Appendix - Electronic Accessibility

A. Purpose and Overview

1. Introduction
All electronic products or services purchased by the University should be accessible to individuals with disabilities. If a product/service has significant accessibility problems, it will be difficult or impossible for some staff, students, faculty, and the public to use. Such a situation exposes the University to risk, increases costs, and undermines the University’s commitment to accessibility.

These guidelines were developed by the University of California Electronic Accessibility Leadership Team (EALT) to help IT accessibility and procurement staff develop RFPs or conduct other procurement processes that address accessibility and guide the University toward making accessible IT purchases.

2. Addressing Accessibility in the RFP or Other Procurement/Purchase Process
The EALT recognizes it may be impractical in some instances to mandate in the RFP or purchase process that a product/service be accessible. A “minimum-mandatory” requirement potentially could eliminate all respondents, or eliminate the respondent who otherwise could provide the best solution and who demonstrates willingness to achieve accessibility compliance. The appropriate course of action in these cases may be to rate electronic accessibility as one key decision factor among several. This approach ensures that accessibility is considered in the procurement decision and also conveys the message to vendors that the University of California takes accessibility seriously.

3. IT Standards
Currently, the EALT recommends that vendors demonstrate compliance with one of two standards, depending on the type of product/service being purchased. Language is provided in these guidelines for both situations. RFP or purchase teams should use the language that applies to the product/service they are purchasing:

- WCAG 2.0 level AA for products/services with Web or Internet access
- Section 508 of the Rehabilitation Act for telecommunications products; video and multi-media products; self-contained, closed products; and desktop and portable computers

In addition, the EALT recommends that a set of general information requests related to accessibility be included in an RFP or other purchase process for any online product/service.

4. Contact EALT for Assistance
It is strongly recommended that the local EALT member or other accessibility expert be included in the RFP or purchase development and evaluation team and throughout the procurement process.

B. Building the RFP/Purchase Team
Assessing accessibility concerns early in the process can help the University avoid time-consuming and costly post-decision retrofit work. If a proposed RFP or purchase “Project Plan” involves substantive Web interfaces or electronic capabilities, an accessibility expert should participate on the team to help ensure that accessibility is appropriately addressed in the procurement process. The best way to do this is involve accessibility experts on the team and throughout the purchase and contract process. The local EALT member should be contacted for assistance with finding an accessibility expert.

C. RFP/Procurement Development – Recommended IT Accessibility Standards

The EALT recommends that vendors demonstrate compliance with one of two standards, depending on the type of product/service being purchased. Sample text is provided below in section C 1.

RFP/Procurement teams should use the language that applies to the product/service they are purchasing.

- **WCAG 2.0** level AA for products/services with Web or Internet access
- **Section 508 of the Rehabilitation Act** for telecommunications products; video and multi-media products; self-contained, closed products; and desktop and portable computers

In addition, the EALT recommends that a set of general information requests related to accessibility be included in the RFP or requirements for any electronic product/service. Sample information requests are provided in section C 2 below.

1. Sample Text about Standards

   a. For Web-Based Products/Services (WCAG 2.0 level AA)

   UC recommends requesting information about compliance with the Web Content Accessibility Guidelines (WCAG) 2.0 level AA standard for web-based solutions. The following text should be included in RFPs for web-based products or services.

   “The University of California is committed to making academic and administrative tasks accessible to individuals with disabilities in compliance with applicable law. Further, the University closely monitors legislative and regulatory developments that may impose strict electronic accessibility requirements. Disclosure of noncompliance as well as the timeframe for compliance should be included in the proposal. UC reserves the right to test a vendor’s product or service to validate vendor claims regarding standards compliance. Information about the University’s [electronic accessibility initiative](#) is available on the Web.

   - Does your product/service conform to WCAG 2.0 level AA?
   - If so, describe how, and submit certification from a third party demonstrating your product/service’s compliance.
   - If not, describe your plans and timeframe for achieving conformance.”

   b. For Other Products (Section 508)
For other products specifically addressed in Section 508 of the Rehabilitation Act (telecommunications products; video and multi-media products; self-contained, closed products; and desktop and portable computers), RFP preparers or purchase teams should either require vendors to complete and submit the applicable sections of the Voluntary Product Accessibility Template (VPAT) or include in the RFP the relevant questions from the VPAT.

The VPAT is a form that reflects specific Section 508 criteria that are categorized in eight sections reflecting different types of products or services. The sections are telecommunications products (section 1194.23), video and multi-media products (section 1194.24), self-contained, closed products (section 1194.25), and desktop and portable computers (section 1194.26).

Sample Text
“The University of California is committed to making academic and administrative tasks accessible to individuals with disabilities in compliance with applicable law. Further, the University closely monitors legislative and regulatory developments that may impose strict electronic accessibility requirements. Disclosure of noncompliance as well as the timeframe for compliance should be included in the Remarks and Explanations column. UC reserves the right to test a vendor’s product or service to validate vendor claims regarding Section 508 compliance. Information about the University’s http://www.ucop.edu/irc/ealt/is available on the Web.

