



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

November 6, 2007

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS AND
CHIEF INFORMATION OFFICERS

FROM:

Paul A. Denett

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Administrator for Federal Procurement Policy

Karen S. Evans

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Administrator, Office of E-Government and
Information Technology

SUBJECT:

Ensuring the Accessibility of Federal Electronic and Information
Technologies Procured by Federal Agencies

Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) requires Federal agencies to purchase electronic and information technologies (E&IT) 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, which reduces barriers to job success and mobility. The law also helps to ensure that members of the public with disabilities have the ability to access government information and services. The purpose of this letter is to remind Chief Acquisition Officers (CAOs) and Chief Information Officers (CIOs) of their collaborative roles in this area and to suggest activities and tools to help agencies fulfill their responsibilities in implementing the law.

The Federal Acquisition Regulation (FAR) requires agencies to acquire accessible E&IT unless an exception applies and is documented. Consideration of the Section 508 standards must be part of the procurement planning process, market research, and requirements definition, and the standards must be included in all applicable solicitations. The General Services Administration (GSA), as part of their statutory requirement to provide technical support for Section 508, assesses the extent to which agencies properly include applicable Section 508 standards using a sampling process of solicitations posted on FedBizOpps over the past few months. Across all agencies, a recent assessment by GSA showed that only 3% of the solicitations that included E&IT properly included the Section 508 standards. While some of the solicitations sampled included references to Section 508, a compliant document must, among other requirements, articulate the specific 508 standards that apply to that solicitation.

These results demonstrate we are not adequately incorporating applicable Section 508 standards when acquiring E&IT. CAOs and CIOs should review their procurement and information technology acquisition policies and procedures to validate that the Section 508 standards are appropriately considered and clearly stated in solicitation documents. CAOs should consider sampling agency procurements that include E&IT to ensure they properly

specify the appropriate Section 508 standards. Procurements that do not meet the standards should be amended. The attachment includes the assessment criteria that GSA uses, and CAOs should consider using these or similar criteria in their sampling effort.

CIOs also have specific obligations to help ensure the applicable Section 508 standards are included in procurements for E&IT. Section 8(b)(xiii) of OMB Circular A-130, "Management of Federal Information Resources," requires agencies to ensure selected systems or processes facilitate accessibility under the Rehabilitation Act of 1973, and CIOs are responsible for monitoring agency implementation.¹ Additionally, Sections 53 and 300 of OMB Circular A-11, "Preparation, Submission, and Execution of the Budget," instruct agencies to ensure IT capital planning and control comply with Section 508 requirements.² CIOs should instruct agency project managers to review capital planning and investment control documentation for compliance with Section 508.

As part of its ongoing technical assistance and sampling activities, GSA's Office of Information Technology Accessibility and Workforce may contact your Section 508 coordinator and the points of contact listed in solicitations that appear not to be compliant to offer additional assistance.

A resource available to agencies is the Buy Accessible Wizard at www.buyaccessible.gov. This free tool guides requiring officials through the steps necessary to conduct acquisitions that comply with Section 508. CAOs and CIOs may incorporate the use of this tool into their procurement procedures to improve compliance with the law. Another resource is www.Section508.gov, which has information and free on-line training courses.

When properly implemented, Section 508 improves the accessibility of government information and data and ensures government E&IT is accessible to Federal employees and citizens with disabilities. Building an accessible infrastructure creates an environment for hiring persons with disabilities.

If you have any questions about Section 508 acquisition policies, please contact Lesley Field at the Office of Federal Procurement Policy on (202) 395-4761. If you have any questions regarding the Buy Accessible Wizard or require other technical assistance, please call Terry Weaver, Director, Information Technology Accessibility and Workforce Division at GSA on (202) 501-4906.

Attachment

cc: Senior Procurement Executives

¹ OMB Circular A-130, "Management of Federal Information Resources," can be found at: <http://www.whitehouse.gov/omb/circulars/a130/a130trans4.pdf>.

² OMB Circular A-11, "Preparation, Submission, and Execution of the Budget," can be found at: http://www.whitehouse.gov/omb/circulars/a11/current_year/a_11_2007.pdf.

**Section 508 Compliance Evaluation of Solicitations –
Suggested Assessment Criteria**

All solicitations are first assessed to determine if they include electronic and information technologies (E&IT). For those solicitations that do include E&IT-related deliverables (products, labor hours, or information content), all available documents are reviewed to see if Section 508 requirements or other accessibility factors are addressed in these documents. The solicitation is then scored as follows:

1. If no mention of Section 508 is found, the solicitation is scored as red*.
2. Solicitations that mention Section 508 requirements apply generally to product, labor hour or information content deliverables are scored as yellow.
3. When broad sections and/or specific provisions of the Access Board Standards are included, the solicitation is scored as green. Solicitations that claim a Section 508 exception are also scored as green if the documentation provides a coherent rationale for the exception.

*Note – Any applicable exceptions are not assumed. While these are rare, the possibility exists that some solicitations marked red have valid exceptions. Solicitations that included documented exceptions were scored green.

Although not specifically required, including any applicable exceptions in solicitations is a best practice that shows that the 508 Standards were considered by the requiring official.

Resources: The BuyAccessible Wizard at www.buyaccessible.gov and the BuyAccessible Glossary found at that site can be used as references when preparing and reviewing solicitations. General Section 508 information is always available at www.Section508.gov.