



TECHNICAL WHITE PAPER · ACR EVALUATOR SERIES

Digital Accessibility in Public-Sector Procurement

A Landscape Analysis for State and County ICT Leaders

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ABSTRACT

The procurement risk profile for public-sector ICT changed materially when the U.S. Department of Justice adopted 28 C.F.R. § 35.200, requiring state and local governments to ensure that the web content and mobile apps they provide, including through contractors, conform to WCAG 2.1 Level AA. Compliance is no longer satisfied by collecting a vendor VPAT and filing it away.

This paper analyzes how states and counties are translating ADA Title II into concrete acquisition controls, what a defensible procurement workflow now looks like, how to measure product-level and governance risk, and how Revelo's ACR Evaluator and Risk Assessment module maps to these needs.

EXECUTIVE SUMMARY

The procurement risk profile for public-sector Information and Communication Technology (ICT) changed materially when the U.S. Department of Justice (DOJ) adopted 28 C.F.R. § 35.200. Under that rule, state and local governments must ensure that web content and mobile apps they provide or make available, including through contractors, comply with Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, subject to limited exceptions and defenses. The 2026 interim final rule extended the compliance dates to April 26, 2027 for entities with populations of 50,000 or more and to April 26, 2028 for smaller entities and special district governments, but DOJ's broader Americans with Disabilities Act (ADA) Title II duties for effective communication and equal access still apply before those dates.¹

For procurement and information technology (IT) leaders, the operational takeaway is straightforward: compliance is no longer satisfied by collecting a vendor Voluntary Product Accessibility Template (VPAT) and filing it away. States and counties increasingly translate ADA Title II into concrete acquisition controls: accessibility clauses, current Accessibility Conformance Report (ACR) or VPAT submission, product-version matching, risk-based validation, remediation roadmaps, accessibility coordinators, grievance channels, acceptance testing, and renewal-time reassessment. A state policy inventory maintained through the federal Section 508 guidance portal shows that many states now have their own ICT accessibility statutes or policies in addition to federal ADA requirements.²

The National Association of Counties (NACo) guidance for counties and the National Association of State Chief Information Officers (NASCIO) research on procurement and compliance point in the same direction: leaders should treat digital accessibility as an ongoing governance process, not a one-time remediation project. They should also document that process thoroughly, because documented policies, trained staff, vendor oversight, testing, and visible remediation efforts strengthen both compliance posture and litigation readiness.

THE FEDERAL BASELINE PROCUREMENT TEAMS NOW HAVE TO MEET

28 C.F.R. § 35.200 requires public entities to ensure that the web content and mobile apps they provide or make available, directly or through contractual, licensing, or other arrangements, are accessible and usable by individuals with disabilities. The rule expressly incorporates WCAG 2.1 Level A and AA as the technical standard, subject to defenses such as fundamental alteration and undue financial and administrative burdens. DOJ's compliance guide likewise emphasizes that governments remain responsible when vendors supply or operate the covered service.³

The rule's exceptions are limited. DOJ's compliance guide identifies narrow exceptions such as certain archived web content, some preexisting conventional electronic documents, certain third-party content not posted through the government's arrangements, individualized password-protected documents, and preexisting social media posts. Even where an exception

applies, the ADA’s obligations of effective communication, reasonable modifications, and equal opportunity remain.⁴

Enforcement is not hypothetical. DOJ’s complaint page states that complaints against state and local governments can be filed with the Department, and that DOJ may investigate, seek settlement, or bring suit. Under 28 C.F.R. § 35.172, designated agencies investigate complaints and may conduct compliance reviews; if a violation is found, they issue a Letter of Findings describing remedies, including compensatory damages where appropriate. Under § 35.173, voluntary compliance agreements must specify corrective action and timing and are enforceable by the Attorney General; if negotiations fail, § 35.174 provides for referral to the Attorney General. Private plaintiffs may also file suit regardless of whether the agency finds a violation.⁵

For counties, NACo’s 2026 guidance frames the practical implication clearly: elected officials and operational leaders should set countywide expectations, resource accessibility work, hold vendors accountable, publish an accessibility statement and grievance path, and move quickly on high-impact actions such as auditing digital assets, reviewing vendor documentation, and integrating accessibility into procurement and contract management.

