Office of Information Services
Centers for Medicare & Medicaid Services

Procedure:

Determining Section 508 Compliance

July 16, 2008

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1. PURPOSE

This document establishes the procedure for the Centers for Medicare & Medicaid Services (CMS) to determine compliance of electronic and information technology (EIT) with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 (d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998.

2. REFERENCES

- CMS Policy for Section 508 Compliance

3. SCOPE

This procedure is to be utilized by all CMS employees, contractors, and partners developing, procuring, maintaining, or using EIT products or services on behalf of CMS.

Within the FAR 2.101, EIT has the same meaning as "information technology," except EIT also includes any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term EIT, includes, but is not limited to, telecommunication products (such as telephones), information kiosks and transaction machines, worldwide websites, multimedia, and office equipment (such as copiers and fax machines).

According to OMB Circular A-130, “information technology” is equipment or interconnected systems that are used in the automatic acquisitions, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

To further clarify the FAR definition, EIT includes any product used to acquire, store, manipulate, or transmit information. This includes software applications and operating systems; web-based intranet and internet information and applications such as distance learning; telephones and other telecommunications products; information kiosks and transaction machines; video equipment and multimedia products that may be distributed on videotapes, CDs, DVDs, or the World Wide Web; office products such as photocopiers and fax machines; calculators; and computer hardware.

According to the Access Board, EIT does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. Examples of non-EIT include heating, ventilation, and air conditioning

(HVAC) equipment such as thermostats or temperature control devices and medical equipment where information technology is integral to its operation.

4. ROLES AND RESPONSIBILITIES

The following entities have specific responsibilities related to the implementation of this procedure:

4.A. All CMS Employees, Agents, and Contractors

For the purposes of this procedure, all CMS employees, agents, and contractors are responsible for ensuring that all content, documents, applications, and files authored, owned, developed, maintained, and submitted for publication on CMS' public-facing websites and the CMS intranet or distributed via broadcast emails are Section 508 compliant in accordance with this procedure.

4.B. CMS Requesting Officials (Purchase Requestors), Business Owners, and/or Project Managers

For the purposes of this procedure, CMS Requesting Officials (Purchase Requestors), Business Owners, and/or Project Managers are responsible for the following activities:

- Completing the **Section 508 Determination & Findings for Purchase Requests** form for every new purchase request in accordance with Section 5.A. of this procedure;
- Ensuring that an appropriately completed **Section 508 Determination & Findings for Purchase Requests** form is attached to each new purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form) before it is submitted through the standard CMS procurement process;
- Reviewing the Access Board standards and determining which Section 508 Accessibility Standards (36 CFR Part 1194) apply to the specific EIT product or service being developed, procured, maintained, or used;
- Appropriately documenting a Section 508 "General EIT" exception, if determined to be applicable, by completing the **Section 508 General EIT Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attaching the completed form to the corresponding purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form) before it is submitted through the standard CMS procurement process;
- Conducting market research in accordance with the *Procedure: Conducting Market Research* to identify what EIT products, if any, are available in the marketplace to meet the business requirements and associated technical provisions of the Access Board's standards, and appropriately documenting the results;

- Appropriately documenting a Section 508 "Undue Burden" exception, if determined to be applicable, by completing the **Section 508 EIT "Undue Burden" Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attaching the completed form to the corresponding purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form) before it is submitted through the standard CMS procurement process;
- Appropriately documenting a Section 508 "Commercial Non-Availability" exception, if determined to be applicable, by completing the **Section 508 EIT "Commercial Non-Availability" Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions* and attaching the completed form to the corresponding purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form) before it is submitted through the standard CMS procurement process;
- Ensuring that Section 508 compliance and accessibility is appropriately addressed and evaluated during the life cycle of an EIT product or service that is developed (built) or adapted specifically for CMS in accordance with Section 5.B. of this procedure;
- Ensuring that a **CMS Section 508 Product Assessment** is completed by the manufacturer, vendor, or developer for every EIT product or service developed or procured by CMS;
- Ensuring that a **CMS Section 508 Product Assessment** is completed by the manufacturer, vendor, or developer of all legacy EIT products or services that are operating in the CMS production environment (e.g., websites, information systems, applications, etc.), which have not been previously evaluated for Section 508 compliance;
- In collaboration with the business component's CMS Section 508 Clearance Officer and/or the CMS Section 508 Coordinator, developing a remediation plan for achieving Section 508 compliance for legacy EIT products that are operating in the CMS production environment that are determined to be non-compliant, or requesting an applicable Section 508 exception in accordance with the *Procedure: Section 508 Exceptions*; and
- In collaboration with the business component's CMS Section 508 Clearance Officer and/or the CMS Section 508 Coordinator, reviewing completed **CMS Section 508 Product Assessments** for compliance of the EIT product or service with the Section 508 EIT Accessibility Standards.

4.C. System Developers & System Maintainers

For the purposes of this procedure, System Developers and System Maintainers are responsible for the following:

- Collaborating with the Business Owner in reviewing and revalidating all of the applicable Access Board technical provisions that were documented in the *Requirements Document* and making any necessary adjustments before

establishing the requirements baseline for the EIT product or service to be developed (built) or adapted specifically for CMS;

- Completing a **CMS Section 508 Product Assessment** for every EIT product or service developed (built) or adapted specifically for CMS in accordance with Section 5.B. of this procedure;
- Ensuring that all EIT products or services designed and developed (built) or adapted specifically for CMS meet all of the applicable Access Board technical provisions that were documented in the *Requirements Document* and are fully tested for Section 508 compliance and accessibility;
- Ensuring that plans for testing or verifying/validating compliance with the applicable technical provisions (Section 508 requirements) are finalized and documented in the *Test Plan*, and that test cases are created to test the Section 508 requirements, which are documented in the *Test Case Specification*;
- Fixing any reported defect in an EIT product or service that was developed (built) or adapted specifically for CMS; and
- Ensuring that Microsoft Word, Microsoft Excel, Microsoft PowerPoint, and Portable Document Format (PDF) files that are created for CMS are Section 508 compliant and accessible in accordance with Sections 5.D., 5.E., 5.F., and 5.G. of this procedure.

4.D. CMS Section 508 Clearance Officer

For the purposes of this procedure, the CMS Section 508 Clearance Officer is responsible for the following:

- Providing assistance in determining the Section 508 EIT Accessibility Standards that apply to the development or procurement of a specific EIT product or service for CMS;
- Providing assistance in evaluating EIT products/services for Section 508 compliance;
- Reviewing new purchase requests originating within the CMS business component to ensure CMS' compliance with Federal requirements relative to Section 508;
- Reviewing completed **CMS Section 508 Product Assessments** within the business component and making determinations as to the compliance of the associated EIT product or service with the applicable Section 508 accessibility standards;
- Certifying in writing as appropriate that a "General EIT", "Commercial Non-Availability", or "Undue Burden" exception applies to an EIT procurement, if determined to be applicable, in accordance with the *Procedure: Section 508 Exceptions*;
- Reviewing electronic communications acquired or created by the CMS business component for Section 508 compliance in accordance with applicable Section 508 accessibility standards before the communications are released; and

- Ensuring the development and completion of remediation plans for EIT that is identified as being non-compliant with Section 508 and the responsibility of the CMS business component.

