial Access Standards review and amendments.
 - c. Provides guidance to state agencies regarding the Access Standards.
- C. Department/Agency Director (or equivalent or designee):
 - a. No later than 6 months after publication of the Access Standards, review the Access Standards and revise their department’s/agency’s procurement and development rules, policies, and procedures to incorporate the Access Standards.
 - b. No later than 6 months after the publication of any amendment, review the Access Standards and revise their department’s/agency’s procurement and development rules, policies, and procedures to incorporate the Access Standards.
 - c. Ensure conformance to the Access Standards.

- d. Ensure the relevant Access Standards compliance language is included in all contractual actions for electronic information technology items and services.
- D. Department/Agency ADA Coordinators:
 - a. Receive and process grievances alleging discrimination on the basis of disability.
- E. Department/Agency EEO Officer (or equivalent):
 - a. Receive and process employee grievances alleging discrimination on the basis of disability.

Functional Performance Criteria and Technical Requirements

Act 172, Session Laws of Hawai'i (SLH) 2022, requires the Access Standards to be consistent with (1) accessibility standards issued by the United States Access Board which implement Section 508 of the Rehabilitation Act of 1973, as amended, and (2) web access standards issued by the World Wide Web Consortium Web Accessibility Initiative.

All electronic information technology that is procured, developed, maintained, or used by state entities shall conform to the following:

- A. Section 508 Standards (36 C.F.R. Part 1194)
 - a. [Appendix A to 36 C.F.R. Part 1194 – Section 508 of the Rehabilitation Act: Application and Scoping Requirements](#)
 - b. [Appendix C to Part 1194 – Functional Performance Criteria and Technical Requirements](#)
- B. [Web Content Accessibility Guidelines \(WCAG\) 2.1 Level A and AA](#), or a subsequent version as adopted by the United States Access Board or Department of Justice.

Section 508 Standards

Under Section 508 of the Rehabilitation Act of 1973, as amended, federal agencies must provide individuals with disabilities, including employees and members of the public, access to information comparable to access available to others.

The functional performance criteria under Section 508 are as follows:

- **Without Vision:** Where a visual mode of operation is provided, information and communication technology (ICT) shall provide at least one mode of operation that does not require user vision.
- **With Limited Vision:** Where a visual mode of operation is provided, ICT shall provide at least one mode of operation that enables users to make use of limited vision.
- **Without Perception of Color:** Where a visual mode of operation is provided, ICT shall provide at least one visual mode of operation that does not require user perception of color.
- **Without Hearing:** Where an audible mode of operation is provided, ICT shall provide at least one mode of operation that does not require user hearing.
- **With Limited Hearing:** Where an audible mode of operation is provided, ICT shall provide at least one mode of operation that enables users to make use of limited hearing.
- **Without Speech:** Where speech is used for input, control, or operation, ICT shall provide at least one mode of operation that does not require user speech.
- **With Limited Manipulation:** Where a manual mode of operation is provided, ICT shall provide at least one mode of operation that does not require fine motor control or simultaneous manual operations.

- **With Limited Reach and Strength:** Where a manual mode of operation is provided, ICT shall provide at least one mode of operation that is operable with limited reach and limited strength.
- **With Limited Language, Cognitive, and Learning Abilities:** ICT shall provide features making its use by individuals with limited cognitive, language, and learning abilities simpler and easier.

Please refer to the Appendix for a full extract of *Appendix C to Part 1194—Functional Performance Criteria and Technical Requirements* of the Section 508 of the Rehabilitation Act.

WCAG 2.1 Level A and AA

The WCAG 2.1 Level A and AA will make web content more accessible to people with disabilities, including people with visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities. Although WCAG 2.1 Level A and AA cover a wide range of issues, they are not able to address the needs of people with all types, degrees, and combinations of disability. WCAG 2.1 Level A and AA also make web content more usable by older individuals with changing abilities due to aging and often improve usability for users in general.

The basic principles that lay the foundation necessary for anyone to access and use web content are as follows:

1. **Perceivable** - Information and user interface components must be presentable to users in ways users can perceive.
 - This means that users must be able to perceive the information being presented (it cannot be invisible to all of their senses).
2. **Operable** - User interface components and navigation must be operable.
 - This means that users must be able to operate the interface (the interface cannot require interaction that a user cannot perform).
3. **Understandable** - Information and the operation of user interface must be understandable.
 - This means that users must be able to understand the information as well as the operation of the user interface (the content or operation cannot be beyond their understanding).
4. **Robust** - Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.
 - This means that users must be able to access the content as technologies advance (as technologies and user agents evolve, the content should remain accessible).

Exceptions

Electronic information technology (EIT) may be exempt from the Disability Access Standards as specified by the U.S. Access Board at the following website: <https://www.access-board.gov/ict/#E202-general-exceptions>. Exceptions applicable at the federal level apply to the state with the implementation of the Access Standards.

The Access Standards shall not require the installation of specific accessibility-related software or peripheral devices at the workstation of an employee who is not an individual with a disability; the

Access Standards require all workstation technology used by a state entity to be compatible with accessibility-related software and peripheral devices.

Section 508 E202 General Exceptions

- **E202.1 General** – Information and communication technology (ICT) shall be exempt from compliance with the Revised 508 Standards to the extent specified by E202.
- **E202.2 Legacy ICT** – Any component or portion of existing ICT that complies with an earlier standard issued pursuant to Section 508 of the Rehabilitation Act of 1973, as amended (as republished in Appendix D), and that has not been altered on or after January 18, 2018, shall not be required to be modified to conform to the Revised 508 Standards.
- **E202.3 National Security Systems** – The Revised 508 Standards do not apply to ICT operated by agencies as part of a national security system, as defined by 40 U.S.C. 11103(a).
- **E202.4 Federal Contracts** – ICT acquired by a contractor incidental to a contract shall not be required to conform to the Revised 508 Standards.
- **E202.5 ICT Functions Located in Maintenance or Monitoring Spaces** – Where status indicators and operable parts for ICT functions are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to the Revised 508 Standards.
- **E202.6 Undue Burden or Fundamental Alteration** – Where an agency determines in accordance with E202.6 that conformance to requirements in the Revised 508 Standards would impose an undue burden or would result in a fundamental alteration in the nature of the ICT, conformance shall be required only to the extent that it does not impose an undue burden, or result in a fundamental alteration in the nature of the ICT.
 - **E202.6.1 Basis for a Determination of Undue Burden** – In determining whether conformance to requirements in the Revised 508 Standards would impose an undue burden on the agency, the agency shall consider the extent to which conformance would impose significant difficulty or expense considering the agency resources available to the program or component for which the ICT is to be procured, developed, maintained, or used.
 - **E202.6.2 Required Documentation** – The responsible agency official shall document in writing the basis for determining that conformance to requirements in the Revised 508 Standards constitute an undue burden on the agency, or would result in a fundamental alteration in the nature of the ICT. The documentation shall include an explanation of why and to what extent compliance with applicable requirements would create an undue burden or result in a fundamental alteration in the nature of the ICT.
 - **E202.6.3 Alternative Means** – Where conformance to one or more requirements in the Revised 508 Standards imposes an undue burden or a fundamental alteration in the nature of the ICT, the agency shall provide individuals with disabilities access to and use of information and data by an alternative means that meets identified needs.
- **E202.7 Best Meets** – Where ICT conforming to one or more requirements in the Revised 508 Standards is not commercially available, the agency shall procure the ICT that best meets the Revised 508 Standards consistent with the agency's business needs.
 - **E202.7.1 Required Documentation** – The responsible agency official shall document in writing: (a) the non-availability of conforming ICT, including a description of market research performed and which provisions cannot be met, and (b) the basis for determining that the ICT to be

procured best meets the requirements in the Revised 508 Standards consistent with the agency's business needs.

- **E202.7.2 Alternative Means** – Where ICT that fully conforms to the Revised 508 Standards is not commercially available, the agency shall provide individuals with disabilities access to and use of information and data by an alternative means that meets identified needs.

DOJ Rule Exceptions

The requirements of [28 C.F.R. § 35.200](#) do not apply to the following:

- A. **Archived web content** - Archived web content as defined in 28 C.F.R. § 35.104.
- B. **Preexisting conventional electronic documents** - Conventional electronic documents that are available as part of a public entity's web content or mobile apps before the date the public entity is required to comply with this subpart, unless such documents are currently used to apply for, gain access to, or participate in the public entity's services, programs, or activities.
- C. **Content posted by a third party** - Content posted by a third party, unless the third party is posting due to contractual, licensing, or other arrangements with the public entity.
- D. **Individualized, password-protected or otherwise secured conventional electronic documents.** Conventional electronic documents that are:
 - 1. About a specific individual, their property, or their account; and
 - 2. Password-protected or otherwise secured.
- E. **Preexisting social media posts** - A public entity's social media posts that were posted before the date the public entity is required to comply with this subpart.

