

## Purchase of Electronic and Information Resources

**Original Implementation:** July 21, 2009

**Last Revision:** January 27, 2015

All electronic and information resources (EIR) developed, procured or changed by an institution of higher education shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of Title 1 of the Texas Administrative Code, Part 10 unless an exception is approved by the university president in accordance with Chapter 213.37.

The term "electronic and information resources" as used in this policy refers to the definition in 1 TAC 213.1(6) and includes software applications and operating systems, telecommunications products, video and multimedia products, self-contained closed products, and desktop and portable computers described in 1 TAC 213.30 through 213.34. The term does not include equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation.

The purchase of any EIR shall include the requirement to secure documentation from the vendor providing accessibility information and/or credible evidence of the vendor's capability or ability to produce accessible EIR products and services as required by 1 TAC 213.38(b). Additionally, for purchases with development costs exceeding \$1 million, accessibility testing may be required.

If a vendor cannot provide the required documentation and no other vendor is available to provide the EIR, the department has a need that cannot be met with a different EIR, or alternative EIR can only be acquired with significant additional expense, then the department will complete an "Electronic and Information Resources (EIR) Accessibility Exception Request" for review by the university's electronic accessibility committee and the university general counsel and approval by the president. Any approved exception will contain the information required in 1 Tex. Admin. Code § 213.37(3).

**Cross Reference:** Tex. Gov't Code §§ 2054.451-465; 1 Tex. Admin. Code Ch. 206; 1 Tex. Admin. Code Ch. 213; Electronic Accessibility (16.9)

**Responsible for Implementation:** President

**Contact for Revision:** Director of Procurement and Property Services/HUB Coordinator

**Forms:** Electronic and Information Resources (EIR) Accessibility Exception Request

**Board Committee Assignment:** Finance and Audit