



ELECTRONIC & INFORMATION TECHNOLOGY  
PROCUREMENT PLAN

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## USEFUL INFORMATION & DEFINITIONS

**What is Section 504?** Section 504 of the Rehabilitation Act mandates nondiscrimination within programs receiving federal funds. It provides that no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**What is Section 508?** A part of the Rehabilitation Act of 1973 amended in 1998 through the Workforce Investment Act. It requires that electronic and information technology *developed, procured, maintained or used* by the federal government to be accessible to people with disabilities and includes accessibility standards for electronic and information technology.

**What is E.O. 926?** Executive Order 926 is the order that documents and makes explicit the system wide policies for the disability support and accommodation program. It provides that it is the policy of the CSU to make its programs, services, and activities accessible to students, faculty, staff, and the general public who visit or attend a campus-sponsored event, with disabilities.

**What is Gov Code § 11135?** State law that provides protection from discrimination from any program or activity that is conducted, funded directly by, or receives any financial assistance from the State of California. It codifies Section 508 of the Rehabilitation Act requiring accessibility of electronic and information technology.

**How does Section 508 apply to the CSU?** In 2003, the California State Legislature amended Government Code 11135 to require CSU to implement Section 508 and to apply the federal accessibility standards to the electronic and information technology products and services that CSU buys, creates, uses and maintains.

**What is E&IT?** Electronic and information technology (E&IT) [commonly called just information technology (IT)] includes products that store, process, transmit, convert, duplicate, or receive electronic information. General categories of E&IT include software applications, operating systems, web-based information and applications, telephones and other telecommunication products, video equipment, multimedia products, and office equipment. Electronic textbooks, instructional software, email, chat, and distance learning programs are also examples of E&IT.

**What is Assistive Technology?** Assistive technology refers to products that people with disabilities use to access environments and activities that would otherwise be difficult or impossible for them to access. Specifically relevant to accessible E&IT are those assistive technology products that help people with disabilities use computers, software, the Internet, and telephones. In order to use a computer, people with limited hand function may use a keyboard with large keys or a special mouse; people who are blind or have difficulties reading may use software that reads onscreen text aloud; and people with low vision may use screen enlargement software. To communicate by telephone, people who are deaf may use a TTY (text telephone); or people with speech impairments may use a device that speaks out loud as the individuals enter text via a keyboard.

**What exactly is accessible E&IT?** Accessible E&IT is compatible with assistive technology and may include flexible features that allow users with disabilities to use the assistive technology. Accessibility features may be either built-in (such as auditory feedback for an information kiosk or a high contrast option in computer operating software), or available on demand (such as closed captioning or audio description for video). In principle, accessibility means that users are able to interact with the technology in the ways that work best for them. In practice, what is accessible is a complex technical issue. The Section 508 standards developed by the Access Board set the minimum standards of accessibility (<http://www.section508.gov>).

**What is meant by Alternate Formats?** Alternate formats are those usable by people with disabilities and may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats that comply with this Section 508.

**What is meant by Alternate Methods?** Alternate methods are different means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

**What is a Fundamental Alteration?** A fundamental alteration is an appropriate exception for inclusion in the Section 508 standards. It means a change in the fundamental characteristic or purpose of the product or service (not merely a cosmetic or aesthetic change). It is a change that is so severe that the product or service no longer meets the purpose for which it was intended.

**What Constitutes an Undue Burden?** Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, the resources of the entire campus or perhaps even the whole CSU system should be considered. Accordingly, it is extremely difficult to argue for an undue burden exception due to cost.

**What is a VPAT?** A VPAT is a Voluntary Product Accessibility Template the purpose of the VPAT is to assist buyers in making preliminary assessments regarding the availability of commercial "Electronic and Information Technology" products and services with features that support accessibility.

**What is a Compliance Certification?** The Compliance Certification is the document that will certify the accessible nature of an E&IT product and approve the accessibility component of the purchase.

**What is a Compliance Officer?** The Compliance Officer is the individual responsible for certifying that a particular product is accessible after sufficient research, testing, and evaluation by the requestor and the evaluation team. This person should be staffed within Human Resources Programs, as that office has the functional responsibility for ensuring compliance with nondiscrimination laws. Currently, the Compliance Officer for CSUCI is the Associate Vice President for Human Resources Programs.

**What is a Sole Source?** Sole source occurs when only one product will meet the requestor's needs.

**What is a Back Office?** Back Office refers to a group of products that reside in either a telecommunications closet or data center. The products do not interact with people except when maintenance is required.

**What is a Formal Competitive Bid?** A Formal Competitive Bid is a specified method for soliciting pricing for either goods or services greater than or equal to \$50,000.00. It is formal in that the solicitation has a protocol that must be followed in order for a vendor's bid to be accepted and considered by the procurement office. It is competitive as all bids submitted are evaluated against the criteria listed in the solicitation with the bid awarded to the vendor who best meets all the criteria listed in the solicitation.

**What is Individual Use?** Individual use is when only a single person will be using the product or service.

**What is Article 27?** Article 27 is the article listed in the CSU's General Provisions for IT Acquisitions that deals with Section 508 and is attached to and sent to with a CSUCI purchase order or Agreement whenever E&IT products or services are purchased. Article 27 specifically states "Contractor warrants that it complies with California and federal disabilities laws and regulations. Contractor hereby warrants that the products or services to be provided under this contract comply with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, Part 1194. Contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services."

## **INTRODUCTION**

The technical standards of Section 508 provide criteria specific to Electronic & Information Technology (E&IT) acquisition. E&IT includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term E&IT includes, but is not limited to, computers, software, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any 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. For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, but are not considered being E&IT products that fall under Section 508 requirements.

California Government Code Section 11135 and CSU Executive Order 926 require the CSU to purchase E&IT products and services that conform to the requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The implementation plan for these requirements is detailed within CSU coded memorandum AA-2007-04 and separated into seven key components as specified below.

## **CSUCI PLAN FOR PURCHASING ACCESSIBLE E&IT**

### **Component 1: Research, Evaluation, Documentation, Verification Where Appropriate, And Determination Of Exceptions Related To E&IT.**

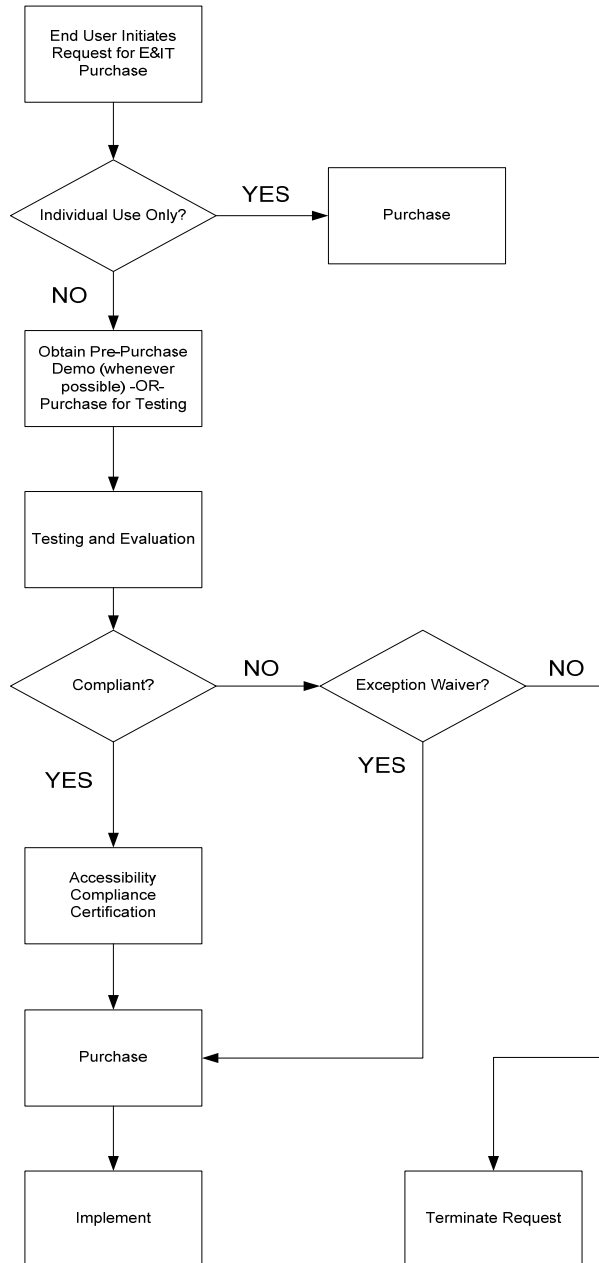
To comply with the Section 508 and have a fundamentally consistent program across the CSU, there are specific core functions that should be followed. These functions are as follows:

- Create functional requirements for purchasing a product
- Conduct market research to determine the availability of a product to meet the functional requirements
- Evaluate products to determine the degree of compliance with Section 508 requirements and identifying the one that best meets these requirements
- Verify Section 508 actions and authorize exceptions, if any
- Require all vendors to submit Section 508 compliance documentation (e.g., a completed VPAT or vendor checklist)
- Document Section 508 accessibility evaluations and conclusion

### Outline of the Procurement Process:

The requirements for the acquisition of goods and services by the CSU are defined within the CSU Policy Manual for Contracting and Procurement. Additionally CSUCI has campus specific policies and procedures for acquiring goods and services. These policies and procedures will be updated to include the requirements for the acquisition of E&IT products.

