



OFFICE OF THE CHIEF INFORMATION OFFICER



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

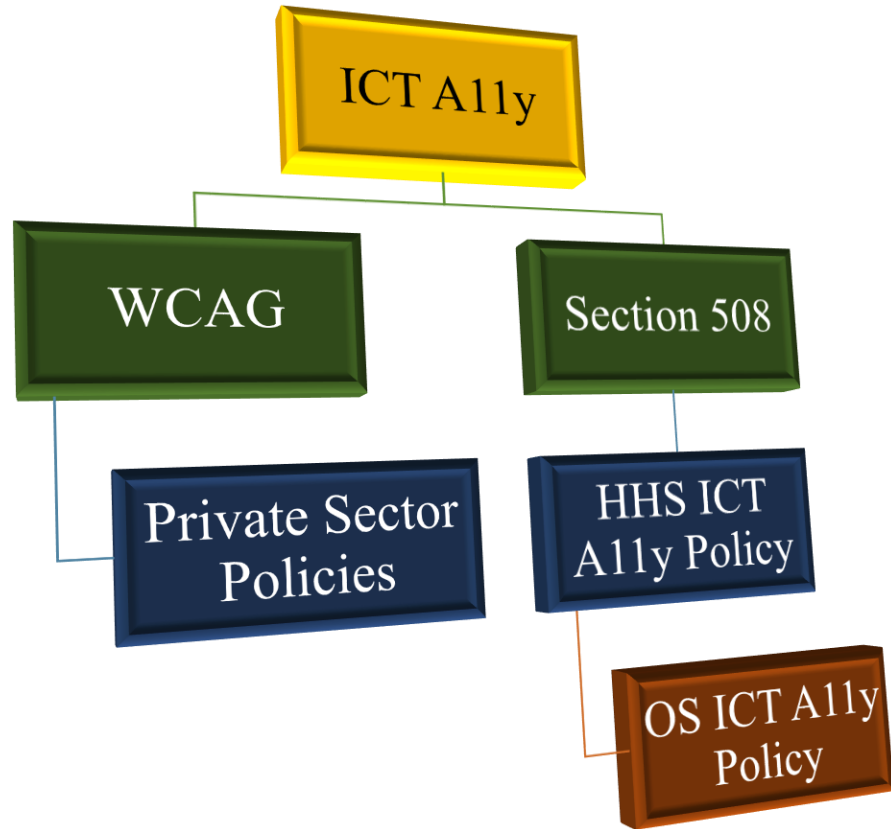
Incorporating Accessibility: Pre-Award

HHS & OS Accessibility Program

April 2022

Accessibility Structure & Terminology

Digital accessibility is a field that encompasses several laws, standards, and components.



- **ICT:** Information & Communications Technology
 - Nearly synonymous with **EIT** (Electronic Information Technology)
- **A11y:** Accessibility – There are 11 letters between the A & Y.
- **WCAG:** Web Content Accessibility Guidelines

Section 508 Applicability



Definitions

- **Section 508:** A set of standards that must met to enable people with disabilities to be informed, perform work, receive government benefits, and conduct business.
- **Section 508 Conformance:** Anytime the government “develops, procures, maintains, or uses” information and communications technology (ICT) the information and data must be available to persons with disabilities.
- **Accessible:** How successfully people with a disability can locate, get to, and understand information they want or need.