HOW STATES ARE IMPLEMENTING ADA TITLE II THROUGH PROCUREMENT AND GOVERNANCE

Although Section 508 applies directly to the federal government, the federal Section 508 guidance portal notes that many states have enacted laws or published policies governing the development, procurement, maintenance, or use of ICT. In practice, the strongest state models now combine legal standards with operational controls.⁶

Jurisdiction	Source of authority	Procurement levers	Oversight and enforcement
Federal ADA Title II	28 C.F.R. § 35.200	WCAG 2.1 AA for web/mobile apps; applies through contractors and licensing arrangements	DOJ complaints, compliance reviews, Letters of Findings, voluntary compliance agreements, AG enforcement, private suits. ⁷
Virginia	Information Technology Access Act, as amended in 2025	Mandatory ICT access clause; vendor certification; if not certified, agency may require a vendor-paid ACR and vendor-paid Vendor Accessibility	Annual reporting to the General Assembly on nonconforming ICT; optional digital accessibility coordinator; website barrier-reporting contact and response procedures. ⁸

Jurisdiction	Source of authority	Procurement levers	Oversight and enforcement
		Roadmap with timelines	
Colorado	HB21-1110, SB23-244, OIT rules and procurement toolkit	Solicit WCAG conformance evidence; accept VPAT/ACR or independent evaluation; validate by risk assessment, third-party review, or internal testing; include boilerplate accessibility assurances	Court enforcement; possible order to remediate and monetary penalties; statewide contract indemnification language and third-party attestation rights. ⁹
Illinois	IITAA and DoIT procurement guidance	Require IITAA clause; obtain most recent VPAT/ACR; optionally require demo of keyboard, zoom, contrast, and screen-reader compatibility	Standards are based on Section 508 and WCAG 2.1 AA; procurement is the primary control point. ¹⁰
Washington	WaTech USER-01 policy and USER-01-01-S standard	Covered technology includes acquired, procured, developed, modified, or free technology; agencies must plan and train for accessibility	Requires accessibility coordinator, annual training, agency accessibility plans, and equivalent access where technology is noncompliant. ¹¹
Oklahoma	OMES ICT accessibility standard	Accessibility requirements in all ICT acquisition documents; VPAT or comparable conformance document; VPAT is a material contractual term; verification testing required	Accessibility compliance representative, complaint process, remediation tracking, and workforce accountability under state policy. ¹²

Table 1, How selected jurisdictions translate ADA Title II into procurement levers and oversight.

NASCIO's procurement framework anticipated many of these patterns. Its Policy-Driven Adoption for Accessibility (PDAA) model recommends that governments require vendors to maintain an ICT accessibility policy, establish a governance structure, integrate accessibility into development and procurement, maintain a process for inaccessible ICT, maintain accessibility skills, and make policy and progress information available to customers. For procurement teams, NASCIO expressly positions vendor self-assessment as a way to assess a vendor's ability to produce accessible offerings, gauge confidence in VPATs, track vendor progress over time, and inform selection decisions.

WHAT AN EFFECTIVE PROCUREMENT WORKFLOW NOW LOOKS LIKE

A defensible workflow now starts before solicitation and continues through renewal. NACo advises counties to request accessibility statements, VPATs or equivalent documentation, test results, and road maps for future enhancements; verify compliance prior to award or renewal; include WCAG-based clauses and remedies in all contracts; and maintain a vendor compliance checklist that tracks issues, remediation dates, and re-evaluation cycles. Colorado, Illinois, Virginia, and Oklahoma each institutionalize versions of the same workflow.