The following flowchart illustrates the E&IT procurement process from the submittal of the request to implementation or termination:





*~ Formal Competitive Procurement (greater than or equal to \$50,000.00)*

E&IT procurements subject to formal competition requirements will require the requestor to conduct market research with regard to the commercial availability of accessible products. This information will be used to develop formal solicitation documents, which will include requiring vendor to submit Section 508 compliance documentation.

The requestor, CIO and Section 508 Compliance Officer with assistance from the Buyer will determine the information vendors will be required to submit to document the degree of compliance with Section 508 requirements. This includes criteria and its relative value that will be used to evaluate the documents submitted. Section 508 standards constitute an additional set of requirements to be evaluated and will be considered among all other existing procurement requirements in reaching an award decision. All other requirements are still relevant and evaluated as well. The CSUCI will purchase the commercial product that provides the greatest degree of compliance while satisfying other legal, policy and functional requirements.

*~ Procurements below the Formal Competitive Threshold (less than \$50,000.00)*

These E&IT procurements require the requestor to perform market research with regard to the commercial availability of accessible products... Once conforming E&IT products have been identified or an exception has been approved the Requestor will submit the Section 508 documentation along with a Purchase Requisition Form to the Buyer to complete the purchase in accordance with applicable procurement policies and procedures.

Based on the results of the market research conducted or the proposals evaluated, the Buyer will procure the E&IT product as follows:

- All products that meet the functional requirements are 508 conformant (meets all the applicable standards): The Buyer may purchase any of the products evaluated in accordance with applicable procurement policies and procedures.
- The products evaluated meets Section 508 requirements to varying degrees: The Buyer must purchase the E&IT product in accordance with the applicable policies contained in the CSU Policy Manual for Contracting & Procurement and campus procurement policies and procedures.
- Product previously purchased and is still conformant: The E&IT product was previously determined to be conformant and there is no reason to believe that the status has changed. The Buyer may purchase the product in accordance with applicable procurement policies and procedures.
- Approved Exceptions: The E&IT product falls within one of the exceptions that have been approved. The Buyer may purchase the product in accordance with applicable procurement policies and procedures with written approval from the campus Compliance Officer.

## Approved Exceptions:

### *~ Net Cost Increase*

The CSU has a specific exceptions base in California's Government Code Section 11135(c)(2). This Government Code section states:

... In clarifying that the California State University is subject to paragraph (2) of Subdivision (d), it is not the intention of the Legislature to increase the cost of developing or procuring electronic and information technology. The California State University shall, however, in determining the cost of developing or procuring electronic or information technology, consider whether technology that meets the standards applicable pursuant to paragraph (2) of subdivision (d) will reduce the long-term cost incurred by the California State University in providing access or accommodations to future users of this technology who are persons with disabilities, as required by existing law, including this section, Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 and following), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

This section exempts the CSU from Section 508 requirements if it can be determined that the procurement of an accessible E&IT product will increase the cost to the CSU after considering whether that technology will reduce the long-term cost incurred. Procurement policies and procedures incorporating Section 508 requirements are currently under revision. The methods used to substantiate a net cost increase exception include:

- Research – Conduct cost analysis to determine the net cost to the CSU in procuring a product that conforms to Section 508 standards.
- Evaluation – Evaluation of the cost analysis must include the long-term reduction in cost incurred by the CSU in providing access or accommodations to future users of this technology who are persons with disabilities.
- Documentation – Cost analysis and supporting documentation
- Verification – Cost analysis should also be review by other appropriate departments with insight to the cost elements contained within the cost analysis – such as the campus disability services office.
- Determination - Requestor, CIO, Buyer, 508 Compliance Officer determine that the proof of an increase of expense to the CSU is justifiable and supportable.

### *~ Commercial Non-Availability*

When acquiring E&IT products or services campuses are only required to comply with those standards that can be met with E&IT products that are available in the commercial marketplace in time to meet delivery requirements. Campuses need not acquire a noncommercial item in these cases solely to satisfy Section 508 standards. Commercial non-availability must be addressed on an individual standard basis, and campuses cannot claim a commercial product as a whole is non-available just because it does not meet all the applicable standards. In such cases campuses shall follow applicable procurement policies and procedures to purchase the product that best meets 508 standards or best value criteria. The methods used to substantiate a commercial non-availability exception include:

- Research – Conduct market research and product evaluation
- Evaluation – Review the viability of using alternative accessible products
- Documentation - Maintain documentation of products evaluated
- Verification – Review market research with CIO
- Determination – Review documentation and obtain a determination from the appropriate administrator.

### *~ Sole Source*

This occurs when only one product will meet the requestor's needs. A sole source product must be reviewed and approved in accordance with campus policy and procedure for sole source requests, which includes written justification for a sole source purchase. An approved sole source product is exempt from Section 508 requirements. The methods used to substantiate a sole source exception include:

- Research – Conduct market research and product evaluation
- Evaluation – Review the viability of using alternative accessible products
- Documentation – Maintain documentation of products evaluated
- Verification – Requestor should review market research with CIO
- Determination – Review documentation and obtain a determination from the appropriate administrator.

### *~ Back Office*

This pertains to a group of products that reside in either a telecommunication closet or data center. The products do not interact with people except when maintenance is required. An example is a server in a data center. If the server simply operates without human interaction, then the server qualifies as a back office exception. If there is software running on the server that does have human interaction (e.g., Oracle), then the software is not exempt. Methods to be used include:

- Research – Determine location and function of product
- Evaluation – Review possibility of interaction of product by CSU personnel
- Documentation – Product functional requirements/specifications
- Verification – Requestor only
- Determination – Requestor and 508 Compliance Officer review documentation

### *~ Fundamental Alteration*

This exception to Section 508 requirements is discussed within Component 2 below.

### *~ Undue Burden*

This exception to Section 508 requirements is discussed within Component 2 below.

### *~ Other Exceptions:*

In addition to the exceptions above, Section 508 provides for other types of exceptions that may be granted. Request for exceptions will be reviewed on a case-by-case basis and will be approved by the 508 Compliance Officer.

## **Component 2: A Process For Determining Undue Burden And Fundamental Alteration**

Section 508 defines undue burden as a product that causes “significant difficulty or expense” to the organization.

### A Process for Determining Undue Burden:

When determining if a product qualifies for an undue burden, the campus must consider the resources available to the program or component for which the product is being developed, procured, maintained, or used. Considerations should include the functionality needed from the product and the technical difficulty involved in making the product accessible. In addition, other

considerations include compatibility with the campus or CSU infrastructure, including security, and the difficulty of integrating the product.

To request an Undue Burden exception, the requestor must submit the following information along with the purchase requisition to procurement. The components of an undue burden request include:

- Description of the product and its function
- Description of the undue burden, specifically:
  - Applicable technical provisions of the Section 508 standards;
  - Specific provisions that cannot be met as a result of undue burden;
  - All funds available to the campus/CSU including the component for which the product or service is being acquired
- Estimated cost of acquiring a product that meets the applicable technical provisions along with an explanation of how costs were estimated
- Market research performed to locate items that meet the applicable technical provisions.
- Proposed method of alternate access and its estimated cost.
- Time schedule on when it will no longer be an undue burden to the organization; i.e. product will be conformant.
- Resubmission of undue burden request every two years until the product is conformant.

Procurement will submit this information to the CIO and Section 508 Compliance Officer who will then forward the undue burden request, along with their recommendation, to the campus President or designee. The President or designee will have the final authority to approve or disapprove the undue burden request.

A copy of the final determination of the undue burden request shall be retained by Section 508 Compliance Officer and also included in the procurement file. The Section 508 Compliance Officer shall make these records available upon request.

If an undue burden is approved, it is important to note that by statutory obligations the CSU must provide alternative access.