Content Applicability

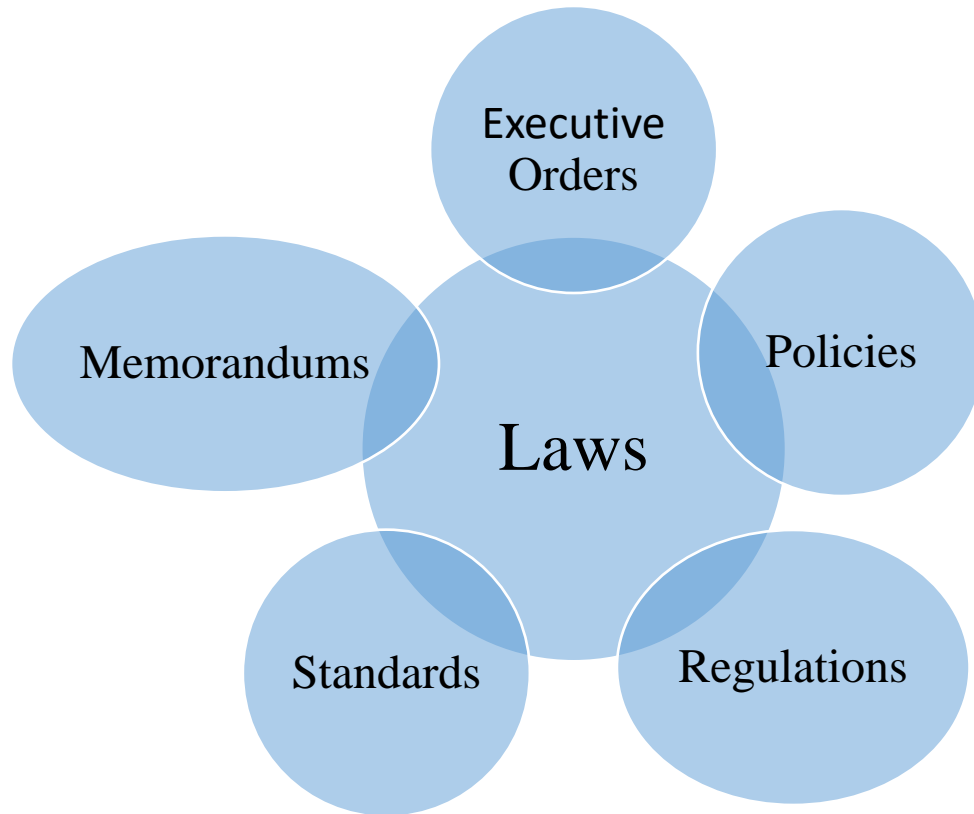
- ICT includes software, hardware, and products that people use to obtain, retrieve, and communicate information electronically.
- Other applicable inclusions:
 - Software used but not purchased by the Federal Government.
 - Posting to and the use of social media sites
 - Access to all support materials. Includes, but is not limited to, user guides, installation guides, customer support, and technical support communications.

Disability Groups

- Photosensitive epilepsy
- Cognitive impairments
- Limited language, cognitive and learning abilities
- Deaf or limited hearing
- Blind or limited vision
- Without perception of color
- Non-verbal or limited speech
- Limited manipulation
- Limited reach and strength



Legal Authorities and Drivers for Accessibility



Most Relevant Mandates:

- Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., as amended, Sections 504 and 508, 29 U.S.C. §§ 794, 794(d), as amended in 2018
- Federal Information Technology Acquisition Reform Act (FITARA), Public Law 113-291, div. A, tit. VIII, Subtitle D, 128 Stat. 3292, 3438-50 (2014)
- HHS Acquisition Regulation (HHSAR)
- HHS Policy for Section 508 Compliance and Accessibility of Information and Communications Technology (ICT)
- Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, June 25, 2021
- Web Content Accessibility Guidelines (WCAG)

[List of Applicable Accessibility Laws and Mandates](#)

5 Ws and 1 H of Accessibility



WHY (does it matter): It's the law. If content is not planned with accessibility in mind, the likelihood of achieving accessibility in the end is significantly diminished and introduces a high risk of litigation to the Department.

WHO (is responsible): Contract officers (CO), contracting officer representatives (COR), product owners, project managers, development teams, and other staff involved in the ICT project life cycle.

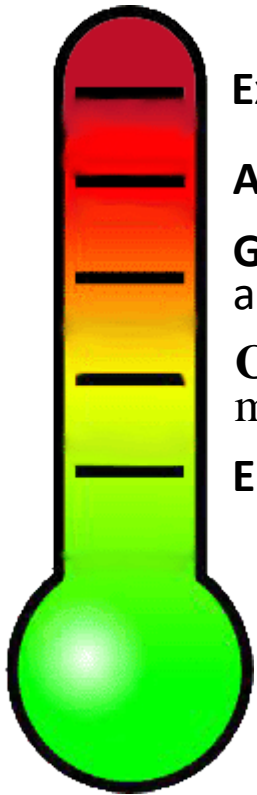
WHAT (needs to happen): guidance during market research; formulation of project requirements; add language in SOW/SOO/PWS; collect ACRs; include SME TEP activities; establish accessibility milestones throughout life cycle

WHERE (is it incorporated): At the VERY beginning! Ideally within project requirements development or during market research. Section 508 language *MUST* be incorporated into a solicitation, best practices used throughout project development, and ICT verified at delivery.

WHEN (is there an impact): Always, throughout the life cycle! There are rare instances when Section 508 will not apply (as determined by an OS Accessibility Program manager).

HOW (do I do it): Incorporate the OS Accessibility Program into your processes. Can provide: SME, guidance on ACRs, known product accessibility issues, evaluations of products, and so much more.

