

Introduction

Section 508 of the amended Rehabilitation Act (“Section 508”) was enacted to eliminate barriers that might interfere with the ability of individuals with disabilities to fully access Web-delivered information and fully utilize Web-based tools and services. Section 508 requirements apply to Web sites, including all forms of information and posted content, as well as any associated applications including Web or media.

This interim acquisition policy provides language applicable to Statements of Work (SOW) or Performance Work Statements (PWS) generated by the Department of Health and Human Services (HHS) that require a contractor or consultant to (1) produce content in any format that could be placed on a Department-owned or Department-funded Web site; or (2) write, create or produce any communications materials intended for public or internal use - to include reports, documents, charts, posters, presentations (such as Microsoft PowerPoint) or video material that could be placed on a Department-owned or Department-funded Web site. The project officer (also known as the contracting officer’s technical representative) must ensure that communications products produced or delivered by contractors or consultants meet applicable Section 508 accessibility standards and are suitable for posting to an HHS Web site.

Discussion and Analysis

This policy applies to:

1. HHS Operating Divisions and Staff Divisions (OPDIVs/STAFFDIVs) and to their contractors and consultants that produce new reports, brochures, and other text or graphical communications products, or produce new multimedia products, such as videotapes and Webcasts, or provide computer based training materials or products.
2. HHS OPDIVs/STAFFDIVs and to their contractors and consultants that provide new Web-based product support documentation to end-users.

This interim acquisition guidance does not apply to those systems covered by the specific Health and Human Services Acquisition Regulation (HHSAR) guidance (dated January 16, 2008) for the acquisition of Electronic and Information Technology (EIT) (including Web-based applications, software packages deployed through the Web and script-based interactive sites).

This interim acquisition guidance is effective upon issuance for all new acquisitions.

Responsibilities

The Assistant Secretary for Resources and Technology (ASRT) shall:

Provide policy and procedural support with respect to establishing, implementing, operating and maintaining Web sites or producing communication products and services.

The Assistant Secretary for Public Affairs (ASPA) shall:

Propose Section 508-compliant performance standards, provide guidance for their implementation, and ensure that HHS-funded or HHS-managed Web sites are in compliance with Section 508. Guidance and training is available at <http://www.hhs.gov/web/policies/index.html#508>.

Develop training and technical assistance materials to support OPDIVs/STAFFDIVs in the use of this guidance.

Appoint a representative to the HHS Section 508 Program Team to ensure alignment with ongoing Departmental Section 508 activities.

The Director of the Office on Disabilities (OD) shall:

Approve and interpret Section 508-compliant performance standards.

Disseminate updated guidance and policy interpretations through <http://508.hhs.gov/>.

Provide technical support to OPDIVs/STAFFDIVs in determining the application of Section 508.

Share best practices through the Section 508 Program Team.

Review lessons learned and coordinate with ASPA necessary updates to Section 508 guidance.

The Deputy Assistant Secretary for Acquisition Management and Policy (DASAMP) shall:

Ensure the HHS Acquisition Regulation (HHSAR) is modified to incorporate the interim Section 508 guidance provided in this document and ensure that it enhances and supports existing Section 508 guidance.

OPDIVs/STAFFDIVs shall:

Ensure that HHS-funded or HHS-managed Web sites are in compliance with Section 508.

Ensure that the staff receives training and technical assistance regarding Section 508.

Interim Acquisition Guidance

For new actions, while developing or amending a SOW or PWS in accordance with HHSAR 307.7106 (renumbered HHSAR 307.7108) and FAR 37.602, project officers must address communications products and services in the HHS Acquisition Plan. In addition to the acquisition planning requirements under HHSAR Part 307, project officers must address Section 508 compliance requirements for documents generated for and by HHS that require a contractor or consultant to produce content in any format that could be placed on a Department-owned or Department-funded Web site.

For those acquisitions of communications products and services not requiring an Acquisition Plan, the Project Officer must include all documentation pursuant to HHSAR 307.7101(c). The assigned project officer (contracting officer's technical representative) will ensure communication products are provided to the end-users in a Section 508-compliant format.