#### Process for Determining Fundamental Alteration:

Fundamental Alteration means a change in the fundamental characteristic or purpose of the product or service, not merely a cosmetic or aesthetic change. The CSU is not required to make changes in the fundamental characteristics of a product to comply with Section 508 accessibility standards. This does not apply to cosmetic or aesthetic changes. One example of fundamental alteration is pocket-size pagers. Adding a larger display to a small pager may fundamentally alter the device by significantly changing its size to such an extent that it no longer meets the purpose for which it was

intended. Adding accessibility features would not generally be considered a fundamental alteration, if it did not have any significant effect on the standard mode of operation or its size or weight. As a general rule, fundamental alteration had been applied to hand-held devices. However technology in this area is rapidly evolving and an exception granted for one procurement should not be automatically extended to future procurements. Many hand-held devices that were once exempt due to non-accessibility features are now accessible. As a result, the Requestor and 508 Compliance Officer must be cognizant of the technology in this field to ensure that the exception is valid. The determination of fundamental alterations includes the following steps:

- Research – Determine the functional requirements and the specific need for the E&IT product
- Evaluation – Review the accessibility of the product and the impact of the accessible product to the functional requirements
- Documentation – Vendor product documentation
- Verification – Requestor Only
- Determination – CIO and 508 Compliance Officer review documentation

**Component 3: Procedures For Providing Equally Effective Alternative Access For E&IT Acquisitions That Are Approved For Exceptions Or That Are Not Yet Subject To The E&IT Accessibility Procurement Process.**

The Section 508 Compliance Officer and requestor in consultation with appropriate offices will assess the potential impact on students, employees, and members of the public and plan for alternate access methods for persons who require such access. Section 504/ADA shall apply to those individuals who require alternate access.

The campus has separate offices for providing alternate access for students and for faculty/staff/general public. Disability Accommodation Services (DAS) is the office responsible for providing alternate access for students. The Human Resource department is responsible for providing alternate access for faculty/staff and the general public.

Students who need 504 accommodations work directly with DAS on a case by case basis. Faculty, and staff work with their department and with the campus Human Resources Programs on a case by case basis to determine an appropriate, reasonable accommodation.

DAS communicates the availability of all their services to students through many channels including the Student Life website located at <http://www.csuci.edu/disability/index.htm>, the Student Life Guidebook, the CSUCI Course Catalog, Dolphin email and during Island View Orientation. Staff and faculty are informed at each new employee orientation.

Accessibility policies, procedures and resources for faculty, staff and members of the public are communicated in a variety of ways including new employee orientation, CSUCI Administrative

Policies Manual website, CSU Policies website, CSUCI ATI website, Human Resources Programs Diversity and Equity website and the Student Guidebook.

Both DAS and Human Resources have written procedures for responding to requests for disability accommodation hardware and software. DAS' procedure is located in the Division of Student Affairs/Disability Accommodation Services procedure files. The Human Resources procedure "Procedure for Responding to Employee Requests for Disability Accommodation Software or Hardware" is located in the Division of Finance and Administration's Human Resource procedure files.

Procedure for Student Requests For Alternate Access:

- Student notifies DAS of need for alternate access
- DAS, faculty and the student will engage in an interactive process to determine what, if any accommodation is appropriate

Procedure for Staff Requests For Alternative Access:

- The employee notifies their manager or supervisor of the need for alternate access. The employee, manager or supervisor of the employee will work with Human Resources Programs and engage in an interactive process to determine what, if any accommodation is appropriate.

Procedure for Public Requests:

- Members of the public contacts the Human Resources Programs or any campus Administrator and communicate their need for alternate access
- The Human Resources Programs works with the member of the public to determine an appropriate accommodation

Procedures for Filing a Complaint for Lack of E&IT Access:

- A Student complaint against the campus for a lack of access to E&IT shall be filed by following the instructions listed in the DAS Conflict Resolution located at <http://www.csuci.edu/disability/conflict.htm>.
- Non-represented employees wishing to file a complaint against the campus for a lack of access to E&IT shall follow the instructions listed on the campus Human Resources website located at <http://www.csuci.edu/hr/diversityandequity.htm>. Represented employees must refer to the applicable Collective Bargaining Agreement regarding filing a complaint for lack of access to E&IT.

Procurement is responsible for notifying the Section 508 Compliance Officer when a product is procured pursuant to an approved exception or that is not yet subject to the E&IT procurement process. The Compliance Officer shall maintain a list of such products.

#### **Component 4: A Communication Process And Training Plan To Educate The Campus Community About Section 508 Procurement Requirements And The Established Procedures.**

##### Section 508 Communication Process:

The Section 508 Communication Process is the methodology to explain or educate the campus community on Section 508 and to answer questions and address concerns.

##### *~ General Communications on Section 508 Overall:*

- Distribute internet/intranet global emails to the campus community explaining Section 508. (There has been a recognized trend that people prefer to gather information and participate via the internet rather than attend physical meetings.)
- Establish an ATI or Accessibility website with a 508 section
- Conduct at least two “town meetings” for each campus division so that people can interact and ask questions.
- Establish an e-mail address for the campus ACT Committee for questions and comments.

##### *~ Communications for Specific Implementation Phases:*

- Conduct seminars in the areas of most interest and confusion (e.g., PC labs, disability labs, EEO, advocacy groups).
- Conduct general seminar or town meeting to explain the overall impact of the phase on the campus community to be held for each campus division.
- Send a global email to the individuals impacted by each new implementation (i.e., the milestones occurring on 9/1/07, 9/01/08, etc.), explaining the impending process and how it will impact on the individuals and their areas of responsibility. The email should provide the time and dates of training and encourage the individuals to attend due to the importance of the process on the way they do business.
- Send email in advance of the training to remind individuals to attend scheduled trainings.

##### Section 508 Focus Groups:

Before the process is finalized and implemented, it is recommended to hold several focus groups with department representatives and the purchasing office to discuss the process. The more participants in the process that feel that they had a role in creating it, the more they will have a vested interest in its success. In addition, the process has more credibility if it can be said that the department representatives and the purchasing office helped develop it.



Some possible topics for discussion during the communication process:

- What are Sections 504 and 508?
- How does Section 504 affect me, the individual?
- How does Section 508 affect me, the individual? Of particular note is the issue of accessibility and the process.
- What is the schedule for implementing Section 508?
- What can an individual with a disability do until the program has been completely implemented? From the campus perspective, what should the CSU do to avoid lawsuits, adverse actions and negative media until the program is completely implemented?
- What are exceptions? Explain the rationale why that even after Section 508 is implemented, products might not be in conformance. It will be difficult to explain exceptions to people with disabilities.
- Who will be affected by Section 508? If I am one, how will I learn about my role in the process?

CSUCI shall start the communication process approximately one month before implementing the first stage of the process. The communication process shall begin per the timeline listed in the attached 2007 CSUCI E&IT Procurement Milestones and Deliverables.

#### Section 508 Training Process:

The Section 508 training process is the methodology to educate the campus on the Section 508 compliance process. Some of the general trainings are listed below.

- Compliance Officer's (HR) training topics:
  - Overview on the 508 Compliance Officer's roles and responsibilities
  - Available resources and support sources
  - Better understanding of the law and exceptions
- Buyer's (Procurement Office) training topics:
  - Overview on Section 508
  - Better understanding of the law and how it impacts procurement and the requestor
  - Buyer's role and responsibilities

- CIO's (IT) training topics:
  - 508 technical standards
  - How to know whether a standard has been met
  - Evaluating conformance
  - Accessibility testing protocol
- Managerial training topics:
  - Overview on Section 508
  - Implementation schedule
  - Campus processes
  - The roles and responsibilities that management and offices will have in the process (e.g., selection of Section 508 Compliance Officers, technical assistance, public support of the program)

#### Implementation Training Options:

- Department Representatives (possible subjects):
  - Overview on the Requestor's roles and responsibilities
  - Available resources and support sources
  - Discussion on his/her concerns and issues and possible solutions for them
- Buyers, Department Representatives, Section 508 Compliance Officers and CIOs. Training may be conducted with all three groups together so that they will be better acquainted and understand their relationships. Possible subjects to be covered:
  - Basic overview on what Section 508 is (the law and overall campus process)
  - How to process an E&IT acquisition request
  - Forms, checklists and procedures
  - Market research and evaluating the vendor checklists
  - What is everyone's roles and responsibilities in the process

- CIO and Departments that will be affected by Section 508 (possible subjects):
  - Overview on Section 508
  - Implementation schedule
  - The roles and responsibilities that management and departments will have in the process (e.g., selection of Section 508 Compliance Officers, technical assistance, public support of the program).
  - The procurement process and its impact on the departments

Training should start two to three weeks before the implementation of the process. Each training class should be offered at various times.