Risk & Impact



Exclude: Does not include or consider accessibility

Acknowledge: Checks a box

Guidance: Seek out information from an authoritative source

Collaborate: Interact with authoritative source to make specific ICT decisions

Embed: Accessibility drives decisions

Step	Severity	Engagement
Market Research	Negligible	Acknowledged
Project Requirements	Critical	Embedded
Language in SOO/SOW/PWS	Catastrophic	Guidance
ACR Collected	Moderate	Embedded
SME on TEP	Negligible	Excluded
Accessibility Life Cycle Milestones	Catastrophic	Collaborated

Risk Level: Moderate

Risk Assessment: Low, Moderate, High, Very Risky

Severity: Negligible, Moderate, Critical, Catastrophic

Engagement: Excluded, Acknowledged, Guidance, Collaborated, Embedded

Improve Market Research and Project Requirements

Step	How to Improve
Market Research	<p>Acknowledge that accessibility is a requirement and therefore accessibility must be considered when assessing tools or services.</p> <p>Guidance is gained when independent research is conducted to determine the accessibility claims of the tools that meet the business need.</p> <p>Collaborate with the Accessibility Program to determine the most accessible option.</p> <p>Embed the Accessibility Program to test the different offerings and provide a recommendation.</p>
Project Requirements	<p>Acknowledge that accessibility is a requirement and therefore accessibility must be considered when developing requirements for tools or services.</p> <p>Guidance is gained when independent research is conducted to determine what accessibility properties are available in the tools being used to meet the business need and how to design accessible features.</p> <p>Collaborate with the Accessibility Program to receive recommendations on the most accessible implementation of the project requirements.</p> <p>Embed the Accessibility Program to provide specific recommendations based on the business need to ensure the highest level of compliance.</p>

Improve Language in SOO/SOW/PWS and ACRs Collected

Step	How to Improve
Language in SOO/SOW/PWS	<p>Acknowledge that accessibility is a requirement, but the necessary language to include is unknown.</p> <p>Guidance was obtained by inserting the standard ITAR language</p> <p>Collaborate with the Accessibility Program to determine all areas in which have accessibility implications.</p> <p>Embed the Accessibility Program to provide specific information to the COR and PM to schedule and accept accessible material.</p>
ACR Collected	<p>Acknowledge that an ACR should be collected.</p> <p>Guidance is obtained by independent research of what an ACR is and how typical responses appear.</p> <p>Collaborate with the Accessibility Program to determine what an ACR contains and how to interpret one.</p> <p>Embed the Accessibility Program to provide specific guidance on how to respond to a vender's ACR (i.e., ask if the product can be modified).</p>

Improve SME on TEP and A11y Life Cycle Milestones

Step	How to Improve
SME on TEP	<p>Acknowledge that accessibility must be measured during the evaluation of offerors.</p> <p>Guidance is obtained by independent review of the ACR responses from the offerors.</p> <p>Collaborate with the Accessibility Program to determine the state of the ACRs provided.</p> <p>Embed the Accessibility Program to serve as an TEP evaluator.</p>
Accessibility Life Cycle Milestones	<p>Acknowledge that accessibility needs to, at a minimum, be fully tested at the end.</p> <p>Guidance is obtained by independent research and review of the accessibility impacts of each functional release</p> <p>Collaborate with the Accessibility Program to test the final product</p> <p>Embed an expert from the Accessibility Program into the development team.</p>

Engaging the Project Stakeholders

Project Conformance Questions

- Is an ACR available for each product and has it been evaluated and deemed conformant with the HHS accessibility requirements?
- If implementing a Commercial off the Shelf (COTS) product, has a preliminary Section 508 conformance review been conducted and does it meet HHS accessibility requirements?
- Are Section 508 and accessibility requirements language included in the procurement package?
- Has the HHS & OS Accessibility Program been engaged and provided recommendations?
- Has the COR been trained in accepting conformant deliverables in all content formats?
- Is the respective StaffDiv prepared to assume all risk and responsibility of meeting Section 508 requirements, including paying for all litigation?

Responding & Reacting

- ✓ During market research it is imperative all products' conformance state be identified and the most accessible product be chosen.
- ✓ Code-level access is important to fix outstanding defects as low-code options often do not provide enough flexibility to address conformance.
- ✓ A Section 508 and Accessibility Requirements section must be included in the documentation to cover the entire project. Optionally, additional accessibility language can be included in each task.
- ✓ Engage the HHS & OS Accessibility Program early and often throughout the project life cycle to ensure conformance measures are being met.
- ✓ CORs need to perform a few rapid evaluations prior to delivery acceptance.
- ✓ With or without contractors, the government is accountable for conformance and must respond to access requests and litigation.