Accessibility Recommendations

The best strategy to address accessibility compliance involves a comprehensive and proactive approach, which includes planning and accessibility testing throughout the product lifecycle. To ensure that state entities implement the accessibility standards, the following recommendations for planning, reporting, monitoring, and enforcement should be considered.

Incorporate Accessibility Early in the IT Project Roadmapping and Planning Phases

State entities must consider the Access Standards in all IT project plans that include an investment in new or existing electronic information technology.

- Accessibility requirements must be included in the project specifications of new systems, especially in the modernization of major systems, and be evaluated throughout any major enhancements of existing systems during the design and development phases.
- Governing IT entities and/or IT management shall provide reference to the Access Standards to the state entities during IT governance roadmapping and planning phases for IT projects.

Incorporate Accessibility in the Procurement Phase

No later than six months after the publication of the Access Standards, each state entity shall review the standards and revise the entity's existing procurement rules, policies, and procedures to incorporate the standards.

- To ensure compliance, state entities shall include a requirement similar to the following whenever procuring information technology:

All electronic information technology developed or provided under this contract or procurement shall comply with the applicable requirements of the Hawaii Electronic Information Technology Disability Access Standards (Access Standards).

- State entities must clearly communicate the expectation that vendors and contractors are held to the Access Standards.
- State entities shall keep documentation of their accessibility evaluation and selection criteria for the evaluation of proposals.
- Where applicable, the vendor shall provide the state entity with its most recent Accessibility Conformance Report (ACR).

Voluntary Product Accessibility Template (VPAT®)

A [Voluntary Product Accessibility Template \(VPAT®\)](#) is a document that explains how information and communication technology (ICT) products such as software, hardware, electronic content, and support documentation meet (conform to) the Revised 508 Standards for IT accessibility. VPAT® helps Federal agency contracting officials and government buyers to assess ICT for accessibility when doing market research and evaluating proposals.

Government solicitations which include ICT will specify accessibility requirements, indicating which provisions are required to ensure the deliverable is accessible. A VPAT® is a good way to address the accessibility requirements defined in the solicitation.

Establish Monitoring and Reporting Mechanisms

Implement a system for ongoing monitoring of EIT accessibility and establish reporting mechanisms that can show conformance status over time.

- **Automated Accessibility Testing and Reporting:** Implement automated accessibility testing tools that can scan state websites, applications, and documents for common accessibility issues. These tools can help identify potential problems without requiring extensive manual effort.
 - Acquire access to the Siteimprove - <https://siteimprove.com/en-us/content-accessibility/> automated evaluation tool via ETS. The state has a license to use Siteimprove for all Hawaii.gov websites.
- **Compliance Reporting:** Establish a system for agencies and departments to regularly report on their compliance with accessibility standards. This involves documenting efforts made, progress achieved, and any identified challenges or areas for improvement.
- **Complaint and Grievance Process:** Develop and publish grievance procedures to allow anyone who wishes to file a complaint alleging discrimination on the basis of disability in violation of the standards set forth in the Access Standards. Identify an entity resource, such as an agency ADA Coordinator or EEO Officer to manage the complaints and ensure fair and prompt resolution.

Conduct Periodic Accessibility Reviews

State entities shall perform regular accessibility audits and testing throughout the product lifecycle, identify issues for review and remediation, evaluate the impact and risk of each issue to appropriately prioritize remediation efforts, and to iteratively improve the conformance levels of the EIT.

- **Accessibility Audits:** Leverage automated testing tools to generate periodic accessibility reports.
 - To get started with website content accessibility evaluation, the departmental content creators can first use the W3C-provided Easy Checks preliminary evaluation procedure, explained at <https://www.w3.org/WAI/test-evaluate/preliminary/>. This preliminary procedure is particularly useful for content creators with no prior experience in authoring accessible web content.
 - Incorporating hands-on testing by individuals with disabilities into the digital accessibility process adds significant value by providing real-world insights that automated tools or theoretical reviews may overlook. This inclusive approach ensures that digital products are truly usable for all people, not just technically compliant. By involving individuals with diverse disabilities in testing, state entities can better understand the challenges they face and validate the compatibility of our products with various assistive technologies like screen readers or voice control systems. Ultimately, this leads to more user-centered designs, a stronger commitment to accessibility, and improved overall user experience for everyone.
- **Compliance Reviews:** State entities must report the level of conformance of EIT systems to their governing IT entities or IT management so that accessibility conformance can be tracked and analyzed.
- **Accessibility Remediation Plans:** Create a plan to address accessibility issues identified within audits, reviews, and reports and prioritize the high-risk issues.

Provide Training and Awareness

- Encourage accessibility training for acquisition professionals, IT project managers, communications staff, web managers, software developers, and authors of digital content.
- Accessibility statements adhering to the Access Standards shall be made available, where appropriate, on state entity websites. Each entity shall craft a message highlighting the agency's commitment to ensuring equivalent access to information for people with disabilities, and include a reference to the Access Standards, a program point of contact or a method to request assistance or provide feedback, and the date the statement was last updated.

Continuously Improve

- **Periodic review of the Access Standards:** ETS, in consultation with DCAB, shall review the accessibility standards every three years after the date of the initial publication, or more frequently if the Chief Information Officer deems it necessary, and amend the standards to reflect advances or changes in electronic information technology. Within six months of the publication of any amended accessibility standards, each state entity shall review the amended standards and shall revise the entity's existing procurement and development rules, policies, and procedures to incorporate the amended standards accordingly.
- **User Feedback Mechanisms:** Set up mechanisms for users, including individuals with disabilities, to provide feedback on the accessibility of state websites, applications, and services. This may involve implementing feedback forms, contact information, or dedicated accessibility service centers. Monitoring and responding to user feedback may require a moderate amount of labor, but is crucial for gathering valuable insights.
- **Engage with the Accessibility Community:** Involve individuals with disabilities, disability advocacy groups, and accessibility experts in the design, development, and testing phases. Their

insights and feedback are invaluable for identifying accessibility barriers, ensuring that the EIT is truly inclusive, and that the state's efforts are meeting the needs of the community.

Definitions

Accessibility - means the ability of an individual with a disability to receive, use, and manipulate data and operate controls included in electronic information technology in a manner equivalent to that of individuals who do not have disabilities.

Accessibility Conformance Report (ACR) - is a document that formally summarizes the extent to which an information and communications technology (ICT) product or service conforms to an agreed set of international accessibility guidelines and standards.

Electronic Information - is information that is created, stored, transmitted, or processed in an electronic format. This can include, but is not limited to:

- (1) Electronic documents, files, and data;
- (2) Emails, text messages, and faxes;
- (3) Databases, spreadsheets, and programs;
- (4) Image, sound, and video files; and
- (5) Web pages and information submitted online.

Electronic Information Technology (EIT) - also referred to as information and communication technology (ICT) as defined by [Section 508](#), means electronic information, software, systems, and equipment used in the creation, manipulation, storage, display, or transmission of data, including:

- (1) Internet and intranet systems;
- (2) Websites and interfaces;
- (3) Software applications;
- (4) Operating systems;
- (5) Video and multimedia;
- (6) Telecommunication products;
- (7) Electronic and digital kiosks;
- (8) Information transaction machines;
- (9) Copiers and printers; and
- (10) Desktop and portable computers.

Individual with a disability - means an individual with impairments that limit the individual's ability to access or use electronic information technology, including an individual who has:

- (1) No or limited vision;
- (2) No or limited hearing;
- (3) Physical disabilities; or
- (4) Cognitive impairment

State entity - means the executive, legislative, and judicial branches of the State, including its departments, divisions, agencies, offices; public bodies; public elementary, secondary, and postsecondary schools; and the University of Hawai'i.

References and Additional Resources

- U.S. General Services Administration (GSA) [IT Accessibility Laws and Policies](#)
- [Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide](#)
- [PDFs Authoring Guides](#)
- [ICT Testing Baseline for Electronic Documents](#)
- [Create Accessible Meetings](#)
- [Mapping of WCAG 2.0 to Functional Performance Criteria](#)
- [What's New in WCAG 2.1](#)
- [Developing a Website Accessibility Statement](#)

Appendix

Appendix C to Part 1194 – Functional Performance Criteria of Section 508 of the Rehabilitation Act

The functional performance criteria provided below are an extract from *Appendix C to Part 1194—Functional Performance Criteria and Technical Requirements* of Section 508 of the Rehabilitation Act.

Chapter 3: Functional Performance Criteria

301 General

- **301.1 Scope.** The requirements of Chapter 3 shall apply to ICT where required by Chapter 2 (Scoping Requirements) and where otherwise referenced in any other chapter of these Standards.