4.E. CMS Section 508 Coordinator

For the purposes of this procedure, the CMS Section 508 Coordinator is responsible for the following:

- Providing assistance in determining the Section 508 EIT Accessibility Standards that apply to the development or procurement of a specific EIT product or service for CMS;
- Reviewing completed **CMS Section 508 Product Assessments** and making determinations as to the compliance of the associated EIT product or service with the applicable Section 508 EIT Accessibility Standards;
- Assisting in the development of remediation plans for achieving Section 508 compliance of non-compliant legacy EIT operating in production;
- Certifying in writing as appropriate that a "General EIT", "Commercial Non-Availability", or "Undue Burden" exception applies to an EIT procurement, if determined to be applicable, in accordance with the *Procedure: Section 508 Exceptions;* and
- Certifying that a developed EIT product is Section 508 compliant or that the appropriate Section 508 exception has been fully documented and approved/ certified by all required signatories prior to release of the EIT product or service into the CMS production environment.

4.F. Office of Acquisition and Grants Management (OAGM) Procurement Officials (Contracting Officers) and Individual Credit Card Purchasers

For the purposes of this procedure, the Procurement Officials (Contracting Officers) in the OAGM and Individual Credit Card Purchasers are responsible for the following:

- Ensuring that a completed **Section 508 Determination & Findings for Purchase Requests** form is attached to each completed purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form) and maintained in the contract or purchase documentation files for all EIT procurements; and
- Ensuring that the appropriate form (i.e., **Section 508 General EIT Exception Determination & Findings Certification**, **Section 508 EIT "Undue Burden" Exception Determination & Findings Certification**, or **Section 508 EIT "Commercial Non-Availability" Exception Determination & Findings Certification**) is completed and attached to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form) when a Section 508 exception is determined to be applicable and is appropriately certified.

4.G. OIS-Designated Testing Resource

For the purposes of this procedure, the OIS-Designated Testing Resource is responsible for testing EIT products or services that are developed (built) or adapted specifically for CMS in accordance with the documented *Test Plan* and corresponding *Test Case Specification*, and recording the results from the testing in a *Test Summary Report*.

4.H. Office of Beneficiary Information Services (OBIS)

For the purposes of this procedure, OBIS is responsible for the following activities:

- Ensuring that there is a process in place for publishing content on CMS' public-facing websites (http://www.cms.hhs.gov/ and http://www.medicare.gov/) and the CMS intranet, which is Section 508 compliant in accordance with applicable Section 508 accessibility standards and procedures;
- Ensuring the framework templates for CMS' public-facing websites and the CMS intranet are Section 508 compliant;
- Performing random audits to verify that content published on CMS' public-facing websites and the CMS intranet are Section 508 compliant;
- Denying new content from being published on CMS' public-facing websites and the CMS intranet if it is not Section 508 compliant; and
- Assisting in the development of remediation plans for achieving Section 508 compliance of non-compliant content published on CMS' public-facing websites and the CMS intranet.

5. PROCEDURE

The following describes the sequence of steps that comprise the procedure for determining compliance with Section 508 of the Rehabilitation Act of 1973, as amended, of an EIT product or service that is purchased or developed by CMS. The steps are listed in the sequence in which they generally occur. There may be cases, however, where the sequence will be different (e.g., market research may need to be conducted at an earlier point than is listed here, or an "Undue Burden" exception may be able to be certified at an earlier stage because of existing knowledge of the marketplace).

5.A. Purchase Requests

The following describes the sequence of steps that comprise the procedure for ensuring CMS' compliance with Federal requirements relative to any new purchase request:

STEP 1: The Requesting Official (Purchase Requestor) completes Section 1 of the **Section 508 Determination & Findings for Purchase Requests** form identifying whether or not the business need potentially relates to information technology (IT) as a procurement deliverable.

If the purchase request does relate to IT, then the Requesting Official (Purchase Requestor) indicates as such in Section 1 of the **Section 508 Determination & Findings for Purchase Requests** form, and proceeds to Step 2.

If the purchase request does not relate to IT, then the Requesting Official (Purchase Requestor):

(1.) Completes the certification line for Section 1 of the **Section 508 Determination & Findings for Purchase Requests** form;
(2.) Reads Sections 2 and 3 of the **Section 508 Determination & Findings for Purchase Requests** form, but does not certify to them; and
(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

STEP 2: If the purchase relates to IT, then the Requesting Official (Purchase Requestor) completes Section 2 of the **Section 508 Determination & Findings for Purchase Requests** form identifying whether or not the purchase request also qualifies as an EIT procurement. Refer to Section 2 of the **Section 508 Determination & Findings for Purchase Requests** form for a detailed definition of what qualifies as EIT.

If the purchase request does qualify as an EIT procurement, then the Requesting Official (Purchase Requestor) indicates as such in Section 2 of the **Section 508 Determination & Findings for Purchase Requests** form, and proceeds to Step 3.

If the purchase request does not relate to IT, then the Requesting Official (Purchase Requestor):

(1.) Completes the certification line for Section 2 of the **Section 508 Determination & Findings for Purchase Requests** form;
(2.) Reads Section 3 of the **Section 508 Determination & Findings for Purchase Requests** form, but does not certify to it; and
(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

STEP 3: If the purchase qualifies as being for EIT, then the Requesting Official (Purchase Requestor) completes Section 3 of the **Section 508 Determination & Findings for Purchase Requests** form identifying whether or not the qualifying EIT falls under one of the "General EIT" exceptions.

If the purchase request does not meet any of the criteria for a "General EIT" exception, then the Requesting Official (Purchase Requestor) indicates as such in Section 3 of the

Section 508 Determination & Findings for Purchase Requests form, and proceeds to Step 4.

If the purchase request does meet the criteria to be considered a "General EIT" exception, then the Requesting Official (Purchase Requestor):

(1.) Identifies which exception(s) are applicable and completes the certification line for Section 3 of the **Section 508 Determination & Findings for Purchase Requests** form;

(2.) Completes the **Section 508 General EIT Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions*; and

(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form and the completed **Section 508 General EIT Exception Determination & Findings Certification** form to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

STEP 4: If the purchase qualifies as being for EIT and none of the "General EIT" exceptions are applicable, then the Requesting Official (Purchase Requestor) completes Section 4 of the **Section 508 Determination & Findings for Purchase Requests** form identifying whether or not any of the Access Board's technical provisions (36 CFR Subparts 1194.21 through 1194.41) are applicable to the purchase request.

Refer to the Section 508 EIT Accessibility Standards available at http://www.access-board.gov/sec508/standards.htm, the **CMS Section 508 Product Assessment**, and/or use the *Buy Accessible Wizard* at http://www.buyaccessible.gov/ to assist in determining the technical provisions that apply. Seek assistance from the business component's CMS Section 508 Clearance Officer, the CMS Section 508 Coordinator, or the HHS Office on Disability if help is needed to interpret the standards.