Program Overview

Our Values:

- Facilitate a culture that empowers customers to become self-sufficient through education, consultation, and partnerships with OpDivs, StaffDivs, and the greater accessibility community.
- Foster the implementation of accessible foundations by evaluating ICT conformance to avoid refactoring and minimize the cost throughout a lifecycle.
- Focus on driving accessibility forward by adapting to the growing and changing needs of emerging ICT.

Stakeholders: Focus on engagement

- Communications strategy identifying stakeholder communities
- Understand internal offices' operations and assist with implementing accessibility practices.

Customers: Focus on satisfaction

- Implement process improvements to reduce risk of non-conformance
- Increase educational resources



Resources

- [HHS & OS Accessibility Program](#) (internet)
- [HHS & OS Accessibility Program](#) (intranet)
 - [HHS & OS Accessibility Intake Form](#) (intranet)
- [HHS Accessibility Compliance Checklists](#) (by content type)
- [HHS Accessibility and Section 508 Policy](#)
- [HHSAR Clause 339.205 Section 508 Accessibility Standards for Contracts](#)
 - Note: The HHS & OS Accessibility Program has a version available with minor updates.
- [ITI's Voluntary Product Accessibility Template \(VPAT\)](#): “The Accessibility Conformance Report (ACR) based on the ITI VPAT® is the leading global reporting format for assisting buyers and sellers in identifying information and communications technology (ICT) products and services with accessibility features.” - ITI
- [Accessibility Requirements Tool \(ART\)](#): “A step-by-step guide to help you easily identify relevant accessibility requirements from the Revised 508 Standards, and incorporate them into your procurement and contracting documentation, as well as in-house IT development.” - GSA
- From the Access Board, [Revised Section 508 and 255 Guidelines](#)

Questions



CONTACT US

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Use Case Scenarios

Use Case: Common Submission

Step	Severity	Probability	Example
Market Research	Negligible	Excluded	Used an enterprise platform solution, so market research was minimal to what the agency had already procured
Project Requirements	Critical	Acknowledged	Implemented human-centered design, but their humans didn't include individuals with disabilities
Language in SOO/SOW/PWS	Catastrophic	Guidance	Followed the ITAR process including standard accessibility language but did not associate accessibility requirements to the list of deliverables.
ACR Collected	Moderate	Acknowledged	Vendor provided a link to their website in which an ACR exists.
SME on TEP	Negligible	Excluded	There was no accessibility measurement or consideration for reviewing the offers or ACRs.
Accessibility Life Cycle Milestones	Catastrophic	Guidance	Followed the EPLC process that includes Accessibility as a critical partner and ensures the content is tested prior to operational readiness.

Use Case: Prior Agency-Acquired Platform/Tool

Step	Severity	Probability	Example
Market Research	Negligible	Acknowledged	Used an enterprise platform solution - market research was minimal to what the agency had already procured but the accessibility best meets requirements were acknowledged.
Project Requirements	Negligible	Acknowledged	Purchased a tool that fulfills a business need with no considerations for customizations.
Language in SOO/SOW/PWS	Negligible	Guidance	Followed the ITAR process and inserted standard accessibility language.
ACR Collected	Catastrophic	Guidance	ACRs were retrieved from the vendor websites and values of "satisfied" were identified; therefore, no further investigation occurred.
SME on TEP	Critical	Collaborated	The accessibility team was provided one round of review and recommendations on the TEP.
Accessibility Life Cycle Milestones	Critical	Guidance	HHS Section 508 checklists were completed by the accessibility team post deployment.

Use Case: Expected Outcome

Step	Severity	Probability	Example
Market Research	Negligible	Embedded	Engaged with accessibility program and worked together to determine the most accessible product
Project Requirements	Moderate	Collaborated	Interacted with accessibility program team to review business requirements and receive recommendations for accessibility.
Language in SOO/SOW/PWS	Catastrophic	Embedded	Formed language throughout the acquisition documentation that includes standard paragraphs plus specifics for the project.
ACR Collected	Moderate	Collaborated	Accessibility program team assisted in reviewing the validity of the collected ACR content.
SME on TEP	Negligible	Collaborated	Asked accessibility program team to participate on the TEP and provide scores.
Accessibility Life Cycle Milestones	Catastrophic	Embedded	In conjunction with the accessibility program team a schedule was prepared that incorporates accessibility practices, an accessibility SME is integrated into the project team, and each release/distribution has a conformant HHS checklist(s).