302 Functional Performance Criteria

- **302.1 Without Vision.** Where a visual mode of operation is provided, ICT shall provide at least one mode of operation that does not require user vision.
- **302.2 With Limited Vision.** Where a visual mode of operation is provided, ICT shall provide at least one mode of operation that enables users to make use of limited vision.
- **302.3 Without Perception of Color.** Where a visual mode of operation is provided, ICT shall provide at least one visual mode of operation that does not require user perception of color.
- **302.4 Without Hearing.** Where an audible mode of operation is provided, ICT shall provide at least one mode of operation that does not require user hearing.
- **302.5 With Limited Hearing.** Where an audible mode of operation is provided, ICT shall provide at least one mode of operation that enables users to make use of limited hearing.
- **302.6 Without Speech.** Where speech is used for input, control, or operation, ICT shall provide at least one mode of operation that does not require user speech.
- **302.7 With Limited Manipulation.** Where a manual mode of operation is provided, ICT shall provide at least one mode of operation that does not require fine motor control or simultaneous manual operations.
- **302.8 With Limited Reach and Strength.** Where a manual mode of operation is provided, ICT shall provide at least one mode of operation that is operable with limited reach and limited strength.
- **302.9 With Limited Language, Cognitive, and Learning Abilities.** ICT shall provide features making its use by individuals with limited cognitive, language, and learning abilities simpler and easier.

Chapter 4: Hardware

401 General

- **401.1 Scope.** The requirements of Chapter 4 shall apply to ICT that is hardware where required by Chapter 2 (Scoping Requirements) and where otherwise referenced in any other chapter of these Standards.

- **EXCEPTION:** Hardware that is assistive technology shall not be required to conform to the requirements of this chapter.

402 Closed Functionality

- **402.1 General.** ICT with closed functionality shall be operable without requiring the user to attach or install assistive technology other than personal headsets or other audio couplers, and shall conform to 402.
- **402.2 Speech-Output Enabled.** ICT with a display screen shall be speech-output enabled for full and independent use by individuals with vision impairments.
 - **EXCEPTIONS:**
 1. Variable message signs conforming to 402.5 shall not be required to be speech-output enabled.
 2. Speech output shall not be required where ICT display screens only provide status indicators and those indicators conform to 409.
 3. Where speech output cannot be supported due to constraints in available memory or processor capability, ICT shall be permitted to conform to 409 in lieu of 402.2.
 4. Audible tones shall be permitted instead of speech output where the content of user input is not displayed as entered for security purposes, including, but not limited to, asterisks representing personal identification numbers.
 5. Speech output shall not be required for: The machine location; date and time of transaction; customer account number; and the machine identifier or label.
 6. Speech output shall not be required for advertisements and other similar information unless they convey information that can be used for the transaction being conducted.
 - **402.2.1 Information Displayed On-Screen.** Speech output shall be provided for all information displayed on-screen.
 - **402.2.2 Transactional Outputs.** Where transactional outputs are provided, the speech output shall audibly provide all information necessary to verify a transaction.
 - **402.2.3 Speech Delivery Type and Coordination.** Speech output shall be delivered through a mechanism that is readily available to all users, including, but not limited to, an industry standard connector or a telephone handset. Speech shall be recorded or digitized human, or synthesized. Speech output shall be coordinated with information displayed on the screen.
 - **402.2.4 User Control.** Speech output for any single function shall be automatically interrupted when a transaction is selected. Speech output shall be capable of being repeated and paused.

- **402.2.5 Braille Instructions.** Where speech output is required by 402.2, braille instructions for initiating the speech mode of operation shall be provided. Braille shall be contracted and shall conform to 36 CFR part 1191, Appendix D, Section 703.3.1.
 - **EXCEPTION:** Devices for personal use shall not be required to conform to 402.2.5.
- **402.3 Volume.** ICT that delivers sound, including speech output required by 402.2, shall provide volume control and output amplification conforming to 402.3.
 - **EXCEPTION:** ICT conforming to 412.2 shall not be required to conform to 402.3.
 - **402.3.1 Private Listening.** Where ICT provides private listening, it shall provide a mode of operation for controlling the volume. Where ICT delivers output by an audio transducer typically held up to the ear, a means for effective magnetic wireless coupling to hearing technologies shall be provided.
 - **402.3.2 Non-private Listening.** Where ICT provides non-private listening, incremental volume control shall be provided with output amplification up to a level of at least 65 dB. A function shall be provided to automatically reset the volume to the default level after every use.
- **402.4 Characters on Display Screens.** At least one mode of characters displayed on the screen shall be in a sans serif font. Where ICT does not provide a screen enlargement feature, characters shall be 3/16 inch (4.8 mm) high minimum based on the uppercase letter "I". Characters shall contrast with their background with either light characters on a dark background or dark characters on a light background.
- **402.5 Characters on Variable Message Signs.** Characters on variable message signs shall conform to section 703.7 Variable Message Signs of ICC A117.1-2009 (incorporated by reference, see 702.6.1).

403 Biometrics

- **403.1 General.** Where provided, biometrics shall not be the only means for user identification or control.
 - **EXCEPTION:** Where at least two biometric options that use different biological characteristics are provided, ICT shall be permitted to use biometrics as the only means for user identification or control.

404 Preservation of Information Provided for Accessibility

- **404.1 General.** ICT that transmits or converts information or communication shall not remove non-proprietary information provided for accessibility or shall restore it upon delivery.

405 Privacy

- **405.1 General.** The same degree of privacy of input and output shall be provided to all individuals. When speech output required by 402.2 is enabled, the screen shall not blank automatically.

406 Standard Connections

- **406.1 General.** Where data connections used for input and output are provided, at least one of each type of connection shall conform to industry standard non-proprietary formats.

407 Operable Parts

- **407.1 General.** Where provided, operable parts used in the normal operation of ICT shall conform to 407.
- **407.2 Contrast.** Where provided, keys and controls shall contrast visually from background surfaces. Characters and symbols shall contrast visually from background surfaces with either light characters or symbols on a dark background or dark characters or symbols on a light background.
- **407.3 Input Controls.** At least one input control conforming to 407.3 shall be provided for each function.
 - **EXCEPTION:** Devices for personal use with input controls that are audibly discernible without activation and operable by touch shall not be required to conform to 407.3.
 - **407.3.1 Tactilely Discernible.** Input controls shall be operable by touch and tactilely discernible without activation.
 - **407.3.2 Alphabetic Keys.** Where provided, individual alphabetic keys shall be arranged in a QWERTY-based keyboard layout and the "F" and "J" keys shall be tactilely distinct from the other keys.
 - **407.3.3 Numeric Keys.** Where provided, numeric keys shall be arranged in a 12-key ascending or descending keypad layout. The number five key shall be tactilely distinct from the other keys. Where the ICT provides an alphabetic overlay on numeric keys, the relationships between letters and digits shall conform to ITU-T Recommendation E.161 (incorporated by reference, see 702.7.1).
- **407.4 Key Repeat.** Where a keyboard with key repeat is provided, the delay before the key repeat feature is activated shall be fixed at, or adjustable to, 2 seconds minimum.
- **407.5 Timed Response.** Where a timed response is required, the user shall be alerted visually, as well as by touch or sound, and shall be given the opportunity to indicate that more time is needed.
- **407.6 Operation.** At least one mode of operation shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.
- **407.7 Tickets, Fare Cards, and Keycards.** Where tickets, fare cards, or keycards are provided, they shall have an orientation that is tactilely discernible if orientation is important to further use of the ticket, fare card, or keycard.
- **407.8 Reach Height and Depth.** At least one of each type of operable part of stationary ICT shall be at a height conforming to 407.8.2 or 407.8.3 according to its position established by the vertical reference plane specified in 407.8.1 for a side reach or a forward reach. Operable parts

used with speech output required by 402.2 shall not be the only type of operable part complying with 407.8 unless that part is the only operable part of its type.

