

SECTION 508 - ACCESSIBILITY OF ELECTRONIC AND INFORMATION TECHNOLOGY

- (a) This *SOW, PWS, or TO is* subject to Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) as amended by the workforce Investment Act of 1998 (P.L. 105-220). Specifically, subsection 508(a)(1) requires that when the Federal Government procures Electronic and Information Technology (EIT), the EIT must allow Federal employees and individuals of the public with disabilities comparable access to and use of information and data that is provided to Federal employees and individuals of the public without disabilities.
- (b) The EIT accessibility standards at 36 CFR Part 1194 were developed by the Architectural and Transportation Barriers Compliance Board ("Access Board") and apply to contracts and task/delivery orders, awarded under indefinite quantity contracts on or after June 25, 2001.
- (c) Each Electronic and Information Technology (EIT) product or service furnished under this contract shall comply with the Electronic and Information Technology Accessibility Standards (36 CFR 1194), as specified in the contract, as a minimum. If the Contracting Officer determines any furnished product or service is not in compliance with the contract, the Contracting Officer will promptly inform the Contractor in writing. The Contractor shall, without charge to the Government, repair or replace the non-compliant products or services within the period of time to be specified by the Government in writing. If such repair or replacement is not completed within the time specified, the Government shall have the following recourses:
 - 1. Cancellation of the contract, delivery or task order, purchase or line item without termination liabilities; or
 - 2. In the case of custom Electronic and Information Technology (EIT) being developed by a contractor for the Government, the Government shall have the right to have any necessary changes made or repairs performed by itself or by another firm for the noncompliant EIT, with the contractor liable for reimbursement to the Government for any expenses incurred thereby.
- (d) The contractor must ensure that all EIT products that are less than fully compliant with the accessibility standards are provided pursuant to extensive market research and are the most current compliant products or services available to satisfy the contract requirements.
- (e) For every EIT product or service accepted under this contract by the Government that does not comply with 36 CFR 1194, the contractor shall, at the discretion of the Government, make every effort to replace or upgrade it with a compliant equivalent product or service, if commercially available and cost neutral, on either a contract specified refresh cycle for the product or service, or on a contract effective option/renewal date; whichever shall occur first.

Section 508 Compliance for Communications

The **Contractor** 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. www.access-board.gov/sec508/standards.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. Remediation of any materials that do not comply with the applicable provisions of 36 CFR Part 1194 as set forth in the **SOW**, 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**:

36 CFR Part 1194.21 a - l

36 CFR Part 1194.22 a - p

36 CFR Part 1194.31 a - f

36 CFR Part 1194.41 a – c

The contractor shall provide a completed Section 508 Product Assessment Template and the contractor shall state exactly how the proposed EIT deliverable(s) meet or do not meet the applicable standards.

The following Section 508 provisions apply for software development material identified in this **SOW**:

For software development, the Contractor/Developer/Vendor shall comply with the standards, policies, and procedures below:

Rehabilitation Act, Section 508, Accessibility Standards

- (1) 29 U.S.C. 794d (Rehabilitation Act as amended)
- (2) 36 CFR 1194 (508 Standards)
 - 36 CFR Part 1194.21 (a – l)
 - 36 CFR Part 1194.31 (a – f)
 - 36 CFR Part 1194.41 (a – c)
- (3) www.access-board.gov/sec508/standards.htm (508 Standards)
- (4) FAR 39.2 (Section 508)
- (5) CMS/HHS Standards, policies and procedures (Section 508)

Information Technology – General Information (https://www.cms.gov/Research-Statistics-Data-and-Systems/CMS-Information-Technology/Section508/Section_508_policies_procedures.html)

For web-based applications, the Contractor shall comply with the standards, policies, and procedures below:

Rehabilitation Act, Section 508, Accessibility Standards

- (1) 29 U.S.C. 794d (Rehabilitation Act as amended)
- (2) 36 CFR 1194 (508 Standards)
 - 36 CFR Part 1194.22 (a – p)
 - 36 CFR Part 1194.41 (a – c)
- (3) www.access-board.gov/sec508/standards.htm (508 Standards)
- (4) FAR 39.2 (Section 508)
- (5) CMS/HHS Standards, policies and procedures (Section 508)

a. Information Technology – General Information

((https://www.cms.gov/Research-Statistics-Data-and-Systems/CMS-Information-Technology/Section508/Section_508_policies_procedures.html))