If any of the technical provisions are applicable to the purchase request, then the Requesting Official (Purchase Requestor) indicates as such in Section 4 of the **Section 508 Determination & Findings for Purchase Requests** form, and proceeds to Step 5.

If none of the technical provisions are applicable to the purchase request, then the Requesting Official (Purchase Requestor):

(1.) Completes the certification line for Section 4 of the **Section 508 Determination & Findings for Purchase Requests** form;

(2.) Completes the **Section 508 General EIT Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions*; and

(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form and the completed **Section 508 General EIT Exception Determination & Findings Certification** form to the purchase request (i.e.,

HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

STEP 5: If any of the Access Board's technical provisions are applicable to the purchase request, then the Requesting Official (Purchase Requestor) conducts market research in accordance with the *Procedure: Conducting Market Research* to determine the availability of compliant products and services in the commercial marketplace.

There may be some products on the market that are partially compliant (i.e., the products meet some, but not all, of the applicable standards) or market research may indicate that there are no compliant EIT products and services currently available in the commercial marketplace. Market research may also provide pricing information; however, the Requesting Official (Purchase Requestor) is not allowed to solicit prices from prospective vendors while conducting market research. Market research may also show that purchase of compliant EIT would impose an "undue burden" on the Agency (e.g., the cost of the compliant EIT is significantly higher than non-compliant EIT). Each of these scenarios is addressed in the remaining procedural steps.

If as a result of the market research, a commercial product was not found that meets **ALL** of the applicable technical provisions of Section 508 that apply to the purchase request, then the Requesting Official (Purchase Requestor) indicates as such in Section 5 of the **Section 508 Determination & Findings for Purchase Requests** form, and proceeds to Step 6.

If as a result of the market research, a commercial product was found that meets **ALL** of the applicable technical provisions of Section 508 that apply to the purchase request, then the Requesting Official (Purchase Requestor):

(1.) Completes the certification line for Section 5 of the **Section 508 Determination & Findings for Purchase Requests** form;

(2.) Has the manufacturer, vendor, or developer of the compliant EIT product complete the **CMS Section 508 Product Assessment**; and

(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form and the completed **CMS Section 508 Product Assessment** to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

STEP 6: If from the market research there are no products or services identified that meet ALL of the Access Board's technical provisions applicable to the purchase request, then the Requesting Official (Purchase Requestor) determines from the market research if a commercial or non-commercial product can be acquired or will be produced in response to the solicitation that will meet the applicable technical provisions, and completes

Section 6 of the **Section 508 Determination & Findings for Purchase Requests** form accordingly.

If a product is being built or adapted for HHS and/or CMS specifically, then the appropriate contractual language requiring, monitoring, and testing conformance to the applicable Section 508 technical provisions is to be included in the solicitation. See Appendix A for sample language that should be incorporated into a Statement of Work (SOW), Performance Work Statement (PWS), or Task Order (TO) specific to the delivery of electronic communications.

If the market research indicates that only products that are partially compliant are available in the marketplace, the Requesting Official (Purchase Requestor) may claim that the product as a whole is non-available because it does not meet all of the accessibility standards, but the Requesting Official (Purchase Requestor) must comply with those accessibility standards that can be met that are available in the commercial marketplace in time to meet the delivery requirements.

If no commercial or non-commercial product will be produced in response to the solicitation that will meet the applicable Access Board technical provisions, then the Requesting Official (Purchase Requestor) indicates as such in Section 6 of the **Section 508 Determination & Findings for Purchase Requests** form, and proceeds to Step 7.

If a commercial or non-commercial product will be produced in response to the solicitation that will meet applicable Access Board technical provisions, then the Requesting Official (Purchase Requestor):

(1.) Completes the certification line for Section 6 of the **Section 508 Determination & Findings for Purchase Requests** form; and

(2.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

STEP 7: If as a result of the market research, a commercial product was not found that meets **ALL** of the applicable technical provisions of Section 508 that apply to the purchase request AND a commercial or non-commercial product that meets the technical provisions will not be acquired or built/adapted in response to a solicitation, then the Requesting Official (Purchase Requestor) completes Section 7 of the **Section 508 Determination & Findings for Purchase Requests** form identifying whether or not the requirement that is less than fully compliant with Section 508 is a "commercial item" by FAR definition. Refer to Section 7 of the **Section 508 Determination & Findings for Purchase Requests** form for the definition of "commercial item". If the purchase is for a custom-built product, then a fully documented "Undue Burden" exception is the only reason for partial or non-compliance.

If the requirement that is less than fully compliant with Section 508 is for a "commercial item", then the Requesting Official (Purchase Requestor) indicates as such in Section 7 of the **Section 508 Determination & Findings for Purchase Requests** form, and proceeds to Step 8.

If the requirement that is less than fully compliant with Section 508 is not for a "commercial item", then the Requesting Official (Purchase Requestor):

(1.) Completes the certification line for Section 7 of the **Section 508 Determination & Findings for Purchase Requests** form;

(2.) Completes the **Section 508 EIT "Undue Burden" Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions*; and

(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form and the completed **Section 508 EIT "Undue Burden" Exception Determination & Findings Certification** form to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

STEP 8: If the requirement that is less than fully compliant with Section 508 is for a "commercial item", then the Requesting Official (Purchase Requestor) determines from the market research if CMS will NOT acquire the available commercial product that best meets both the applicable Access Board technical provisions and the Agency minimum needs, and completes Section 8 of the **Section 508 Determination & Findings for Purchase Requests** form accordingly.

If CMS will NOT acquire the available commercial product that best meets both the applicable Access Board technical provisions and the Agency minimum needs because the EIT would impose a significant difficulty or expense on the program or component for which the EIT is acquired, then the Requesting Official (Purchase Requestor) documents an "Undue Burden" exception. Note that an "Undue Burden" determination may be practical only after the Procurement Official (Contracting Officer) in OAGM has received responses to a solicitation.

(1.) Completes the certification line for Section 8a. of the **Section 508 Determination & Findings for Purchase Requests** form;

(2.) Completes the **Section 508 EIT "Undue Burden" Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions*; and

(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form and the completed **Section 508 EIT "Undue Burden" Exception Determination & Findings Certification** form to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

If an "Undue Burden" exception is not determined, then the Requesting Official (Purchase Requestor):

(1.) Completes the certification line for Section 8b. of the **Section 508 Determination & Findings for Purchase Requests** form;

(2.) Completes the **Section 508 EIT "Commercial Non-Availability" Exception Determination & Findings Certification** form in accordance with the *Procedure: Section 508 Exceptions*; and

(3.) Attaches the completed **Section 508 Determination & Findings for Purchase Requests** form and the completed **Section 508 EIT "Commercial Non-Availability" Exception Determination & Findings Certification** form to the purchase request (i.e., HHS-393 Form or Credit Card Purchase Authorization Form, as applicable) and submits the package through the standard CMS procurement process as appropriate, thereby completing the procedure for determining Section 508 compliance for the purchase request.