### **Component 5: An Evaluation Process To Measure The Effectiveness Of The Plan**

#### E&IT Procurement Plan Goal:

An effective E&IT procurement plan will ensure that all acquisitions meet Section 508 requirements. This goal is met by enforcing the process outlined in Component 1, above. There are four components of this goal:

- Market Research: Verified by a completed and attached vendor Section 508 documentation
- Vendor provided information and conformance of the product. Verified by the Requestor's signature on the E&IT Procurement form (to be developed). For large scale purchases, verification will also come from the completed testing protocol signed by the CIO charged with conducting conformance testing of the product.
- Documentation, Review and Exceptions: Verified by Section 508 Compliance Officer's initials on the E&IT Procurement form
- Buyer purchased E&IT products as outlined by the Section 508 law: Verified through random sampling.

#### Evaluation Methodology:

Campus will self-check by randomly selecting and reviewing a sample of E&IT acquisitions twice a year in the first two years, once a year thereafter. The review will verify that the proper Section 508 documentation have been completed and included in the procurement files. This evaluation measures three criteria:

- Whether the requestor has conducted market research and an evaluation of the E&IT product for Section 508 standards conformance;

- Whether the Buyer is only accepting E&IT acquisition requests that have the proper Section 508 documentation; and,
- Whether the Buyer is purchasing E&IT products as outlined by the Section 508 law.

**Component 6: The Identification Of Roles And Responsibilities Associated With Components 1, 2 And 3 Above.**

Requestor's Role:

This is the individual who is requesting the acquisition of an E&IT product or service.

- Develops accurate and supportable functional requirements for the requested products or services
- Conducts market research to identify sources that meet the functional requirements
- Determines which accessibility subcategories are applicable for the product
- Evaluates the vendor responses to Section 508 compliance
- Verifies Section 508 compliance information submitted
- Provides Section 508 documentation for the acquisition file
- Obtains review and approval of Section 508 compliance
- Provides the acquisition request along with the approved Section 508 documentation to the Buyer
- Participates in formal competition acquisitions by providing necessary information to develop formal solicitation documents that include criteria to evaluate product conformance and evaluation of the proposals

Human Resources Role:

- Assists campus staff, faculty, student, the public and other outside sources with Section 508 issues or questions
- Assists Requestor in the review of E&IT Section 508 compliance documentation
- The Compliance Officer evaluates and approves exceptions requests
- The AVP of Human Resources Programs creates comprehensive ATI Section 508 programs

- Promotes the importance of Section 508 efforts
- Oversees Section 508 training
- Assists with the resolution of non-conforming purchases and the solving of vendor product problems and works to create win-win solutions
- Ensures consistent implementation of Section 508 programs
- Acts as liaison on Section 508 matters with management
- Works with DAS on issues, especially E&IT reasonable accommodation problems
- Works with relevant departments to address accessibility issues for students, employees and members of the public

Recommended Traits of a 508 Compliance Officer:

- Recognized skill as a project manager or organizer or administrator
- Should not be a CIO, but must have access to them
- Has appropriate authority and management support
- Has good grasp of Section 508 law and understands Section 504 law
- Understands campus policy, procedures and constraints
- Have access to CIO resources and/or be involved in CIO planning and implementation meetings (to ensure Section 508 is considered in E&IT projects and procurements)
- Should have working relationship with the campus EEO, DAS, procurement office, legal attorney, and budget office

Buyer's Role:

This individual is responsible for the actual procurement of the E&IT product or service. With respect to the ATI Section 508 requirements, the Buyer is responsible for reviewing the ATI documentation to verify the proper approval has been obtained and the proper documentation has been submitted in order to procure the product and to be included into the procurement file. The Buyer's responsibilities include:

- Processes properly documented E&IT acquisition requests
- Considers only vendors for the acquisition who have complied with Section 508 documentation requirements

- Purchases product per the market research performed by the requestor in accordance with CSU policies and procedures
- Ensures that Section 508 requirements are contained in all contracts awarded

#### CIO's Role:

The CIO provides the interface between Section 508 requirements and technical specifications. The CIO may perform in a general capacity such as strategic planning of E&IT requirements or as a specialist such as in the evaluation of a particular E&IT product. The CIO may assign IT representatives in the various areas of E&IT. They may be assigned on an as needed basis or on a permanent basis to assist with Section 508 issues. The CIO's roles and responsibilities may include:

- Assists the Requestor with functional requirements and market research
- Assists the Requestor with evaluating vendor Section 508 documentation
- Evaluates products with the Section 508 Compliance Officer to determine the technical credibility of an exception
- Works with the Buyer on technical questions and issues during the E&IT acquisition process
- Participates, as the Section 508 technical representative, in strategic planning of campus E&IT requirements (e.g., software development, training)
- Participates as the technical source in the resolution of accessibility issues of students, faculty, staff and the public
- Advises Section 508 Compliance Officer on technical matters as they relate to accessibility issues.

#### Recommended Traits of a CIO:

- Knowledgeable of the E&IT area and functions
- Experience in E&IT products (e.g., PCs, data center devices, printers)
- Experience in E&IT development (to help with contractor contracts)
- Experience with and interest in accessibility products
- Experience in assistive technology products and tools
- Knowledge of Section 508 technical standards and how to test for conformance
- Attention to details

**Component 7: Milestones And Timelines That Conform To Dates Required By Coded Memo AA-2007-0.4.**

The plan to ensure procurement of accessible E&IT contains specific milestones based on the dollar amount and type of purchase. Specifically those milestones are as follows:

- Submission of E&IT Procurement Plan due on 8/10/07
- Develop and implement E&IT procurement procedure for acquisitions greater than \$50,000.00 is due on 9/01/07
- Develop and implement E&IT procurement procedure for acquisitions greater than \$2,500.00 (Procard purchases exempted) due on 9/01/08
- Develop and implement E&IT procurement procedure for all acquisitions greater than \$2,500.00 (including Procard purchases) due on 9/01/09
- Develop and implement E&IT procurement procedure for acquisitions less than or equal to \$2,500.00 due on 9/01/10

2007 CSUCI Procurement Milestones and Deliverables to Develop and Implement Procurement Procedure for Acquisitions Greater than \$50,000.00:

<b>Task</b>	<b>Timeline</b>	<b>Responsible Party/Individual</b>
Start working on forms, procedures, instructions and training	6/15/07	ACT Committee and Procurement
Submission of E&IT Procurement Plan	8/10/07	Executive Sponsor
Conduct train-the-trainer courses	8/15/07	Human Resources Programs with ACT Committee
Implement E&IT Procurement Procedure for acquisitions greater than \$50,000	9/01/07	Procurement with ACT Committee
Schedule training classes and notify individuals	9/10/07	Human Resources Programs with ACT Committee
Communication Process	9/14/07	Procurement with ACT Committee
Create centralized special team that can help the Requestors and 508 Compliance Officers with Section 508 legal and process questions	9/14/07	ACT Committee, E&IT Team and Campus Counsel
Create train-the-trainer courses	9/15/07	Human Resources Programs with ACT Committee
Start Training of key people in processes	9/24/07	Human Resources Programs with ACT Committee

2008 Procurement Milestones and Deliverables to Develop and Implement Procurement Procedure for Acquisitions Greater than \$2,500 Procard Purchases exempted:

<b>Task</b>	<b>Timeline</b>	<b>Responsible Party/Individual</b>
Start development of procurement policies	3/15/08	Procurement With ACT Committee
Start development of procurement procedures	4/15/08	Procurement
Start working on forms, instructions, training and communications	7/15/08	Procurement with ACT Committee
Preparation of Fiscal Year 2007 Progress Report to the CO's	8/01/08	Procurement
Submit Fiscal Year 2007 Progress Report to the CO's	8/15/08	Procurement
Initiate communications with stakeholder	8/15/08	Procurement with ACT Committee
Start training of key people	8/15/08	Human Resources Programs with ACT Committee
Implement E&IT Procurement acquisitions greater than \$2500, Procard purchases exempted	9/1/08	Procurement with ACT Committee

2009 Procurement Milestones and Deliverables to Develop and Implement Procurement Procedure for Acquisitions Greater than \$2,500:

<b>Task</b>	<b>Timeline</b>	<b>Responsible Party</b>
Start development of procurement policies	3/15/09	Procurement with ACT Committee
Start development of procurement procedures	4/15/09	Procurement
Start working on forms, instructions, training and communications	7/15/09	Procurement with ACT Committee
Preparation of Fiscal Year 2008 Progress Report to the CO's	7/31/09	Procurement
Submit Fiscal Year 2008 Progress Report to the CO's	8/14/09	Procurement
Initiate communications with stakeholder	8/14/09	Procurement and ACT Committee
Start training of key people	8/14/09	Human Resources Programs with ACT Committee
Implement E&IT Procurement procedure for acquisitions greater than \$2500	9/1/09	Procurement



