
Section 508 Acquisition Procedure

Directive No: CIO 2130-P-02.1

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

Section 508 Acquisition Procedure

1. PURPOSE

The U.S. Environmental Protection Agency (EPA) Section 508 Acquisition Procedure describes the steps EPA offices must take to ensure that any acquired Information and Communications Technology¹ (ICT) is accessible to individuals with disabilities, pursuant to Section 508 of the Rehabilitation Act, as amended (29 U.S.C. § 794d) (hereinafter Section 508).

This procedure establishes a consistent, Agencywide approach for EPA employees to:

- Purchase commercial off-the-shelf (COTS), Government off-the-shelf (GOTS), Shared Services, or custom ICT products that are Section 508 compliant and accessible to people with disabilities.
- Incorporate accessibility requirements into contract acquisition processes and documentation for ICT.
- Verify the ICT meets specified accessibility requirements before procurement.
- Document the accessibility of ICT when acquired.
- Centralize data collection to meet EPA's Section 508 Performance Management Plan (PMP) and Office of Management and Budget (OMB) reporting requirements.

2. SCOPE

This procedure applies to ICT acquired by EPA as defined in EPA's Section 508 Policy.

3. AUDIENCE

This procedure applies to all EPA and contractor personnel who are involved in the acquisition of ICT across the Agency, as defined in EPA's Section 508 Policy.

4. BACKGROUND

The U.S. Access Board (Access Board) issues the *Electronic and Information Technology Accessibility Standards (36 C.F.R. Part 1194)* for Section 508 and defines "accessibility" for ICT. On January 18, 2017, the Access Board published a [Final Rule for ICT Standards and Guidelines](#) (commonly known as the Section 508 Refresh). The Section 508 Refresh updates and reorganizes the Section 508 standards in response to market trends and

¹ As defined by the U.S. Access Board's [ICT Standards and Guidelines](#), 36 C.F.R. Parts 1193 and 1194 (Published January 18, 2017 and amended on March 23, 2018).

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innovations and harmonizes requirements with other guidelines and standards in the United States and abroad. Visit the [Access Board website](#) for additional information about the Access Board and Section 508.

EPA's Section 508 Acquisition Procedure provides tailored guidance for the Agency's purchasing community on how to incorporate the new Section 508 Refresh standards into all EPA acquisitions.

5. AUTHORITY

- a. [ICT Final Standards and Guidelines, 36 C.F.R. Part 1194 \(2017 and as amended 2018\)](#).
 - b. [Guidance on the Telecommunications Act \(also known as Communication Act of 1934\) Section 255 Guidelines](#), as amended, [47 U.S.C. §255](#) (1996).
 - c. Section 508 of the Rehabilitation Act of 1973, as amended, [29 U.S.C. §794d, \(1998\)](#).
 - d. Federal Acquisition Regulation (FAR): Section 508-Based Standards in Information and Communication Technology ([48 CFR Parts 2, 7, 10, 11, 12, and 39](#)).
 - e. [The Clinger-Cohen Act of 1996 \(40 U.S.C. 1401\(3\)\)](#), also known as the Information Technology Management Reform Act.
 - f. CIO Policy 2130.3 Section 508 Policy.
 - g. [EPA Delegation of Authority 1-84](#), Information Resources Management, December 18, 2001.
 - h. [Federal Information Technology Acquisition Reform Act \(FITARA\)](#) (Title VIII, Subtitle D of the National Defense Authorization Act (NDAA) for Fiscal Year 2015, Pub. L. No. 113-291), December 19, 2014.
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6. PROCEDURE

This procedure integrates accessibility-related activities throughout the acquisition lifecycle. It is broken out into three processes:

1. [ICT Acquisition Planning Process](#).
2. [ICT Acquisition Award Process](#).
3. [ICT Acquisition Administration Process](#).

Obtain ICT by either purchasing off-the-shelf ICT (custom off-the-shelf [COTS] or government off-the-shelf [GOTS]), Shared Services or by upgrading, maintaining, or developing custom ICT.

Document the results of the activities outlined in the procedure in the EPA ICT Accessibility Certification Form for review and approval by the local Information Management Officer (IMO).

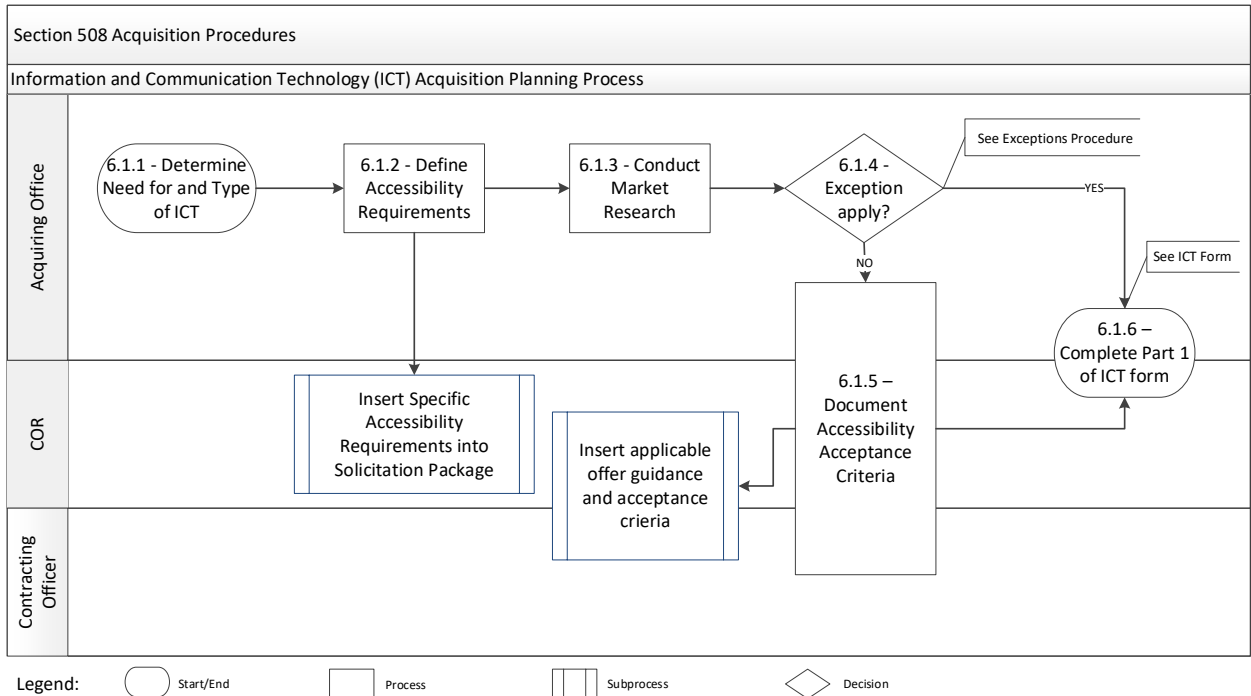
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6.1 ICT ACQUISITION PLANNING PROCESS

Figure 1 provides an overview of the ICT Acquisition Planning Process, followed by instructions. Refer to [Appendix A: Helpful Resources](#) and [Appendix B: Acquisition Planning Checklist](#) for additional resources and guidance.

