

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Purchase of Electronic and Information Resources

Policy Number: 17.16

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/27/2015

Unit(s) Responsible for Policy Implementation: President

Purpose of Policy (what does it do): The policy exists to comply with state law regarding the purchase of electronic and information technology.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Minor wording changes and corrected policy reference.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Kay Johnson, Director of Procurement and Property Services/ HUB Coordinator
Danny Gallant, Vice President for Finance and Administration
Damon Derrick, General Counsel

Purchase of Electronic and Information Resources

Original Implementation: July 21, 2009

Last Revision: ~~January 27, 2015~~ January 30, 2018

~~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 (TAC), Part 10 unless an exception is approved by the university president in accordance with ~~Chapter~~ *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~~ *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, 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 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. *Reference Accessibility of Electronic Information Resources (16.9)*. Any approved exception will contain the information required in 1 ~~Tex. Admin. Code~~ 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* ~~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