5.B. Developed EIT

The following describes the sequence of steps that comprise the procedure for ensuring Section 508 compliance of all EIT developed in-house or pursuant to a contract or purchase agreement (e.g., development of information systems or applications). Refer to the *CMS Integrated IT Investment & System Life Cycle Framework* available at http://www.cms.hhs.gov/SystemLifecycleFramework/ for detailed information regarding the lifecycle phases, deliverables, and reviews that are identified in the steps that follow.

STEP 1: During the Concept Phase of the EIT product's development life cycle, the Business Owner ensures that all applicable Access Board technical provisions are documented as product requirements in the *Requirements Document*. Refer to the Section 508 EIT Accessibility Standards available at http://www.access-board.gov/sec508/standards.htm, the **CMS Section 508 Product Assessment**, and/or use the *Buy Accessible Wizard* at http://www.buyaccessible.gov/ to assist in determining the technical provisions that apply. Seek assistance from the business component's CMS Section 508 Clearance Officer, the CMS Section 508 Coordinator, or the HHS Office on Disability if help is needed to interpret the standards. The results of EIT market research conducted for Section 508 compliance in accordance with the *Procedure: Conducting Market Research* should also be considered and included or referenced in the *High-Level Technical Design Concept & Alternatives Analysis* document as appropriate.

STEP 2: During the Requirements Analysis Phase of the EIT product's development life cycle, the Business Owner and the System Developer or System Maintainer review and revalidate all of the applicable Access Board technical provisions that were previously documented in the *Requirements Document* and make any necessary adjustments before establishing the requirements baseline. The System Developer or System Maintainer includes plans for testing or validating compliance with the applicable technical provisions (Section 508 requirements) as the *Test Plan* is drafted and test scenarios and success criteria are identified.

STEP 3: During the *Design Phase* of the EIT product's development life cycle, the System Developer or System Maintainer completes a **CMS Section 508 Product Assessment** for the designed/modified EIT product and includes it as an attachment to the *System Design Document (SDD)*. The completed **CMS Section 508 Product Assessment** is reviewed by the Project Manager, the business component's CMS Section 508 Clearance Officer, and/or the CMS Section 508 Coordinator for initial compliancy during the Preliminary Design Review (PDR) and/or the Detailed Design Review (DDR). The System Developer or System Maintainer will modify the design as necessary to ensure that the developed EIT product will be Section 508 compliant, or the Project Manager will ensure that the appropriate Section 508 exception is documented and approved in accordance with the *Procedure: Section 508 Exceptions*. The System Developer or System Maintainer and the Project Manager also ensure that plans for testing or verifying/validating compliance with the applicable technical provisions (Section 508 requirements) are finalized and documented in the *Test Plan* and that test cases are created to test the Section 508 requirements.

STEP 4: During the Development Phase of the EIT product's development life cycle, the System Developer or System Maintainer ensures that the developed *Business Product/Code* is Section 508 compliant (i.e., meets the Section 508 requirements that were documented in the *Requirements Document* and the initial **CMS Section 508 Product Assessment** that was included in the *SDD*), unless an appropriate Section 508 exception has been documented and approved. The System Developer or System Maintainer and the Project Manager also ensure that the *Test Case Specification* includes one or more test cases that will test each of the Section 508 requirements to verify compliance.

STEP 5: During the Test Phase of the EIT product's development life cycle, the OIS-Designated Testing Resource tests the EIT product in accordance with the documented *Test Plan* and corresponding *Test Case Specification*, and records the results from the testing in a *Test Summary Report*. Screen readers and other accessibility tools are available to assist in the testing process. The System Developer or System Maintainer fixes any reported defects in the EIT product, and the OIS-Designated Testing Resource retests the EIT product for Section 508 compliance, if necessary. The results from the Section 508 testing will serve as input to the Implementation Readiness Review (IRR).

STEP 6: During the Implementation Phase of the EIT product's development life cycle, the System Developer or System Maintainer prepares a final **CMS Section 508 Product Assessment** for the developed EIT product that will serve as input to the Operational Readiness Review (ORR). During the ORR, the CMS Section 508 Coordinator will certify that the EIT product is Section 508 compliant or that the appropriate Section 508 exception has been fully documented and approved prior to release of the EIT product into the production environment. If the EIT product is determined to not be Section 508 compliant and an appropriate exception has not been documented and approved, then the Project Manager in conjunction with the business component's CMS Section 508 Clearance Officer and/or the CMS Section 508 Coordinator must prepare a remediation plan for achieving compliance.

STEP 7: During the Operations & Maintenance Phase of the EIT product's life cycle, the existing **CMS Section 508 Product Assessment** for the EIT product that is operating in production must be reviewed and appropriately updated by the manufacturer, vendor, or developer for each new release of the EIT product if it is modified, and the new EIT product retested by the OIS-Designated Testing Resource for Section 508 compliance, and certified by the Project Manager, the business component's CMS Section 508 Clearance Officer, and/or the CMS Section 508 Coordinator for compliance prior to the revised EIT product's release into the production environment.

5.C. Legacy EIT Operating in Production

The following describes the sequence of steps that comprise the procedure for ensuring that legacy EIT that is operating in the CMS production environment (e.g., websites, information systems, applications, etc.) that have not been previously evaluated for Section 508 compliance are properly evaluated.

STEP 1: The Business Owner has the manufacturer, vendor, or developer of the EIT product complete a **CMS Section 508 Product Assessment** and gives a copy to the Project Manager, the business component's CMS Section 508 Clearance Officer, and/or the CMS Section 508 Coordinator.

STEP 2: The Project Manager, the business component's CMS Section 508 Clearance Officer, and/or the CMS Section 508 Coordinator reviews the completed **CMS Section 508 Product Assessment** for compliance of the EIT product with the Section 508 EIT Accessibility Standards. If the EIT product is determined to be non-compliant, then the Project Manager is responsible, within 45 days of the non-compliance determination, for developing a remediation plan for achieving compliance or for requesting an applicable Section 508 exception in accordance with the *Procedure: Section 508 Exceptions*.

STEP 3: If remediation or an exception is determined, the business component's CMS Section 508 Clearance Officer and the CMS Section 508 Coordinator review the developed remediation plan or Section 508 exception, as appropriate. If the remediation plan is for achieving Section 508 compliance of non-compliant content published on CMS' public-facing websites and the CMS intranet, the remediation plan must also be reviewed by OBIS.

5.D. Microsoft Word Files

Since the majority of documents are converted from Microsoft Word to Portable Document Format (PDF) files for posting to the Internet and/or Intranet, it is important to ensure that the source documents (Microsoft Word files) are Section 508 compliant before conversion. The following is a checklist for assessing each of the requirements that must be met for the content of a Microsoft Word document to be deemed Section 508 compliant.

