

## Guidance on Creating 508 Compliant IT Solicitations

Accessible information technology (IT) is technology that can be used by people with disabilities. Electronic documents, web sites, software, computers, kiosks, and other IT that are inaccessible put persons with disabilities at a disadvantage relative to gaining information that is accessible to persons without disabilities – a technological discrimination. Section 508 is important in that it supports employment of people with disabilities, it improves public access to government IT, reduces the need for individual accommodations, encourages improvements in accessible design, increases the availability of accessible products and raises general awareness of disability issues. Accessible IT is not just the right thing to do, it's the law. Federal agencies are required to provide “comparable access” to data and information technology for people with disabilities to those without disabilities. This is Section 508 of the Rehabilitation Act and it is implemented through the procurement process which means that all IT procured (and used, developed and maintained) by the Federal government must be accessible.

As a contracting officer or procurement official, indicating that accessibility is required for your IT purchases is essential to complying with the law. While understanding the law<sup>1</sup>, the standard<sup>2</sup> and the FAR<sup>3</sup> is important, the critical aspects of ensuring you purchase accessible IT is easy to accomplish!

A well written solicitation goes a long way toward ensuring agency compliance and accessible IT. In your solicitation you should:

1. State that your IT must be accessible;
2. Indicate which provisions of the Section 508 standard apply to your purchase;
3. Request accessibility information from vendors that respond to your solicitation;
4. Evaluate received proposals based on responses to your accessibility requirements; and,
5. Let vendors know you plan to inspect deliverables based on meeting accessibility requirements.

Of course there is a bit more to it than just this and more detail is provided below and in the checklist at the end of this document. Fortunately, there is assistance available. As part of the law, GSA was tasked to provide technical assistance with Section 508 to Federal departments and agencies.

### Knowing Your Responsibility

Procurement of accessible IT is essential to achieving agency compliance and avoiding the costs of future remediation resulting from buying IT that is inaccessible. It is not enough to simply state that the IT products or services you intend to buy must conform to the Section 508 standard. You must identify IT deliverables covered by Section 508 and then identify the applicable technical standards, functional performance criteria, and information, documentation and support that apply to each IT deliverable.

And, you can't leave it up to the vendor to determine if Section 508 is relevant to your solicitation or which standards are applicable. It is your agency that is responsible for complying with Section 508 by making these decisions, not the vendor. IT manufacturers (vendors) do not

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<sup>1</sup> 29 U.S.C. 794d ([http://www.law.cornell.edu/uscode/html/uscode29/usc\\_sec\\_29\\_00000794---d000-.html](http://www.law.cornell.edu/uscode/html/uscode29/usc_sec_29_00000794---d000-.html))

<sup>2</sup> <http://www.access-board.gov/sec508/standards.htm>

<sup>3</sup> [Subpart 7.103](#); [11.0002\(f\)](#); [Subpart 39.2](#)

have to comply with anything. The intent is that they will produce products that conform to the accessibility standard. Agencies have to comply with Section 508 (the law) by procuring products that conform (so vendors who don't make products that conform to the standard are not likely to remain customers of the federal government very long until they do). However, vendors can and should be asked to produce products and services that conform to your agency's accessibility requirements.

Creating a compliant EIT solicitation is not difficult. The most important part is to understand the responsibilities of your agency as outlined in the law, the standard, and the FAR. That is, agencies must include accessibility in procurement planning, identify specifically the provisions that apply to the EIT deliverables being procured, and conduct accessibility market research.

Planning, requirements definition, and market research cannot be done ad hoc. Agencies need to have a detailed process for addressing Section 508. The BuyAccessible System, a set of free web-based tools developed by GSA, provides agencies with such a process.

The BuyAccessible Wizard helps define the specific requirements of your particular EIT deliverables, be it a product, a service, or a combination. It also provides a means to convey these requirements clearly to the vendor. Once accessibility requirements are defined the BuyAccessible Wizard also provides the appropriate language to include these in the solicitation.

The Wizard also provides generally accepted "good practices" to followed when assembling your solicitation: including Section 508 applicability statements, notifying when an exception is claimed, including inspection and acceptance criteria in the evaluation of the proposal, requesting accessibility information from vendors, and recommending an appropriate format for this information via a Voluntary Product Accessibility Template (VPAT), a Government Product and Services Accessibility Template (GPAT) or other similar documentation.

If the deliverable is a relatively common product or service, the BuyAccessible System may have a Quick Link to short cut the process of determining the applicable standards and provisions and creating solicitation language. Both the BuyAccessible Wizard and Quick Links can be found at [www.buyaccessible.gov](http://www.buyaccessible.gov).

The Wizard also generates three additional guides to aid in the procurement of conformant EIT: an Evaluation Guide, an Acceptance Guide, and a Design Guide. The Evaluation Guide is for use by government buyers to help evaluate various proposals based on commercial availability of their applicable provisions as determined by the Wizard. The Acceptance Guide is also for use by government buyers to help them evaluate various proposals based on commercial availability of their applicable provisions as determined by the Wizard. The Design Guide is for use by EIT developers to provide resources (internet links) that are qualified design and development methods to help ensure conformance to the applicable provisions as determined by the Wizard, based on generally accepted design and development methods.