- **407.8.1 Vertical Reference Plane.** Operable parts shall be positioned for a side reach or a forward reach determined with respect to a vertical reference plane. The vertical reference plane shall be located in conformance to 407.8.2 or 407.8.3.
 - **407.8.1.1 Vertical Plane for Side Reach.** Where a side reach is provided, the vertical reference plane shall be 48 inches (1220 mm) long minimum.
 - **407.8.1.2 Vertical Plane for Forward Reach.** Where a forward reach is provided, the vertical reference plane shall be 30 inches (760 mm) long minimum.
- **407.8.2 Side Reach.** Operable parts of ICT providing a side reach shall conform to 407.8.2.1 or 407.8.2.2. The vertical reference plane shall be centered on the operable part and placed at the leading edge of the maximum protrusion of the ICT within the length of the vertical reference plane. Where a side reach requires a reach over a portion of the ICT, the height of that portion of the ICT shall be 34 inches (865 mm) maximum.
 - **407.8.2.1 Unobstructed Side Reach.** Where the operable part is located 10 inches (255 mm) or less beyond the vertical reference plane, the operable part shall be 48 inches (1220 mm) high maximum and 15 inches (380 mm) high minimum above the floor.
 - **407.8.2.2 Obstructed Side Reach.** Where the operable part is located more than 10 inches (255 mm), but not more than 24 inches (610 mm), beyond the vertical reference plane, the height of the operable part shall be 46 inches (1170 mm) high maximum and 15 inches (380 mm) high minimum above the floor. The operable part shall not be located more than 24 inches (610 mm) beyond the vertical reference plane.
- **407.8.3 Forward Reach.** Operable parts of ICT providing a forward reach shall conform to 407.8.3.1 or 407.8.3.2. The vertical reference plane shall be centered, and intersect with, the operable part. Where a forward reach allows a reach over a portion of the ICT, the height of that portion of the ICT shall be 34 inches (865 mm) maximum.
 - **407.8.3.1 Unobstructed Forward Reach.** Where the operable part is located at the leading edge of the maximum protrusion within the length of the vertical reference plane of the ICT, the operable part shall be 48 inches (1220 mm) high maximum and 15 inches (380 mm) high minimum above the floor.
 - **407.8.3.2 Obstructed Forward Reach.** Where the operable part is located beyond the leading edge of the maximum protrusion within the length of the vertical reference plane, the operable part shall conform to 407.8.3.2. The maximum allowable forward reach to an operable part shall be 25 inches (635 mm).

- **407.8.3.2.1 Operable Part Height for ICT with Obstructed Forward Reach.** The height of the operable part shall conform to Table 407.8.3.2.1.

Table 407.8.3.2.1 - Operable Part Height for ICT With Obstructed Forward Reach

Reach depth	Operable part height
Less than 20 inches (510 mm)	48 inches (1220 mm) maximum.
20 inches (510 mm) to 25 inches (635 mm)	44 inches (1120 mm) maximum.

- **407.8.3.2.2 Knee and Toe Space under ICT with Obstructed Forward Reach.** Knee and toe space under ICT shall be 27 inches (685 mm) high minimum, 25 inches (635 mm) deep maximum, and 30 inches (760 mm) wide minimum and shall be clear of obstructions.

- **EXCEPTIONS:**

1. Toe space shall be permitted to provide a clear height of 9 inches (230 mm) minimum above the floor and a clear depth of 6 inches (150 mm) maximum from the vertical reference plane toward the leading edge of the ICT.
2. At a depth of 6 inches (150 mm) maximum from the vertical reference plane toward the leading edge of the ICT, space between 9 inches (230 mm) and 27 inches (685 mm) minimum above the floor shall be permitted to reduce at a rate of 1 inch (25 mm) in depth for every 6 inches (150 mm) in height.

408 Display Screens

- **408.1 General.** Where provided, display screens shall conform to 408.
- **408.2 Visibility.** Where stationary ICT provides one or more display screens, at least one of each type of display screen shall be visible from a point located 40 inches (1015 mm) above the floor space where the display screen is viewed.
- **408.3 Flashing.** Where ICT emits lights in flashes, there shall be no more than three flashes in any one-second period.
 - **EXCEPTION:** Flashes that do not exceed the general flash and red flash thresholds defined in WCAG 2.1 (incorporated by reference, see 702.10.1) are not required to conform to 408.3.

409 Status Indicators

- **409.1 General.** Where provided, status indicators shall be discernible visually and by touch or sound.

410 Color Coding

- **410.1 General.** Where provided, color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

411 Audible Signals

- **411.1 General.** Where provided, audible signals or cues shall not be used as the only means of conveying information, indicating an action, or prompting a response.

412 ICT With Two-Way Voice Communication

- **412.1 General.** ICT that provides two-way voice communication shall conform to 412.
- **412.2 Volume Gain.** ICT that provides two-way voice communication shall conform to 412.2.1 or 412.2.2.
 - **412.2.1 Volume Gain for Wireline Telephones.** Volume gain conforming to 47 CFR 68.317 shall be provided on analog and digital wireline telephones.
 - **412.2.2 Volume Gain for Non-Wireline ICT.** A method for increasing volume shall be provided for non-wireline ICT.
- **412.3 Interference Reduction and Magnetic Coupling.** Where ICT delivers output by a handset or other type of audio transducer that is typically held up to the ear, ICT shall reduce interference with hearing technologies and provide a means for effective magnetic wireless coupling in conformance with 412.3.1 or 412.3.2.
 - **412.3.1 Wireless Handsets.** ICT in the form of wireless handsets shall conform to ANSI/IEEE C63.19-2011 (incorporated by reference, see 702.5.1).
 - **412.3.2 Wireline Handsets.** ICT in the form of wireline handsets, including cordless handsets, shall conform to TIA-1083-B (incorporated by reference, see 702.9.1).
- **412.4 Digital Encoding of Speech.** ICT in IP-based networks shall transmit and receive speech that is digitally encoded in the manner specified by ITU-T Recommendation G.722.2 (incorporated by reference, see 702.7.2) or IETF RFC 6716 (incorporated by reference, see 702.8.1).
- **412.5 Real-Time Text Functionality.** [Reserved].
- **412.6 Caller ID.** Where provided, caller identification and similar telecommunications functions shall be visible and audible.
- **412.7 Video Communication.** Where ICT provides real-time video functionality, the quality of the video shall be sufficient to support communication using sign language.

413 Closed Caption Processing Technologies

- **413.1 General.** Where ICT displays or processes video with synchronized audio, ICT shall provide closed caption processing technology that conforms to 413.1.1 or 413.1.2.

- **413.1.1 Decoding and Display of Closed Captions.** Players and displays shall decode closed caption data and support display of captions.
- **413.1.2 Pass-Through of Closed Caption Data.** Cabling and ancillary equipment shall pass through caption data.

414 Audio Description Processing Technologies

- **414.1 General.** Where ICT displays or processes video with synchronized audio, ICT shall provide audio description processing technology conforming to 414.1.1 or 414.1.2.
 - **414.1.1 Digital Television Tuners.** Digital television tuners shall provide audio description processing that conforms to ATSC A/53 Digital Television Standard, Part 5 (2014) (incorporated by reference, *see* 702.2.1). Digital television tuners shall provide processing of audio description when encoded as a Visually Impaired (VI) associated audio service that is provided as a complete program mix containing audio description according to the ATSC A/53 standard.
 - **414.1.2 Other ICT.** ICT other than digital television tuners shall provide audio description processing.

415 User Controls for Captions and Audio Descriptions

- **415.1 General.** Where ICT displays video with synchronized audio, ICT shall provide user controls for closed captions and audio descriptions conforming to 415.1.
 - **EXCEPTION:** Devices for personal use shall not be required to conform to 415.1 provided that captions and audio descriptions can be enabled through system-wide platform settings.
 - **415.1.1 Caption Controls.** Where ICT provides operable parts for volume control, ICT shall also provide operable parts for caption selection.
 - **415.1.2 Audio Description Controls.** Where ICT provides operable parts for program selection, ICT shall also provide operable parts for the selection of audio description.

Chapter 5: Software

501 General

- **501.1 Scope.** The requirements of Chapter 5 shall apply to software where required by Chapter 2 (Scoping Requirements) and where otherwise referenced in any other chapter of these Standards.
 - **EXCEPTION:** Where Web applications do not have access to platform accessibility services and do not include components that have access to platform accessibility services, they shall not be required to conform to 502 or 503 provided that they conform to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.1 (incorporated by reference, *see* 702.10.1).

502 Interoperability With Assistive Technology

- **502.1 General.** Software shall interoperate with assistive technology and shall conform to 502.