Figure 1 – ICT Acquisition Planning Process



6.1.1 Determine Need for and Type of Product or Service

Determine a need for and type of product or service for acquisition. Products or services that meet the definition of ICT must comply with [Section 508 technical and functional standards](#) and should follow the procedures as laid out in the remainder of Section 6.1.

Make a single acquisition of one ICT or many (for example, a printer includes hardware and software). For each procurement, identify the number and type of ICT to acquire. For compliance, ICT falls into the following categories:

- [Software](#).
- [Hardware](#).
- [Electronic Content](#).
- [Accessibility Support Documentation and Services](#).

6.1.2 Define and Document Accessibility Requirements

The solicitation package must include the specific accessibility requirements of the ICT product or service, as identified in [Section 6.1.1](#). Use the following U.S. General Services

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Administration (GSA) tool to help define the specific requirements for the ICT product or service for acquisition:

- [Accessibility Requirements Tool \(ART\)](#) Revised Section 508 Standards Contract Language Template (Word) – Generate an accessibility requirements template and customizable accessibility solicitation language.

Consult with the Section 508 Program, the local Section 508 Liaison, or the [EPA Assistive Technology Center \(ATC\)](#) for guidance and assistance regarding which standards apply.

Once defined, the Contracting Officer's Representative (COR) inserts the resulting tailored requirements into the solicitation package for each ICT.

6.1.3 Conduct Market Research

Conduct market research to ensure EPA performed due diligence when searching for ICT to acquire. The accessibility requirements identified in [Step 6.1.2](#) will facilitate what to look for when conducting market research. Possible sources for reviewing and assessing how a product or service conforms to Section 508 requirements include:

- A completed [Accessibility Conformance Report \(ACR\)](#) for each ICT component, based on the [Voluntary Product Accessibility Template Version 2.4 \(VPAT\)](#) or higher.
- A [Supplemental Accessibility Report \(SAR\)](#) completed by the vendor.
- A demonstration of the ICT, including features that provide accessibility and functionality for persons with disabilities.
- Similar documentation indicating how the ICT does or does not meet applicable accessibility standards.
- Documentation on how to configure and install the ICT to support accessibility.
- Third-party reviews of the vendor's Section 508 conformance claims.

Compare the different ICT products or services and rank them by conformance to the specified accessibility requirements. Save any Section 508-related documentation captured while conducting market research.

For guidance on the use of ACRs and SARs, please refer to GSA's [Section 508 toolkit on requesting accessibility information from vendors and contractors](#).

6.1.4 Determine if an Exception Applies

Certain conditions may exempt ICT from meeting Section 508 requirements. Refer to EPA's Section 508 Exceptions Procedure. If an exception applies to the ICT, the Acquiring Office must complete the Exception Justification Form and include a copy with the [ICT Accessibility Certification Form](#).

6.1.5 Document Accessibility Acceptance Criteria

Working closely with the Contracting Officer (CO) and COR, document all accessibility acceptance criteria for inclusion in the solicitation package. The acceptance criteria must:

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1. Include the proper Section 508 language (for example, requirements, applicable standards, exceptions (see [EPA Acquisition Regulation \(EPAAR\)](#) 1552.211-79, Compliance with EPA Policies for Information Resources Management).
2. Include language instructing the vendor to respond to the applicable ICT accessibility requirements, and include a complete ACR for each ICT component, based on the VPAT v2.4 or higher.
 - a. Note that for OTS ICT, each ACR should be accompanied by a SAR.
3. State that the Agency reserves the right to perform testing on some or all the proposed ICT before award or deployment.
 - a. Specify what versions of the ICT will be tested. State that trial versions of ICT products or services will not be considered for testing purposes.
 - b. State that, upon award, any ICT product provided for testing by an unsuccessful offeror will be returned at the offeror's expense.
 - c. Request that all testing methodology be approved by the Federal CIO Council's Accessibility Community of Practice (for example, [Interagency Trusted Tester Methodology](#)).
4. Notify the vendor that they should remediate any non-compliance identified before final acceptance at the vendor's cost.
5. Require additional Acceptance Criteria, including, but not limited to:
 - a. Remediation plans for ICT or components that do not conform or partially conform to Section 508.
 - b. Descriptions of training and support on the accessibility features of the ICT products and services for all users (including users of assistive technology).
 - c. Demonstrations of the accessibility features of some or all items in the solicitation.
 - d. Certify personnel providing labor hours have the knowledge, skills, and ability necessary to address the applicable Revised 508 Requirements as defined by the acquisition.
 - e. Information on where vendors can learn more about Section 508 compliance.

Refer to [Appendix A: Helpful Resources](#) for additional guidance.

6.1.6 Complete the ICT Accessibility Certification Form

Complete [Part 1 of the ICT Accessibility Certification Form](#), as appropriate. Refer to [Appendix E: Supporting Documentation for ICT Accessibility Certification Form Checklist](#) for additional information. Part 1 of the form documents background information about the ICT and accessibility requirements. Submit the form to the COR when ready to prepare the solicitation package.

