Guidance on Acquisition for Accessible EIT

Federal acquisitions of accessible EIT (Electronic and Information Technology) are based on an agency or department having a detailed process for addressing Section 508. While the process can be quite involved for some acquisitions, it can be summarized in five simple steps for agency responsibility and regulations as defined in the FAR:

1. Determine Need – Do acquisition deliverables include EIT subject to Section 508?
2. Identify Requirement – Which sections of the Section 508 standard apply to each EIT deliverable?
3. Conduct Market Research – Is accessibility information about EIT deliverables available?
4. Assemble the Solicitation – What does the vendor need to know about my Section 508 requirements?
5. Evaluate and Accept Deliverables – How can the Agency determine if accessibility requirements have been met?

Below is a brief explanation of each step and the associated governing FAR language.

# Determining Need

Section 508 relevance is about determining whether Section 508 applies or not to acquisition deliverables. For an EIT purchase to be Section 508 relevant, a product, system or subsystem deliverable must: 1) meet the definition of EIT as defined by the [Access Board Standard](https://www.section508.gov/content/learn/standards), 2) directly interface with the user or users, and 3) not meet the criteria of a general exception.

Section 508 is relevant to all acquisitions of EIT. Simply put, this means any equipment used in the creation, conversion, or duplication of data or information may be subject to Section 508 requirements. EIT deliverables are evident in many solicitations. For example, a TV monitor delivered as part of a solicitation for exercise equipment is EIT and subject to Section 508. Solicitations can also include multiple EIT deliverables. Each of these deliverables must be treated individually in subsequent steps of the Section 508 compliance process.

As stated in the FAR ([Subpart 7.1 Acquisition Plans](https://www.section508.gov/content/learn/federal-acquisition-regulations)), agency-head responsibilities include, among other things, “ensuring that acquisition planners specify needs and develop plans, drawings, work statements, specifications, or other product descriptions that address Electronic and Information Technology Accessibility Standards (see 36 CFR Part 1194) in proposed acquisitions (see 11.002(e)) and that these standards are included in requirements planning, as appropriate (see Subpart 39.2).”

Need also involves determining the applicability of exceptions. Again, as stated in the FAR ([Subpart 39.2 Electronic and Information Technology](https://www.section508.gov/content/learn/federal-acquisition-regulations)), “the requirements in 39.203 do not apply to EIT that is for a national security system; is acquired by a contractor incidental to a contract; is located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment; or would impose an undue burden on the agency.”

## Available Help

The [BuyAccessible Wizard](http://app.buyaccessible.gov/baw/Main.jsp) supports decisions about Section 508 relevance (need) and can help determine if Section 508 applies to a particular product or service deliverable by asking simple questions about your acquisition and its dollar value. The Wizard walks the user through the “Need”, “Requirement”, “Research”, and “Solicitation” steps in the acquisition process, recording decisions and providing output that serves as documentation and language for incorporation into solicitations.

# Identifying Requirements

The FAR requires those purchasing EIT deliverables to identify the Section 508 standards that apply to the procurement. This responsibility cannot be passed on to vendors. As stated in the FAR ([Part 11 Describing Agency Needs](https://www.section508.gov/content/learn/federal-acquisition-regulations)), “In accordance with Section 508 of the Rehabilitation Act of 1973 ([29 U.S.C. 794d](http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t29t32+2+78++%2829%29%20%20AND%20%28%2829%29%20ADJ%20USC%29%3ACITE%20%20%20%20%20%20%20%20%20)), requiring activities must prepare requirements documents for electronic and information technology that comply with the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR Part 1194 (see [Subpart 39.2](https://www.acquisition.gov/far/html/Subpart%2039_2.html#wp1004775)).”

Applicability determination includes identifying the appropriate Technical Standards (Subpart B of the Access Board Standard, 1194.21 – 119.26), Functional Performance Criteria (Subpart C, 1194.31) and Information, Documentation, and Support (Subpart D, 1194.41). Simply stating that Section 508 applies is insufficient. Identifying the specific Section 508 requirements that apply to your particular EIT deliverable focuses the next step in the process, Market Research, and forms a basis for explicit requirements on EIT providers that can be included in your solicitation.

## Available Help

The [BuyAccessible Wizard](http://app.buyaccessible.gov/baw/Main.jsp) allows the user to describe the desired EIT deliverable and records answers to questions about the type and particular characteristics of the EIT. The output is a specific requirements analysis documenting the applicable Section 508 technical provisions based on the input provided. A Government Product Accessibility Template (GPAT) is generated that reflects the accessibility information about the EIT product(s) or service(s) deliverable and is organized corresponding to the six technical sections (Subpart B), functional performance criteria (Subpart C) and information, documentation and support (Subpart D). The GPAT is intended as a form to be included with government solicitations, to be filled out by solicitation respondents as a part of their proposal to indicate how their proposed solution addresses the applicable Section 508 requirements. The BuyAccessible [Quick Links](http://app.buyaccessible.gov/baw/Main.jsp) provide a GPAT and Section 508 solicitation language for a number of standard deliverables.

# Conducting Market Research

Knowing what products and services can meet your EIT needs and how well they stack up from an accessibility standpoint relative to your stated requirements is a critical step to ensuring the most accessible product or service is purchased. As stated in the FAR ([Part 10 Market Research](https://www.section508.gov/content/learn/federal-acquisition-regulations)), agencies must use the results of market research to “access the availability of electronic and information technology that meets all or part of the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR Part 1194 (see Subpart 39.2).

## Available Help

See the guidance document, “[Guidance on Conducting Accessibility Market Research](https://www.section508.gov/content/guidance#market-research-guidance).”

# Assembling a Solicitation

Once “Need”, “Requirement”, and “Research” are completed, the necessary information needs to be incorporated into the solicitation for the desired EIT. Knowing what products and services can meet your EIT needs and how well they stack up from an accessibility standpoint relative to your stated requirements is a critical step to ensuring the most accessible product or service is purchased. As stated in the FAR ([Subpart 39.2 Electronic and Information Technology](https://www.section508.gov/content/learn/federal-acquisition-regulations)) “requiring and ordering activities must ensure supplies or services meet the applicable accessibility standards at 36 CFR Part 1194, unless an exception applies, at the time of issuance of task or delivery orders. Accordingly, indefinite-quantity contracts may include noncompliant items; however, any task or delivery order issued for noncompliant items must meet an applicable exception.”

## Available Help

Once you have defined the specific requirements of your particular EIT deliverables, it is critical to convey these requirements to the vendor. [The BuyAccessible Wizard and Quick Links](http://app.buyaccessible.gov/baw/Main.jsp) provide the appropriate language to include in your solicitation.

# Post Solicitation

The responsibilities of the agency do not stop once a solicitation is issued. It is the agency’s responsibility to ensure that accessibility factors (Section 508) are considered when making source selections. Additionally it is the agency’s responsibility to hold the vendor accountable for their accessibility claims. Deliverables must be tested using accepted accessibility test methods to verify they meet accessibility requirements.

# 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](https://www.section508.gov/)).

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