MEMORANDUM
Department of Education

State of Alaska
Division of Vocational Rehabilitation

TO: Commissioners, Div. Directors **DATE:** January 18, 1994

THRU: Patrick P.Ryan, Chief of Staff
Office of the Governor **PHONE:** 465-2814

FROM: Keith J. Anderson
State ADA Coordinator **RE:** State ADA Forms and Notice Standards

An inter-agency committee comprised of department ADA coordinators and staff from the state ADA office has developed standard forms for state agency ADA compliance activities. The committee has also developed standard ADA public notice statements.

The state forms and public notice statements should be used by all executive branch agencies to ensure that there are consistent agency standards and procedures for implementing state and federal ADA regulations. Department ADA coordinators should disseminate the forms and public notices to division, section, and office coordinators throughout the department.

State regulations (6 AAC 65.010-65.990) were recently adopted by the governor which codify the state policy on nondiscriminatory treatment of individuals with disabilities and establish procedures for agencies to informally resolve ADA complaints. The regulations became effective November 27th, 1993, and appear in Register 128 of the Alaska Administrative Code. The forms and notices attached to this memorandum comply with these regulations, Administrative Order 129, and the ADA.

State programs, services, and activities must be accessible to individuals with disabilities. Public meetings, and/or public hearings on proposed regulations, including teleconference sites, must be held at locations which are fully accessible to people with mobility, visual, and/or audio impairments. Public announcements must indicate that the state is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested.

Advertisements and other public announcements which are placed in newsprint, on bulletin boards, or announced through other forms of print media must contain an ADA compliance and accommodation statement. Recruitment and employment announcements must contain an equal employment opportunity statement. All qualified employees and

applicants for state positions who experience disabilities must be notified that reasonable accommodations will be provided upon request. Whenever possible, alternative forms of media, such as radio and television, should be used so that both sight and hearing impaired individuals have an opportunity to benefit from these announcements.

State publications must contain a general statement announcing that these materials will be made available in alternative formats, such as large print, Braille, cassette tape, or read orally when requested.

With these general guidelines in mind, the state ADA compliance program office has attempted to standardize ADA terminology and forms. Please instruct your department ADA coordinator to distribute the following public announcement statements and forms to division or section coordinators throughout the department:

EMPLOYMENT NOTICES :

The State of Alaska (insert appropriate executive branch department or division) complies with title I of the Americans with Disabilities Act of 1990 and is an equal opportunity employer. Reasonable accommodations will be made available to qualified individuals with disabilities upon request. Please contact (insert name of department or division representative at phone and TDD number) no later than (DATE) to make any necessary arrangements.

PUBLIC MEETING AND HEARING NOTICES, INCLUDING PROPOSED CHANGES IN REGULATIONS:

The State of Alaska (insert appropriate executive branch department or division) complies with title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this public meeting (insert hearing, if appropriate) should contact (insert name of department or division representative at telephone and TDD number) no later than (DATE) to make any necessary arrangements.

PUBLIC NOTICES ON REQUESTS FOR PROPOSALS FOR STATE GRANTS:

The State of Alaska (insert appropriate executive branch department or division) complies with title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to apply for this state grant should contact (insert name of department or division representative at telephone and TDD number) no later than (DATE) to make any necessary arrangements.

PUBLIC NOTICES FOR PROCUREMENT DOCUMENTS (i.e. REQUESTS FOR PROPOSALS (RFP'S) OR INVITATIONS TO BID (ITB) ON CONTRACTS:

Please refer to the state administrative manual for specific

instructions on ADA compliant procurement activities.

PUBLICATIONS :

The State of Alaska (insert appropriate executive branch department or division) complies with title II of the Americans with Disabilities Act of 1990. This publication is available in alternative communication formats upon request. Please contact (insert name of department or division representative at telephone and TDD number) to make any necessary arrangements.

ADA STANDARDS FOR STATE GRANTS AND CONTRACTS (BOILERPLATE) :

Grantees, contractors, and others who receive funding from the State of Alaska (insert appropriate executive branch department or division) to provide a service or services to the general public as an agent of the state must certify that all programs, services, and activities operated under the grant or contract are made available to the general public in compliance with the Americans with Disabilities Act of 1990. Grant or contract recipients are subject to state review.

ADA STANDARDS FOR GRANTEES AND CONTRACTORS WHO RECEIVE STATE CAPITAL IMPROVEMENT PROJECT (CIP) FUNDING (BOILERPLATE) :

Grantees, contractors, and others who receive CIP funding from the State of Alaska (insert appropriate executive branch department or division) for facility renovations, alterations or new construction must submit to the grantor agency an accessibility survey audit and/or construction plan. Prospective CIP recipients must certify that the capital funding will be used to correct identified facility barriers or to construct new facilities which are fully accessible to and usable by individuals with disabilities. Facility modifications or new construction must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). CIP recipients are subject to state review.