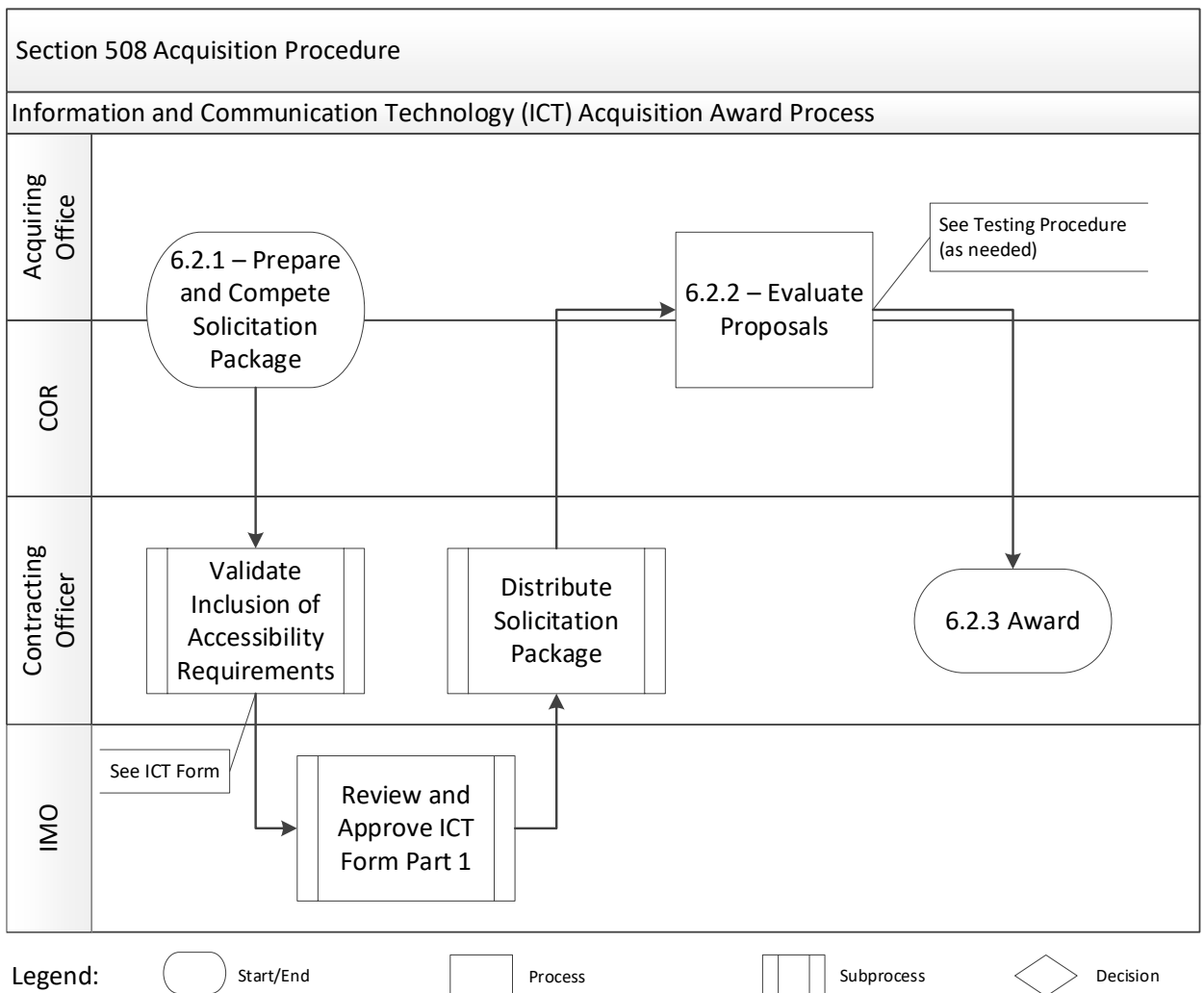
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6.2 ICT ACQUISITION AWARD PROCESS

The ICT Acquisition Award Phase includes those activities related to the preparation and validation of a solicitation package, the initiation of the procurement and the award. Figure 2 provides an overview of the process to follow when awarding ICT acquisitions, followed by instructions. Refer to [Appendix A: Helpful Resources](#) and [Appendix C: Acquisition Award Checklist](#) for additional resources available with other helpful information and guidance.

Figure 2 - ICT Acquisition Award Process



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6.2.1. Prepare and Complete Solicitation Package

The COR prepares and submits the solicitation package to the CO. The solicitation package include the relevant accessibility requirements, acceptance criteria, clauses, and provisions documented in the [6.1 ICT Acquisition Planning Phase](#).

The CO must verify that the solicitation package and evaluation documents include all required Section 508 language. To indicate they have verified all of the required Section 508 language is included, the CO must sign Part 1 of the [ICT Accessibility Certification Form](#) before submitting the solicitation package and Part 1 of the form to the local IMO for review and approval. The CO and IMO may request input from the local Section 508 Liaison and the Section 508 Program, as needed.

NOTE: Some ICT acquisitions are required to go through the EPA FITARA review process before the ICT can be acquired. Section 508 is a part of this review process. An approved [ICT Accessibility Certification Form](#) is required for the EPA FITARA review process. Please refer to EPA's [FITARA process](#) for more information on additional steps, if needed.

The CO distributes the solicitation package for competition.

6.2.2. Evaluate Proposals

The acquiring office, COR, and the Technical Evaluation Panel (TEP), if any, use the acceptance criteria included in the solicitation package to evaluate proposals.

During the evaluation, the acquiring office, the COR, and the TEP review all the accessibility documentation provided by the vendor to ensure the evaluation criteria have been met.

EPA must select a proposal that conforms to the accessibility requirements identified in the solicitation package. If no technically acceptable alternative fully conforms to the Revised 508 Standards, select the alternative that best meets the standards when making an award, and request a "best meets" exception. Where product features or components are not fully accessible, the agency is required to make available, upon request, an alternative means of accessing the information or functions supported by the ICT. Refer to EPA's Section 508 Exceptions Procedure for more information.

NOTE: EPA encourages acquiring offices to prioritize vendors using [Federal CIO Council](#) endorsed [testing processes](#).

Consider asking the local Section 508 Liaison or the [EPA ATC](#) to assist with evaluating proposals and vendor-provided documentation to ensure the package meets acceptance criteria.

If ICT is high risk or documentation provided is poor, perform testing on some or all of the Offeror's proposed ICT items to validate or determine Section 508 compliance. Refer to EPA's Section 508 Testing Procedure for more information.

6.2.3. Award

After receiving the appropriate approvals and completing Agency procurement processes, the CO makes an award to the ICT that conforms best meets the Section 508 standards, consistent with meeting the Agency's business needs.

