

Section 508 Compliance: Selecting the Right Partner for Success

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Overview

Accessibility for information technology products and services was brought to widespread attention in 1998 by Section 508 of the US Rehabilitation Act. This Act mandates that all federal agencies developing, procuring, maintaining, or using information technology must ensure that these products and services are fully accessible to government employees and the public. The primary purpose of Section 508 is to ensure that individuals with disabilities have equal access to, and use of, the information technology used by federal agencies. Accessibility means that products are available to and usable by the widest possible audience, including persons with disabilities.

The challenge facing technology companies (such as IT and telecom service providers) is two-fold:

1. To do business with the government, they need to be absolutely confident that their products and services comply with Section 508
2. They do not normally have the in-house resources and the expertise to assess 508 Compliance, and in most cases, it does not make business sense to have full-time employees for this purpose.

As a result, the most sensible approach is to partner with a team whose focus and core competence in addition to 508 compliance is in these companies' products and services.

Many companies claim that they provide Section 508 compliance and testing services.

This paper provides a set of guidelines to help technology companies in their selection process, and avoid some of the pitfalls.

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What to look for

Seven major areas of focus are considered. You may wish to add your own unique “hot-buttons” to this list.

Expertise in Your Industry

This is crucial, if you are to avoid spending time and resources educating your partner about your industry. Remember, the reason you want a partner in the first place is for efficiency and cost effectiveness. For example, if you are a Telecom Service Provider, your partner should ideally have staff in-house with experience in networking technologies, as well as the products and services that you offer.

Depth and Breadth of Service Offerings

Although there are many reputable companies in this field, some claim to “do it all”, while their experience may have been limited to a narrow field such as web site development and modifications for accessibility only. Your potential partner must be a full service provider, who can provide a full spectrum of services including 508 compliance, VPATs (Voluntary Product Accessibility Templates), testing, consulting, re-engineering, and training.

Past Performance

A proven track record in the government sector as well as in your own industry is absolutely crucial. Review your partner’s past performance carefully, and make sure that they map into your immediate requirements as well as your company’s future needs. Ensure that there are plenty of *reference-able accounts*. This is the only way to sort out fact from fiction.

Company Resources

Does the company have sufficient qualified personnel and resources to support your workload in a timely and cost-efficient manner? How many employees, consultants, and associates does the company have, and what are their qualifications, track record and availability?

Leader or Follower?

Ideally, you would want to partner with a company who not only follows the government’s accessibility regulations, but is also in-

What is Section 508?

In 1998, Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities. Inaccessible technology interferes with an individual's ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508 (29 U.S.C. ' 794d), agencies must give disabled employees and members of the public access to information that is comparable to the access available to others.

Americans with Disabilities Act (ADA)

ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. The ADA requires that reasonable accommodations be provided in meeting the needs of individuals with disabilities.

(<http://www.section508.gov>)

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What is Section 255?

Section 255 of the Telecommunication Act requires that manufacturers of telecommunications and customer premises equipment and providers of telecommunications services ensure that such equipment and services are accessible to people with disabilities, if readily achievable. When it is not readily achievable to make the equipment accessible, the Act requires that manufacturers ensure that the equipment is compatible with existing peripheral devices commonly used by individuals who have disabilities to achieve access (i.e., assistive technology), if readily achievable. As mandated by the Telecommunications Act, the Architectural and Transportation Barriers Compliance Board (Access Board), in conjunction with the FCC, developed guidelines for accessibility, usability, and compatibility of telecommunications equipment covered by Section 255. The guidelines address the access needs of individuals with disabilities that affect hearing, vision, mobility, speech, and cognitive skills.

What is Buy Accessible?

Buy Accessible represents a partnership between government and industry to provide a service to federal procurement staff. It assists government personnel in completing market research necessary to ensure that they are buying the most accessible IT products and services available in order to conform to Section 508.

