

Procurement of Electronic and Information Resources

Original Implementation: July 21, 2009

Last Revision: October 31, 2022

Purpose

This policy establishes guidelines for university purchases and contracts in its compliance with accessibility rules in accordance with Texas Administrative Code (TAC), Title 1, Chapters 206 and Chapter 213. This policy sets forth guidance with regard to the accessibility of all electronic and information resources (EIR) developed, procured, or changed by users including but not limited to:

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

Definitions

Electronic and information resources (EIR) as used in this policy refers to the definition in 1 TAC 213.1(9) 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 213.33. 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.

Legacy EIR - Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213, and the user interface has not been altered on or after April 18, 2020.

General

All EIR products developed, procured, or materially changed through a procured services contract, and all EIR services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206, State Websites, and Chapter 213, Electronic and Information Resources, of the TAC, as applicable unless such requirement imposes significant difficulty or expense, as determined and exempted by the university in accordance with Texas Government Code 2054.460

and 1 TAC 213.37.

The procurement of any EIR shall include the requirement to secure documentation as required by 1 TAC 213.38(b) from the vendor providing accessibility information and/or credible evidence of the vendor's capability or ability to produce accessible EIR products or services, where applicable, under consideration using one of the following methods:

- Voluntary Product Accessibility Template (VPAT);
- Other electronic documents/forms that addresses the same accessibility criteria in substantively the same format as the VPAT. Such evidence may include, but not limited to, a vendor's internal accessibility policy documents, accessibility testing documents.
- URL to a web page which explains how to request a completed VPAT for any products under contract; or
- If credible accessibility documentation cannot be provided, then EIR shall be considered noncompliant.

Additionally, for purchases with development costs exceeding \$500,000, accessibility testing may be required.

The degree of the accessibility of a given product should be determined by the procuring department. The Electronic Accessibility Coordinator (EAC) is available to assist departments and areas in making this determination.

Departments shall coordinate purchases of EIR with Procurement and the EAC to ensure compliance with the TAC and this policy.

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, upon the review and approval by the EAC an Electronic Accessibility Exception Request Form can be requested and approved by the President, or his/her designee. Reference Accessibility of Electronic Information Resources (16.9). Any approved exception will contain the information required in 1 TAC § 213.37(3) and processed by the EAC.

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: Chief Information Officer

Contact for Revision: Electronic Accessibility Coordinator, Executive Director of Finance and Administrative Services

Forms: Electronic Accessibility Exception Request Form Voluntary Product Accessibility Template (VPAT)

Board Committee Assignment: Finance and Audit

Revision History: February 2, 2021
January 30, 2018
January 27, 2015
January 28, 2014
January 25, 2011