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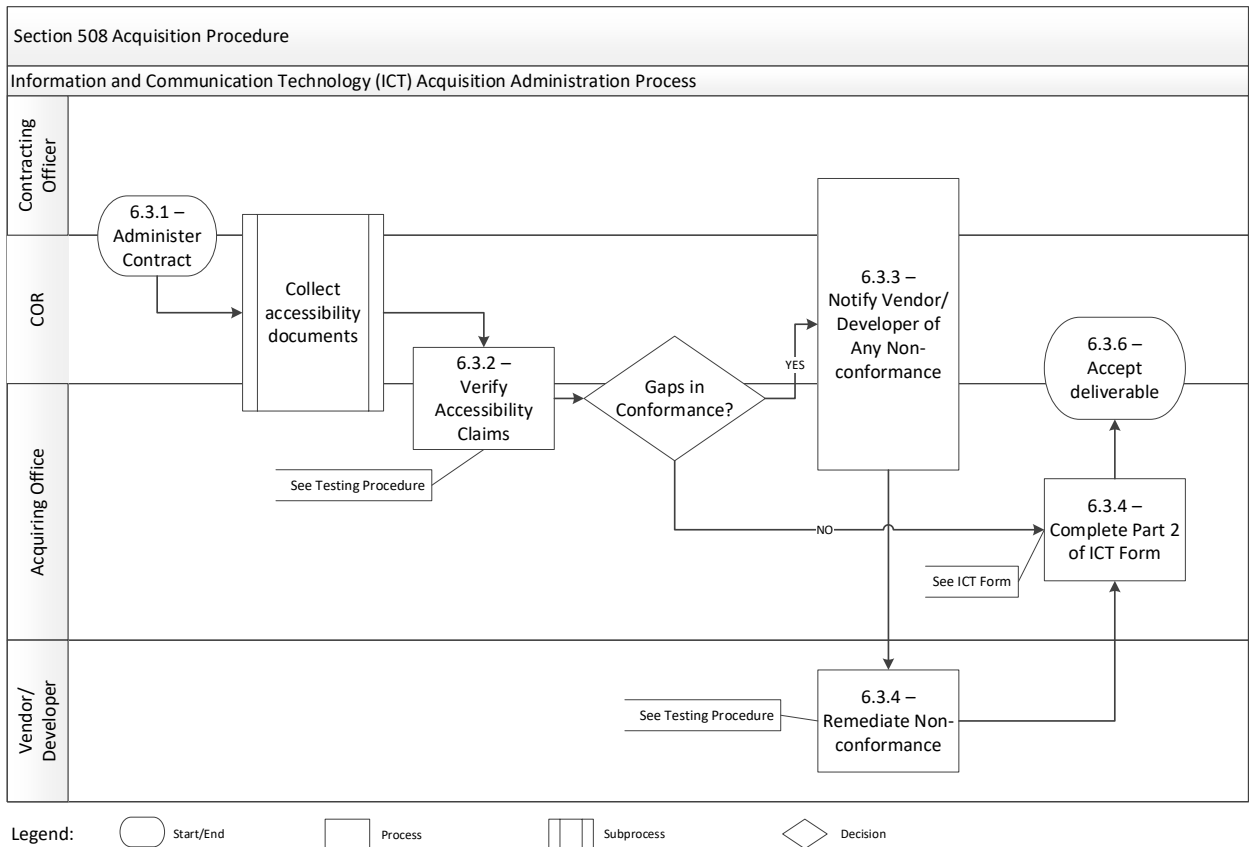
NOTE: Ensure the CO is aware of any accessibility conformance issues for negotiations, discussions or awards (to the extent they exist).

6.3 ICT ACQUISITION ADMINISTRATION PROCESS

The ICT Acquisition Administration Process ensures all deliverables meet the accessibility requirements documented in the solicitation package before acceptance.

Figure 3 provides an overview of the ICT Acquisition Administration Process, followed by instructions. Refer to [Appendix A: Helpful Resources](#) and [Appendix D: Acquisition Administration Checklist](#) for additional resources available with other helpful information and guidance.

Figure 3 - ICT Acquisition Administration Process



6.3.1. Administer Contract

During contract administration, obtain all documentation describing how the product or service complies with Section 508 standards. The documentation includes, but is not limited to, the ACR and SAR completed by the vendor or contractor, or similar documentation indicating how a product does or does not meet applicable accessibility standards.

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Request the documentation from the vendor or contractor, if not provided voluntarily. The documentation should refer to the version of ICT that is being acquired. The COR should work with the CO to notify the vendor if any documentation is insufficient or missing.

6.3.2 Verify Accessibility Claims

The Acquiring Office is required to verify the accessibility claims of the vendor and ensure conformance to the Section 508 technical requirements. Refer to EPA's Section 508 Testing Procedure for more information.

6.3.3 Notify Vendor or Developer of Non-Conformance

If the ICT does not comply with Section 508 requirements, work with the COR and CO, as appropriate, to:

1. Notify the vendor of non-conformance.
2. Provide the vendor with the results of the testing conducted.
3. Request a remediation plan from the developer or vendor. The remediation plan may include determining if an exception applies and providing an alternative means of access if the developer or vendor cannot achieve full accessibility. Refer to EPA's Section 508 Exceptions Procedure for additional information.

6.3.4 Remediate Non-Conformance

The vendor executes the remediation plan to resolve non-conformance. It is the acquiring office's responsibility to ensure the remediation plan is executed correctly, including:

1. Referencing the acceptance criteria requiring remediation before final acceptance of ICT items, including updates and replacements.
2. Determining if the ICT is not in compliance.
3. Ensuring that the developer or vendor, at no cost to the Agency, repairs or replaces the non-compliant products or services within the period specified by the contracting officer.

EPA or the vendor must retest all actions and apply due diligence to ensure that ICT deliverables are acceptable. Refer to EPA's Section 508 Testing Procedure for additional information.

6.3.5 Update ICT Accessibility Certification Form

Upon completion of testing and remediation, collect all of the documentation supporting Section 508 compliance and interoperability of the ICT, and complete [Part 2 of the ICT Accessibility Certification Form](#). Part 2 summarizes the compliance and accessibility of ICT.

Refer to [Appendix E: Supporting Documentation for ICT Accessibility Certification Form Checklist](#) for additional information on what to submit.

NOTE: If the remediation plan indicates an exception, now apply, complete, and submit the Exceptions Justification Form. Refer to EPA's Section 508 Exceptions Procedure for additional information.