- **EXCEPTION:** ICT conforming to 402 shall not be required to conform to 502.
- **502.2 Documented Accessibility Features.** Software with platform features defined in platform documentation as accessibility features shall conform to 502.2.
 - **502.2.1 User Control of Accessibility Features.** Platform software shall provide user control over platform features that are defined in the platform documentation as accessibility features.
 - **502.2.2 No Disruption of Accessibility Features.** Software shall not disrupt platform features that are defined in the platform documentation as accessibility features.
- **502.3 Accessibility Services.** Platform software and software tools that are provided by the platform developer shall provide a documented set of accessibility services that support applications running on the platform to interoperate with assistive technology and shall conform to 502.3. Applications that are also platforms shall expose the underlying platform accessibility services or implement other documented accessibility services.
 - **502.3.1 Object Information.** The object role, state(s), properties, boundary, name, and description shall be programmatically determinable.
 - **502.3.2 Modification of Object Information.** States and properties that can be set by the user shall be capable of being set programmatically, including through assistive technology.
 - **502.3.3 Row, Column, and Headers.** If an object is in a data table, the occupied rows and columns, and any headers associated with those rows or columns, shall be programmatically determinable.
 - **502.3.4 Values.** Any current value(s), and any set or range of allowable values associated with an object, shall be programmatically determinable.
 - **502.3.5 Modification of Values.** Values that can be set by the user shall be capable of being set programmatically, including through assistive technology.
 - **502.3.6 Label Relationships.** Any relationship that a component has as a label for another component, or of being labeled by another component, shall be programmatically determinable.
 - **502.3.7 Hierarchical Relationships.** Any hierarchical (parent-child) relationship that a component has as a container for, or being contained by, another component shall be programmatically determinable.
 - **502.3.8 Text.** The content of text objects, text attributes, and the boundary of text rendered to the screen, shall be programmatically determinable.
 - **502.3.9 Modification of Text.** Text that can be set by the user shall be capable of being set programmatically, including through assistive technology.
 - **502.3.10 List of Actions.** A list of all actions that can be executed on an object shall be programmatically determinable.

- **502.3.11 Actions on Objects.** Applications shall allow assistive technology to programmatically execute available actions on objects.
- **502.3.12 Focus Cursor.** Applications shall expose information and mechanisms necessary to track focus, text insertion point, and selection attributes of user interface components.
- **502.3.13 Modification of Focus Cursor.** Focus, text insertion point, and selection attributes that can be set by the user shall be capable of being set programmatically, including through the use of assistive technology.
- **502.3.14 Event Notification.** Notification of events relevant to user interactions, including but not limited to, changes in the component's state(s), value, name, description, or boundary, shall be available to assistive technology.
- **502.4 Platform Accessibility Features.** Platforms and platform software shall conform to the requirements in ANSI/HFES 200.2, Human Factors Engineering of Software User Interfaces-Part 2: Accessibility (2008) (incorporated by reference, see 702.4.1) listed below:
 1. Section 9.3.3 Enable sequential entry of multiple (chorded) keystrokes;
 2. Section 9.3.4 Provide adjustment of delay before key acceptance;
 3. Section 9.3.5 Provide adjustment of same-key double-strike acceptance;
 4. Section 10.6.7 Allow users to choose visual alternative for audio output;
 5. Section 10.6.8 Synchronize audio equivalents for visual events;
 6. Section 10.6.9 Provide speech output services; and
 7. Section 10.7.1 Display any captions provided.

503 Applications

- **503.1 General.** Applications shall conform to 503.
- **503.2 User Preferences.** Applications shall permit user preferences from platform settings for color, contrast, font type, font size, and focus cursor.
 - **EXCEPTION:** Applications that are designed to be isolated from their underlying platform software, including Web applications, shall not be required to conform to 503.2.
- **503.3 Alternative User Interfaces.** Where an application provides an alternative user interface that functions as assistive technology, the application shall use platform and other industry standard accessibility services.
- **503.4 User Controls for Captions and Audio Description.** Where ICT displays video with synchronized audio, ICT shall provide user controls for closed captions and audio descriptions conforming to 503.4.

- **503.4.1 Caption Controls.** Where user controls are provided for volume adjustment, ICT shall provide user controls for the selection of captions at the same menu level as the user controls for volume or program selection.
- **503.4.2 Audio Description Controls.** Where user controls are provided for program selection, ICT shall provide user controls for the selection of audio descriptions at the same menu level as the user controls for volume or program selection.

504 Authoring Tools

- **504.1 General.** Where an application is an authoring tool, the application shall conform to 504 to the extent that information required for accessibility is supported by the destination format.
- **504.2 Content Creation or Editing.** Authoring tools shall provide a mode of operation to create or edit content that conforms to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.1 (incorporated by reference, *see* 702.10.1) for all supported features and, as applicable, to file formats supported by the authoring tool. Authoring tools shall permit authors the option of overriding information required for accessibility.
 - **EXCEPTION:** Authoring tools shall not be required to conform to 504.2 when used to directly edit plain text source code.
 - **504.2.1 Preservation of Information Provided for Accessibility in Format Conversion.** Authoring tools shall, when converting content from one format to another or saving content in multiple formats, preserve the information required for accessibility to the extent that the information is supported by the destination format.
 - **504.2.2 PDF Export.** Authoring tools capable of exporting PDF files that conform to ISO 32000-1:2008 (PDF 1.7) shall also be capable of exporting PDF files that conform to ANSI/AIIM/ISO 14289-1:2016 (PDF/UA-1) (incorporated by reference, *see* 702.3.1).
- **504.3 Prompts.** Authoring tools shall provide a mode of operation that prompts authors to create content that conforms to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.1 (incorporated by reference, *see* 702.10.1) for supported features and, as applicable, to file formats supported by the authoring tool.
- **504.4 Templates.** Where templates are provided, templates allowing content creation that conforms to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.1 (incorporated by reference, *see* 702.10.1) shall be provided for a range of template uses for supported features and, as applicable, to file formats supported by the authoring tool.

Chapter 6: Support Documentation and Services

601 General

- **601.1 Scope.** The technical requirements in Chapter 6 shall apply to ICT support documentation and services where required by Chapter 2 (Scoping Requirements) and where otherwise referenced in any other chapter of these Standards.

602 Support Documentation

- **602.1 General.** Documentation that supports the use of ICT shall conform to 602.

- **602.2 Accessibility and Compatibility Features.** Documentation shall list and explain how to use the accessibility and compatibility features required by Chapters 4 and 5. Documentation shall include accessibility features that are built-in and accessibility features that provide compatibility with assistive technology.
- **602.3 Electronic Support Documentation.** Documentation in electronic format, including Web-based self-service support, shall conform to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.1 (incorporated by reference, *see* 702.10.1).
- **602.4 Alternate Formats for Non-Electronic Support Documentation.** Where support documentation is only provided in non-electronic formats, alternate formats usable by individuals with disabilities shall be provided upon request.

603 Support Services

- **603.1 General.** ICT support services including, but not limited to, help desks, call centers, training services, and automated self-service technical support, shall conform to 603.
- **603.2 Information on Accessibility and Compatibility Features.** ICT support services shall include information on the accessibility and compatibility features required by 602.2.
- **603.3 Accommodation of Communication Needs.** Support services shall be provided directly to the user or through a referral to a point of contact. Such ICT support services shall accommodate the communication needs of individuals with disabilities.

Chapter 7: Referenced Standards

701 General

- **701.1 Scope.** The standards referenced in Chapter 7 shall apply to ICT where required by Chapter 2 (Scoping Requirements) and where referenced in any other chapter of these Standards.

702 Incorporation by Reference

- **702.1 Approved IBR Standards.** The following standards are incorporated by reference (IBR):
- **702.2 Advanced Television Systems Committee (ATSC).** Copies of the referenced standard may be obtained from the Advanced Television Systems Committee, 1776 K Street NW., Suite 200, Washington, DC 20006-2304 (<http://www.atsc.org>).
 - **702.2.1 ATSC A/53 Part 5:2014, Digital Television Standard, Part 5-AC-3 Audio System Characteristics,** August 28, 2014, IBR for 414.1.1.
- **702.3 Association for Information and Image Management (AIIM).** Copies of the referenced standard may be obtained from AIIM, 1100 Wayne Ave., Ste. 1100, Silver Spring, Maryland 20910 (http://www.aiim.org/Resources/Standards/AIIM_ISO_14289-1).
 - **702.3.1 ANSI/AIIM/ISO 14289-1-2016, Document Management Applications-Electronic Document File Format Enhancement for Accessibility-Part 1: Use of ISO 32000-1 (PDF/UA-1),** ANSI-approved February 8, 2016, IBR for 504.2.2.

