September 7, 2012

**VIA ELECTRONIC MAIL**

Steven G. Haines  
Contracting Officer

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**Re: IIP e-Reader Market Research, U.S. Department of State e-Reader Initiative, Solicitation Number SAQMMA1210014**

Dear Mr. Haines,

The National Federation of the Blind and the DAISY Consortium have reviewed the U.S. Department of State’s Request for Information (RFI), Solicitation Number SAQMMA1210014, and offer the following comments and concerns regarding the RFI’s accessibility specifications.

**Background**

The National Federation of the Blind (NFB) and the DAISY Consortium are not-for-profit organizations that have a primary interest in ensuring that information is accessible to people who are blind or otherwise print disabled, including e-reading technology. To be clear, neither the NFB nor the DAISY Consortium seeks to be a vendor in response to the RFI. Our interest in the State Department’s consideration of an e-reader initiative has been and continues to be solely to ensure that any e-readers procured by the State Department are fully accessible to the blind and print disabled in compliance with federal law, including Section 508 of the Rehabilitation Act. It is with that intention that we provide these comments to the RFI.

The National Federation of the Blind (NFB) is a domestic, 501(c)(3) nonprofit organization incorporated in Washington, DC. The Federation has over 50,000 members organized into fifty-two affiliates (including DC and Puerto Rico) with over 700 local chapters. The ultimate purpose of the NFB is the complete integration of the blind into society on an equal basis. The NFB engages in advocacy, education, research, technology, and programs encouraging the independence and self-confidence of people who are blind or have low vision. Since the late 1990s, the NFB has devoted significant resources to ensure equal access to digital information. Equal access to digital information is critical, not only because of the increasing pervasiveness of digital content, but also because, unlike print, digital information is not inherently visual. Rather, digital content can be made available visually, aurally, and tactilely all at the same time and from the same original digital source. The NFB considers access to information a fundamental human right and access to digital information is therefore just as fundamental.

The DAISY Consortium is an international association that develops, maintains and promotes international DAISY (Digital Accessible Information System) Standards. It is managed by a Board made up of representatives from over twenty national and international organizations. The Consortium is constituted as a not-for-profit association under Swiss law and is governed by Articles of Association. The DAISY Consortium embraces the principles of global collaboration and transparency. It is premised on the belief that collaboration results in open international standards, and accessible digital content and reading systems. The DAISY Consortium's mission is to develop and promote international standards and technologies which enable equal access to information and knowledge by all people with print disabilities and which also benefit the wider community. The DAISY Consortium takes the position that e-readers must be fully accessible to all people with print disabilities.

On June 7, 2012, the State Department posted a Solicitation and Sole-Source Justification and Approval to award a contract to Amazon for procurement of 35,000 Kindle e-Readers at an anticipated value of $16.5 million. Because Amazon’s Kindle e-Readers are inaccessible and such an initiative would not only violate federal law, but significantly set back the vigorous efforts of the blind and print disabled communities to obtain equal access to information, the NFB and the DAISY Consortium wrote letters to the State Department alerting the State Department to the importance of accessibility and its legal obligations to ensure the accessibility of any e-readers it procures. Those letters are attached. In its letter, the NFB requested a meeting with Secretary Clinton and State Department officials to discuss these concerns. The NFB, DAISY Consortium and several international organizations that represent the interests of the blind and print disabled subsequently filed a Section 508 complaint with the State Department regarding its proposed procurement of inaccessible Kindle e-Readers *and* its current deployment of several thousand inaccessible Kindle e-Readers. That complaint, which is attached, is currently pending.

On August 15, 2012, the State Department withdrew its Solicitation and Sole-Source Justification and Approval and subsequently issued the RFI to which these comments respond. Thereafter, the NFB received a letter from Kara Snesko of the State Department, which is attached, cancelling the meeting it had sought with State Department officials to discuss concerns about the accessibility of e-readers. Instead, the letter “encouraged” the NFB to review the RFI and submit any information or questions to you.

Both the NFB and the DAISY Consortium have, accordingly, reviewed the RFI and remain concerned about the accessibility requirements of the State Department’s proposed e-Reader Initiative and the program’s compliance with Section 508. Our concerns and recommendations follow.

**Concerns Regarding the RFI’s Accessibility Specifications**

1. **The RFI Requires Vendor Support of Inaccessible E-Reader Devices, Including the Amazon Kindle**

The RFI’s objective provides, in relevant part, that the vendor provide a platform that “must support the registration of new devices as well as provide continuing support for existing DoS devices, which number over 6,000. The more than 6,000 devices include ***multiple Amazon Kindle models***, multiple Apple iPad models, and a variety of Android devices currently in use at over 800 embassies, consulates, American Spaces and schools overseas.” (emphasis added)

As explained in the attached June 18, 2012, letters to the State Department from the NFB and DAISY Consortium and the attached Section 508 complaint, Amazon’s Kindle e-Readers are inaccessible to the blind and print disabled. The procurement and use of such inaccessible technology by the State Department is a violation of Section 508. To require that the vendor support inaccessible technology procured or used by the Department in violation of its Section 508 obligations is illegal.