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6.3.6 Accept Deliverable

Upon completion of testing, remediation of deficiencies, and approval of the [ICT Accessibility Certification Form](#) by the IMO, deliverables may be accepted, if acceptable to the government.

7. ROLES AND RESPONSIBILITIES

The following EPA employees ensure compliance with this procedure.

EPA'S CIO

1. Provide leadership for EPA's information management and technology programs and policies, including the Section 508 Program.
2. Provide senior level guidance and support in addressing any overarching Section 508 issues/challenges identified by EPA offices in the process of developing and acquiring ICT.
3. Provide Section 508 policies, procedures, guidance, and support to the Agency, with the help of EPA's Section 508 Program Manager and the Agency's Section 508 Executive Council.
4. Participate as needed in consultations with EPA offices to address difficult or complex issues that have a Section 508 compliance component.

EPA'S CHIEF TECHNOLOGY OFFICER (CTO) AND CHIEF OPERATING OFFICER (COO)

1. Guide the Agency on any IT infrastructure limitations or requirements that may affect EPA's ability to deliver ICT that complies with Section 508. Such guidance shall be communicated through the Section 508 Program Manager, designated Section 508 Liaisons, as well as through mechanisms such as the Section 508 Executive Council, CIO Strategic Advisory Committee (CIO-SAC), Senior IT Leader (SITL) meetings and other means.
2. Work collaboratively with EPA offices when developing or acquiring ICT to ensure Section 508 technical IT-related issues are addressed and that reasonable accommodations are provided, when/if needed.

SENIOR INFORMATION OFFICIALS (SIO)

1. Review and approve ICT procurements and Section 508 exceptions' claims. This authority may be delegated to the IMO.

INFORMATION MANAGEMENT OFFICERS (IMOS)

1. Provide consultation to their office, in coordination with the designated Section 508 Liaison, before the office embarks on procuring, developing or upgrading its ICT.
2. Review and approve the [ICT Accessibility Certification Form](#) and solicitation packages.
3. Review and approve ICT procurements.

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CONTRACTING OFFICERS (CO)

1. Verify that the proper Section 508 language is incorporated into contract acquisition and evaluation documents (see [EPAAR 1552.211-79](#), Compliance with EPA Policies for Information Resources Management).
2. Verify applicable Section 508 documents are provided (for example, Accessibility Requirements Tool [ART] Section 508 reports and contracting language, any Agency-specific documentation).
3. Ensure [Accessibility Acceptance Criteria](#) are included in the vendor evaluation criteria.
4. Verify the solicitation package is Section 508 compliant.
5. Sign the [ICT Accessibility Certification Form](#).

CONTRACTING OFFICER'S REPRESENTATIVES (COR)

1. Include appropriate Section 508 standards in requirements documents, performance work statements, and statements of work.
2. Include Section 508 requirements and language, specific to the ICT in the solicitation package, contract documentation, and deliverables.
3. Review and comply with the acquisition regulations, policies, and procedures by working with the CO to ensure the inclusion of Section 508 standards in procurement documentation and deliverables.
4. Verify that accessibility standards outlined in contracts are met before accepting deliverables.

ACQUIRING OFFICIALS, WHO MAY INCLUDE, BUT ARE NOT LIMITED TO, SYSTEM SPONSORS, PROJECT MANAGERS, PROJECT OFFICERS, PURCHASE CARD HOLDERS, ICT DEVELOPERS

1. Work collaboratively with OMS to address any IT-related issues affecting the development, acquisition, or delivery of Section 508-compliant ICT.
2. Ensure Section 508 standards are incorporated and addressed throughout all phases of System Life Cycle Management (SLCM).
3. Ensure vendors comply with the Section 508 standards throughout the life cycle of the ICT.
4. Ensure adequate funding is available to conduct and document Section 508 testing, remediate identified shortcomings, and provide alternative means of access when needed.
5. Complete and submit the [ICT Accessibility Certification Form](#) to the CO, along with all relevant documentation.

SECTION 508 LIAISONS

1. Provide consultation and guidance to their IMO and staff on solicitation packages and testing for all users (including users of assistive technology) to facilitate compliance with Section 508:

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2. Work in coordination with the EPA Section 508 Program Manager to address any accessibility policy and guidance issues.

**EPA SECTION 508 PROGRAM MANAGER AND ASSISTANT SECTION 508
PROGRAM MANAGER**

Assist EPA offices regarding Section 508 policies, procedures, and guidance.

8. RELATED INFORMATION

- a. [Americans with Disabilities Act \(ADA\) 1990.](#)
- b. [Assistive Technology Act of 1998.](#)
- c. [WCAG 2.0, Web Content Accessibility Guidelines](#), W3C Recommendation, December 11, 2008.
- d. [How to Meet WCAG 2.0 requirements \(success criteria\) and techniques](#)
- e. [Authoring Tool Accessibility Guidelines \(ATAG\)](#)
- f. [User Agent Accessibility Guidelines \(UAAG\)](#)
- g. Managing Information as a Strategic Resource, [Circular No. A-130 \(PDF\)](#), 2016.
- h. Increase the access of persons with disabilities to modern communications, [21st Century Communications and Video Accessibility Act \(CVAA\)](#), 2010.
- i. Building a 21st Century Platform to Better Serve the American People, [Digital Government Strategy](#), 2012.
- j. OMB Memorandum, "[Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act \(PDF\)](#)," January 24, 2013.
- k. [M-17-06 - Policies for Federal Agency Public Websites and Digital Services 2016.](#)
- l. [M-16-20 Category Management Policy 16-3: Improving the Acquisition and Management of Common Information Technology: Mobile Devices and Services \(PDF\) \(2016\).](#)
- m. Improve the digital experience for government customers for federal public websites, [21st Century Integrated Digital Experience Act \(IDEA\)](#), 2018.
- n. Proven private sector best practices to help agencies successfully deliver digital services, [U.S. Digital Service - Digital Services Playbook](#).
- o. Flexibilities in the Federal Acquisition Regulation (FAR) that can help agencies implement "plays" in the Digital Services Playbook, [U.S. Digital Service - TechFAR \(PDF\)](#) (41 pp, 1.28 MB).
- p. [Agile Principles and 18F Practices.](#)

9. DEFINITIONS

Accessibility Conformance Report (ACR). An ACR provides a summary of accessibility evaluations of ICT. It should be based on the [Voluntary Product](#)

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[Accessibility \(VPAT\) Template Version 2.4 or higher](#). Please follow all instructions contained in the template. **Accessibility Support Documentation and Services**. Documentation or services for the ICT that supports accessibility (for example, an accessibility support desk).