Document Layout and Formatting:

1. The document has been formatted using Style elements in a hierarchical manner (i.e., headings different from body text, etc.).
2. The document utilizes recommended fonts (i.e., Times New Roman, Verdana, Arial, Tahoma, or Helvetica).
3. If the file is 10 pages or more in length, a Table of Contents (TOC) that is linked to sections of the document is included at the beginning of the document.
4. The document has no flashing/flickering text and/or animated text.
5. Page numbering codes are used as opposed to manually typed page numbers.
6. If footnotes are present, they have been created through Word Footnote linking.
7. If color is used to emphasize the importance of specific text, there is an alternate method used to convey the importance as well.
8. The bullet style is being used as opposed to manually typed characters (e.g., hyphens).
9. If the bullet style is being used, the default round bullet is used.
10. All edits have been accepted or rejected and all comments have been removed.
11. Track changes and formatting marks have been turned off.
12. The document has been reviewed in Print Preview for a final visual check.
13. All URLs are hyperlinked with the full Web address (e.g., http://www.cms.hhs.gov).
14. All URLs are linked to active Web destinations.

Document Images:

15. All images and non-text elements have alternative text (Alt Text) descriptions.
16. All charts and graphs have alternative text descriptions.
17. Complex images have descriptive text immediately after the image.
18. The document is free of background images or watermarks.
19. The image text wrapping style “In Line with Text” is used for all images.
20. Multiple images are grouped as one object.
21. Alternate text has been associated with all grouped images.
22. Text boxes are not being used for simple graphics.

Document Tables:

23. Tables are used to create a tabular structure (i.e., tabs or spaces are not used to display columns of information).
24. All tables have reading order from left to right, top to bottom.
25. Tables containing data have the entire first row designated as a ‘header row’ in table properties.
26. Data cells in tables are associated with a ‘header row’.
27. All tables are described and labeled (captioned).

28. In table properties, the option to "Allow row to break across pages" is unchecked so that rows will not break across pages.

Additional Requirements:

29. The document file name does not contain spaces and/or special characters.
30. The document file name is concise, generally limited to 20-30 characters, and makes the contents of the file clear in the context in which it is presented.
31. The document's Properties (i.e., Subject, Author, Title, Company, Keywords, and Language) are properly completed.

5.E. Microsoft Excel Files

The following is a checklist for assessing each of the requirements that must be met for the content of a Microsoft Excel file to be deemed Section 508 compliant. Note that an Excel file should not be saved to PDF. The only way to effectively convert an Excel spreadsheet to PDF is to "Copy and Paste" the spreadsheet into Microsoft Word and then convert it to a PDF from the Word format.

Document Layout and Formatting:

1. The document utilizes recommended fonts (i.e., Times New Roman, Verdana, Arial, Tahoma, or Helvetica).
2. Formula cells are indicated by a comment to alert users of their functionality. The comment is the actual formula in the cell so that an Assistive Technology (AT) screen reader will alert the user to what it is doing.
3. Merged cells are only used for formatting purposes within the table header (i.e., non-data section of the table). For example, merging the cells within a table header is acceptable (see table example below), but is not acceptable within the data area of the table. Note: The data provided in the table below is used only for demonstration purposes and does not represent any actual data.

Office of Information Services					
	EDG	**BAMG**	**ISDDG**	**EDCG**	**EASG**
FTEs	47	61	72	52	83
Contractors	6	19	9	23	5
Other	3	1	0	8	3

4. All tables are prefixed with the table name and table number, if applicable. This information is separated from the actual data table so that an AT screen reader can present it prior to reading the data table.
5. The header rows are formatted to repeat on the top of the table if it goes from one page to another. This will allow an AT screen reader to re-state the header information to the user as the table continues from one page to another.
6. All worksheet cells that contain hyperlinks display the full Web address (e.g., http://www.cms.hhs.gov).

7. All of the worksheet hyperlinks are linked to active Web destinations.
8. Track changes and any formatting marks have been turned off.
9. All edits have been accepted or rejected and all comments have been removed.
10. All of the active worksheets within a workbook have been given clear and concise names to identify the source and contents.

Document Images:

11. All of the worksheet graphics (images and non-text elements) have alternative text (Alt Text) associated with them.
12. All of the worksheets that have multiple associated images on the same page have them grouped as one object.
13. All worksheets that have grouped images have alternative text (Alt Text) associated with the images.
14. All charts were created in Excel. If any charts were created outside of Excel, they are identified as images and treated as such.
15. All charts have a Title, Legend, and Axis labels to give users a number of reference points to use in order to correctly interpret the information being presented.
16. All complex images (i.e., charts, graphs, flowcharts, etc.) have descriptive text immediately after the image.

Document Tables:

17. All of the worksheets have tables that have a logical layout based on rows and columns.
18. All tables have reading order from left to right, top to bottom.
19. All tables have clear, concise, and readily identifiable column headers.
20. All tables have clear, concise, and readily identifiable row headers, if applicable.
21. There are no merged cells in the tabular data area of the table. Merged cells are only acceptable in the header row of the table.
22. Row and column headers start in the first left-hand column of the table.

Additional Requirements:

23. The document file name does not contain spaces and/or special characters.
24. The document file name is concise, generally limited to 20-30 characters, and makes the contents of the file clear in the context in which it is presented.
25. The document's Properties (i.e., Subject, Author, Title, Company, Keywords, and Language) are properly completed.
26. A separate text-only version of the document has been provided when there is no other way to make the content accessible. For example, an organizational chart must have a text-only version.

5.F. Microsoft PowerPoint Files

The following is a checklist for assessing each of the requirements that must be met for the content of a Microsoft PowerPoint file to be deemed Section 508 compliant.

Document Layout and Formatting:

1. The document utilizes recommended fonts (i.e., Times New Roman, Verdana, Arial, Tahoma, or Helvetica).
2. All slides were created using the Slide Title placeholder defined within the Slide Master.
3. All slides were created using a Slide Layout template driven by Master Text Styles to drive not only the content presentation (i.e., font characteristics), but also the content hierarchy (i.e., Heading 1, Heading 2, etc.).
4. None of the slides have flashing/flickering text and/or animated text.
5. If color is used to emphasize the importance of specific text, there is an alternate method used to convey the importance as well.
6. All slides that contain hyperlinks (URLs) display the full Web address (e.g., http://www.cms.hhs.gov).
7. All slides that contain hyperlinks (URLs) are linked to active Web destinations.
8. All slides have their text accessible via the Outline View. Note that any text within text boxes or graphics (with embedded text) are not accessible via the Outline View and will not be adequately identified by an AT screen reader.

Document Images:

9. All slide graphics (images and non-text elements) have alternative text (Alt Text) associated with them. Also note that any images that are included as part of the Slide Master will not be accessible to an AT screen reader for interpretation, so this practice should be avoided. Images used only for decoration have null Alt Tags.
10. All slides have multiple associated images on the same page and have them grouped as one object.
11. All slides that have grouped images have alternative text (Alt Text) associated with the images.
12. All charts were created in PowerPoint. If any charts were created outside of PowerPoint, they are identified as images and treated as such.
13. All slides that have charts on them have Title, Legend, and Axis labels to give users a number of reference points to use in order to correctly interpret the information being presented.
14. Complex images (i.e., charts, graphs, flowcharts, etc.) have descriptive text immediately after the image.

