



2023 NYS Section 508 & Vender Compliance Playbook

Purpose.

This updated Playbook for 2023 guides New York State agencies and public entities to meet the legal requirements of [New York State Information Technology Policy No: NYS-P08-005](#), and [7572-A](#) (collectively NYS Law). Both NYS Law and federal laws restrict the procurement and purchase of all Information and Communication Technology (ICT) to be conformant with compliance standards of [Section 508 of the Rehabilitation Act \(January 2018\)](#).

What's changed?

Previously, only the actual ICT solutions contractors and venders provided NYS state agencies and public entities-websites, applications, software, etc.-needed to be compliant with the digital accessibility standards of Section 508 (WCAG 2.0 AA). 7572-A now also requires the websites of state contractors and venders providing solutions to NYS state agencies and public entities to be conformant with Section 508 of the Rehabilitation Act as well as WCAG 2.1 AA, the most current version of the Web Content Accessibility Guidelines.

Which NYS Agencies are effected?

NYS-P08-005 and 7572-A applies to all NYS executive agency, courts, legislatures, transit authorities, towns, cities, counties, school districts, universities, community colleges, and AMTRAK.

Preferred Source Professional Services for Section 508 and WCAG 2.1 AA compliance:

NYS agencies and public entities are required by law to purchase from Preferred Sources if Preferred Source offerings meet your needs for form, function, **and** utility.

Scope.

All ICT used, maintained, developed, or procured by NYS agencies. All websites of state contractors, venders, consultancies, or individuals providing services to NYS state agencies or public entities. ICT examples include website design, development, or maintenance services, web and mobile applications, internally facing software or intranets, electronic documents, computers, kiosks, and telecommunications equipment.

How To Use the Playbook?

Incorporate the guidance and specific accessibility questions within your RFP processes. Update vender compliance requirements to include WCAG 2.1 AA conformance. Update procurement policies and processes to comply with NYS Law.

For NYS digital accessibility SME, WCAG 2.1 AA, or 508 compliance support:

Contact [Tim Fiori for a quote, New York Preferred Source Program Associate Executive Director](#); or

Contact [AccessAbility Officer](#), NYS official Preferred Source Vender for Section 508 Accessibility.

Section 508 Accessibility Vender Compliance: RFP Process

Incorporating the following components in RFPs will help prevent your agency from purchasing digital products, services, or ICT solutions not meeting Section 508 compliance. Outcome: Save time, money, employee frustration, mitigating hidden cost and TCO risks.

1. State why accessibility is critical to your agency, citizens, candidates, and employees.
2. State your agency's policy on Section 508 and digital accessibility compliance.
If you do not have a digital accessibility policy, develop one immediately. [For help with policy development, click here.](#)
3. State your vender code of conduct includes Section 508 and WCAG 2.1 AA compliance.
If Section 508 and WCAG 2.1 AA compliance is not included in your vender code of conduct, update it.
*Incorporate these requirements/links in MSAs and vender contracts as a best practice.
4. State your commitment to purchase Section 508 compliant products and solutions.
5. State that proposals without Section 508 accessibility answers will not be considered.
6. State NYS Law requires the websites of contractors and venders conform with the most current version of Web Content Accessibility guidelines, which is WCAG 2.1 AA.
7. Link to [NYS ITS policy on digital accessibility, 7572-A,](#) and [Section 508.](#)

Section 508 Proposal Question Requirements

Vendors without detailed, accurate answers to Section 508 and WCAG 2.1 AA questions expose NYS agencies to hidden costs, accessibility lawsuits, TCO, and more. Not considering complete proposals is a best practice. Incorporate these questions as proposal requirements.

What is your company's digital accessibility policy?

Please provide the statement and a link to find the published policy statement.

What is your digital accessibility testing process? Please describe in full.

Who is involved in the accessibility testing and QA of your products and solutions?

Who is responsible for your company's accessibility compliance? Please include name, job title, department, and contact information. If multiple people are responsible, provide the two (2) most senior contacts.

How is digital accessibility embedded into your software/product development lifecycle?

When digital accessibility bugs are reported, what is the remediation procedure? Please detail in full.

Has your product/solution been audited for WCAG 2.1 AA compliance by a third-party?

If yes, please provide when the last audit was conducted, by whom, and submit a full report as an attachment to your proposal.

If no, please 1. Detail in full how you have validated compliance for people with disabilities and 2. Provide a VPAT, ACR, or an 10min video supporting your claims.

Does your product/solution meet or exceed Section 508 accessibility standards?

If no: 1. Which component(s) and core functionality(ies) are inaccessible?

2. What is your roadmap to achieve conformance to Section 508?

Does your company's website meet or exceed WCAG 2.1 AA compliance?

If no, what is your roadmap to be compliant with WCAG 2.1 AA guidelines?

If yes, please attach a WCAG 2.1 AA accessibility audit of your website conducted by a third-party and completed within the last six months.

In a 10min video, demonstrate the accessibility of your solution using a screen reader.

NYS Agency Next Steps & Resources

1. Update RFPs with Playbook recommendations, language, and questions to insulate your agency from risks and unnecessary costs of violating Section 508 compliance.
2. Update Master Service Agreements and vendor contracts to be in alignment with RFPs.
3. Inform all vendors of updated Section 508 and WCAG 2.1 AA compliance requirements.
4. Identify internal certified accessibility SME to evaluate vendor proposals for compliance.
5. Hire a NYS Preferred Source accessibility consultancy to assess vendor compliance.
NYS agencies can [make Section 508 Professional Services inquiries here](#).

Evaluating Proposals & Vender Interviews

In the absence of your agency hiring an external accessibility consultancy, the following will help minimally evaluate a vender for Section 508 compliance.

Per Policy No: NYS-P08-005, it is recommended for agencies by NYS ITS to hire vetted Preferred Source Section 508 experts for meeting minimal accessibility compliance.

Whether executed internally or externally, it is a best-practice for NYS agencies to test/validate compliance and keep venders on track if compliance roadmaps are required.

The list below will help NYS agencies understand vender proposal and interview responses to forecast TCO, calculate risk, and evaluate multiple venders for Section 508 compliance.

In responses to questions live in vender interviews, venders should have:

- Strong knowledge of accessibility laws and WCAG guidelines.
- Detailed knowledge of policies and processes for maintaining accessibility.
- Understanding of accessibility testing methodologies across SDLC.
- Recent accessibility report with ability to explain remediation approach/outcomes.
- People with disabilities performing accessibility and usability testing.
- Ability to explain complex digital accessibility topics in simple language.
- Ability to explain the pros and cons of automated accessibility tests.
- Accessibility testing experience beyond accessibility automation

[Click here to submit a guided digital accessibility Preferred Source inquiry.](#)

NYS agencies Without accessibility staff SME/bandwidth purchasing Section 508 services Preferred Source can:

- Learn how compliant your digital portfolio is with an initial Section 508 portfolio review.
- Research, interview, test, validate, and manage venders for Section 508 compliance.
- Flex up internal resources and capabilities with accessibility staff augmentation.
- Adhere to NYS-P08-005, 7572-A, and ITS Section 508 accessibility requirements.

For NYS digital accessibility SME, WCAG 2.1 AA, or 508 compliance support:

Contact [Tim Fiori for a quote, New York Preferred Source Program Associate Executive Director](#); or

[Contact AccessAbility Officer](#), NYS official Preferred Source Vender for Section 508 Accessibility.