Agile. Agile pertains to the Agile Manifesto or Agile Principles at <http://agilemanifesto.org>. Agile is a set of values and principles that describe a way of working that promotes continuous learning and user-focused value delivery.

Alternative Access or Alternative Means of Access. Alternative access refers to another way of ensuring that data and information are made available to people with disabilities when an Agency would face a significant difficulty or expense (for example, undue burden) in meeting applicable Section 508 standards.

Assistive Technology (AT). AT is adaptive equipment that people with disabilities commonly use to communicate and obtain access to information resources. Examples include, but are not limited to, screen readers, screen magnifiers, and speech recognition software.

Assistive Technology Center (ATC). The ATC is a resource located at EPA Headquarters for using adaptive and assistive technology. People with disabilities use adaptive and assistive technology (AT) in a way that best meets their individual needs. AT can include a variety of tools such as hardware and software, braille displays and note-takers, larger monitors, volume handsets for phones, and ergonomic keyboards. EPA employees and system developers can test products, software applications, Agency applications, websites, and hardware with current versions of accessibility testing tools and assistive technology in the ATC to help ensure compliance with the Section 508 standards.

Class Exemption for Undue Burden or Fundamental Alteration. Where the Agency anticipates recurring instances of undue burden or fundamental alteration for certain types of technology (for example, cartographic, geographic information systems (GIS)-based systems), a class undue burden or class fundamental alteration may be requested on a program, regional or Agencywide basis. The purpose of granting a class exemption for undue burden or fundamental alteration is to be efficient and effective by reducing the need to document a recurring undue burden or fundamental alteration repeatedly. The Agency CIO reviews and makes a determination on all undue burden or fundamental alteration requests. Please refer to undue burden and fundamental alteration definitions for additional information. Class exemption designations still require that an alternative means of access be provided. **Commercial Off-the-Shelf (COTS)**. A commercial product or information system available to the public. COTS products contain pre-established functionality, although some degree of customization is possible.

Electronic Content. Electronic information and data, as well as the encoding that defines its structure, presentation, and interactions.

Fundamental Alteration. A modification to ICT that would change the basic nature or purpose for which the product or its components were designed.

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Government Off-the-Shelf (GOTS). A product developed by or for a government agency that can be used by another Agency with the product's pre-established functionality and little or no customization.

Government Product/Service Accessibility Template (GPAT). A form that a government Agency may include with government solicitations, which is then completed by solicitation respondents as a part of their proposal to indicate how their proposed products/services address applicable Section 508 requirements.

Hardware. A tangible device, equipment, or physical components of ICT, such as telephones, computers, multifunction copy machines, and keyboards.

Inclusive Design. Inclusive Design is a methodology, born out of digital environments, that enables and draws on the full range of human diversity. Most importantly, this means including and learning from people with a range of perspectives.

Information and Communication Technology (ICT). Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include, but are not limited to, computers and peripheral equipment, information kiosks and transaction machines, telecommunications equipment, customer premises equipment, multifunction office machines, software, applications, websites, videos, and electronic documents.²

Reasonable Accommodation. In general, a reasonable accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability [employee or prospective employee] to enjoy equal employment opportunities, benefits, and privileges.

Safe Harbor Clause. Existing ICT that meets the [original Section 508 Standards](#) do not have to be remediated to conform to the revised standards if no changes were made to the legacy ICT affecting interoperability, the user interface, or access to information or data after January 18, 2018. This is referred to as the "[Safe Harbor](#)" clause. ICT that is altered after January 18, 2018, must conform to the [revised Section 508 Standards](#).

Shared Service. A shared service is a business or mission function that is provided for consumption by multiple organizations within or between federal agencies.

Shared Service Agreement A shared service is a business or mission function that is provided for consumption by multiple organizations within or between Federal agencies.

Software. Programs, procedures, rules, and related data and documentation that direct the use and operation of ICT and instruct it to perform a given task or function. Software includes, but is not limited to, applications, non-Web software, and platform software.

Supplemental Accessibility Report (SAR). A **Supplemental Accessibility Report** is a description of any evaluation methods used to produce the ACR. The SAR includes:

² As defined by the U.S. Access Board's [Information and Communication Technology \(ICT\) Standards and Guidelines](#).

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- Accessibility test results based on the required test methods.
- Documentation of features provided to help achieve accessibility and usability for people with disabilities.
- Documentation of core functions that cannot be accessed by persons with disabilities.
- Documentation on how to configure and install the ICT item to support accessibility.
- When an ICT item is an authoring tool that generates content (such as documents, reports, videos, multimedia productions, web content), provide information on how the ICT item enables the creation of accessible electronic content that conforms to the Revised 508 Standards, including the range of accessible user interface elements the tool can create.

Undue Burden. Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, an agency shall consider all its resources. (Recurring instances of undue burdens are Class Undue Burden.)

Universal Design. Universal design is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design.

Upgrade. A change or [alteration](#) to existing ICT that affects interoperability with assistive technology (AT), the user interface, or access to information or data.

Voluntary Product Accessibility Template (VPAT). A form that a vendor may wish to provide that indicates or describes how its product or service addresses applicable Section 508 requirements.

Working Capital Fund (WCF). In FY 1997, the Agency established a WCF through appropriation language and in conjunction with the authority of the Government Management Reform Act (GMRA) of 1994. The role of the WCF is to provide a centralized source of administrative and support services for EPA.

10. WAIVERS

There are exceptions to the Section 508 requirements, which may include, but are not limited to, undue burden and fundamental alteration to the ICT. Refer to EPA's Section 508 Exceptions Procedure for additional information.

11. MATERIAL SUPERSEDED

This procedure supersedes CIO 2130-P-02.0, Section 508 Acquisition Procedure.

