



## GSA's BuyAccessible FedBizOpps Solicitation Assessment Program

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In 2006, GSA's BuyAccessible Program began random sampling of solicitations posted on FedBizOpps (FBO). Our goal was to gain insight into how well Section 508 accessibility requirements were correctly considered in procurements which contain deliverables related to electronic and information technology (EIT). The results indicated a very low level of compliance. The Office of Management and Budget stated its concerns with Section 508 in federal solicitations and announced GSA's BuyAccessible Program's on-going evaluation of agency compliance with Section 508 ([Ensuring the Accessibility of Federal Electronic and Information Technologies Procured by Federal Agencies](#) dated November 2007).

Section 508 of the Rehabilitation Act 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. For procurement of EIT, Section 508 standards encompass procurement planning, market research, and requirements definition processes. Under the law federal agencies should acquire products/services that conform to the Access Board Standard. Agencies are required to identify and include technical provisions, performance criteria, and information, documentation, and support requirements applicable to the EIT being acquired. Agencies should include specific provisions in Statements of Work; request material that documents how vendor products/services conform to Section 508; and, evaluate the conformance of product and services as documented in responses from vendors.

GSA's BuyAccessible team reviews close to 400 solicitations each month and between 40 and 60 result in a feedback letter (see below). Results from the assessment program are aggregated monthly to provide a government-wide picture of compliance with Section 508 implementation. Results regarding individual agencies are not distributed. Our assessment and feedback program, along with our outreach via various venues (meetings, conversations, training, etc.) has led our team to implement a revised solicitation review process to improve compliance both in terms of the law itself and the intent of the law. A high level overview is presented below. A future posting on [www.buyaccessible.org](http://www.buyaccessible.org) will direct you to the full assessment criteria.

The most significant factor in the assessment analysis is the extent to which the solicitation addresses applicable standards associated with the EIT deliverable(s). If EIT is asked for and specific applicable Section 508 provisions are called out (e.g. §1194.21 and §1194.22 apply or §1194.21(a) applies), the solicitation receives a passing (Green) score. If EIT content is asked for and Section 508 is mentioned in general terms (e.g. 1194 Subparts b, c and/or d apply), the solicitation receives a minimally passing (Yellow) score. This is a change from the past criteria where simple mention of Section 508 yielded a passing (Yellow) score (e.g. "This procurement is subject to Section 508."). If EIT is asked for in the solicitation and Section 508 Subparts b, c and/or d are not mentioned, the solicitation receives a failing

(Red) score. Additionally, the new criteria address the transfer of Section 508 applicability, relevance or exception determination to the vendor resulting in a decrease in overall score. Accessible documentation is also necessary in the solicitation itself.

GSA's BuyAccessible Program provides email feedback to requiring officials (if available from the solicitation), contract officers, and Section 508 Coordinators, about how well or poorly the agency or department had addressed their Section 508 responsibility in the particular solicitation. Further, the email suggests ways in which the agency or department can improve compliance, by using the tools and resources available from GSA, at no cost, to help departments/agencies conform to the requirements of Section 508. Of particular importance to compliance, the [BuyAccessible Wizard](#), a web-based tool, guides users through a process of gathering Section 508/market research data for EIT purchases and provides complete documentation of due diligence. For additional information and assistance, refer to [www.Section508.gov](http://www.Section508.gov).

Should you receive a letter indicating either compliance or non-compliance, we welcome the opportunity to discuss the Section 508 implications of the procurement with you.

The chart depicted below shows the results of our assessment program from its inception in 2007 through January 2010. There is a modest, but general year to year improvement in the number of solicitations that are minimally complying with Section 508 (reduction of Red from 83% to 51% and increase in Yellow from 10% to 31%). We are also seeing an increase in the number of Green solicitations from year to year. Unfortunately, a majority of solicitations included in the movement from Red to Yellow are due to inclusion of standard language that only very broadly addresses Section 508. While this is encouraging and some agencies are providing awareness to potential vendors, the requirement of the agency is to identify specifically the provisions that apply to their EIT deliverables. The inclusion of broad based standard language will only result in partial compliance.