2010 Procurement Milestones and Deliverables to Develop and Implement Procurement Procedure for Acquisitions Less than or Equal to \$2,500:

<b>Task</b>	<b>Timeline</b>	<b>Responsible Party</b>
Start development of procurement policies	3/15/10	Procurement with ACT Committee
Start development of procurement procedures	4/15/10	Procurement
Star working on forms, instructions, training and communications	7/15/10	Procurement with ACT Committee
Preparation of Fiscal Year 2009 Progress Report to the CO's	8/02/10	Procurement
Submit Fiscal Year 2009 Progress Report to the CO's	8/16/10	Procurement
Initiate communications with stakeholder	8/16/10	Procurement with ACT Committee
Start training of key people	8/16/10	Human Resources Programs with ACT Committee
Implement E&IT Procurement procedure for acquisitions greater than \$2500	9/1/10	Procurement

2011 and 2012 Progress Reports to the Chancellor's Office:

<b>Task</b>	<b>Timeline</b>	<b>Responsible Party</b>
Preparation of Fiscal Year 2010 Progress Report to the CO's	8/01/2011	Procurement with ACT Committee
Submit Fiscal Year 2010 Progress Report to the CO's	8/15/2011	Procurement with ACT Committee
Preparation of Final Report to the CO's	8/01/2012	Procurement with ACT Committee
Submit the Final Report to the CO's	8/15/2012	Procurement with ACT Committee

## APPENDIX A

### 10 STEPS FOR INCORPORATING GOV. CODE 11135/SECTION 508 REQUIREMENTS IN PROCUREMENT

Step	Description
Step 1	Detail the functional and technical requirements of the product or service being procured.
Step 2	<p>Determine if the acquisition is one of the following six categories of electronic and information technology (E&amp;IT) covered by the Access-Board standards (<a href="http://www.access-board.gov/sec508/standards.htm">http://www.access-board.gov/sec508/standards.htm</a>):</p> <ul style="list-style-type: none"> <li>a. Software Applications and Operating Systems;</li> <li>b. Web-based intranet and Internet Information and Applications;</li> <li>c. Telecommunications products, including telephone systems, voice response systems, and technologies involved with information transmission.</li> <li>d. Video and Multimedia products, including television displays and computer equipment with display circuitry that receives, decodes and displays broadcasts, cable, videotape and DVD signals;</li> <li>e. Self-contained, closed products that have embedded software and include, but are not limited to information kiosks, information transaction machines, copiers, printers, and fax machines;</li> <li>f. Desktop and portable computers</li> </ul> <p>If the acquisition is not E&amp;IT, then Accessibility Standards DO NOT APPLY. Skip the remaining steps and continue with the normal purchasing process.</p>
Step 3	<p>Determine if the EIT acquisition falls under one of the following General Exceptions:</p> <ul style="list-style-type: none"> <li>a. The EIT involves intelligence activities, military forces, weapons system, or cryptographic activities related to national security or military or intelligence missions. See</li> <li>b. The EIT is for products to be acquired by a contractor incidental to a contract; (For example, the vendor buys software in order to develop a website for CSU. The software used by the vendor to develop the website does not have to conform to the accessibility standards. However, the website is required to conform to the standards since the website is the purpose of the contract)</li> </ul> <ul style="list-style-type: none"> <li>• See <b>G.4</b> in</li> </ul>

	<p><a href="http://www.section508.gov/index.cfm?FuseAction=Content&amp;ID=92">http://www.section508.gov/index.cfm?FuseAction=Content&amp;ID=92</a></p> <p>c. The E&amp;IT is for products located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring.</p> <ul style="list-style-type: none"> <li>• See <b>G.5</b> in <a href="http://www.section508.gov/index.cfm?FuseAction=Content&amp;ID=92">http://www.section508.gov/index.cfm?FuseAction=Content&amp;ID=92</a></li> </ul> <p>If the E&amp;IT purchase falls under one of the General Exceptions, complete the Sample EIT Procurement Checklist and have it approved by the President's designee. Skip the remaining steps and continue with the normal purchasing process.</p>
Step 4	<p>Insert language into the technical requirements section of the RFP or the formal bid which describes CSU requirements for California Government Code 11135 compliance.</p> <p>Insert language stipulating that vendor products shall conform with all applicable 508 standards and that vendors shall provide a Voluntary Product Accessibility Template (VPAT) to disclose product conformance with 508 standards.</p> <p>Suggested language:  <u>“Any acquisition considered electronic and information technology (E&amp;IT) as defined by Section 508 (36 CFR Part 1194) requires the submission of a completed Voluntary Accessibility Product Template in order for the CSU to ascertain conformance with the applicable E&amp;IT standards developed by the U.S. Access Board.”</u></p> <p>Insert language authorizing the CSU to engage in product accessibility conformance testing prior to completion of purchase.</p> <p>Suggested language:  <u>“The CSU reserves the right to perform real-world testing of a vendor’s product or service in order to validate vendor claims regarding Section 508 conformance. In order to facilitate this testing, the vendor shall, upon request, provide to the CSU a copy of the product being considered for purchase for a period of at least 30 calendar days. The version of the product that is provided for testing purposes must be equivalent in functionality and features to the commercial version that is under consideration for purchase. The CSU in its sole discretion, will determine the level of compliance with Section 508 on all products being reviewed.</u></p> <p>Additional suggestions:</p> <p>a. Request that the vendor describe their capacity to respond to and</p>

	<p>resolve any complaint regarding accessibility of products or services. Require the name of a person and contact information for addressing accessibility questions and issues with the product.</p> <p>b. For every E&amp;IT product or service accepted under the contract that does not conform to the accessibility standards (sole source, commercial non-availability, or a product that meets some but not all of the standards) and for which an exception does not apply, request from the vendor a plan and timeline by which accessibility standards will be incorporated into the product.</p>
Step 5	<p>Form an Evaluation Team.</p> <p>Ensure that at least one team member is knowledgeable about E&amp;IT accessibility requirements and is able to conduct conformance testing as needed.</p> <p>If the staff member is not available to sit on the evaluation team, utilize a knowledgeable consultant for the evaluation process.</p>
Step 6	<p>Conduct an initial screening.</p> <p>If the vendor bid does not include a VPAT, contact the vendor to request that they submit a VPAT or disqualify the vendor from consideration. Provide a specific deadline by which the vendor must submit the VPAT.</p>
Step 7	<p>Evaluate the remaining proposals.</p> <p>Option A: Include accessibility evaluation via the VPAT as part of the percentage within technical specifications. In using this model, the percentage must be significant enough to make a difference.</p> <p><u>Important Note:</u> The percentage assigned to accessibility may depend on programmatic needs and the scope of impact of the purchase. For example, a web application for the whole student body may be different from a purchase that affects a smaller number of persons</p> <p>Option B: Use the U.S. Access Board E-Learning Procurement Example at <a href="http://www.access-board.gov/sec508/e-learning.htm">http://www.access-board.gov/sec508/e-learning.htm</a></p> <p>Option C: Use a weighted average model as outlined by the U.S. Treasury and disclose the selected weighting criteria in the RFP <a href="http://www.treas.gov/offices/management/dcfo/procurement/508/standardsev">http://www.treas.gov/offices/management/dcfo/procurement/508/standardsev</a></p>

	<p><a href="#">al.xls</a></p> <p>Option D: Other options may be available after consultation with the CIO, Compliance Officer and Procurement Office.</p> <p>Our interpretation of the law's intent: In general, the product shall be chosen that satisfactorily meets the technical and functional requirements and that best meets the accessibility standards unless an exception applies.</p> <p><u>Important Note:</u> A best value award made for a product that is not the most accessibly designed of those proposed shall be fully documented and based on sound business principles.</p>
Step 8	<p>Evaluate whether to invoke any of the following Special Exceptions:</p> <ul style="list-style-type: none"> <li>• E&amp;IT Commercial Non-Availability Determination (There are no accessible products that met the technical and functional requirements.)</li> <li>• Fundamental Alteration (CSU is not required to purchase an accessible E&amp;IT product that would not meet its needs.)</li> <li>• Undue Burden Exception Determination (The acquisition of the accessible product would impose an undue burden due to significant difficulty or expense.) <ul style="list-style-type: none"> <li>○ See <b>G.6. in</b> <a href="http://www.section508.gov/index.cfm?FuseAction=Content&amp;ID=92">http://www.section508.gov/index.cfm?FuseAction=Content&amp;ID=92</a></li> </ul> </li> <li>• Long Term Cost Per Government Code 11135 (This exception does not apply when the selected technology will not increase the long-term cost incurred by CSU in providing access or accommodations to future faculty, students and members of the public as required by Title II of the Americans with Disabilities Act of 1990 and Sections 504 and 508 of the Rehabilitation Act of 1973.)</li> </ul> <p>If one of the exceptions is invoked, the requesting unit must document the exception, obtain approval and sign-off by the President's designee, and make available an alternative means by which the data and information produced from the use of the technology can be provided to the individual with disability in an effective manner.</p>
Step 9	<p>Conduct verification/acceptance testing for system-wide or campus-wide acquisitions.</p>

	A more detailed strategy for this step is required. The steps for verification and acceptance testing need to be developed and outside the scope of this training.
Step 10	Coordinate communication with vendors in response to accessibility complaints.