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12. CONTACTS

Please email EPA's Section 508 Program at Section508@epa.gov with any questions about this document

Vaughn Noga
Deputy Assistant Administrator for Environmental Information
and Chief Information Officer
U.S. Environmental Protection Agency

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APPENDIX A: HELPFUL RESOURCES**FORMS**

- [Voluntary Product Accessibility Template \(VPAT\) Version 2.4 \(DOC\)](#) (26 pp, 371 KB) – A template used to document a product's conformance with accessibility standards and guidelines. The VPAT should assist customers and buyers in making preliminary assessments regarding the availability of commercial ICT products and services with features that support accessibility.
- [EPA ICT Accessibility Certification Form](#) – Required form to document the results of the activities outlined in the procedure.
- Section 508 Exceptions Justification Form – Required form to justify the applicability of an exception to Section 508.

SECTION 508 REQUIREMENTS AND CRITERIA DEVELOPMENT

- [Determine 508 Standards and Exceptions](#) – Step-by-step guidance on how to complete the Standards Applicability Checklist.
- [508 Standards and Exceptions Chart & Examples](#) – Sample template for reporting standards and exceptions in solicitations.
- [Request Accessibility Information from Vendors & Contractors](#) – Guidance on how to clearly state accessibility requirements from vendors and contractors.
- [How to Define Accessibility Criteria in Contracts](#) – Guidance on how to define accessibility criteria for ICT.
- [Review Sample ICT Procurement Language](#) – Find Sample Procurement Language based on the type of ICT to be acquired, then cut and paste the sample language into the procurement documentation. The sample language covers such factors as: Program Need, Deliverable Requirements, and Evaluation and Acceptance Factors.
- [Accessibility Requirements Tool \(ART\)](#) – Step-by-step guidance to help identify relevant accessibility requirements from the Revised 508 Standards, and incorporate them into procurement and contracting documentation, as well as in-house IT development. Use the ART tool to select and review sample ICT Procurement Language.

VALIDATION/TESTING

- [Testing Methods and tools to Test for Accessibility](#) – An overview of testing methods and tools to test websites, software and electronic documents for conformance
- [EPA Assistive Technology Center \(ATC\)](#) – An onsite resource available to EPA Headquarters employees to test accessible tools or for all EPA employees to conduct accessibility testing.
 - Accessibility Requirements Development
 - Vendor Accessibility Documentation Review
 - Manual 508 compliance Testing

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- [Interagency Trusted Tester Program](#) – Provided by the Department of Homeland Security, the Interagency Trust Tester Program provides standardized test scripts and approaches for validating accessibility compliance and conformance.

EXCEPTIONS AND UNDUE BURDEN

- [Determine 508 Standards and Exceptions](#) – Step-by-step guidance on how to complete the Standards Applicability Checklist.
- [508 Standards and Exceptions Chart & Examples](#) – Sample template for reporting standards and exceptions in solicitations.

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APPENDIX B: ACQUISITION PLANNING CHECKLIST

Today's date: Select today's date.

Use the following checklist to confirm collection or completion of all information necessary in the ICT Acquisition Planning Phase.

- Have all the ICT for the procurement been identified?**
- Have specific technical and functional requirements of each ICT for the procurement been identified?**
- Has the following documentation been gathered for each ICT being acquired?**
 - A completed Accessibility Conformance Report (ACR) for each ICT component, based on the [Voluntary Product Accessibility Template \(VPAT\) Version 2.4](#) or higher.
 - A Supplemental Accessibility Report (SAR) completed by the vendor.
 - A demonstration of the ICT, including features that help achieve accessibility for persons with disabilities and functions that cannot be used by persons with disabilities.
 - Documentation indicating how the ICT does or does not meet applicable accessibility standards.
 - Documentation on how to configure and install the ICT to support accessibility.
- Does the acceptance criteria include or state the following items?**
 - Specific Section 508 language. Use GSA's [Acquisition Requirements Tool \(ART\)](#) to generate tailored technical requirements.
 - Language instructing the vendor to respond to the applicable ICT accessibility requirements including a complete ACR for each ICT component, based on the [VPAT v2.4 or higher](#).
 - Inform the vendor that the Agency reserves the right to perform testing on some or all the proposed ICT.
 - Specify what versions of the ICT will be tested. State that trial versions of ICT products or services will not be considered for testing purposes.
 - State that, upon award, any ICT product provided for testing by an unsuccessful offeror will be returned at the offeror's expense.
 - Request that all testing methodology be approved by the Federal CIO Council's Accessibility Community of Practice (for example, [Interagency Trusted Tester Program](#)).
 - Notify the vendor that they should remediate any non-compliance identified before final acceptance.
 - Include Accessibility Performance Evaluation Criteria.
 - Identify and request additional Acceptance Criteria, including, but not limited to:
 - Remediation plans for ICT or components that do not conform or partially conform to Section 508.
 - Descriptions of training and support on the accessibility features of the ICT products and services.
 - Demonstrations of the accessibility features of some or all items in the solicitation.

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- Information on where vendors can learn more about Section 508 compliance.
- Has [Part 1 of the EPA ICT Accessibility Certification Form been completed?](#)
- Has the Section 508 Exception Justification Form to [Part 1 of the EPA ICT Accessibility Certification Form](#) been attached, if applicable?
- Has [Part 1 of the EPA ICT Accessibility Certification Form been submitted to Section508@epa.gov?](#)

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APPENDIX C: ACQUISITION AWARD CHECKLIST

Today's date: Select today's date.

Use the following checklist to confirm the completion or collection of all information necessary in the ICT Acquisition Award Phase.

- Does the solicitation package include all required legal clauses regarding Section 508, including accessibility requirements and acceptance criteria for the ICT product and services?**
 - Use GSA's [Acquisition Requirements Tool \(ART\)](#) to generate Clauses.
- Did the CO and IMO approve [Part 1 of the EPA ICT Accessibility Certification Form](#)?**
- Does the vendor's proposal include the following documentation?**
 - The pre-award deliverables (VPAT, SAR, ACR, or equivalent documentation and demonstrations) required by the solicitation.
 - The same ICT version EPA is acquiring, as stated in the documentation.
 - Template(s) used to complete the VPAT, SAR, ACR, or equivalent documentation.
 - Conformance claims required in the template (for example, supports, supports with exceptions, does not support or not applicable).
 - Documentation that provides detailed remarks and explanations of findings.
 - A description of the accessibility testing methodology used by the vendor.
 - Confirmation that the documentation will be updated regularly by the vendor.

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APPENDIX D: ACQUISITION ADMINISTRATION CHECKLIST

Today's date: Select today's date.

