

Purchase of Electronic and Information Resources

Original Implementation: July 21, 2009

Last Revision: January 30, 2018

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 (TAC), Part 10 unless an exception is approved by the university president in accordance with Section 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 procurement 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, and the department has a need that cannot be met with a different EIR, or alternative EIR can only be acquired with significant difficulty or 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. Reference Accessibility of Electronic Information Resources (16.9). Any approved exception will contain the information required in 1 TAC § 213.37 (3).

Cross Reference: Tex. Gov't Code §§ 2054.451-465; 1 Tex. Admin. Code Ch. 206; 1 Tex. Admin. Code Ch. 213; Accessibility of Electronic Information Resources (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