

Accessible Electronic and Information Procurement

**ATI Technical Assistance Workshop
October 30, 2006**

Presentation Outline

- Background Information
 - California Government Code 11135 and Section 508
 - “The Road to 508 Conformance”
 - A Look at the Standards
- Current EO 926 policy
- ATI Procurement Implementation Deliverables and Timelines
- Recommended Practices, Tools, Training, and Resources

What is California Government Code 11135?

- State law that provides protection from discrimination from any program or activity that is conducted, funded directly by, or receives any financial assistance from the State of California.
- It codifies Section 508 of the Rehabilitation Act requiring accessibility of electronic and information technology.

Cal. Gov. Code §11135(d)(2)

- "In order to improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing persons, state governmental entities, in developing, procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall **comply with the accessibility requirements of Section 508** of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), **and regulations implementing that act** as set forth in Part 1194 of Title 36 of the Federal Code of Regulations."

What is Section 508?

- A part of the Rehabilitation Act of 1973 amended in 1998 through the Workforce Investment Act
- It requires that electronic and information technology *developed, procured, maintained or used* by the federal government to be accessible to people with disabilities
- Includes accessibility standards for electronic and information technology

How does Section 508 apply to the CSU?

- In 2003, the California State Legislature amended Government Code 11135 to require CSU to implement Section 508 and to apply the federal accessibility standards to the electronic and information technology (EIT) products and services that CSU buys, creates, uses and maintains.

“Overview of Section 508”

Another presentation will be shown at this point. which is an adaptation of the “The Road to 508 Conformance”* by Gaeir Dietrich and Sean Keegan of the California Community College High Tech Center

*Used with permission

What is considered electronic & information technology (E&IT)?

- Software applications and operating systems
- Web-based information and applications
- Telecommunications products
- Video and multimedia products
- Self-contained, closed products
- Desktop and portable computers

A Look at the Standards

From the ATI website:

www.calstate.edu/accessibility



Current Systemwide Policy: EO 926 on Procurement <http://www.calstate.edu/EO/EO-926.html>

Under Section IV: Business & Finance, Procurement of Goods & Services

- “Any public solicitation process developed by campuses shall be compliant with all applicable regulations and guidelines issued pursuant to the ADA and California Government Code § 11135”
- “When acquiring information technology, each campus shall acquire products that comply with applicable Section 508 provisions when such products are available in the commercial marketplace. “

EO 926 on Procurement

<http://www.calstate.edu/EO/EO-926.html>

- “Contracts for the acquisition of information technology products shall include the following statement in CSU General Provisions for Information Technology Acquisitions, clause 27, ADA. “
- *“Contractor warrants that it complies with California and federal disabilities laws and regulations. Contractor hereby warrants that the products or services to be provided under this contract comply with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, Part 1194. Contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services. Contractor further agrees to indemnify and hold harmless the CSU from any claims arising out of its failure to comply with the aforesaid requirements. Failure to comply with these requirements shall constitute a material breach and be grounds for termination of this Contract.”*

ATI Coded Memo on Procurement

- Staged implementation, starting with RFPs
- Requires campuses to develop policy and implementation plan by January 2007

Procurement Implementation Timeline

- **Stage I** January 2007
 - RFP and RFQ process
- **Stage II** July 2007
 - Include other electronic and information technology (E&IT) purchases except credit card purchases
- **Stage III** March 2008
 - Include E&IT credit card purchases

Milestones and Deliverables

- **Policy Development: January 2007**

Each campus shall develop a policy and implementation plan for the procurement of electronic and information technology covered under Section 508 in compliance with Government Code 11135. The policy shall address the following:

- Identification of the roles and responsibilities for overseeing Section 508 procurement compliance
 - Milestones and timelines
 - Identification of the process and person(s) responsible for determining “undue burden” and “fundamental alteration”.
 - Communication and training plan to educate the campus about Section 508 requirements and the established policy
- **Procurement Progress Report: June 15, 2007**

What are we doing centrally?

- Working on a process to incorporate Section 508 requirements in procurement
ETA: late November 2006
- Procurement process training manual
ETA: early December 2006
- Procurement process training event:
in conjunction with Procurement Officers meeting
in December 2006

Overview of the RFP Process

- **Phase I: Acquisition Planning**
 - Determining Requirements
 - Conducting Market Research
- **Phase II: Contract Formation**
 - Developing Solicitation Terms and Conditions
 - Solicit Offers
- **Phase III: Contract Evaluation & Award**
 - Evaluate Bids
 - Award Contract
- **Phase IV: Contract Administration**
 - Quality Assurance
 - Communication with vendor regarding accessibility concerns

Suggested Responsible Parties

- **Phase I: Acquisition Planning**
 - Responsible party: Requestor with procurement staff assistance
- **Phase II: Contract Formation**
 - Responsible party: Procurement Staff & Requestor
- **Phase III: Contract Evaluation & Award**
 - Responsible party: Evaluation Team, at least one of whom is familiar with assistive technology and accessibility standards
- **Phase IV: Contract Administration**
 - Responsible party: Procurement Staff

Require the VPAT

- Voluntary Product Accessibility Template (VPAT)

http://www.itic.org/archives/articles/20040506/faq_voluntary_product_accessibility_templatetm_vpattm.p hp

- The VPAT is a document filled out by vendors to disclose the extent that their products and services conform to each of the federal technical accessibility standards.

It enables CSU to document marketplace research obligations and to evaluate bids for determining the most accessible product.

It also provides CSU with a record to track accessible procurements.

Potential Tool

- US General Services Administration Buy Accessible Wizard <http://www.buyaccessible.gov/>
 - “Buy Accessible Wizard” is a tool developed to assist procurement officials in planning acquisitions and developing solicitations. It contains a database of VPATs and can generate reports of your process including: market research, documentation of exceptions, etc. We will investigate the best way to incorporate this tool.

Need for Conformance Testing

- For large scale purchases, validation of vendor accessibility claims is strongly suggested
- Validate against applicable 508 standards
- Additionally, involve users with disabilities in the testing process where possible

Forming Your RFP Evaluation Team

- At least one of the team members should be familiar with assistive technology and accessibility standards.
- Some campuses have a committee that oversees software and hardware purchases. At least one person who has knowledge of assistive technology and accessibility standards should be involved.

Upcoming Trainings: Train the Trainer Model

- **Section 508 Procurement Process Training I
December 2006**
- **Section 508 Procurement Process Training II
April 2007**
- **Teleconferences TBD**

Campus Next Steps

- Develop and articulate campus policy using EO 926 language
- Raise campus awareness for E&IT purchases
 - Since many constituents do purchase E&IT, it is important to reach people before they decide on their purchase
- Identify person(s) responsible for evaluating and approving “undue burden” and “fundamental alteration” claims
- Identify persons who need to attend 508 training in December and in April.

Section 508 Resources

- Section 508 Electronic and Information Technology (EIT) Accessibility Standards
<http://www.access-board.gov/sec508/standards.htm>
- Guide to the Section 508 Standards
<http://www.access-board.gov/sec508/guide/index.htm>
- US General Services Section 508 On-Line Tutorials
www.section508.gov
Registration online required for these free web-based short tutorials
- Quick Reference Guide to Section 508 Resource Documents
http://www.accessibilityforum.org/ppaer_tool.html
- US Access Board Section 508 Homepage
<http://www.access-board.gov/508.htm>
- Section 508 Acquisition FAQs
<http://www.section508.gov/index.cfm?FuseAction=Content&ID=75>

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www.calstate.edu/accessibility



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