The project officer must list the applicable provisions of the Access Board Final (36 CFR Part 1194) in the SOW/PWS – e.g., “36 CFR 1194(a)-(j)”. Most Web-based text and communication will need to meet 36 CFR Part 1194.22, “Web-Based Intranet and Internet Information and Applications”. Additionally, 36 CFR Part 1194.41, “Information, Documentation and Support,” and 36 CFR Part 1194.24 “Video and Multimedia Products” are of particular importance with regard to all written, graphical or broadcast, video materials or products produced for HHS (to include training). 36 CFR Part 1194.41 outlines the requirements supporting services for products accommodating the communication needs of end-users with disabilities. Contact your OPDIV/STAFFDIV Section 508 Coordinator for additional assistance in determining the applicable provisions.

The Project Officer (the Contracting Officer's Technical Representative), in consultation with ASPA/Web Communications Division, will make a Section 508-compliance determination prior to posting to a Department-owned or Department-funded Web site.

The project officer shall include the attached “Section C.A. Section 508” language in Statements of Work (SOWs) or Performance Work Statements (PWS) generated by the Department of Health and Human Services (HHS) for communication products and services that could be placed on a Department-owned or Department-funded Web site.

C.A. Section 508

This language is applicable to Statements of Work (SOW) or Performance Work Statements (PWS) generated by the Department of Health and Human Services (HHS) that require a contractor or consultant to (1) produce content in any format that could be placed on a Department-owned or Department-funded Web site; or (2) write, create or produce any communications materials intended for public or internal use; to include reports, documents, charts, posters, presentations (such as Microsoft PowerPoint) or video material that could be placed on a Department-owned or Department-funded Web site.

Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) requires Federal agencies to purchase electronic and information technologies (EIT) that meet specific accessibility standards. This law helps to ensure that federal employees with disabilities have access to, and use of, the information and data they need to do their jobs. Furthermore, this law ensures that members of the public with disabilities have the ability to access government information and services.

There are three regulations addressing the requirements detailed in Section 508. The Section 508 technical and functional standards are codified at 36 CFR Part 1194 and may be accessed through the Access Board's Web site at <http://www.access-board.gov>. The second regulation issued to implement Section 508 is the Federal Acquisition Regulation (FAR). FAR Part 39.2 requires that agency acquisitions of Electronic and Information Technology (EIT) comply with the Access Board's standards. The entire FAR is found at Chapter 1 of the Code of Federal Register (CFR) Title 48, located at <http://www.acquisition.gov>. The FAR rule implementing Section 508 can be found at <http://www.section508.gov>. The third applicable regulation is the HHS Acquisition Regulation (HHSAR).

Regardless of format, all Web content or communications materials produced for publication on or delivery via HHS Web sites - including text, audio or video - must conform to applicable Section 508 standards to allow federal employees and members of the public with disabilities to access information that is comparable to information provided to persons without disabilities. All contractors (including subcontractors¹) or consultants responsible for preparing or posting content intended for use on an HHS-funded or HHS-managed Web site must comply with applicable Section 508 accessibility standards, and where applicable, those set forth in the referenced policy or standards documents below. Remediation of any materials that do not comply with the applicable provisions of 36 CFR Part 1194 as set forth in the SOW or PWS, shall be the responsibility of the contractor or consultant retained to produce the Web-suitable content or communications material.

¹ Prime contractors may enter into subcontracts in the performance of a Federal contract, but the prime remains obligated to deliver what is called for under the contract.

US Department of Health and Human Services (HHS)
Acquisition of Communications Products
Interim Acquisition Guidance

The following Section 508 provisions apply to the content or communications material identified in this SOW or PWS:

[Project Officer must list the applicable provisions of the Access Board Final Rule (36 CFR Part 1194) – e.g., “36 CFR 1194.21(a)-(j)”]

References:

HHS Policy for Section 508 Electronic and Information Technology (E&IT)
(January 2005): http://www.hhs.gov/od/Final_Section_508_Policy.html

HHS Section 508 Web site: <http://508.hhs.gov/>

HHS ASPA Web Communications Division Web site:
<http://www.hhs.gov/web/policies/index.html>

US General Services Administration (GSA) Section 508 Web site:
<http://www.section508.gov/index.cfm>