Document Tables:

15. All tables were created in PowerPoint. If any tables were created outside of PowerPoint, they are identified as images and treated as such.
16. All tables have a logical layout based on rows and columns, and are oriented so that they are read from left to right, top to bottom.
17. All tables have readily identifiable row and column headings starting in the first left-hand column of the table. Column and row headers are clear and concise to assist the reader in identifying the segmentation of the data in the table.
18. Tables are used to create a tabular structure (i.e., tabs or spaces are not used to display columns of information).
19. All tables are clearly and concisely identified with a name, number (if applicable), and a description of the tables' contents to help clarify the purpose of the table and identify its relationship to the presentation.

Additional Requirements:

20. The document file name does not contain spaces and/or special characters.
21. The document file name is concise, generally limited to 20-30 characters, and makes the contents of the file clear in the context in which it is presented.
22. The document's Properties (i.e., Subject, Author, Title, Company, Keywords, and Language) are properly completed.
23. A separate text-only version of the document has been provided when there is no other way to make the content accessible. For example, an organizational chart must have a text-only version.

5.G. Portable Document Format (PDF) Files

The following describes the sequence of steps that comprise the procedure for ensuring that a PDF file is Section 508 compliant and fully accessible using Adobe Acrobat Professional 8.0 or a later version of the software.

STEP 1: Open the PDF document that is to be evaluated by choosing File > Open. Choose File > Properties and select the "Advanced" tab to ensure that the "Language" field that appears under "Reading Options" is properly set. Also review the "Description" tab to ensure there is appropriate information in the Title, Author, Subject, and Keywords fields and that the document is a "Tagged PDF".

STEP 2: Ensure that the page properties of the document have been properly set to help ensure proper reading order by an AT screen reader. Choose View > Navigation Panels > Pages to check the properties for each of the pages of the document. As depicted in Figure 1, select each page in the left frame of the screen, click on the "Options" menu in that frame, and select "Page Properties" that appears at the bottom of the displayed window of options.

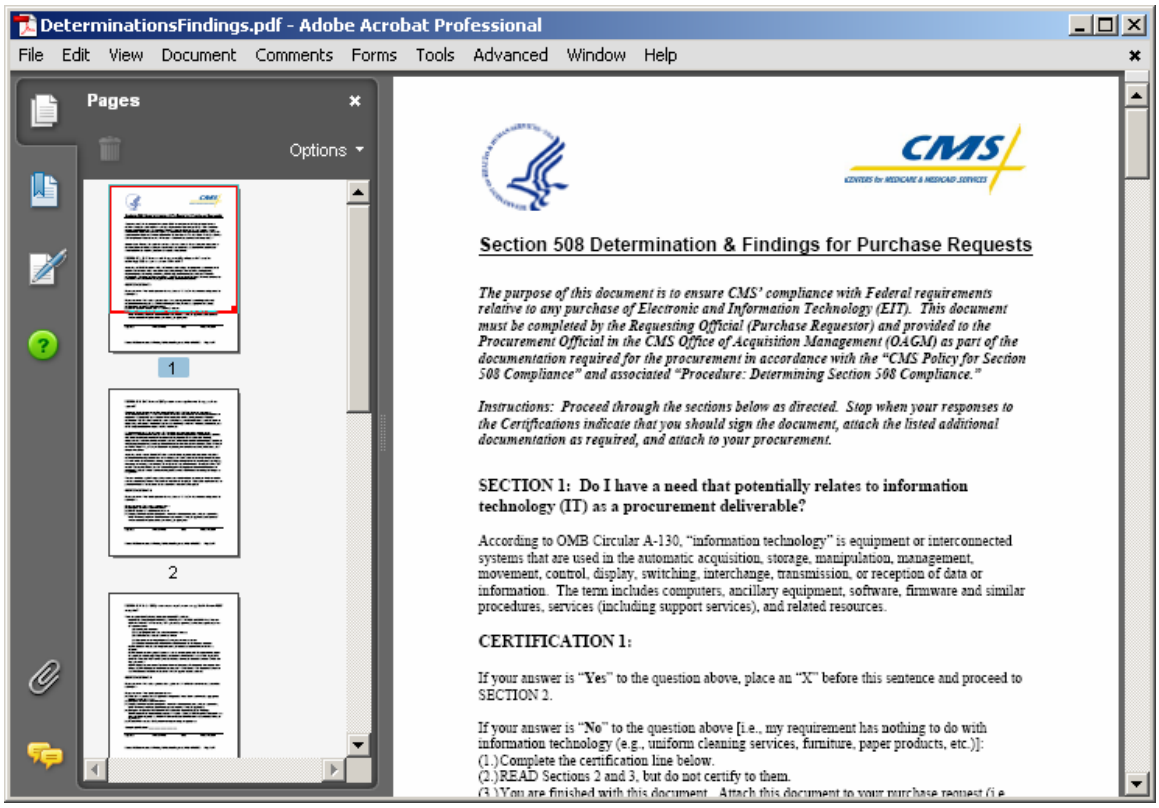

Figure 1 – Sample Page Properties View

The "Page Properties" window will then be displayed as depicted below in Figure 2. Ensure that the "Tab Order" of the document page is set properly. Generally, most PDF documents should be set to "Use Document Structure" as depicted in Figure 2. Close the Page Properties / Tab Order options window when finished. Complete this step for each page in the PDF document.

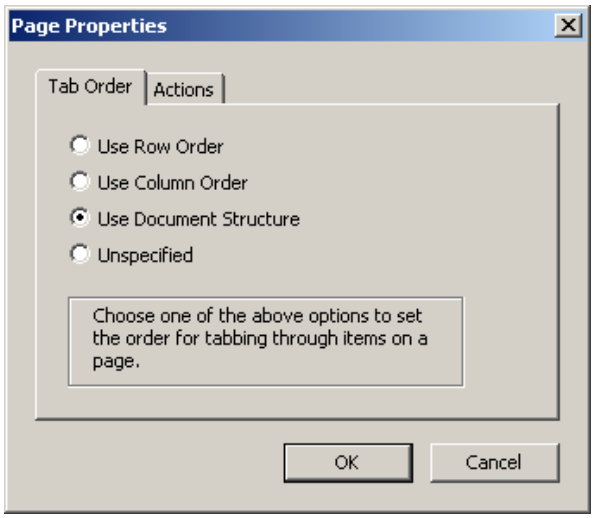

Figure 2 – Page Properties / Tab Order Option Window

STEP 3: To check the accessibility of the PDF document, choose Advanced > Accessibility > Full Check and click OK. A window of available options will then be presented as depicted below in Figure 3. Make sure that the following "Report and Comment Options" and "Page Range" options are checked as depicted in Figure 3:

- Create Accessibility Report
- Include repair hints in Accessibility Report
- All pages in document

Also make sure that all of the available "Checking Options" are selected as depicted in Figure 3, and then click "Start Checking," which appears in the lower right corner of the window.