- **702.4 Human Factors and Ergonomics Society (HFES).** Copies of the referenced standard may be obtained from the Human Factors and Ergonomics Society, P.O. Box 1369, Santa Monica, CA 90406-1369 (<http://www.hfes.org/Publications/ProductDetail.aspx?Id=76>).
- **702.4.1 ANSI/HFES 200.2, Human Factors Engineering of Software User Interfaces-Part 2: Accessibility,** copyright 2008, IBR for 502.4.
- **702.5 Institute of Electrical and Electronics Engineers (IEEE).** Copies of the referenced standard may be obtained from the Institute of Electrical and Electronics Engineers, 10662 Los Vaqueros Circle, P.O. Box 3014, Los Alamitos, CA 90720-1264 (<http://www.ieee.org>).
- **702.5.1 ANSI/IEEE C63.19-2011, American National Standard for Methods of Measurement of Compatibility between Wireless Communications Devices and Hearing Aids,** May 27, 2011, IBR for 412.3.1.
- **702.6 International Code Council (ICC).** Copies of the referenced standard may be obtained from ICC Publications, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795 (<http://www.iccsafe.org>).
- **702.6.1 ICC A117.1-2009, Accessible and Usable Buildings and Facilities,** approved October 20, 2010, IBR for 402.5.
- **702.7 International Telecommunications Union Telecommunications Standardization Sector (ITU-T).** Copies of the referenced standards may be obtained from the International Telecommunication Union, Telecommunications Standardization Sector, Place des Nations CH-1211, Geneva 20, Switzerland (<http://www.itu.int/en/ITU-T>).
- **702.7.1 ITU-T Recommendation E.161, Series E. Overall Network Operation, Telephone Service, Service Operation and Human Factors-International operation-Numbering plan of the international telephone service, Arrangement of digits, letters and symbols on telephones and other devices that can be used for gaining access to a telephone network,** February 2001, IBR for 407.3.3.
- **702.7.2 ITU-T Recommendation G.722.2, Series G. Transmission Systems and Media, Digital Systems and Networks-Digital terminal equipment-Coding of analogue signals by methods other than PCM, Wideband coding of speech at around 16 kbit/s using Adaptive Multi-Rate Wideband (AMR-WB),** July 2003, IBR for 412.4.
- **702.8 Internet Engineering Task Force (IETF).** Copies of the referenced standard may be obtained from the Internet Engineering Task Force (<http://www.ietf.org>).
- **702.8.1 IETF RFC 6716, Definition of the Opus Codec,** September 2012, J.M. Valin, Mozilla Corporation, K. Vos, Skype Technologies S.A., T. Terriberry, Mozilla Corporation, IBR for 412.4.
- **702.9 Telecommunications Industry Association (TIA).** Copies of the referenced standard, published by the Telecommunications Industry Association, may be obtained from IHS Markit, 15 Inverness Way East, Englewood, CO 80112 (<http://global.ihs.com>).

- **702.9.1 TIA-1083-B, Telecommunications-Communications Products-Handset Magnetic Measurement Procedures and Performance Requirements**, October 2015, IBR for 412.3.2.
- **702.10 Worldwide Web Consortium (W3C)**. Copies of the referenced standard may be obtained from the W3C Web Accessibility Initiative, Massachusetts Institute of Technology, 32 Vassar Street, Room 32-G515, Cambridge, MA 02139 (<http://www.w3.org/TR/WCAG21>).
 - **702.10.1 WCAG 2.1, Web Content Accessibility Guidelines**, W3C Recommendation, September 21, 2023, IBR for: E205.4, E205.4 Exception, E205.4.1, E207.2, E207.2 Exception 2, E207.2 Exception 3, E207.2.1, E207.3, 408.3 Exception, 501.1 Exception, 504.2, 504.3, 504.4, and 602.3.

NASPO ValuePoint
AMENDMENT #2
PARTICIPATING ADDENDUM
CLOUD SOLUTIONS
Led by the State of **Utah**



Master Agreement #: **AR3107** (*hereinafter "Master Agreement"*)

Contractor: **INTERNATIONAL BUSINESS MACHINES CORP** (*hereinafter "Contractor"*)

Participating State: **STATE OF HAWAII** (*hereinafter "Participating State"*)

State of Hawaii, State Procurement Office (SPO) Vendor List Contract No. 17-18 (herein after "Contract")

Amendment #2 (*hereinafter "Amendment"*) of Participating Addendum for Hawaii as a Participating State to purchase from the NASPO ValuePoint Master Agreement Number AR3107 with International Business Machines Corp is amended as follows:

Amend the numbering in Amendment #1 from "Section 1. Insurance" to "Section 3, subsection I. Insurance."

Add Section 3, subsection J. Subsection J, section i – "Quarterly Sales Reporting," replaces in its entirety Section 3, subsection A – "Usage Reports." Subsection A is no longer used.

J. eProcurement System and Marketplace

The State of Hawaii, State Procurement Office, has instituted a statewide eProcurement system, Aloha eBuys. Periscope Holdings, Inc. ("Periscope"), the State's eProcurement system provider, has implemented Aloha eBuys, which will allow Participating Entities to easily search and purchase from this Price/Vendor List Contract. Therefore, Contractor acknowledges and agrees to the following, which requirements are separate from and additive to any of Contractor's requirements under the NASPO ValuePoint Master Agreement.

- i. Quarterly Sales Reporting – As of the effective date of this Amendment, the Contractor shall be required to submit a quarterly report documenting all Sales made under the Contract ("Quarterly Sales Report"). "Sales" shall mean total invoices for gross purchases, less any credits, taxes, regulatory fees, and separately stated shipping charges not included in unit prices, procured on or utilizing pricing and/or other terms of this Contract, regardless of the purchase process. The Quarterly Sales Report shall be submitted directly to Periscope using the Reconciler portal (Periscope's reporting tool to which a link shall be provided to Contractor), or otherwise as reasonably directed by Periscope or State. Quarterly Sales Report will include any periods less than a full calendar quarter if Amendment and/or Contract does not start at the first day of a quarter or end on the last day of the quarter.

Contractor shall submit one Quarterly Sales Report for each contract for each reporting period in accordance with the following schedule:

	Date Range	Due No Later Than
Fiscal Year, Quarter 1	July 1 – September 30	October 31
Fiscal Year, Quarter 2	October 1 – December 31	January 31
Fiscal Year, Quarter 3	January 1 – March 31	April 30
Fiscal Year, Quarter 4	April 1 – June 30	July 31

The Quarterly Sales Report must contain the following information:

- a. Complete and accurate details of all Sales, credits, returns, refunds, and the like for the reporting quarter;
- b. Purchasing Participating Entity and type;
- c. Product/service description, unit price, quantity and total sale amount;
- d. Invoice number and date;
- e. Total Vendor Collected Administrative Fee amount due for the reporting quarter. "Vendor Collected Administrative Fee (VCAF)" shall mean that for all Sales made under or utilizing the pricing or other terms of the Contract that have been invoiced, the Contractor shall remit a VCAF in the amount of one and one-half percent (1.5%) of all Sales to Periscope on behalf of the State;
- f. Such other information as the State and Periscope may reasonably request; and
- g. If no Sales were made during the reporting quarter, then a Quarterly Sales Report shall still be submitted showing zero Sales and zero VCAF due.

Initiation and submission of the Quarterly Sales Report are the responsibility of the Contractor without prompting or notification by Periscope or the State, and Periscope and the State assume no responsibility for any Contractor's failure to meet its sales reporting and fee remittance obligations. The State reserves the right to contact Contractor at any time to request that Contractor attest to the amounts reported to have been paid to them by Participating Entities.

The State and Periscope shall have a perpetual, irrevocable, non-exclusive, royalty free, transferable right to display, modify, copy, and otherwise use reports, data and information provided.

- ii. Remittance of the VCAF – On a quarterly basis, and at the same time as the submission of the Quarterly Sales Report per the above, the Contractor shall remit the VCAF via Automated Clearing House (ACH) transaction directly to Periscope using the Reconciler portal, or as otherwise reasonably directed by Periscope or the State, no later than thirty (30) days after the end of each calendar quarter. The calendar quarters will end September 30, December 31, March 31, and June 30 of each year. Periscope's or the State's receipt or acceptance of any Quarterly

Sales Report and/or VCAF furnished pursuant to the Contract shall not preclude Periscope or the State from challenging the validity thereof at any time. Failure to remit the Quarterly Sales Report and/or VCAF timely and accurately may result in Contractor's goods and/or services being made ineligible for purchase through the Aloha eBuys marketplace. Continued non-compliance by the Contractor may result in the Contractor being found in default of the Contract and, thus, may be subject to termination. Assistance with VCAF remittance is available from the Periscope Customer Service by email or telephone, which contact information shall be providing during Contractor's onboarding.

- iii. Catalog Implementation – Contractor shall cooperate with State and/or Periscope as requested, including attendance of meetings, to include and maintain throughout the term an Aloha eBuys marketplace catalog of products and services consistent with and limited to the Contract items. Contractor may choose one of the following catalog options.
 - a. Hosted Catalog – Contractor shall provide a list of its awarded products and services (including product name, descriptions, images, relevant specifications, keyword search terms, etc.) and pricing consistent with the Contract and in the electronic format provided by Periscope. The product and service list may only provide the awarded products and services at prices listed in the Contract, including quantity and other discounts. In order to maintain the most up-to-date version of the product and service list in compliance with Contract terms, Contractor must provide updated product and service pricing information via electronic format approved by Periscope at least annually but no more than four times per year or as otherwise permitted by the Contract.
 - b. Punchout Catalog – Contractor shall “punch out” to its own online catalog, provided that its own online catalog is capable of being integrated with the Aloha eBuys marketplace via Commerce eXtensible Markup Language. Contractor's punchout catalog may only provide the awarded products and services at prices listed in the Contract, including quantity and other discounts. Contractor must validate its punchout catalog is current by providing a written update to Periscope every four (4) months (or as otherwise provided in the Contract), verifying that Contractor has audited the offered products and services and pricing.