We therefore urge the Department to exclude any requirement that the vendor provide support for inaccessible e-reading technology, including support for the Amazon Kindle. Accordingly, the following requirements in the RFI should also be excluded to the extent they require support for inaccessible technologies:

* Content Distribution No. 1. “The vendor must provide a cloud-based secure distribution and management platform to centrally manage content across a variety and limitless number of e-readers and tablet devices located in over 190 countries, including those already in use at the DoS (e.g., ***multiple Amazon Kindle models***, multiple Apple iPad models, a variety of Android devices, PC and Mac computers).” (emphasis added)
* Content Requirement No. 3.“The vendor must wirelessly disseminate content to DoS’s existing devices, ***including Amazon Kindles***, Apple iOS, Android, PC, and MAC.” (emphasis added)
* Content Management No. 1. “The vendor must provide centralized content purchases, management and dissemination for all numbers of or subsets of DoS devices (e.g., Apple iOS, Android, ***Amazon Kindle***, PC, and MAC) deployed around the world.” (emphasis added)

1. **The RFI Fails to Require EPUB Format Capability**

The RFI does not require support for the accessible EPUB file format. Instead, it requires support for outdated and inaccessible e-book content formats. Specifically, the RFI requires the “device shall support the display of a variety of file formats, including PDF, TXT, MOBI, PRC, HTML, DOC(X), JPEG, PNG, GIF, and BMP.” (RFI, Devices No. 10) This list of file formats includes outdated e-book formats which do not support accessibility: MOBI is an Amazon proprietary format whereas PRC is an obsolete predecessor to MOBI; and PDF is not suitable for reflowable content and poses significant accessibility barriers. The remaining formats mentioned are not commonly used to distribute commercial publications. EPUB, however, is glaringly absent from the list.

As noted in the DAISY Consortium’s June 18, 2012, letter, EPUB is the broadly accepted, open standard format that supports accessibility in mainstream publications. EPUB has been designed to ensure that requirements for accessibility to the blind and others with print disabilities become part of the mainstream digital publication format. In addition to supporting robust accessibility, EPUB, unlike MOBI, fully supports global languages, including vertical writing and other requirements for East Asian and complex script typography. Finally, EPUB is becoming the industry standard. The reflow-centric EPUB is in the process of being mandated as a standard format for education institutions, governments, and others. In the North American market, both the American Association of Publishers and Book Industry Study Group have endorsed EPUB as the preferred standard format for commercial publications.

We urge the Department to require that, at a minimum, any e-reader device support open-standard format EPUB.

1. **The RFI Fails to Affirmatively Require that E-Readers be Accessible and Compliant with Section 508**

While we commend the inclusion of the Section 508 Compliance table, the specifications for devices do not affirmatively require that the device be independently accessible to and usable by the blind and print disabled. We urge the Department to include such a requirement.

1. **The Section 508 Compliance Table**

Finally, several sections of the Section 508 compliance table are problematic, including those noted below:

Section 1194.21 (c) Software applications and operating systems

The issue of focus is vital to the ability of a print disabled user to review text. The compliance table should seek information regarding the level can a user interact with the text (i.e., by sentence, by word, by character).

Section 1194.22 Web-based intranet and internet information and applications

The compliance table deems this section irrelevant. However, to the extent the vendor’s store and repository of materials are based on internet based systems or applications, these systems or applications must be accessible.

Section 1194.24 Video and multimedia products

Subsections (c), (d), and (e) are deemed irrelevant. However, if the device may be used to show video, those subsections must be applicable. Furthermore, captions should be readable as transcripts or in some other format that can be accessed via refreshable Braille for the deaf blind.

Section 1194.25 Self-contained closed products

This section is presently discounted as not relevant. Depending on how fully-featured the accessibility software or hardware is implemented in a device, some e-book readers may fall into this category, and thus the section would apply, particularly subsections (a), (e) – (h), and (i).

**Conclusion**

Both the NFB and the DAISY Consortium continue to share concerns that the State Department’s proposed e-Reader Initiative and RFI requirements disregard critical aspects of accessibility and place the State Department in further jeopardy of violating its Section 508

obligations. Under 508, the State Department “shall ensure” that its information technology is accessible. Currently available products and solutions exist which would allow the State Department to deploy e-readers in a fully accessible manner. Now is the time for the State Department to exercise leadership and meet fully the letter and spirit of Section 508. We continue to request a meeting with appropriate officials to discuss these concerns and offer guidance.

Sincerely,



Mehgan Sidhu, General Counsel

NATIONAL FEDERATION OF THE BLIND

George Kerscher, Secretary General

DAISY CONSORTIUM

Encl.