

Redacted Version
Janice Schacter Lintz

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November 18, 2016

Mr. Shaun Donovan
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Mr. Donovan,

Can the OMB please add a procurement code for hearing induction loops and other specific hearing access codes to its federal purchasing system? The lack of appropriate codes is impeding the implementation of effective hearing access despite the Americans with Disabilities Act of 1990 (ADA)'s passage 26 years ago. A similar issue occurred with captioning quality until the FCC added standards to its captioning requirement.¹

Hearing inductive loop assistive listening systems have a significant advantage over FM and infrared assistive listening systems. Users of the latter two must wear a receiver, but people with telecoil-equipped hearing aids or cochlear implants can use an induction loop system simply by activating their telecoils.

Companies and government agencies are unaware of the stigma attached to a system that requires wearing a visible receiver, which discourages some people with hearing loss from wearing them. Access that isn't used isn't effective, but a vendor who bids to provide an induction loop for an RFB would lose the bid based on price, since all assistive listening systems are mistakenly seen as equivalent.

Installers thus routinely recommend an FM system, which appears to be the least expensive and is the easiest to install. The receivers are priced separately and the cost of labor to maintain and distribute the devices is not included, so the FM system could actually be significantly more expensive.

Procurement companies like Ariba or government agencies such as the federal government, Port Authority of the NY/NJ (PANYNJ), the City of New York (NYC), or the NYC of Department of Education apparently do not have procurement codes for hearing induction loops. The Ariba code, which is from the UNSPSC, is for a "hearing control apparatus" and "hearing aids for the physically challenged." Notwithstanding the politically incorrect language, the code is completely unclear. Ariba's representative advised me they are adding specific codes but only the UN

¹ http://www.huffingtonpost.com/janice-s-lintz/thank-you-donald-trump-fr_b_7724758.html

can change its language. Based on the UN's Convention on the Rights of Persons with Disabilities (CRPD), that task is next to impossible. OMB can help set the standard for the UN.

Class	Item	Description
710	00	PROSTHETIC DEVICES, HEARING AIDS, AUDITORY TESTING EQUIPMENT, ELECTRONIC READING DEVICES, ETC.
710	09	Alarm Systems (For the Hearing Impaired)
710	60	Batteries, Hearing Aid
710	72	Hearing Aids
710	73	Hearing Devices (See 710-72 for Hearing Aids)
710	75	Hearing Protectors and Parts
710	95	Speech Training Equipment (For the Hearing Impaired)
725	58	Telecommunicators/Display Terminals (For The Hearing and Speech Impaired)
915	25	Captioned Services for the Hearing Impaired
936	45	Hearing Devices (Aids, Auditory Training Equipment, etc.)
961	67	Sign Language Services for the Hearing Impaired

The PANYNJ has a list of codes that also use politically incorrect language, do not include hearing induction loops, but include hearing aids and batteries.

New York City's code isn't much better, also using politically incorrect and overly broad language.² The code is 710-52 (Audio Equipment for Visual and/or Hearing Impaired). The vendors apparently determine the equipment recommended and purchased. Based on a FOIL request, the City hasn't purchased a single induction loop from 2014 through September 2016.

October 7, 2016

Janice S Lintz
Founder and CEO
Hearing Access & Innovations

Dear Ms. Lintz:

This letter is in response to your Freedom of Information Law request I received via e-mail on October 4, 2016.

As per your request "a copy of the contract for the hearing induction loop for the ADA Celebration for the test at Gracie Mansion", the work was performed via rental agreement, a copy is attached.

As to your request concerning "any and all loop contracts from the date of the last contracts provided to the present," Mayor's Office for People with Disabilities (MOPD) has not entered into any loop contracts. Finally, your request to "consider this an on-going request for any and all hearing induction loops installed by NYC" is not within the scope of the Freedom of Information Law as it pertains to existing documents and information not potential future records.

You have 30 days from receipt of this letter to appeal to Best Chiu at bchiu@cityhall.nyc.gov.

² The language also violates NYS' Person First Language statute. <http://colfax.cortland.edu/nysirrc/articles-handouts/NY%20Person-%20Language%20Law.pdf>

The New York City Department of Education (NYC DOE) has separate codes for goods and services. Goods use “Special Needs Equipment” and services use “Consulting, Special Education Services.” Again, generalized and politically offensive language is used.

When NYC DOE’s requests for bids (RFBs) are issued, the bidder with the lowest price wins. When general codes are used, the bidder is incentivized to use the system with the lowest price to win the bid regardless of which system people with hearing loss want.³ Should vendors decide the system? Vendors sell what is easiest to install and generates the most money while winning the bid and not necessarily what is best for the end user. NYC DOE doesn’t own its buildings nor does it engage the contractors. The City of NY’s procurement codes govern the NYC DOE’s schools.

If a request for proposal (RFP) is used where price is not the determining factor, someone in the process is needed who understands the differences between the different types of assistive listening systems to evaluate the bids. In 14 years, I have not met one person in a government agency or corporation outside the US Access Board who has heard of or understands what a hearing induction loop is and why it should be purchased. Disability coordinators usually use wheelchairs, and if they have a hearing loss, they are culturally Deaf and use sign language interpreters for communication access.⁴

Using a specific system or device code means the agency or corporation decides which system to purchase and requires the access coordinators to investigate the systems. Vendors will bid on a level playing field, which is exactly what happened with captions. Induction loops are not being installed around the country due to the lack of appropriate procurement codes.

Having a general code also bombards vendors with inapplicable bid requests. Under the NYC DOE’s system, assistive listening system vendors receive every bid for “Special Needs Equipment,” including wheelchair accessible toilets. Small businesses that wish to bid need to sift through mountains of RFBs to find the needle in the haystack.

Adding a code for induction loops and specific hearing access will solve these issues. I am happy to assist, but if the government would like me to consult, then

³ People with hearing loss do not want to wear stigmatizing devices.

⁴ There is a bizarre job requirement across the country that mandates that those serving people who have a hearing loss must know sign language, even though only a tiny proportion of this population (those in the Deaf community) can sign. Since few people who are hard of hearing know sign language, they cannot obtain employment in access. Access positions are also usually awarded to people with visible disabilities to demonstrate that the company or agency is pro-disability, and hearing loss is an invisible disability: http://www.huffingtonpost.com/janice-s-lintz/hearing-loss-the-forgotte_b_7896184.html

I should be paid.⁵ There seems to be an impression that people in the disability world should be happy to work for free. This perception also needs to change.

Thank you for your consideration and as you can imagine, time is of the essence because of the change of administration.

Best,

Janice S. Lintz
Mother of a Child with Hearing Loss
CEO/Founder, Hearing Access & Innovations

cc:

Victor Calise, Commissioner, NYC Mayor's Office for People with Disabilities

Lisette Camillo, Commissioner, DCAS,

David Capozzi, Director, US Access Board,

Patrick J. Foy, Director, Port Authority of New York and New Jersey

Valerie Jarrett, Senior Advisor to the President of the United States,

Ms. Naomi Milton, Supervisory Attorney, Disability Rights Section, US
Department of Justice,

Michael Owh, Director of the Mayor's Office of Contract Services for New York
City,

Corinne Rello-Anselmi, Deputy Chancellor for Special Education for the City of
New York, and Carrie Batemen, Chief of Staff to Deputy
Chancellor for Special Education Corinne Rello-Anselmi,

⁵ <https://www.linkedin.com/pulse/consulting-people-disabilities-janice-s-lintz?trk=prof-post>