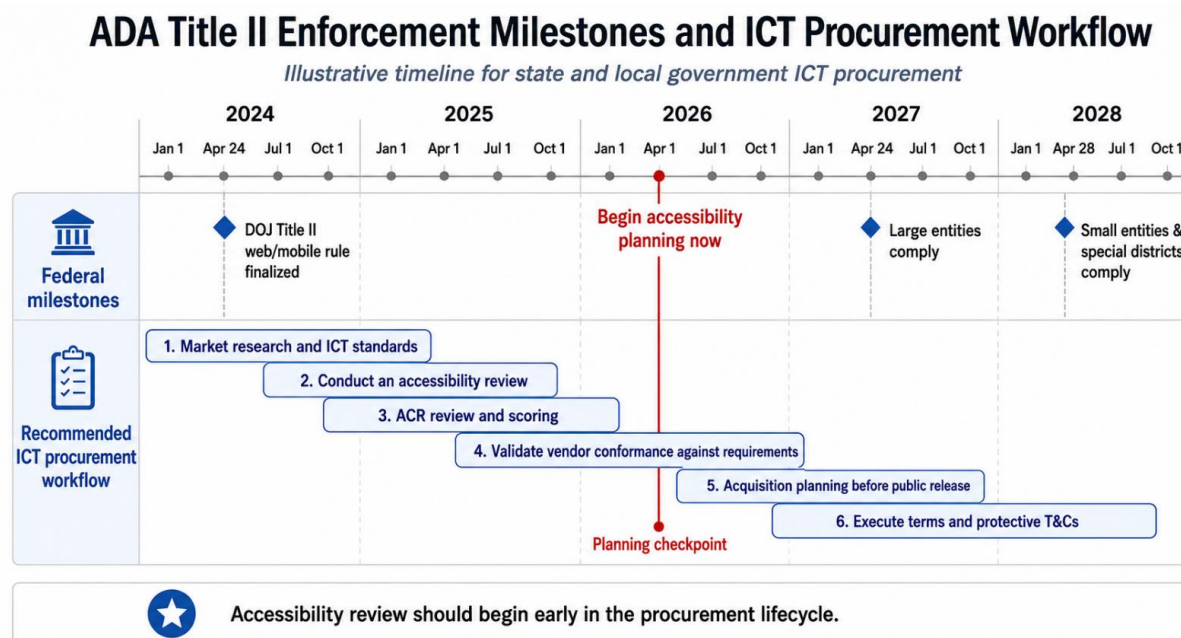


Figure 1 , ADA Title II enforcement milestones and a recommended ICT procurement workflow (illustrative).

A concise contract package can be built from public guidance without overcomplicating the solicitation. A practical minimum set is:

Clause or requirement	Why it matters
Conformance representation to WCAG 2.1 AA, applicable Section 508 criteria, and state standards	Aligns contract deliverables with federal and state mandates. ¹⁴
Current, product-specific ACR/VPAT tied to the offered version	Prevents reliance on stale or generic conformance claims. ¹⁵
Remediation roadmap for known gaps, with deadlines and responsible parties	Converts “partial support” into enforceable action. ¹⁶
Validation and acceptance rights including demo, sandbox review, third-party testing, and user testing where warranted	Reduces the risk of blind reliance on vendor self-attestation. ¹⁷
Lifecycle obligations for major releases, updates, bugs, and renewals	Accessibility can degrade after contract award if change control is weak. ¹²
Remedies such as no-cost remediation, payment holdback, indemnification, termination, or renewal conditions	Creates accountability when barriers persist. ¹⁸

Table 2, A minimum contract package for accessible ICT procurement

NASCIO’s 2026 public-sector attorney interview adds an important legal point: governments are better positioned when they can show a real process , trained personnel, testing, documentation, vendor management, and continuous remediation , rather than a complaint-by-complaint “whack-a-mole” approach.

MEASURING RISK AND PERFORMANCE

The most useful performance measures distinguish between product-level accessibility risk and the organization’s ability to manage that risk over time. This distinction aligns with NASCIO’s accessibility maturity model, NACo’s vendor-accountability checklist, federal Section 508 governance playbooks, and the risk-scoring approach reflected in Revelo’s ACR Evaluator. ⁶

KPI or criterion	What to measure
ACR coverage rate	Share of ICT procurements with a current ACR or equivalent before award. ¹⁹
Version match rate	Share of ACRs that match the exact product/version actually acquired or renewed.

KPI or criterion	What to measure
High-risk validation rate	Share of public-facing, mission-critical, or low-confidence products that receive independent validation before go-live. ²⁰
Critical-defect closure time	Median days to remediate accessibility defects affecting core user tasks.
Contract clause compliance	Share of ICT contracts containing accessibility, testing, update, and remedy provisions. ²¹
Governance maturity	Presence of coordinator, policy, training, grievance path, records, and reporting cadence. ²²

Table 3, Performance measures spanning product-level risk and organizational governance.