## REFERENCES

**Section 508:** <http://section508.gov/index.cfm?FuseAction=Content&ID=12>

# APPENDIX B

## CSUCI SAMPLE E&IT PROCUREMENT CHECKLIST

Requestor	_____	Requisition Number	<input type="text"/>
Department/Unit	_____	E&IT Officer Review	<input type="text"/>
Product Description	(include purpose) _____		
Product Users	_____		
Cost	_____		

Initial all appropriate boxes

### Pre-Award Action for E&IT Procurements

General Exceptions to Section 508. Note only E&IT Compliance Officer can authorize an exception

Back Office	(Includes mostly data centers and comm closets type equipment	<input type="text"/>
Fundamental Alteration	(e.g., cell phones, PDAs, pagers, hand-held devices	<input type="text"/>

### Subparts and Categories for Section 508 Compliance

Subpart B - Technical categories of standards (may require more than one)	<input type="text"/>
Software applications and operating systems (36 CFR part 1194.2)	<input type="text"/>
Web-based internet and intranet information and applications (36 CFR part 1194.22)	<input type="text"/>
Telecommunications products (36 CFR part 1194.2)	(phone systems, voicemail systems) <input type="text"/>
Video and multimedia products (36 CFR part 1194.24)	(videos, TV tuners, & displays) <input type="text"/>
Self-contained, closed products ( 36 CFR part 1194.25)	(printers, fax machines, kiosks, ITMs) <input type="text"/>
Desktop and portable computers (36 CFR part 1194.26)	<input type="text"/>
Subpart C - Functional performance criteria	<input type="text"/>
Subpart D - Information, documentation and support documentation (always required)	<input type="text"/>

### Market Analysis for Section 508 Compliance

All products that meet the functional requirements are 508 conformant	<input type="text"/>
One product meets more 508 standards than the others (attach supporting analysis)	<input type="text"/>
Product previously purchased and is still conformant (e.g., desktop computer contract)	<input type="text"/>
Only one product meets functional specifications (e.g., sole source - attach documentation)	<input type="text"/>

Note: For an E&IT procurement to be awarded, it must have a completed procurement checklist and the vendor supplied VPAT. This includes sole source procurements. Exempt and previously purchased products only require a procurement checklist.

Requestor	_____	Date	_____
Compliance Officer	_____	Date	_____

# APPENDIX C

## CSUCI SAMPLE VPAT (With Instructions & References)

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# CSU Guide to Completing the Voluntary Product Evaluation Template (VPAT)

## Purpose:

This document will provide Vendors with instructions as to how they are expected to complete the Voluntary Product Evaluation Template (VPAT) for the California State University.

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## Background:

In 2001, the Information Technology Industry Council partnered with the General Services Administration to create a tool that would assist Federal contracting and procurement officials in fulfilling the market research requirements specified in Section 508. The result of their collaboration was the 508 Evaluation Template – a simple, web-based checklist that allows Vendors to document how their product **did** or **did not** meet the various Section 508 Requirements.

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## How the Voluntary Product Evaluation Template (VPAT) is organized:

The Voluntary Product Evaluation Template (VPAT) consists of a long series of tables. The initial one, the **Summary Table**, is used to provide a sense of your product’s **overall** “level-of-compliance” with the Section 508 Standards. Subsequently, the **Section 1194.xx Tables** contain the detailed subparagraphs of each section of the Standards. It is within these **Section 1194.xx Tables** that you will define in detail how your product **did** or **did not** comply with a specific requirement.

## Understanding the columns

Use the following to understand the use of the three columns in both the Summary Table and the individual Section 1194.xx Table:

<u>Summary Table</u>	
Column Name	Use
Criteria:	Describes Subparts B, C, and D of the Section 508 Standards.
Supporting Features:	To <b><u>Enter</u></b> information summarizing a product’s overall “level-of support” for the corresponding Subpart or, when appropriate, to specify <b>Not Applicable</b> .
Remarks/Explanations:	To <b><u>Enter</u></b> general comments regarding a product’s overall “level-of-compliance” with the <b>Applicable</b> Subpart.

<u>Section 1194.xx Table</u>	
Column Name	Use

<b>Criteria:</b>	Describes a specific guideline that a Subpart is composed of.
<b>Supporting Features:</b>	To <b><u>Enter</u></b> information summarizing a product’s “level-of-support” for a specific guideline.
<b>Remarks/Explanations:</b>	To <b><u>Enter</u></b> detailed information on how the product <b><u>did</u></b> or <b><u>did not</u></b> support a specific guideline.

### What information do I enter in columns 2 and 3?

The **Supporting Features** and **Remarks/Explanations** columns are used to document exactly how a product **did** or **did not** meet the Section 508 Standards. In order to promote consistency in Vendor responses, which will ensure a quicker review process by CSU’s contracting and procurement officials, we encourage you to answer these columns in the following manner:

<u>Supporting Features (second column on 508 Evaluation Template)</u>	
Language	Description
<b>Supports</b>	Product <b>FULLY meets</b> the letter and intent of the Criteria.
<b>Supports with Exceptions</b>	Product <b>does not ENTIRELY</b> meet the letter and intent of the Criteria, but does provides some level of access.
<b>Supports through Equivalent Facilitation</b>	Product provides <i>alternative</i> methods to <b>meet</b> the intent of the Criteria.
<b>Does not Support</b>	Product <b>does not</b> meet the letter or intent of the Criteria.
<b>Not Applicable</b>	The Criteria <b>does not</b> apply to the product.

<u>Remarks &amp; Explanations (third column on 508 Evaluation Template)</u>	
If 2 <sup>nd</sup> column states...	Then...
<b>Supports</b>	List exactly <b><u>what</u></b> features of the product <b>do</b> meet and describe <b><u>how</u></b> they are used to support the Criteria.

<b>Supports with Exceptions</b>	<p>List exactly <b><u>what</u></b> features of the product <b>do</b> meet and describe <b><u>how</u></b> they are used to support the Criteria.</p> <p style="text-align: center;"><b>AND</b></p> <p>List exactly <b><u>what</u></b> parts of the product <b>do not</b> meet and describe <b><u>how</u></b> they fail to support the Criteria.</p>
<b>Supports through Equivalent Facilitation</b>	List exactly <b><u>what</u></b> <i>other</i> methods exist in the product and describe <b><u>how</u></b> they are used to support the Criteria.
<b>Supports when combined with Compatible Assistive Technology</b>	Use this language when you determine the product fully meets the letter and intent of the Criteria when used in combination with Compatible Assistive Technology. For example, many software programs can provide speech output when combined with a compatible screen reader (commonly used assistive technology for people who are blind).
<b>Does not Support</b>	Describe exactly <b><u>how</u></b> the product <b>does not</b> support the Criteria.
<b>Not Applicable</b>	Describe exactly <b><u>why</u></b> the criteria are not applicable to the product.
<b>Not Applicable -- Fundamental Alteration Exception Supplies</b>	Use this language when you determine a Fundamental Alteration to the product would be required to meet the Criteria (see the Access Board standards for the definition of “fundamental alteration”).