Use the following checklist to confirm the completion or collection of all information necessary in the ICT Acquisition Administration Phase.

- Have accessibility claims from the vendor been re-verified?**
 - Has the accessibility testing methodology used by the vendor been identified?
 - Has the version documented by the vendor been compared with the version acquired by the Agency?
 - Have any gaps in conformance been identified (supports with exceptions, does not support or not applicable)?
- Has testing been completed (if applicable)?**
- If gaps in conformance were found, did the vendor provide a remediation plan?**
- Has the vendor completed all remediation activities (if applicable)?**
- Has [Part 2 of the EPA ICT Accessibility Certification Form](#) been completed?**
- Has the IMO approved [Part 2 of the EPA ICT Accessibility Certification Form](#)?**
- Has the Section 508 Exception Justification Form, if applicable, been attached to [Part 2 of the EPA ICT Accessibility Certification Form](#)?**
- Has [Part 2 of the EPA ICT Accessibility Certification Form](#) been submitted to Section508@epa.gov?**

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APPENDIX E: SUPPORTING DOCUMENTATION FOR THE [EPA ICT ACCESSIBILITY CERTIFICATION FORM](#) CHECKLIST

Today's date: Select today's date.

Collect and maintain the following documentation for submission with the EPA ICT Accessibility Certification Form.

- Acceptance criteria
- [Accessibility Requirements Tool \(ART\)](#) results
- Accessibility Conformance Report
- Supplemental Accessibility Report (SAR) for each ICT part of the procurement
- Testing result(s)
- Remediation plan(s)
- Other documentation gathered during market research

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**APPENDIX F: INFORMATION AND COMMUNICATION TECHNOLOGY
ACCESSIBILITY CERTIFICATION FORM PART 1**

Today's date: Select today's date.

Part 1: About the ICT

1. Complete the form below for Information and Communication Technology (ICT) to be developed/procured or updated/upgraded by the Agency. Click on the greyed text after each question and using the pull-down option to provide your answers. All questions with an asterisk (*) require an answer.
2. Send the completed electronic form and supporting documentation to your Contracting Officer (CO) to sign once they have verified the required language is included in the solicitation package.
3. Send the CO-signed electronic form to your local Information Management Officer (IMO) for review and approval.

General

1. ***Program/Region:** Select Program/Region from menu.
2. ***Name:** Enter the name of the person completing the form.
3. ***Role:** Select Role.

If other, please describe: Enter other role.
4. ***Name of product(s):** Enter the name of the product(s).
5. **Product version (if applicable):** Enter the product version.
6. ***Is this a new or existing product for EPA?** Select new or existing.
7. ***Is this off-the-shelf or custom procurement?** Choose a procurement.
8. ***Number of ICT included in the Acquisition?** Enter the number of ICT.
9. ***Type of Information and Communications Technology (ICT).** Select all that apply.
 - Hardware
 - Software
 - Electronic Content
 - Support Documentation
10. ***Is this ICT intended for use by the public?** Yes/No
11. ***Is this ICT intended for use by Agency employees and contractors?** Yes/No.

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12. Identify any intended audience(s). Enter the intended audience(s).

13. *Have you used the [Accessibility Requirements Tool](#) to define specific Section 508 Requirements for each ICT in the solicitation package? Yes/No.

If yes, attach results.

If no, provide justification: Enter justification.

14. *Do any exceptions to compliance apply to the ICT? Yes/No

Please refer to EPA's Section 508 Procedure for Exceptions for more information on exceptions.

If yes, complete the Section 508 Exception Justification Form. Refer to EPA's Section 508 Procedure for Exceptions for additional instructions.

Accessibility Documentation

15. *Please identify all supporting documentation collected during market research to verify claims made in this certification (check all that apply and attach copies):

- Accessibility Conformance Report (ACR).
- Supplemental Accessibility Report (SAR).
- Section 508 Exception Justification Form, if applicable.
- Acceptance criteria included in the solicitation package.
- Other documentation (please list): Enter other documentation.

Signatures

The following signatures are required to acknowledge delivery and receipt of the final submission of Part 1.

Acquiring Official

Signature

Date

Email Address

Contracting Officer

Signature

Date

Email Address

IMO

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Signature

Date

Email Address

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**APPENDIX G: INFORMATION AND COMMUNICATION TECHNOLOGY
CERTIFICATION FORM PART 2: COMPLIANCE AND ACCESSIBILITY
SUMMARY**

Today's date: Select today's date.

1. Complete the form to document compliance of an acquired Information and Communication Technology (ICT). All questions with an asterisk (*) require an answer.
2. Send the completed form and supporting documentation to your local Information Management Officer (IMO) for review and approval.

General

1. ***Program/Region:** Select Program/Region from menu
2. ***Name:** Enter the name of the person completing the form.
3. ***Role:** Select Role.

If other, please describe: Enter other role.

4. ***Name of the product:** Enter the name of the product.
5. **Product version (if applicable):** Enter the product version.

Testing

6. ***Was testing conducted to confirm the vendor or contractor's claims or during the internal development of a product against the appropriate Section 508 standards?**
Yes/No.

If yes, what testing methodology was used? Select the methodology.

If not, please explain why testing was not performed: Explain why testing was not performed.

7. ***What assistive technology was used during testing?** Select all that apply.

- | | |
|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Kurzweil 1000 |
| <input type="checkbox"/> JAWS 2020 (Job Access with Speech) | <input type="checkbox"/> Kurzweil 3000 |
| <input type="checkbox"/> ZoomText 2020 | <input type="checkbox"/> Convo Video Relay Services |
| <input type="checkbox"/> Fusion 2020 | <input type="checkbox"/> Other. If other, please enter all products and versions: Enter all products and versions. |
| <input type="checkbox"/> Nuance Dragon Pro 15 | |
| <input type="checkbox"/> Nuance Dragon Legal 15 | |

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Accessibility Documentation

8. *Please identify all supporting documentation to verify claims made in this certification (check all that apply and attach copies):

- Accessibility Conformance Report.
- Supplemental Accessibility Report (SAR).
- Testing results.
- Section 508 Exception Justification Form.
- Other documentation (please list): Enter other documentation.

Signatures

The following signatures are required to acknowledge delivery and receipt of the final submission of Part 2.

Acquiring Official

Signature

Date

Email Address

IMO

Signature

Date

Email Address