A workable risk screen should ask six questions before award or renewal:

1. Is the product public-facing or mission-critical?
2. Does the ACR appear current, complete, and version-specific?
3. Are failures concentrated in core access criteria such as keyboard operation, headings/labels, focus order, alt text, error identification, and name/role/value?
4. Are the remarks specific enough to trust?
5. Are governance controls in place to monitor releases and complaints?
6. If the product is accepted with known gaps, is there a documented roadmap and equally effective alternative access plan?

Those criteria track closely with NASCIO's governance model and with the Revelo Risk Assessment module's design.

STATE USE CASES PROCUREMENT LEADERS CAN COPY NOW

Virginia. Virginia's updated IT Access Act is one of the clearest current models. It requires an ICT access clause, vendor certification, a vendor-paid ACR when certification is not possible, and a vendor-paid remediation roadmap with timelines. It also requires annual reporting on nonconforming ICT and public barrier-reporting contact information.⁸

Colorado. Colorado operationalizes accessibility at the procurement level. Its OIT toolkit requires bidders to provide WCAG evidence through an independent evaluation or VPAT/ACR, directs agencies to validate claims through risk assessment and testing, and includes contract language for indemnification, accessibility compliance, and third-party attestation.²³

Illinois. Illinois keeps the procurement rule simple and repeatable: include an IITAA compliance clause, require the vendor's most recent VPAT/ACR, and, where appropriate, require a demo covering keyboard-only use, zoom/high-contrast behavior, and screen-reader compatibility.²⁴

New York and Texas practice through NASCIO. NASCIO’s 2026 New York interview describes a model of uniform contract terms, monitoring, state-run testing, and continued vendor accountability after launch; NASCIO’s earlier Texas example shows vendor accessibility self-assessments embedded in solicitations and used as a baseline to compare vendor progress over time.

HOW REVELO’S ACR EVALUATOR AND RISK ASSESSMENT MAPS TO THESE NEEDS

Revelo’s ACR Evaluator + Risk Assessment module is well aligned to the procurement problem public entities now face: too many agencies still collect ACRs, but too few have a defensible method to assess whether those documents are current, credible, sufficiently detailed, and proportionate to the risk of the acquisition. According to the product description provided, the module evaluates ACR and VPAT completeness, consistency, product-version alignment, standards coverage, remarks quality, testing-method disclosures, evidence gaps, and possible overstatement of conformance. It then produces a structured set of outputs: an Accessibility Risk Score, Governance Risk Score, Accessibility Governance Risk Index, Evidence Confidence Score, and Verification Risk Indicator.

Public-sector need	Revelo output or feature
Detect weak or outdated VPATs before award	Document-level ACR evaluation for completeness, currency, consistency, standards coverage, and evidence gaps.
Distinguish low-risk from high-risk procurements	Accessibility Risk Score weighted by criterion severity, disability impact, user impact, and core-task criticality.
Separate product problems from governance problems	Governance Risk Score and combined Accessibility Governance Risk Index.
Decide when IV&V or expert testing is warranted	Verification Risk Indicator and Evidence Confidence Score.
Handle vendor-paid ACRs and state-required remediation roadmaps	Repository support, ACR comparison across versions, remediation tracking, and renewal-time reassessment.
Support acceptance testing, renewal decisions, and audit readiness	Procurement-file documentation, portfolio dashboards, change-control triggers, and updated ACR review after releases.

Table 4, Mapping public-sector procurement needs to ACR Evaluator outputs.

A prudent implementation model for states and counties is to use Revelo as a decision-support layer, not as a substitute for legal review or hands-on accessibility testing. A practical rollout would start with enterprise policy and templates, route all ICT ACRs through a standard evaluation workflow, define thresholds for when high-risk products require independent

validation, connect remediation tracking to acceptance and contract management, and publish quarterly dashboard metrics to procurement, IT, legal, and ADA leadership. That usage model is consistent with NACo's governance-and-checklist approach, NASCIO's maturity model, and Revelo's stated boundary that the module supports review and prioritization but does not replace direct testing or legal advice.

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