Vendors submitting proposals to this RFP must include a response to applicable sections of the Voluntary Product Accessibility Template (VPAT) in order to describe product compliance with Section 508 of the Rehabilitation Act. [Specify the applicable sections to be completed or include the relevant questions directly in the RFP: 1194.31 - Functional Performance Criteria; 1194.41 - Information, Documentation and Support; 1194.23 – Telecommunications Products; 1194.24 - Video and Multi-Media Products; 1194.25 - Self-contained, Closed Products; and 1194.26 - Desktop and Portable Computers] Information about the VPAT is available on the Information Technology Industry Council’s Web site.

- Does your product/service conform to Section 508 standards?
  - If so, describe how, and submit certification from a third party demonstrating your product/service’s compliance.
  - If not, describe your plans and timeframe for achieving conformance.”

2. Additional Information Request

In addition to asking questions about compliance with specific accessibility standards (e.g., WCAG or Section 508), it is highly recommended that the RFP request additional information to be able to fully assess and score the vendor’s current commitment to accessibility and ability to address accessibility in the future. Examples include:

- “Provide your company’s policy or commitment statement regarding electronic accessibility.”
- “Provide the name and contact information for the individual in your company responsible for the electronic accessibility policy and compliance.”
- “List the electronic accessibility standards that your company follows, and describe how compliance is achieved.”
“Describe your experience during vendor demonstrations in providing a demonstration of your product/service’s electronic accessibility compliance, and/or having a user of assistive technology test the product during the demonstration.”

“Describe your greatest electronic accessibility challenge with a customer and how you addressed it.”

“Provide a list of your staff who are dedicated to ensuring the accessibility of your product/service, including their names, titles, contact information, and responsibilities.”

“Describe the process by which you monitor electronic accessibility issues and changing legal requirements and your ongoing process to ensure you are compliant.”

“Describe the testing protocols you use to assess the accessibility of your product/service.”

D. RFP or Requirements Development - Scoring

Once the appropriate language for each element of the RFP has been developed, it is important to address how the vendor responses will be scored. Some RFP or requirements elements will be mandatory, while others can be graded on a scale. For determining how to address accessibility in the RFP or requirements, it is important to assess (a) the audience that will use the product/service and (b) the potential vendor pool and likelihood that it has accessibility experience. The team should engage with the EALT appointed member in this decisionmaking.

1. Mandatory

For products and services that will be used by a broad UC or public audience, certain accessibility measures should be a minimum-mandatory requirement in the RFP or requirements. Examples of products or services for which electronic accessibility should be required include a self-service Web-based student application, any application for systemwide use, such as an online library database, or sites or applications to be used by a public audience.

2. Quality Points

Often it will not be realistic or practical to make accessibility a minimum-mandatory requirement in the RFP or requirements document. In some cases where the electronic component will be transitory and targeted to a very small audience, it may be appropriate to forgo some accessibility requirements. For example, a contract with a vendor who will offer web-based video chat to staff using their services might not need to provide live captioning of the video chat meant for a single person. In that example, making a TTY number available for the hearing-impaired users might be a suitable alternative.

In these cases, the RFP or requirements document should be constructed so that the accessibility section is evaluated by total quality points received. It is important to allocate a sufficiently high number of quality points to the accessibility section to ensure that accessibility influences the final purchase decision. For example, electronic accessibility could be given 10% of the total points available.

E. Vendor Demo and Tests

Steps should be taken to ensure that finalists back up their statements about the accessibility of their products or services. At a minimum, the vendor should provide a demonstration during the finalist or
“sandbox” presentations of how to use the product with screenreader technology. Product evaluators may consider asking the vendor to include members of other disabled communities to demonstrate accessibility compliance. The EALT team member can help provide a UC assistive technology user.

**F. The Contract**

The final contract should ensure that accessibility is not ignored once the purchase has been made. It should include clauses that convey the following concepts:

- Include a statement that the contractor will fulfill any commitments made in the vendor response [or embed the response into the contract] about accessibility compliance.
- The contractor agrees that it will achieve compliance by the time of implementation, otherwise the vendor will forfeit 10% [or some amount] of the purchase price.” [This assumes that full accessibility was not achieved at the time of selection but that plans were provided for future substantial compliance].
- The contractor recognizes that the University will test for accessibility before and upon implementation. If the product/service poses accessibility problems, the contractor will fix them within a reasonable timeframe, not to exceed 25% of the length of the contract. If the contractor does not, the University may be released from the contract and payments to the contractor will be returned.
- The contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services. The contractor further agrees to indemnify and hold harmless UC 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.

**G. Post Purchase**

It is recommended that the RFP or evaluation team set up a plan, including identification and provision of ongoing resources, to address the following issues for ongoing product updates through the life of the contract:

- Re-test new versions.
- Evaluate and duplicate complaints, prepare information for communicating problems to the vendor.
- Alert the EALT about any significant accessibility problems that impact users’ ability to use software, especially for products that are used campus or systemwide.
- Verify that issues are remedied.
- Provide general feedback to the EALT about vendors, products, the purchase process, etc. This will help the EALT (a) to better understand the challenge in requiring accessibility and (b) to update these guidelines to be more useful.