



## Federal Highway Administration (FHWA) Form 4260: Section 508 Information and Communication Technology (ICT) Conformance Criteria

Conformance with Section 508 of the Rehabilitation Act and the ICT Final Standards and Guidelines (508 Refresh) at 36 CFR Part 1194 is a statutory requirement applicable to all ICT the FHWA procures, develops, maintains, or uses. In addition to the work requirements specified in this statement of work, vendors must ensure that all ICT that they prepare will meet these requirements.

The FHWA has defined the following [standardized criteria](#) to ensure its ICT conforms to the current Section 508 Refresh standards.

ICT includes, but is not limited to: electronic documents, software, websites, video and audio files, multifunction office machines, computers, and telecommunications equipment. This includes electronic content the agency procures, develops, maintains, or uses.

### Terms

The following conditions apply to this form:

- If the Contractor is required to provide a Section 508 conformant product, conformance will be evaluated against the criteria in this form. By submitting a product for 508 review, the Contractor understands the conformance criteria.
  - The form does not need to be completed when submitting a deliverable.
- **The Contractor shall correct non-conformant deliverables at no additional cost to the Government or extension to the contract.**
  - **The program office has 45 days after receipt of the deliverable or end of the contract performance period, whichever is later, to notify the contractor of non-conformance. If not done within this timeframe, the program office will be required to remedy by using their office's resources.**
  - **All defects must be corrected within 30 days after contractor's receipt of the Government's notice of nonconformance.**
  - **Failure to remedy the nonconformant deliverables within the required timeline may result in negative past performance reviews, termination for cause and/or withholding payment as determined by the Agency.**

### Reminders:

- Any ICT certified by the contractor/awardee as conformant but is determined by FHWA to be nonconformant may violate the False Claims Act.
- Misrepresentation of ICT accessibility or failure to provide ICT products or services that meet the proposed and accepted level of conformance specified is not acceptable. It may result in termination for cause or withholding payment as determined by the Agency.
- **The Contracting Officer's Representative (COR)/Agreement Officer's Representative (AOR) or Technical Point of Contact (TPOC) as designated by the award cannot knowingly accept nonconformant Section 508 deliverables.** Inspection and acceptance of deliverables is a duty of the COR, AOR, TPOC. Knowingly accepting services that do not meet the contract requirements can be perceived as a constructive change to the contract.