Any price stated by Contractor under the Contract (including in its hosted or punchout catalog) shall be inclusive of the VCAF, and Contractor shall not reflect the VCAF as a separate line item on customer quotes and invoices.

Contractor shall 1) attend a vendor onboarding meeting with Periscope within thirty (30) days of the date of execution of this Amendment, and 2) complete upload of the hosted catalog or integration of the punchout catalog as well as the approval

process(es) within ninety (90) calendar days of the date of execution of this Amendment. Contractor shall cooperate with State and Periscope for any other reasonable requests to ensure a catalog's accurate depiction of the Contract.

Any changes to Contractor's catalog permitted by the Contract must be pre-approved in writing by the State.

- iv. Vendor and Contract Performance Reviews – The State and/or Periscope may reasonably request Contractor to participate virtually in an annual business review, for which review Contractor shall provide Contract sales information as well as marketing action plans, target strategies and staff training plans and requirements designed to grow utilization of the Contract. Periscope shall also provide and discuss Quarterly Sales Reporting and VCAF remittance compliance data.
- v. Retention and Inspection of Records and Audit – The Contractor shall keep records of all Sales in sufficient detail to enable the State or Periscope to determine the VCAF payable by the Contractor. The State and/or Periscope may examine and audit, at its own expense, Contractor's Sales records and Sales Reports for completeness and accuracy. If such examination reveals underpayment of the VCAF, the Contractor shall immediately pay to Periscope the amount of deficiency. If the examination reveals an underpayment of 5% or more, then the Contractor shall reimburse the State and Periscope for the cost of the audit.

NASPO ValuePoint
AMENDMENT #2
PARTICIPATING ADDENDUM
CLOUD SOLUTIONS
Led by the State of Utah



THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT THROUGH THEIR AUTHORIZED REPRESENTATIVES WITH FULL KNOWLEDGE OF AND AGREEMENT WITH ITS TERMS AND CONDITIONS.

Participating State: STATE OF HAWAII	Contractor: INTERNATIONAL BUSINESS MACHINES CORP.
Signature: 	Signature: 
Name: BONNIE KAHAKUI	Name: Karen Schneider
Title: Acting Administrator, SPO	Title: Public Sector Contracts Program Manager
Date: 03/11/2024	Date: 03/06/2024

APPROVED AS TO FORM:



03/09/2024

Deputy Attorney General

For questions on executing a participating addendum, please contact:

NASPO ValuePoint

Cooperative Development Coordinator:	Solomon Kingston
Telephone:	
Email:	skingston@naspo.org

[Please email fully executed PDF copy of this document to

PA@naspovaluepoint.org

to support documentation of participation and posting in appropriate data bases.]

AMENDMENT NO. 1
(hereinafter "Amendment No. 1")
for
NASPO VALUEPOINT CLOUD SOLUTIONS
MASTER AGREEMENT NO. AR3107
(hereinafter "Master Agreement")
Between
International Business Machines Corp
(hereinafter "Contractor")
and
State of Hawaii
(hereinafter "Participating State")

This Amendment No. 1 amends the Participating Addendum as follows:

1. Insurance

As set forth herein, the Contractor shall maintain in full force and effect during the life of this contract, liability and property damage insurance to protect the Contractor and his Subcontractors, if any, from claims for damages for personal injury, accidental death and property damage which may arise from operations under this contract, whether such operations be by the Contractor or by Subcontractor or anyone directly or indirectly employed by either of them. If any Subcontractor is involved, the insurance policy or policies shall name the Subcontractor as additional insured.

As an alternative to the Contractor providing insurance to cover operations performed by a Subcontractor and naming the Subcontractor as additional insured, the Contractor may require the Subcontractor to provide its own insurance, which meets the requirements herein. It is understood that a Subcontractor's insurance policy or policies are in addition to the Contractor's own policy or policies.

The following minimum insurance coverage(s) and limit(s) shall be provided by the Contractor, including its Subcontractor(s) where appropriate.

<u>Coverage</u>	<u>Limits</u>
Commercial General Liability (occurrence form)	\$1,000,000 per occurrence \$2,000,000 aggregate
Automobile Liability	\$1,000,000 per accident

Cyber Liability, including as a part of a Professional Error & Omission or other policy, covering claims and losses with respect to network security, data disclosure risks (such as unauthorized disclosure or misappropriation of private information, unauthorized access/use of information, and privacy liability, notification costs, and credit card monitoring) within limits of not less than \$1,000,000 per claim and \$2,000,000 aggregate.

Each insurance policy required by this contract, including a Subcontractor's policy, shall contain the following clauses:

A. "The State of Hawaii is added as an additional insured as respects to operations performed for the State of Hawaii on all policies except Worker's Compensation."

B. "It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy."

A Waiver of Subrogation shall apply to the General Liability, Automobile Liability and Worker's Compensation insurance policies and shall be in favor of the State of Hawaii; provided, however that the foregoing shall not apply in instances where the State of Hawaii has been finally adjudicated by a court of competent jurisdiction to have been grossly negligent.

The Contractor agrees to deposit with the State of Hawaii certificate(s) of insurance necessary to satisfy the State that the insurance provisions of this Addendum and have been complied with and to keep such insurance in effect and the certificate(s) therefore on deposit with the State during the entire term of the price/vendor list and price/vendor list extensions, if any, including those of its Subcontractor(s), where appropriate. Upon request by the State, Contractor shall allow the State to inspect a copy of the policy or policies at IBM offices located at 6303 Barfield RD NE, Sandy Springs, GA 30328.

Failure of the Contractor to provide and keep in force such insurance shall be regarded as material default, entitling the State to exercise any or all of the remedies provided in the contract and this RFP for a default by the Contractor.

The procuring of such required insurance shall not be construed to limit the Contractor's liability hereunder nor to fulfill the indemnification provisions and requirements of the contract. Notwithstanding said policy or policies of insurance, the Contractor shall be obliged for the full and total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract pursuant to the terms of the contract.

IN VIEW OF THE ABOVE, the parties execute this Addendum by their signatures, on the dates below.

Participating State: STATE OF HAWAII	Contractor: INTERNATIONAL BUSINESS MACHINES CORP
Signature: 	Signature: 
Name: BONNIE KAHAKUI	Name: Karen Schneider
Title: Acting Administrator, SPO	Title: NASPO National Program Manager
Date: 09/16/2021	Date: 09/15/2021

APPROVED AS TO FORM:



Deputy Attorney General

PARTICIPATING ADDENDUM
(hereinafter "Addendum")
For
NASPO VALUEPOINT CLOUD SOLUTIONS
MASTER AGREEMENT NO. AR3107
(hereinafter "Master Agreement")
Between
International Business Machines Corp
(hereinafter "Contractor")
and
State of Hawaii
(hereinafter "Participating State")

State of Hawaii, State Procurement Office (SPO) Vendor List Contract No. 17-18

This Addendum will add the State of Hawaii as a Participating State to purchase from the NASPO ValuePoint Master Agreement Number AR3107 with International Business Machines Corp.

1. Scope:

This addendum covers NASPO ValuePoint Cloud Solutions lead by the State of Utah for use by state agencies and other entities located in the Participating State authorized by the state's statutes to utilize state contracts.

2. Participation:

All jurisdictions located within the State of Hawaii, which have obtained prior written approval by its Chief Procurement Officer, will be allowed to purchase from the Master Agreement. Private nonprofit health or human services organizations with current purchase of service contracts governed by Hawaii Revised Statutes (HRS) chapter 103F are eligible to participate in the SPO price/vendor list contracts upon mutual agreement between the Contractor and the non-profit. (Each such participating jurisdiction and participating nonprofit is hereinafter referred to as a "Participating Entity"). Issues of interpretation and eligibility for participation are solely within the authority of the Administrator, State Procurement Office.

3. Changes:

A. Usage Reports. Contractor shall submit a quarterly gross sales report (including zero dollar sales) in EXCEL to the contact person listed in the Participating Addendum, Paragraph 6 (or as amended) in accordance with the following schedule (or as requested):

	Date Range	Due no later than
Fiscal Year, Quarter 1	July 1 – September 30	October 31
Fiscal Year, Quarter 2	October 1 – December 31	January 31
Fiscal Year, Quarter 3	January 1 – March 31	April 30
Fiscal Year, Quarter 4	April 1 – June 30	July 31

Emailed to: State Procurement Office
Email Address: matthew.m.chow@hawaii.gov
state.procurement.office@hawaii.gov
Subject: Price List 17-18 – International Business Machines Corp

The State reserves the right to audit the summary sales report for accuracy.