## Typical Scenario for Completing a Voluntary Product Evaluation Template (VPAT):

To begin the process of completing the Voluntary Product Evaluation Template (VPAT), you should enlist the services of your company's technical specialist for the product being sought for purchase. The reason for this is because CSU requires a measure of technical detail in your responses. Once you've enlisted their assistance:

- 1) Determine which sections of the **Technical Standards (Subpart B-1194.21-26)** apply to your product.\* In some cases more than one set of Technical Standards will apply.
- 2) Keep in mind that you must **always** complete the **Information, Documentation, and Support (Subpart D – 1194.41)** sections of the Voluntary Product Evaluation Template (VPAT).
- 3) Fill out the **Functional Performance Criteria (Subpart C – 1194.31)** if you are claiming Equivalent Facilitation. Equivalent Facilitation must yield equal or greater access.
- 4) For each section that applies, determine if your product does or does not meet the specific Criteria elements.
- 5) Using the information found in the [How the Voluntary Product Evaluation Template \(VPAT\) is organized](#) section, document in the **Section 1194.xx Tables** exactly **how** your product **did** or **did not** meet the applicable standard.
  - If your product **supports** the standard, provide detailed examples of **what** accessibility features exist and **how** they are used to support the standard.
  - If your product **does not support** the standard, remember that Section 508 allows for products to meet the Access Board Standards in innovative, non-traditional ways. Your product can meet the standard by providing an innovative solution, as long as the feature performs in the same manner as it does for any other user.
  - If your product **does not** possess an **innovative, non-traditional way** of access to the standard, provide detailed examples of exactly **how** the product **did not** meet the standard.
- 6) Once you've documented in the **Section 1194.xx Tables** exactly how your product **did** or **did not** meet the standard, return to the **Summary Table** and document the product's overall "level-of-conformance" in each of the applicable sections.
- 7) Post your final Voluntary Product Evaluation Template (VPAT) on your company's web site. Please keep in mind that it is the Vendor's responsibility to maintain the integrity of the data on the Voluntary Product Evaluation Template (VPAT). The information provided on your Voluntary Product Evaluation Template (VPAT) is considered to be a self-representation unless expressly affirmed otherwise.
- 8) When responding to any CSU request for proposals, the Vendor must submit a completed and up-to-date Voluntary Product Evaluation Template (VPAT) with the submission. Proposals without an attached completed Voluntary Product Evaluation Template (VPAT) may be disqualified from competition.

**\* Please Note:** Any **WEB** application being purchased by CSU **requires** the Vendor to complete **Section 1194.21** of the Voluntary Product Evaluation Template (VPAT) in addition to **Sections 1194.22, 1194.31 and 1194.41**.

# Voluntary Product Evaluation Template (VPAT)

Date:

Name of Product:

Contact for more Information:

Refer to the [ITIC Best Practices](#) for filling out the following form.

Summary Table		
Criteria	Supporting Features	Remarks and explanations
Section 1194.21 <a href="#">Software Applications and Operating Systems</a>		
Section 1194.22 <a href="#">Web-based internet information and applications</a>		
Section 1194.23 <a href="#">Telecommunications Products</a>		
Section 1194.24 <a href="#">Video and Multi-media Products</a>		
Section 1194.25 <a href="#">Self-Contained, Closed Products</a>		
Section 1194.26 <a href="#">Desktop and Portable Computers</a>		
Section 1194.31 <a href="#">Functional Performance Criteria</a>		
Section 1194.41 <a href="#">Information, documentation, and support.</a>		

Section 1194.21 Software Applications and Operating Systems		
* Refer to ( <a href="http://www.access-board.gov/sec508/guide/1194.21.htm">http://www.access-board.gov/sec508/guide/1194.21.htm</a> ) for details on the guidelines listed below.		
Criteria	Supporting Features	Remarks and explanations
(a) When software is designed to run on a system that has a keyboard, product functions shall be executable from a keyboard where the function itself or the result of performing a function can be discerned textually.		
(b) Applications shall not disrupt or disable activated features of other products that are identified as accessibility features, where those features are developed and documented according to industry standards. Applications also shall not disrupt or disable activated features of any operating system that are identified as accessibility features where the application programming interface for those accessibility features has been documented by the manufacturer of the operating system and is available to the product developer.		
(c) A well-defined on-screen indication of the current focus shall be provided that moves among interactive interface elements as the input focus changes. The focus shall be programmatically exposed so that Assistive Technology can track focus and focus changes.		
(d) Sufficient information about a user interface element including the identity, operation and state of the element shall be available to Assistive Technology. When an image represents a program element,		

the information conveyed by the image must also be available in text.		
(e) When bitmap images are used to identify controls, status indicators, or other programmatic elements, the meaning assigned to those images shall be consistent throughout an application's performance.		
(f) Textual information shall be provided through operating system functions for displaying text. The minimum information that shall be made available is text content, text input caret location, and text attributes.		
(g) Applications shall not override user selected contrast and color selections and other individual display attributes.		
(h) When animation is displayed, the information shall be displayable in at least one non-animated presentation mode at the option of the user.		
(i) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.		
(j) When a product permits a user to adjust color and contrast settings, a variety of color selections capable of producing a range of contrast levels shall be provided.		
(k) Software shall not use flashing or blinking text, objects, or other elements having a flash or blink frequency greater than 2 Hz and lower than 55 Hz.		
(l) When electronic forms are used, the form shall allow people using Assistive Technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.		

<p align="center"><b>Section 1194.22 Web-based Internet information and applications</b></p> <p>* Refer to ( <a href="http://www.access-board.gov/sec508/guide/1194.22.htm">http://www.access-board.gov/sec508/guide/1194.22.htm</a>) for details on the guidelines listed below.</p>		
<b>Criteria</b>	<b>Supporting Features</b>	<b>Remarks and explanations</b>
(a) A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content).		
(b) Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.		
(c) Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.		
(d) Documents shall be organized so they are readable without requiring an associated style sheet.		
(e) Redundant text links shall be provided for each active region of a server-side image map.		
(f) Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.		
(g) Row and column headers shall be identified for data tables.		

(h) Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.		
(i) Frames shall be titled with text that facilitates frame identification and navigation		
(j) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.		
(k) A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.		
(l) When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by Assistive Technology.		
(m) When a web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with 1194.21(a) through (l).		
(n) When electronic forms are designed to be completed on-line, the form shall allow people using Assistive Technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.		
(o) A method shall be provided that permits users to skip repetitive navigation links.		
(p) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.		

Note to 1194.22: The Board interprets paragraphs (a) through (k) of this section as consistent with the following priority 1 Checkpoints of the Web Content Accessibility Guidelines 1.0 (WCAG 1.0) (May 5 1999) published by the Web Accessibility Initiative of the World Wide Web Consortium: Paragraph (a) - 1.1, (b) - 1.4, (c) - 2.1, (d) - 6.1, (e) - 1.2, (f) - 9.1, (g) - 5.1, (h) - 5.2, (i) - 12.1, (j) - 7.1, (k) - 11.4.

Section 1194.23 Telecommunications Products		
* Refer to ( <a href="http://www.access-board.gov/sec508/guide/1194.23.htm">http://www.access-board.gov/sec508/guide/1194.23.htm</a> ) for details on the guidelines listed below.		
Criteria	Supporting Features	Remarks and explanations
(a) Telecommunications products or systems which provide a function allowing voice communication and which do not themselves provide a TTY functionality shall provide a standard non-acoustic connection point for TTYs. Microphones shall be capable of being turned on and off to allow the user to intermix speech with TTY use.		
(b) Telecommunications products which include voice communication functionality shall support all commonly used cross-manufacturer non-proprietary standard TTY signal protocols.		

(c) Voice mail, auto-attendant, and interactive voice response telecommunications systems shall be usable by TTY users with their TTYs.		
(d) Voice mail, messaging, auto-attendant, and interactive voice response telecommunications systems that require a response from a user within a time interval, shall give an alert when the time interval is about to run out, and shall provide sufficient time for the user to indicate more time is required.		
(e) Where provided, caller identification and similar telecommunications functions shall also be available for users of TTYs, and for users who cannot see displays.		
(f) For transmitted voice signals, telecommunications products shall provide a gain adjustable up to a minimum of 20 dB. For incremental volume control, at least one intermediate step of 12 dB of gain shall be provided.		
(g) If the telecommunications product allows a user to adjust the receive volume, a function shall be provided to automatically reset the volume to the default level after every use.		
(h) Where a telecommunications product delivers output by an audio transducer which is normally held up to the ear, a means for effective magnetic wireless coupling to hearing technologies shall be provided.		
(i) Interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening devices) shall be reduced to the lowest possible level that allows a user of hearing technologies to utilize the telecommunications product.		
(j) Products that transmit or conduct information or communication, shall pass through cross-manufacturer, non-proprietary, industry-standard codes, translation protocols, formats or other information necessary to provide the information or communication in a usable format. Technologies which use encoding, signal compression, format transformation, or similar techniques shall not remove information needed for access or shall restore it upon delivery.		
(k)(1) Products which have mechanically operated controls or keys shall comply with the following: Controls and Keys shall be tactilely discernible without activating the controls or keys.		
(k)(2) Products which have mechanically operated controls or keys shall comply with the following: Controls and Keys shall be operable with one hand and shall not require tight grasping, pinching, twisting of the wrist. The force required to activate controls and keys shall be 5 lbs. (22.2N) maximum.		
(k)(3) Products which have mechanically operated controls or keys shall comply with the following: If key repeat is supported, the delay before repeat shall be adjustable to at least 2 seconds. Key repeat rate shall be adjustable to 2 seconds per character.		
(k)(4) Products which have mechanically operated controls or keys shall comply with the following: The status of all locking or toggle controls or keys shall be visually discernible, and discernible either through touch or sound.		