(<http://www.section508.gov>)

involved with the GSA in a consultative manner to advise, recommend, and influence the direction of the industry as well as acting as an advocate for their client. This will ensure that your company's interests and ideas are properly channeled to the right decision-making bodies.

Do They Practice What They Preach?!

Many companies in this sector hire people with disabilities, but not all. There are some real practical advantages apart from the humanitarian benefits. These include more validated test results than obtained by people without disabilities who do not use assistive technology in their everyday lives, and more loyal employees with longer tenure. Hiring people with disabilities also shows a passion and a commitment by your partner to making the lives of the disabled easier – the real reason behind Section 508 Compliance in the first place.

Company Type

The government places great emphasis in ensuring that small and disadvantaged businesses are properly represented on teams bidding for government contracts. If your partner fits these categories, not only have you provided opportunities for such companies, but you have increased your chances of winning the contract.

Conclusion

Selection of the right partner for Section 508 Compliance is of paramount importance to high technology companies who conduct business with the Government.

By carefully examining their expertise in your industry, past performance, depth and breadth of services, the company's leadership position and commitment to accessibility, you can ensure that your products and services are supported by the most qualified Section 508 Compliance partner.

The next few pages provide a detailed Section 508 Compliance Vendor Selection Template.

Section 508 Compliance:

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Vendor Selection Template

1. Expertise in Your Industry

This is crucial, if you are to avoid spending time and resources educating your partner about your industry. Remember, the reason you want a partner in the first place is for efficiency and cost effectiveness. For example, if you are a telecom Service Provider, your partner should ideally have staff in-house with experience in networking technologies, as well as the products and services that you offer.

- Q1. Do you have subject matter expertise in my industry within your organization? If so, please describe.

2. Depth & Breadth of Service Offerings

Although there are many reputable companies in this field, some claim to “do it all”, while their experience may have been limited to a narrow field such as web site development and modifications for accessibility only. Your potential partner must be a full service provider, who can provide a full spectrum of services including 508 compliance, VPATs (Voluntary Product Accessibility Templates), testing, consulting, re-engineering, and training.

- Q2. Do you provide the following services ?

- a) Section 508 Compliance
- b) VPAT Support
- c) Testing
- d) Consulting
- e) Re-Engineering
- f) Training
- g) Certification
- h) Support during compliance disputes

- Q3. Are you prepared to defend your clients if they have litigation or a bid-protest brought against them due to Section 508?

3. Past Performance

A proven track record in the government sector as well as in your own industry is absolutely crucial. Review your partner’s past performance carefully, and make sure that they map into your immediate requirements as well as your company’s future needs. Ensure that there are plenty of reference-able accounts. This is the only way to sort out fact from fiction.

- Q4. Has your company teamed with others in response to large government contracts?

- a) If so, what type of support did you provide to the other company team members in relation to Section 508?

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- Q5. What is your company's past performance with Section 508 Consulting, Re-Engineering, Validation, Testing, Certification and Training at:
- a) US Federal Government
 - b) State, Local or County Governments
 - c) Other Governments
 - d) Telecom Service Providers and Information Technology corporations?
 - e) Fortune 50,100 or 500 or higher?
 - f) Medium and Small companies?
 - g) Universities/Education
 - h) Non-Profits/Associations
- Q6. Do you have past performance in all sections of Section 508? Please explain the projects and client.
- a) Software and Operating Systems
 - b) Web-Based Intranet and Internet Information and Applications
 - c) Telecommunications Products
 - d) Video and Multimedia Products
 - e) Self Contained, Closed Products
 - f) Desktop and Portable Computers
 - g) Functional Performance Criteria (subpart C)
 - h) Information, Documentation, and Support (subpart D)
- Q7. Are the above accounts reference-able? If so, please provide contact details.
- Q8. Does your company have past performance with VPATs?
- a) What type of VPATs have you supported?
 - b) Have you created the VPATs from scratch?
 - c) Did you support an organization in creating the VPAT?
- Q9. Does your company have past performance with:
- a) Section 508? (Rehabilitation Act)
 - b) Section 255? (Telecommunications Act)
 - c) ADA? (American's with Disabilities Act)
 - d) E&IT Accessibility? (Electronic and Information Technology)
- Q10. Does the company have International Accessibility Experience? If so, please explain.
- Q11. Has your company provided or recommended Undue Burden for clients? If so, please explain.
- Q12. Has your company provided or recommended any Back Office Exemptions for a client? If so, please explain.