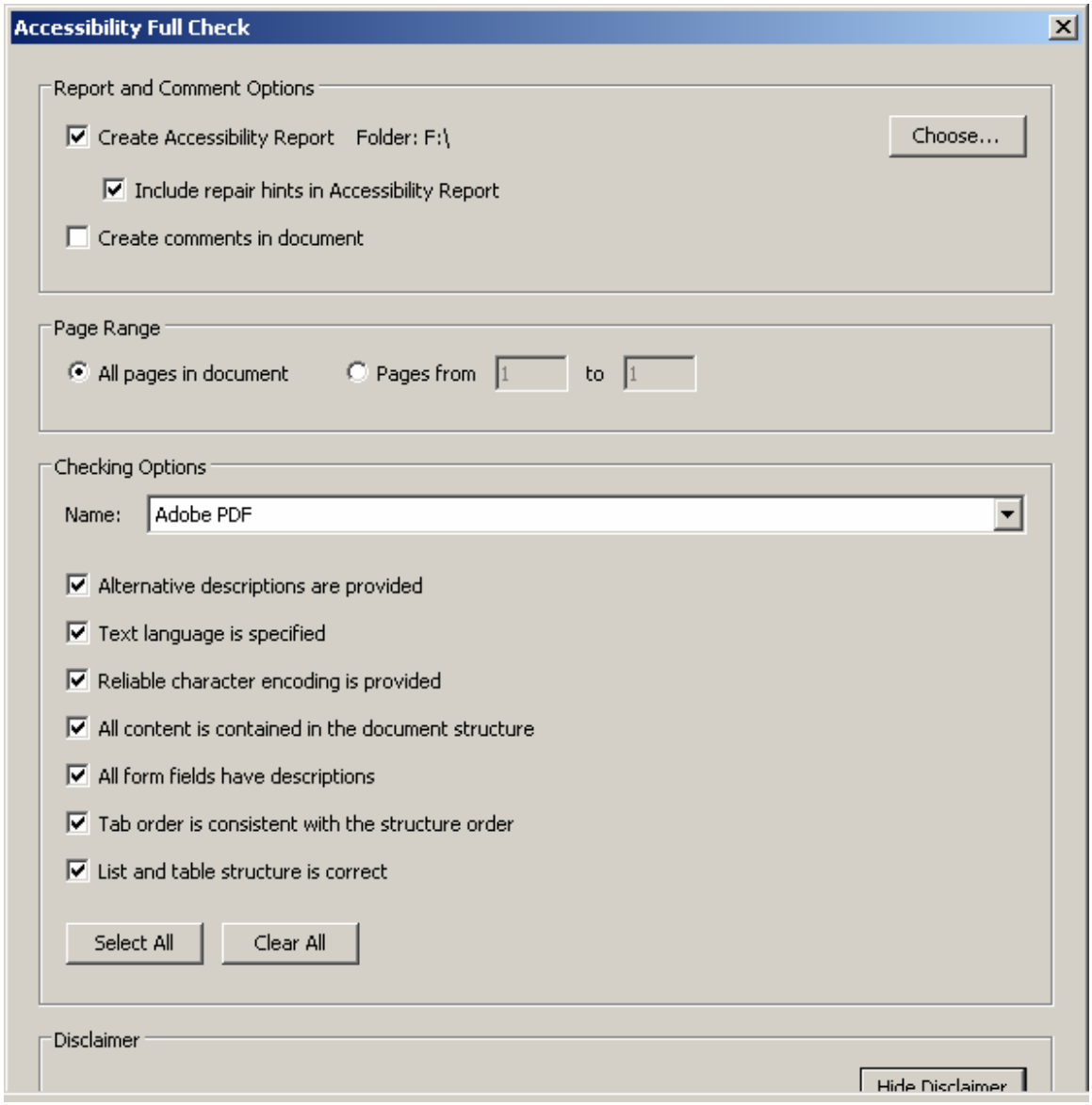

Figure 3 – Adobe Acrobat Accessibility Full Check Options Window

STEP 4: Adobe Acrobat Professional will present a summary report indicating either that the checker found no problems with the document or will list the problems that were found which may prevent the document from being fully accessible. Click OK in the lower right corner of the summary report window and a full accessibility report will be presented that identifies the accessibility errors in detail and provides hints for how to repair them.

As much as possible, the accessibility errors reported by Adobe Acrobat Professional should be corrected in the original source file (e.g., the original Microsoft Word file in accordance with Section 5.D. of this procedure or the Microsoft PowerPoint file in accordance with Section 5.F. of this procedure). The PDF file should then be re-created and re-evaluated for Section 508 compliance.

STEP 5: Evaluate the reading order of the PDF using the Read-Out-Loud feature in Adobe Acrobat Professional to help ensure that the PDF will function properly when read by an AT screen reader. Though not an actual AT screen reader, the Read-Out-Loud feature makes it easy for PDF files to be read by your computer as long as the information in the document is tagged. The tagging information in the PDF file tells a screen reader and other assistive technology devices how to treat the text blocks, paragraphs, etc., to infer a logical sequence for reading.

You can read aloud as much of a PDF document as you need: a page or the entire document. To read a particular page, choose View > Read Out Loud > Activate Read Out Loud. Make sure that the volume control on your computer is turned up sufficiently for you to hear what is being read. Choose either View > Read Out Loud > Read This Page Only or Read To End of Document to begin reading the document out loud.

If the reading order is not as expected, select View > Navigation Panels > Order to view the current sequential order of the items appearing on the specific page. If the order of the items on the page is not as it should be and needs to be changed, select the displaced item from the “Order” tab (see example depicted below in Figure 4) and drag it into the proper location. The reading order will be adjusted accordingly and can be rechecked using the Read-Out-Loud feature.