### Section 1194.24 Video and Multi-media Products

\* Refer to ( <http://www.access-board.gov/sec508/guide/1194.24.htm> ) for details on the guidelines listed below.

Criteria	Supporting Features	Remarks and explanations
(a) All analog television displays 13 inches and larger, and computer equipment that includes analog television receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals. As soon as practicable, but not later than July 1, 2002, widescreen digital television (DTV) displays measuring at least 7.8 inches vertically, DTV sets with conventional displays measuring at least 13 inches vertically, and stand-alone DTV tuners, whether or not they are marketed with display screens, and computer equipment that includes DTV receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals.		
(b) Television tuners, including tuner cards for use in computers, shall be equipped with secondary audio program playback circuitry.		
(c) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain speech or other audio information necessary for the comprehension of the content, shall be open or closed captioned.		
(d) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain visual information necessary for the comprehension of the content, shall be audio described.		
(e) Display or presentation of alternate text presentation or audio descriptions shall be user-selectable unless permanent.		

### Section 1194.25 Self-Contained, Closed Products

\* Refer to ( <http://www.access-board.gov/sec508/guide/1194.25.htm> ) for details on the guidelines listed below.

Criteria	Supporting Features	Remarks and explanations
(a) Self contained products shall be usable by people with disabilities without requiring an end-user to attach Assistive Technology to the product. Personal headsets for private listening are not Assistive Technology.		
(b) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.		
(c) Where a product utilizes touch screens or contact-sensitive controls, an input method shall be provided that complies with		

1194.23 (k) (1) through (4).		
(d) When biometric forms of user identification or control are used, an alternative form of identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.		
(e) When products provide auditory output, the audio signal shall be provided at a standard signal level through an industry standard connector that will allow for private listening. The product must provide the ability to interrupt, pause, and restart the audio at anytime.		
(f) When products deliver voice output in a public area, incremental volume control shall be provided with output amplification up to a level of at least 65 dB. Where the ambient noise level of the environment is above 45 dB, a volume gain of at least 20 dB above the ambient level shall be user selectable. A function shall be provided to automatically reset the volume to the default level after every use.		
(g) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.		
(h) When a product permits a user to adjust color and contrast settings, a range of color selections capable of producing a variety of contrast levels shall be provided.		
(i) Products shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.		
(j) (1) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: The position of any operable control shall be determined with respect to a vertical plane, which is 48 inches in length, centered on the operable control, and at the maximum protrusion of the product within the 48 inch length on products which are freestanding, non-portable, and intended to be used in one location and which have operable controls.		
(j)(2) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: Where any operable control is 10 inches or less behind the reference plane, the height shall be 54 inches maximum and 15 inches minimum above the floor.		
(j)(3) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: Where any operable control is more than 10 inches and not more than 24 inches behind the reference plane, the height shall be 46 inches maximum and 15 inches minimum above the floor.		
(j)(4) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: Operable controls shall not be more than 24 inches behind the reference plane.		

### Section 1194.26 Desktop and Portable Computers

\* Refer to ( <http://www.access-board.gov/sec508/guide/1194.26.htm>) for details on the guidelines listed below.

Criteria	Supporting Features	Remarks and explanations
(a) All mechanically operated controls and keys shall comply with §1194.23 (k) (1) through (4).		
(b) If a product utilizes touch screens or touch-operated controls, an input method shall be provided that complies with §1194.23 (k) (1) through (4).		
(c) When biometric forms of user identification or control are used, an alternative form of identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.		
(d) Where provided, at least one of each type of expansion slots, ports and connectors shall comply with publicly available industry standards		

### Section 1194.31 Functional Performance Criteria

Criteria	Supporting Features	Remarks and explanations
(a) At least one mode of operation and information retrieval that does not require user vision shall be provided, or support for Assistive Technology used by people who are blind or visually impaired shall be provided.		
(b) At least one mode of operation and information retrieval that does not require visual acuity greater than 20/70 shall be provided in audio and enlarged print output working together or independently, or support for Assistive Technology used by people who are visually impaired shall be provided.		
(c) At least one mode of operation and information retrieval that does not require user hearing shall be provided, or support for Assistive Technology used by people who are deaf or hard of hearing shall be provided		
(d) Where audio information is important for the use of a product, at least one mode of operation and information retrieval shall be provided in an enhanced auditory fashion, or support for assistive hearing devices shall be provided.		
(e) At least one mode of operation and information retrieval that does not require user speech shall be provided, or support for Assistive Technology used by people with disabilities shall be provided.		
(f) At least one mode of operation and information retrieval that does not require fine motor control or simultaneous actions and that is operable with limited reach and strength shall be provided.		

<b>Section 1194.41 Information, documentation, and support</b>		
<b>Criteria</b>	<b>Supporting Features</b>	<b>Remarks and explanations</b>
(a) Product support documentation provided to end-users shall be made available in alternate formats upon request, at no additional charge.		
(b) End-users shall have access to a description of the accessibility and compatibility features of products in alternate formats or alternate methods upon request, at no additional charge.		
(c) Support services for products shall accommodate the communication needs of end-users with disabilities.		

# APPENDIX D

## SAMPLE E&IT Special Exceptions Documentation

In instances where a campus determines that compliance with any provision of the accessibility standards is exempted, the campus shall maintain documentation in the acquisition file to support the procurement.

Requestor	Department	Phone	Email
Requisition #			

### Brief Description of Acquisition and Usage

1. Description (include purpose for this acquisition and the cost of this acquisition).

2. What categories and numbers of end-users will be using this product or service?

\_\_\_ Students    \_\_\_ 1-99    \_\_\_ 100-999    \_\_\_ 1000-9999    \_\_\_ 10,000+    \_\_\_ All students

\_\_\_ Employees    \_\_\_ 1-10    \_\_\_ 11-50    \_\_\_ 51-99    \_\_\_ 100-499    \_\_\_ 500-999    \_\_\_ 1000+

\_\_\_ All employees

\_\_\_ Members of the public

3. Describe how the end-users will be using this product or service.

### A. Commercial Non-Availability of Conformant Products

1. Describe the market analysis conducted to arrive at this conclusion.

2. Describe the alternative means of access that will be provided that will allow individuals with disabilities to obtain the information or data or to access the technology. Include cost of the

alternative method, its proposed implementation date, process, communication strategy and responsible person for implementation.

## **B. Fundamental Alteration**

1. Describe the fundamental alteration that would have to be made in order to meet the applicable accessibility standards.

2. Describe the market research done to assess the availability of conformant products, if applicable.

3. Describe the alternative means of access that will be provided that will allow individuals with disabilities to obtain the information or data or to access the technology. Include cost of the alternative method, its proposed implementation date, process, communication strategy and responsible person for implementation.

## **C. Undue Burden**

1. Describe the undue burden (i.e., the significant difficulty or expense CSU would incur in order to comply with a particular accessibility standard). If the monetary expense is a basis for the undue burden, explain the costs and how they were estimated. Be sure to quantify the effort in time and money to make the proposed system/resource compliant. Describe the insufficient CSU resources available to the office or program for which the product(s) or service(s) is/are being acquired. If technical difficulty is claimed, describe and document such difficulties. This exception should rarely be invoked.

2. Describe the market research done to assess the availability of conformant products, if applicable.

3. Describe the alternative means of access that will be provided that will allow individuals with disabilities to obtain the information or data or to access the technology. Include cost of the alternative method, its proposed implementation date, process, communication strategy and responsible person for implementation.

## **D. Gov Code 11135 “Long Term Cost”**

1. Consider whether the selected technology will not increase the long-term cost incurred by the CSU in providing access or accommodations to future faculty, students and members of the public. (According to CSU Counsel, the meaning of this phrase is unclear and we should take care not to use this to obviate our compliance with the law and that we should err on the side of purchasing conformant products. )

2. Describe the alternative means of access that will be provided that will allow individuals with disabilities to obtain the information or data or to access the technology. Include cost of the alternative method, its proposed implementation date, process, communication strategy and responsible person for implementation.

**I have determined that the acquisition of the applicable EIT product(s) or service(s) required by my campus that are subject to Gov Code 11135 applying Section 508 of the Rehabilitation Act of 1973 qualifies for one of the following exceptions:**

- ☐ A. Commercial non-availability
- ☐ B. Fundamental alteration
- ☐ C. Undue burden
- ☐ D. Long-term cost

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Signature of EIT Official/	Printed Name/	Title/	Date
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