

Subchapter 3039.2 Information and Communication Technology

3039.201 Scope of Subpart.

(a) Directive 139-05, Office of Accessible Systems and Technology, and Instruction 139-05-001, Managing the Accessible Systems and Technology Program, implement Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and apply to all proposed acquisitions of Information and Communications Technology (ICT) products and services. The DHS Section 508 Playbook (Playbook) provides guidelines, training and job aids to assist with addressing Section 508 requirements at each stage of the acquisition life cycle. The Playbook is accessible at <https://dhsconnect.dhs.gov/org/comp/mgmt/ocio/oast/playbook/index.html>.

3039.203 Reserved.

3039.203-70 Responsibilities.

(a) *Requiring Officials.*

(1) The requiring official is responsible for ensuring requirements documents (i.e., Statements of Objectives (SOO), Statements of Work (SOW), Performance Work Statements (PWS), or Specifications) that include ICT products and services comply with the ICT Accessibility Standards set forth by the Architectural and Transportation Barriers Compliance Board in 36 CFR 1194.1 Appendices A, C and D. The standards are available at <https://www.ecfr.gov/current/title-36/chapter-XI/part-1194/section-1194.1>.

(2) Requiring official responsibilities include:

(i) Defining the needs of current and future users who have disabilities to determine how they will perform the functions to be supported by ICT products and services. Examples of such needs include:

(A) The virtual communication application must be accessible to users who communicate with sign language and rely on captions;

(B) All features and functions of the time tracking web application must be accessible to a screen reader user;

(C) The kiosk must be accessible to blind users and users in a wheelchair; and

(D) The remote environment must support users of assistive technology that provide audio output;

(ii) Identifying the applicable Section 508 exception(s) or exemption(s);

(iii) Obtaining authorization for applicable Section 508 exception(s) or exemption(s) from the Component Section 508 Program Manager;

- (iv) Determining when ICT is covered under Section 508 and identifying applicable standards;
 - (v) Addressing disabled user needs and Section 508 requirements when performing market research and alternatives analysis;
 - (vi) Including appropriate Section 508 requirements in the requirements document (i.e., SOO, SOW, PWS, or Specification). Section 508 requirements must be specific to the ICT deliverables required in the solicitation and must be obtained from the latest version of the DHS Accessibility Requirements Tool (DART) which is available at <https://www.dhs.gov/xlibrary/oast/DART/>. Requirements shall not be copied and pasted from other solicitations. Contact the Component Section 508 Program Manager for guidance as needed. Appropriate solicitation language contains:
 - (A) All the ICT deliverables in the solicitation that fall under the scope of the Section 508 standards;
 - (B) The authorization number for each applicable ICT exception or exemption, when applicable;
 - (C) For all remaining ICT items (or item(s) that contain ICT), the specific Section 508 and agency accessibility requirements that apply to the ICT products and services (Note: Different requirements apply to different technologies.);
 - (D) Documentation required to support the Government's technical evaluation and verification of conformance of each deliverable with the Section 508 requirements(s); and
 - (E) Where applicable, information on how the Section 508 requirements will be evaluated by the Government during the technical evaluation, including what information is required in proposals to conduct the evaluation.
 - (vii) Addressing Section 508 requirements in the technical evaluation; and
 - (viii) Validating compliance with accessibility requirements prior to deliverable acceptance.
- (b) *Contracting Officers.*
- (1) Shall ensure procurement request packages that include any ICT products and services include Section 508 requirements (see HSAM 3039.203-70(a)(2)(vi)) or an authorized exception or exemption from Section 508 requirements before issuance of a solicitation.
 - (2) Shall ensure the Section 508 requirements and language provided by the requiring office is included in solicitations and contracts for ICT products and services.

3039.204 Reserved.**3039.204-70 Documentation.**

Requiring officials shall document exceptions in writing using online forms provided through the DHS Accessibility Compliance Management System (ACMS) and accessible at <https://dhs.servicenowservices.com/oast>. Requiring officials shall obtain authorization for exceptions in accordance with Component procedures and forward authorized exceptions with the procurement request package to the contracting activity for inclusion in the contract file.

3039.205 Exemptions.

(c) *Documentation.* Requiring officials shall document exemptions in writing using online forms provided through the DHS ACMS and accessible at <https://dhs.servicenowservices.com/oast>. Requiring officials shall obtain authorization for exemptions in accordance with Component procedures and forward authorized exemptions with the procurement request package to the contracting activity for inclusion in the contract file.