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# Section 508 procurement pre-check

A short checklist for buyers writing or reviewing solicitations that touch digital accessibility. Designed for federal, state, and local procurement teams who need to settle the accessibility conversation **before** the contract is awarded.

This document is synthesized from the 2018 Section 508 refresh (36 CFR Part 1194), GSA Accessibility for IT guidance, and standard procurement practice. It is not legal advice.

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## Background in two paragraphs

Section 508 of the Rehabilitation Act requires federal agencies to make their electronic and information technology accessible to people with disabilities. The 2018 refresh updated the technical standards to harmonize with WCAG 2.0 Level A and AA. Many state and local procurements have adopted similar requirements, often referencing more recent WCAG versions (2.1 AA or 2.2 AA) directly in their solicitations.

In practice, "accessibility compliance" means three things at procurement time: (1) the standard cited in the solicitation matches what the buyer actually requires, (2) the vendor can produce evidence of conformance, and (3) the contract language is clear about what happens if conformance gaps are discovered after delivery. This checklist covers all three.

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## Pre-RFP checklist

Before the solicitation goes out the door:

- Standards cited explicitly.** The solicitation names a specific standard and version – for example, "Section 508 conformance per 36 CFR 1194, Appendices A and C" or "WCAG 2.1 Level AA conformance." Avoid "must be accessible" without a reference.
- Conformance level specified.** Level A only, A and AA, or A through AAA. Level AA is the standard expectation for public-facing federal and state work.
- WCAG version locked.** WCAG 2.0, 2.1, and 2.2 are different documents with different requirements. State which version applies.

- VPAT requirement stated.** If a Voluntary Product Accessibility Template is required, name the version (VPAT 2.5 is current). State whether the VPAT is required at proposal time, at delivery, or both.
  - Testing methodology disclosed.** The solicitation states what the buyer will use to verify conformance – automated tools, manual review, assistive-technology testing, third-party audit, or some combination.
  - Exception language included.** Section 508 allows narrow exceptions for undue burden and fundamental alteration. The solicitation specifies the process for invoking either, including who approves and what documentation is required.
  - Scope boundary defined.** The solicitation distinguishes between content the vendor produces, content the buyer provides, and third-party components. Vendor responsibility for each is named.
  - Timeline aligned.** The development timeline includes time for accessibility testing, remediation, and re-testing – not bolted onto QA at the end. As a rough guide: allow 10–15% of total development time for accessibility work.
  - Acceptance criteria written.** "Passes WCAG 2.1 AA" is not an acceptance criterion. Spell out what evidence the buyer will accept – a clean automated scan, a passed manual checklist, a clean VPAT, an external audit report.
  - Remediation expectations set.** What happens if accessibility issues are discovered after delivery? Within warranty, the vendor remediates at no cost. After warranty, name the rate.
  - Training expectations set.** If the buyer's staff will maintain the system, the solicitation includes accessibility training for those staff – content authoring patterns, the most common pitfalls.
  - Reasonable accommodation noted.** The solicitation acknowledges the buyer's obligation to provide reasonable accommodation to its own users, and how the delivered system supports that.
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## Vendor screening

When proposals come in, before scoring:

- Recent VPAT available.** The vendor can produce a current VPAT (within the last 12 months) for any commercial product or platform they're proposing. Open-source dependencies with no VPAT should be flagged for buyer-side review.

**Conformance claims specific.** The VPAT marks specific success criteria as "Supports," "Partially Supports," "Does Not Support," or "Not Applicable" – with remarks for each. Blanket "Supports" with no remarks is a red flag.

**Testing methodology disclosed.** The vendor describes how they test – manual review, automated scans, screen-reader testing, real-user testing – and who does it.

**Accessibility role named.** Someone on the vendor team owns accessibility. Not "everyone is responsible" – a specific person or role.

**Examples available.** The vendor can point to one or more shipped engagements where they delivered against the standard the buyer is citing. Ask for the VPAT, the audit report, or a buyer reference.

**Remediation process documented.** The vendor has a process for fielding and triaging accessibility bugs after launch. Ask for the process, not just a promise.

**Third-party dependencies disclosed.** The vendor lists third-party components in scope and whether each has its own VPAT or conformance evidence.

**Estimate accessibility-specific.** The proposal includes a line item or section for accessibility work – testing, remediation, training. If accessibility is "included" with no separable cost, ask what would happen if the work doubled.

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## Standard contract clauses

Language to consider including in the contract, adapted to your procurement template:

**Conformance.** All deliverables under this contract shall conform to [Section 508 per 36 CFR 1194 / WCAG 2.1 Level AA / etc.]. Conformance is verified by [methodology].

**Pre-delivery testing.** No deliverable shall be accepted without documented evidence of accessibility testing as specified in [Exhibit X]. Acceptable evidence includes [automated scan report / manual checklist / external audit / VPAT update].

**Post-delivery remediation.** Accessibility issues discovered within [warranty period] from final acceptance shall be remediated by the Contractor at no additional cost. Issues discovered after the warranty period shall be remediated under change order at the rates specified in [Exhibit Y].

**Training.** The Contractor shall provide [number] hours of accessibility training to [role] within [timeframe] of final acceptance. Training shall cover content authoring patterns and the most common accessibility pitfalls in the delivered system.

**Reasonable accommodation support.** The Contractor shall provide reasonable assistance, at the rates specified in [Exhibit Y], to support the Buyer's obligation to provide reasonable accommodation to end users of the delivered system.

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## Glossary

Procurement-specific terms that come up in accessibility solicitations:

**VPAT** – Voluntary Product Accessibility Template. A standardized document where a vendor self-reports conformance with Section 508 and WCAG standards. Current version: VPAT 2.5.

**ACR** – Accessibility Conformance Report. The completed VPAT artifact.

**POUR** – The four principles of WCAG: Perceivable, Operable, Understandable, Robust.

**Level A / AA / AAA** – WCAG conformance levels. AA is the standard public-sector expectation.

**Undue burden** – A Section 508 exception that permits non-conformance when conformance would impose significant difficulty or expense. Must be documented.

**Fundamental alteration** – A Section 508 exception that permits non-conformance when conformance would fundamentally change the nature of the deliverable. Rare in practice.

**EIT** – Electronic and Information Technology. The category of products covered by Section 508.

**ICT** – Information and Communication Technology. The international equivalent (used in EN 301 549).

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*Prepared by Nessim Works. Synthesized from 36 CFR Part 1194 (2018 refresh), GSA Section 508 guidance, and standard public-sector procurement practice. Not legal advice.*

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