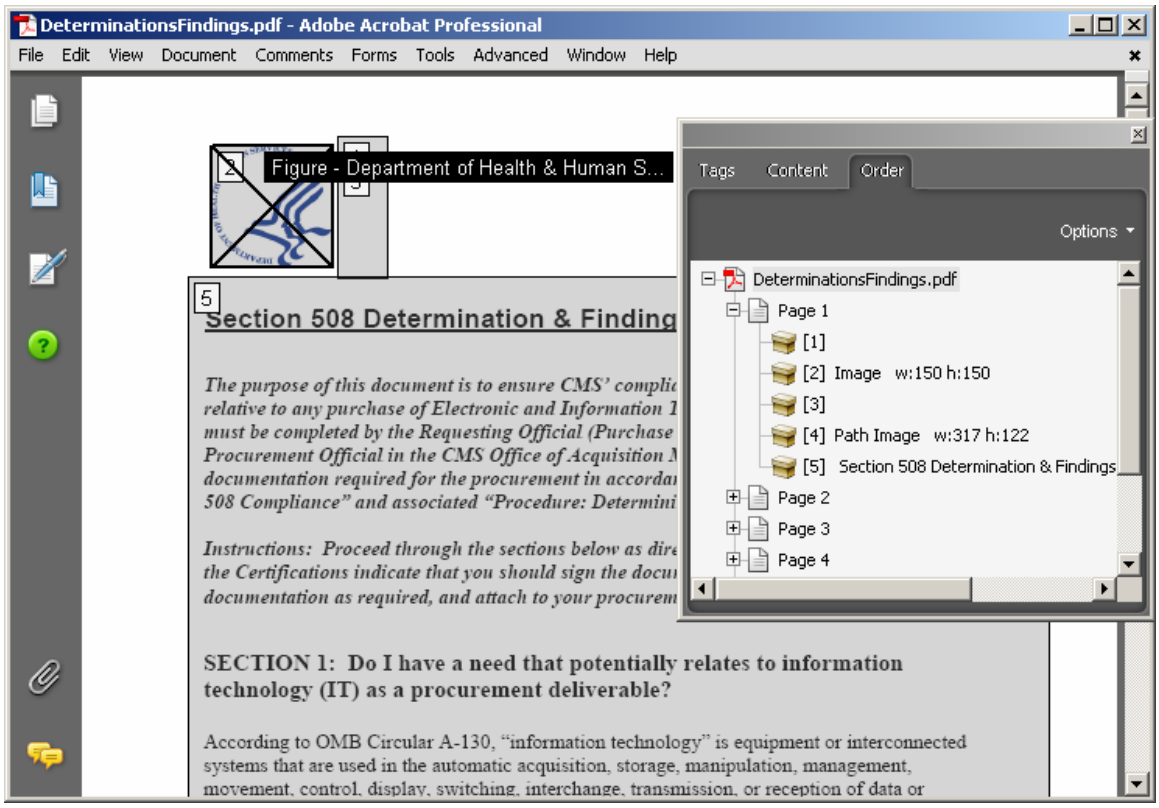

Figure 4 – Sample Reading Order Window

The following is a checklist for assessing each of the requirements that must be met for the content of a PDF file to be deemed Section 508 compliant.

Document Layout and Formatting:

1. The document utilizes recommended fonts (i.e., Times New Roman, Verdana, Arial, Tahoma, or Helvetica).
2. The document has a logical reading order (i.e., the tab order is correct).
3. The document contains functioning bookmarks and/or a Table of Contents for internal navigation if the document is 10 pages or longer.
4. All hyperlinks (URLs) are displayed with the full Web address (e.g., http://www.cms.hhs.gov).
5. All hyperlinks (URLs) are linked to active Web destinations.
6. All comment and markup items have been removed from the document.
7. Acrobat accessibility tags have been added to the document as part of the conversion process and have been visually verified.
8. A full Accessibility Report has been run on the document in Adobe Acrobat Professional 8 or higher showing no errors are present.
9. Multi-column text, tables, and/or call-out boxes have been checked for correct reading order using the Adobe Acrobat Professional Read-Out-Loud feature.

Document Images:

10. The document has no scanned images of text.
11. All images and non-text elements have alternative text (Alt Text) descriptions.
12. All charts and graphs have alternative text descriptions.
13. Complex images have descriptive text immediately after the image.
14. Multiple images are grouped as one object.
15. Alternate text has been associated with all grouped images.

Document Tables:

16. All tables have a logical layout based on rows and columns, and are oriented so that they are read from left to right, top to bottom.
17. All tables have readily identifiable row and column headings starting in the first left-hand column of the table. Column and row headers are clear and concise to assist the reader in identifying the segmentation of the data in the table.
18. All data cells in the tables are logically associated with the header row (i.e., there is a logical, one-to-one association from the data to the information in the header row).
19. All table cells, with the exception of those associated with the header row, are designated as data cells.
20. Tables are used to create a tabular structure (i.e., tabs or spaces are not used to display columns of information).
21. All tables are clearly and concisely identified with a name, number (if applicable), and a description of the tables' contents.

Additional Requirements:

22. The document file name does not contain spaces and/or special characters.
23. The document file name is concise, generally limited to 20-30 characters, and makes the contents of the file clear in the context in which it is presented.
24. The document's properties have been properly completed, the proper language has been specified, and the document is determined to be a "Tagged PDF".
25. A visual check has been performed on the document to ensure that no hidden data from the original source file used to create the PDF (e.g., Microsoft Word, Microsoft PowerPoint, etc.) is present in the PDF file.
26. A separate text-only version of the document has been provided when there is no other way to make the content accessible. For example, an organizational chart must have a text-only version.
27. An HTML version of the document is available if the PDF version cannot be made Section 508 accessible.
28. The document does not contain any scanned signatures, which would be considered a security risk. If a signature is needed, it is indicated via an alternate method (e.g., /s/).

6. EFFECTIVE DATES

This procedure becomes effective on the date that the CMS Section 508 Official signs it, and remains in effect until officially superseded or cancelled by the CMS Section 508 Official.

7. INFORMATION AND ASSISTANCE

For further information and/or assistance regarding this procedure, please contact the CMS Section 508 Coordinator located in the Office of Information Services (OIS).

8. APPROVED

/s/ 7/16/2008

Julie C. Boughn
CMS Section 508 Official

Date of Issuance

9. ATTACHMENTS

The following documents augment this procedure:

- Procedure: Conducting Market Research
- Procedure: Section 508 Exceptions
- Form: Section 508 Determination & Findings for Purchase Requests
- Form: Section 508 General EIT Exception Determination & Findings Certification
- Form: Section 508 EIT “Undue Burden” Exception Determination & Findings Certification
- Form: Section 508 EIT “Commercial Non-Availability” Exception Determination & Findings Certification
- Form: CMS Section 508 Product Assessment

APPENDIX A – CONTRACT LANGUAGE

Section 508 Compliance for Communications

The <name of system, website, or product> shall comply with the standards, policies, and procedures below. In the event of conflicts between the referenced documents and this <SOW, PWS, or TO>, the <SOW, PWS, or TO> shall take precedence.

Rehabilitation Act, Section 508 Accessibility Standards

1. 29 U.S.C. 794d (Rehabilitation Act, as amended)
2. 36 CFR 1194 (508 Standards)
3. http://www.access-board.gov/sec508/508standards.htm (508 Standards)
4. FAR 39.2 (Section 508)
5. CMS/HHS standards, policies, and procedures (Section 508)

In addition, all contract deliverables are subject to these 508 standards as applicable.

Regardless of format, all Web content or communications materials produced, 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 subcontractors) or consultants responsible for preparing or posting content must comply with applicable Section 508 accessibility standards, and where applicable, those set forth in the referenced policy or standards documents <above/below>. Remediation of any materials that do not comply with the applicable provisions of 36 CFR Part 1194 as set forth in the <SOW, PWS, or TO>, shall be the responsibility of the contractor or consultant.

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

36 CFR Part 1194.22 a – j, l – p

36 CFR Part 1194.41 a – c