Failure of the Contractor to submit the summary sales reports as required may result in the termination of the contract.

The report shall identify each transaction and include the following information:

Department/Agency Name	Unit of Measure
Date of Purchase	Item No. Part Number (if applicable)
Product/Service Description	MSRP List Price
Quantity	NASPO ValuePoint Contract Price

The quarterly report shall also include any adjustment from prior periods (i.e. exchanges and/or return).

- B. The validity of this Addendum, any of its terms or provisions, as well as the right and duties of the parties in this Addendum, shall be governed by the laws of the State of Hawaii. A copy of the Attorney General's General Conditions, which is made a part of this Addendum, can be found at <https://spo.hawaii.gov/wp-content/uploads/2017/12/AG-008-103D-1.pdf>. Any action at law or in equity to enforce or interpret the provisions of this Addendum shall be brought in a court of competent jurisdiction in Honolulu, Hawaii.
- C. Inspection of Facilities. Pursuant to HRS § 103D-316, the Participating State, at reasonable times, may inspect the part of the plant or place of business of the Contractor or any subcontractor that is related to the performance of a Master Agreement and this Addendum.
- D. Campaign Contributions. The Contractor is notified of the applicability of HRS § 11-355, which prohibits campaign contributions from Contractor during the term of the Addendum if the contractor is paid with funds appropriated by the Hawaii State Legislature.
- E. Purchases by State of Hawaii government entities under this Master Agreement is not mandatory. This Addendum is secondary and non-exclusive.
- F. The State of Hawaii's purchasing card (pCard) is required to be used by the State's executive departments/agencies (excluding the Department of Education, the Hawaii Health System Corporation, the Office of Hawaiian Affairs, and the University of Hawaii) for all orders totaling less than \$2,500. For purchases of \$2,500 or more, agencies may use the pCard, subject to its credit limit or issue a purchase order.

Contractor(s) shall forward original invoice(s), directly to the ordering agency. General excise tax shall not be applied to the delivery charge.

Pursuant to HRS § 103-10, Participating State and any agency of the Participating State or any county, shall have thirty (30) calendar days after receipt of invoice or

satisfactory delivery of goods to make payment. Any interest for delinquent payment shall be as allowed by HRS § 103-10.

- G. Pursuant to HRS §103D-310(c), if Contractor is doing business in the Participating State, Contractor is required to comply with all laws governing entities doing business in the Participating State, including the following HRS chapters.

1. Chapter 237, General Excise Tax Law;
2. Chapter 383, Hawaii Employment Security Law;
3. Chapter 386, Workers' Compensation;
4. Chapter 392, Temporary Disability Insurance;
5. Chapter 393, Prepaid Health Care Act; and

A Certificate of Good Standing is required for entities doing business in the State.

The Hawaii Compliance Express (HCE) is utilized for verification of compliance. The SPO will conduct periodic checks to confirm Contractor's compliance on HCE throughout the term of the Addendum.

Alternatively, Contractors not utilizing HCE to demonstrate compliance shall provide paper certificates to the SPO as instructed below. All certificates must be valid on the date it is received by the SPO. All applications for applicable clearances are the responsibility of the Contractor.

HRS Chapter 237 tax clearance requirement. Pursuant to Section 103D-328, HRS, Contractor shall be required to submit a tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS). The certificate shall have an original green certified copy stamp and shall be valid for six (6) months from the most recent approval stamp date on the certificate.

The Tax Clearance Application, Form A-6, and its completion and filing instructions, are available on the DOTAX website: <http://tax.hawaii.gov/forms/>.

HRS Chapters 383 (Unemployment Insurance), 386 (Workers' Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements. Pursuant to Section 103D-310(c) Contractor shall be required to submit a certificate of compliance issued by the Hawaii State Department of Labor and Industrial Relations (DLIR). The certificate is valid for six (6) months from the date of issue. A photocopy of the certificate is acceptable to the SPO.

The DLIR Form LIR#27 Application for Certificate of Compliance with Section 3-122-112, HAR, and its filing instructions are available on the DLIR website: <http://labor.hawaii.gov/forms/>.

Compliance with Section 103D-310(c), HRS, for an entity doing business in the State. Contractor shall be required to submit a Certificate of Good Standing (COGS) issued by the State of Hawaii Department of Commerce and Consumer Affairs (DCCA) – Business Registration Division (BREG). The Certificate is valid for six (6) months from date of issue. A photocopy of the certificate is acceptable to the SPO.

To obtain the Certificate, the Offeror must be registered with the BREG. A sole proprietorship is not required to register with the BREG and is therefore not required to submit the certificate.

For more information regarding online business registration and the COGS is available at <http://cca.hawaii.gov/breg/>.

H. Effective Date and Contract Period. This Addendum is effective upon the date of execution by the Participating State and shall continue for the term set forth in the Master Agreement.

4. Licensing

Offerors (Bidders) and Contractors must be properly licensed and capable of performing the Work as described in the RFP at the time of submission of the Proposal(Bid), in accordance with the Professional and Vocational licensing laws of the state. Contractors under Participating Addendums must maintain any and all required licenses through the duration of the contract and Participating Addendum.

5. Lease Agreements:

Leasing is not authorized by this Addendum

6. Primary Contact:

The primary contact individuals for this Addendum are as follows (or their named successors:

Participating State	
Name:	Matthew Chow
Address:	State Procurement Office 1151 Punchbowl Street, Room 416 Honolulu, HI 96813
Telephone:	(808) 586-0577
Fax:	(808) 586-0570
E-Mail:	matthew.m.chow@hawaii.gov

Contractor	
Name:	Karen Schneider
Address:	3935 Acacia Ave Bonita, CA 91902
Telephone:	(720) 397-5563
Fax:	
E-Mail:	kasch@us.ibm.com

7. Subcontractors:

Subcontractors are allowed under this Addendum.

8. Freight Charges:

Prices proposed will be the delivered price to any state agency or political subdivision. All deliveries will be F.O.B. destination with all transportation and handling charges paid by the Contractor. Responsibility and liability for loss or damage will remain with Contractor until final inspection and acceptance when responsibility will pass to the Buyer except as to latent defects, fraud, and Contractor's warranty obligations. Any portion of a full order originally shipped without transportation charges (that failed to ship with the original order, thereby becoming back-ordered) will also be shipped without transportation charges.

9. Purchase Order and Payment Instructions:

All purchase orders issued by Participating Entities under this Addendum shall include the Participating State contract number: SPO Vendor List Contract No. 17-18 and the NASPO ValuePoint Master Agreement Number AR3107.

- Purchase Orders and Payments shall be made to International Business Machines Corp. or authorized subcontractors, if any.

10. Participating Entity as Individual Customer:

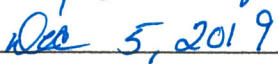
Each Participating Entity shall be treated as an individual customer. Except to the extent modified by this Addendum, each Participating Entity will be responsible to follow the terms and conditions of the Master Agreement; and will have the same rights and responsibilities for their purchases as the Lead State has in the Master Agreement. Each Participating Entity will be responsible for its own charges, fees, and liabilities. Each Participating Entity will have the same rights to any indemnity or to recover any costs allowed in the Master Agreement for their purchases. The Contractor will apply the charges to each Participating Entity individually.

11. Entire Contract:

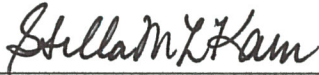
This Addendum, the Master Agreement, and the Attorney General's General Conditions, set forth the entire agreement, and all the conditions, understandings, promises, warranties and representations among the parties with respect to this Addendum and the Master Agreement, and supersedes any prior communications, representations or agreements whether, oral or written, with respect to the subject matter hereof.

Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum, the Master Agreement, and the Attorney General's General Conditions that are included in any purchase order or other document shall be void. The terms and conditions of this Addendum, the Master Agreement, and the Attorney General's General Conditions, shall govern in the case of any such inconsistent, contrary, or additional terms.

IN VIEW OF THE ABOVE, the parties execute this Addendum by their signatures, on the dates below.

Participating State: STATE OF HAWAII	Contractor: INTERNATIONAL BUSINESS MACHINES CORP.
Signature: 	Signature: 
Name: SARAH ALLEN	Name: KAREN SCHNEIDER
Title: Administrator, SPO	Title: 
Date: 12/24/19	Date: 

APPROVED AS TO FORM:



Deputy Attorney General

18 DEC -8 6301

18 DEC 50 6125