## **About GSA's Section 508 Guidance Documents**

The 1998 amendment to Section 508 of the Rehabilitation Act of 1973 requires Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities – to ensure agencies provide "comparable access" to data and information for people with disabilities to those without disabilities. Section 508 is a unique regulation in that compliance is the responsibility of federal agencies, not industry providing the EIT. Federal agencies are responsible for the accessibility of EIT that they develop, procure, maintain and use. GSA's

Section 508 program office in the IT Accessibility and Workforce Division shares responsibility for technical assistance to federal agencies with the US Access Board. GSA program activities include the development and deployment of Web-based tools and resources, ongoing education and training initiatives, establishment and support of a government wide network of agency Section 508 coordinators, and maintenance of the Section 508 website ([www.Section508.gov](http://www.Section508.gov)).

In response to the Office of Management and Budget (OMB) memo dated July 19, 2010 for "[Improving the Accessibility of Government Information](#)", GSA's Section 508 program is issuing a series of guidance documents to help government make the most appropriate decisions to make EIT more accessible. GSA's technical assistance to date has primarily been directed toward procurement activities; however, these guidance documents will address all four aspects of Section 508: procurement, development, maintenance and use. Our intent is to provide guidance usable by front line government staff to help them address the challenges, increases in required oversight, and reductions in costs associated with acquiring and managing EIT solutions that are accessible.

## Check List for 508 Compliant Solicitations

Do the following to ensure a compliant solicitation:

1. Provide a clear statement that Section 508 does or does not apply to this solicitation.

Your identification that the deliverables to be acquired in this solicitation were determined to be EIT, and, therefore subject to Section 508, provides important information to vendors. This is an example of a good practice. The determination that Section 508 does or does not apply is the responsibility of the agency, as outlined in FAR 39.203, and should not be delegated to the vendor.

2. Indicate if an exception is being claimed.

If an exception is claimed (per FAR 39.204), clearly indicate this in the solicitation and provide an appropriate explanation to the vendor as a matter of good practice.

3. Indicate applicable technical sections and provisions for the EIT contract deliverables.

While it is good to make a general statement about the applicability of Section 1194 Subpart B, solicitations should identify specific applicable sections (e.g. 1194.2x) or applicable provisions (e.g. 1194.2x(y)) for all EIT content.

4. Indicate functional performance criteria are applicable to the EIT contract deliverables.

Solicitations for EIT should generally identify the functional performance criteria defined in 36 CFR part 1194 Subpart C (1194.31(x)) as applicable to all EIT acquisition deliverables. Referencing Subpart C serves to cover requirements that are not explicitly listed in Subpart B.

5. Indicate which information, documentation, and support requirements are applicable to the EIT contract deliverables

Solicitations for EIT should identify whether or not information, documentation, and support requirements apply to support documentation and services provided by agencies to end users of the acquired EIT according to 36 CFR part 1194 Subpart D and to list the specific provisions within 1194.41(x).

6. Specify applicable accessibility factors as evaluation criteria.

Solicitations should specify accessibility factors as part of their evaluation criteria, and this information should be provided to the vendor. Solicitation evaluation should be based in part on the proposal responses to the identified Section 508 requirements and considerations for accessibility.

7. Request accessibility information from the responder.

Potential vendors should be asked to provide accessibility information about their proposed EIT deliverables through the Voluntary Product Accessibility Template (VPAT), Government Product Accessibility Template (GPAT), or other documentation.

8. Specify applicable accessibility factors as inspection and acceptance criteria.

Solicitations should include a statement indicating that supplies or services delivered as a result of this solicitation will be accepted based in part on satisfaction of identified Section 508 requirements for accessibility. Potential vendors should be notified of these inspection and acceptance criteria.

9. Ensure the solicitation and any associated documents and attachments are in an accessible format.

All documents and attachments associated with this solicitation should be in an accessible format. Furthermore, if the solicitation is issued via FBO, or other web site, it is web-based internet information and therefore covered by 1194.22 – Web-based intranet and internet information and applications.

Use of the Wizard will ensure that points 1 through 8 above are addressed satisfactorily. Creating accessible solicitation documentation will satisfactorily address point 9.

Avoid the following to ensure a compliant solicitation:

1. Do not request that Section 508 relevance be determined by the vendor.

The determination whether or not Section 508 applies is the responsibility of the agency, as outlined in FAR 39.203, and should not be delegated to the vendor. This transfer of responsibility can be addressed by indicating the applicability of Section 508, as described in Number 1 above.

2. Do not request that Section 508 applicability be determined by the vendor.

The determination of which Section 508 standards apply is the responsibility of the agency as outlined in FAR 39.203. Assistance can and should be requested from the vendor in the form of a VPAT or other accessibility documentation.

3. Do not request that Section 508 exceptions be determined by the vendor.

The determination of a Section 508 exception is the responsibility of the agency and cannot be delegated to the vendor. Unless an exception at FAR 39.204 applies, acquisitions of EIT supplies and services must meet the applicable accessibility standards at 36 CFR Part 1194.

4. Do not request an EIT deliverable accessibility certification of compliance.

Potential vendors should be asked to provide proof of conformance with the stated accessibility factor requirements through a VPAT, GPAT or other documentation. This proof of conformance is not the same as a request for a certificate of compliance as there is currently no certifying body for Section 508 accessibility.