POSTING ADA NOTICE REQUIREMENT AT STATE AGENCY
(28 CFR 35.106; 6 AAC 65.040) :

See "Forms" to follow

cc: Department ADA coordinators

81.010 - INTRODUCTION

The purpose of this section of the Administrative Manual is to supplement AS 36.30 and 2 AAC 12. If there is any conflict between this chapter and the statutes and regulations, the statutes and regulations prevail. One of the intentions of this chapter is to formalize and centralize procurement policy. Much of the chapter will be developed from requirements which are in addition to those detailed in statute and regulation. Other sections will contain policy clarifications which are developed to address specific questions or problems brought to our attention. Procurement personnel must have ready access to AS 36.30, 2 AAC 12, applicable sections of the Administrative Manual, their departmental and personal purchasing delegation and the departmental purchasing policies and procedures.

81.015 - OFFERORS WITH DISABILITIES

The Americans with Disabilities Act (ADA) of 1990 requires that persons with a disability be provided access to programs of state government. This law impacts procurement activities. Potential offerors or vendors with a disability must be provided access to the procurement process to ensure they can participate with other offerors or vendors on an even and fair basis.

Evaluation and award must be conducted in accordance with AS 36.30 and 2 AAC 12 to preserve fair competition between all offerors. An offeror with a disability must be provided accommodation to participate in a procurement process on equal basis with other offerors. No qualified individual with a disability shall, on the basis of disability, be excluded from participating in the procurement process. With the exception of preferences identified in AS 36.30.170, offerors with a disability are not accorded special treatment that would give them an unfair competitive advantage.

Special accommodations should be considered when conducting a procurement. The procurement officer should decide the person responsible for responding to a potential offeror with a disability if special accommodations are requested. A telecommunication device for the deaf (TDD) number is recommended to be listed in all procurement documents. The Division of Vocational Rehabilitation in the Department of Education is available should you require assistance.

There are generally five areas in the procurement process that must be considered and may require special actions to provide a person with a disability access to the procurement process.

1. NOTICES--When advertising is placed in a newspaper or other publication a clause must be included that advises potential respondents how to obtain special assistance if needed to understand the notice or to participate in the process advertised in the notice.

   The following clause should be included in all procurement notices:

   The State of Alaska complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids,

under a contract resulting from this solicitation comply with the Americans with Disabilities Act of 1990, 28 CFR, Part 35, Subpart B 35.130.

5. MEETINGS--Any meetings held must be accessible to a potential quoter, bidder or proposer with a disability. This means that the location of pre-bid or proposal conferences, bid openings, proposal presentations or proposal discussions must be accessible. In addition, signing interpreters or other accommodations may be required.

   The following clause should be included in all public procurement meeting notices:

   The State of Alaska complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this meeting should contact (insert name of department or division representative, their telephone and TDD numbers) no later than (insert date) to make any necessary arrangements.

81.020 - PROCUREMENT

This chapter covers the procurement of supplies, services, professional services as defined by AS 36.30.990(14), (15), and (16). The procurement of professional services is covered extensively in Section 82. Many expenditures of State funds do not involve the procurement of these items. If you wish to procure services in which an employer/employee relationship will exist (section 82.030 of the Administrative Manual), the work must be performed by an employee, not a contractor. Employees must be acquired through the personnel system, not the procurement system. If part of your mission involves the expenditure of State funds and you are not sure if it falls under the Procurement Code, you should check with the Department of Law. Any expenditures we have found which do not fall under the Procurement Code will be listed in Addendum 1. The procurement requirements for construction and procurements of equipment and services for the State Equipment Fleet must be made in accordance with requirements of the Department of Transportation and Public Facilities. This chapter does not apply to the acquisition of those items listed under AS 36.30.850(b).

The description of procurement in this chapter follows the procurement/flow chart attached. The procurement should be made in accordance with the first section which applies. The flow chart does not reflect purchases from correctional industries or employment programs. Procurements from those sources should be made as follows:

81.030 - CORRECTIONAL INDUSTRIES

Within the limits of their purchasing delegations, agencies may purchase directly from Correctional Industries without competitive bidding upon obtaining written determination from the Commissioner of the Department of Administration. Agencies requesting a determination should forward a memorandum indicating that

or other form acceptable to the Division of Finance and should reference the Contract Award number. Purchases must be made in the manner described in the contract.