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Q13. Has your company provided or recommended any Security Exemptions for a client? If so, please explain.

Q14. Has your company supported a vendor or government client by defending their Section 508 decision? If so, was it a:

- a) Bid-Protest?
- b) Technical interpretation complaint?
- c) Waiver complaint?
- d) Lawsuit?
- e) Section 508 complaint?
- f) Section 255 complaint?
- k) Complaint from an associate with disability?
- h) Complaint from a customer with disability?
- i) Complaint from a Disabilities Association or User Group? Customer with disability?

Q15. Have you supported any litigation related issues for clients in regards to Accessibility? If so, please explain

4. Company Resources

Does the company have sufficient qualified personnel and resources to support your workload in a timely and cost-efficient manner? How many employees, consultants, and associates does the company have, and what are their qualifications, track record and availability?

Q16. Do you have associates working with Section 508 and Section 255? If so please describe (number, qualifications & experience)

5. Leader or Follower?

Ideally, you would want to partner with a company who not only follows the government's accessibility regulations, but is also involved with the GSA in a consultative manner to advise, recommend, and influence the direction of the industry as well as acting as an advocate for their client. This will ensure that your company's interests and ideas are properly channeled to the right decision-making bodies.

Q17. Has your company been involved in any lobbying efforts for Accessibility? If so, please explain.

Q18. Has anyone in your company been a speaker at the following events? If so, please explain:

- a) Government conferences on Section 508
- b) Telecommunication conferences
- c) Other industry conferences
- d) International conferences

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Q19. Is anyone in your company a published author on the subject of Section 508 Compliance and E&IT Accessibility?

- a) Articles? If yes, where were those articles published?
- b) White Papers? If yes, where were those articles published?
- c) Case Studies? If yes, where were those articles published?
- d) Articles written by others where your company or best practice was highlighted? If yes, where were those articles published?
- e) Articles written by others where you were quoted? If yes, where were those articles published?

Q20. Has your company been asked to be part of any work groups supporting Section 508 Compliance?

- a) What Section 508 Working Groups?
- b) What Congressional Working Groups?
- c) What Government Working Groups?
- d) What Industry Working Groups?
- e) What International Working Groups?

6. Do They Practice What They Preach?

Many companies in this sector hire people with disabilities, but not all. There are some real practical advantages apart from the humanitarian benefits. These include more validated test results than obtained by people without disabilities who do not use assistive technology in their everyday lives, and more loyal employees with longer tenure. Hiring people with disabilities also shows a passion and a commitment by your partner to making the lives of the disabled easier – the real reason behind Section 508 Compliance in the first place.

Q22. Do you hire people with disabilities?

- a) How many associates does your company have with disabilities and what types of disabilities are represented?
- b) Do the associates know the standards and use AT (Assistive Technology)?
- c) What types of AT do your associates use?
- d) Do the associates have technology backgrounds?
- e) Do the associates have telecommunications backgrounds?

7. Company Type

The government places great emphasis in ensuring that small and disadvantaged businesses are properly represented on teams bidding for government contracts. If your partner fits these categories, not only have you provided opportunities for such companies, but you have increased your chances of winning the contract.

Q23. Does your company have any special designations?

- a) SBA 8(a)
- b) SBA SDB
- c) Small Business
- d) Woman Owned
- e) Hub Zone
- f) Service Vet Owned