

SUNY Procurement Accessibility Conformance Standards: Implementation Guidance

This document serves as a supplemental guideline for the Procurement Accessibility Conformance Standards (PACS), and provides additional rationale and guidance to achieving these standards.

Consistent with expectations of the field, and requirements from emerging case law, PACS was created to proactively address EIT accessibility within SUNY purchasing policies and procedures. This Standard serves as a baseline for EIT compliance and inclusion. It is intended for anyone involved in purchasing electronic and information technologies. The Standard is also applicable to free and open source software, including but not limited to publisher materials and Open Educational Resources.

The following recommendations are intended to guide a smooth development of a process, to achieve the benchmarks within this set of standards.

Planning:

1. Key campus stakeholders should meet and discuss incorporating accessibility in the solicitation process.
 - Determine classification of product purchase/adoption type (e.g., centralized, decentralized, open source)
 - Create impact assessment (e.g., high, medium, low) and prioritization framework (e.g., new, renewal, public facing) for accessibility evaluation. Include a protocol for existing contracts.
 - Establish a workflow that covers intake, review, exceptions, and monitoring compliance. Consider establishing a committee for determining approvals and denials.
 - Designate roles and responsibilities for every step in the process.
 - Identify a mechanism for documentation, to track progress and status for each product/service.

Awareness:

2. Educate the importance of accessible design to both vendors and all campus personnel involved in purchasing electronic and information technologies.
 - Develop training programs (e.g., engaging vendors about accessibility, reviewing and interpreting documentation, and generating Equally Effective Alternate Access Plans).
 - Communicate accessible purchasing protocols across divisions, colleges, and departments. Consider creating an accessibility liaison system.
 - Create an EIT Accessibility Inventory for campus community members to check if accessibility has already been evaluated and approved, to reduce the duplication of effort.

- Join SUNY and national communities of practice to share information and strategies for ensuring compliance (e.g., SUNY EIT Accessibility list-serv, SUNY Facebook Workplace Web Accessibility Group, [ITACCESS EDUCAUSE list-serv](#), [ATHEN](#)).

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Preliminary steps

Gauge the potential impact on the University of a particular product or service's accessibility.

Required

What it Means

When pursuing new purchases, adoption, or renewal of electronic and information technology (EIT), an assessment of the intended use and impact that EIT may have on the accessibility for individuals with disabilities must be conducted.

Accessibility impact ranges from low impact to high impact. Impact may be assessed by numerous risk and probability factors including public consumption, audience type and size, and the essentialness of an academic or administrative function. If the EIT is necessary to navigate core programs, services, and activities, it is considered High Impact. High Impact EIT will necessitate stronger measures for accessibility evaluation.

It is important to note, products and services that are considered non-technology purchases may have an online, mobile or application components (e.g., parking mobile app), so it is valuable to gauge potential impact for these as well.

Why it Matters

Institutions are increasingly using electronic and information technologies to deliver and engage people through various programs, services and activities. EIT acquisitions that are fundamental to participation may create substantial roadblocks for individuals with disabilities. In order for individuals with disabilities to equitably participate in the institution's offerings, it is critical to gauge the impact (barrier to access) of EIT, and consequently address accessibility gaps with third party vendors.

Assessing impact at the beginning of the acquisition process is effective in guiding campuses to prioritize verification of accessibility conformance. If impact and further evaluation is not completed, there may be substantial barriers for users with disabilities.

How to implement:

SUNY Administration and individual campuses should deliberate metrics of defining low, medium, and high impact of accessibility. The following are common examples of rationale for determining accessibility impact level:

Low Impact

- EIT is not part of an essential program, service or activity
- Low number of users
- Single instance, intended for individual use

Medium Impact

- Limits access to a program/service, but not essential
- Moderate amount of users
- Use by an individual department or school, but not used across the entire campus
- Use by an entire college (one college within a larger campus)

High Impact

- EIT is part of an essential program, service or activity
- Great amount of users

- Public facing or publically available EIT
- Enterprise-wide EIT

Additional inaccessibility impact considerations include assessing disability subcategories who may be most affected by inaccessibility, such as those with color blindness, cognitive disabilities, manual impairments, hearing impairments, persons who are blind or have low vision, persons who are deaf or hard of hearing, and more.

To streamline impact assessment, consider creating a form to generate impact level. Human review by an accessibility professional is strongly advised, as persons who submit information on these forms may not realize the potential risk and impact of the product/services.

- An example of an automated prioritization tool to determine the priority of EIT impact may be found at the University of California Office of the President: [Prioritization Guide](#).

Suffolk County Community College has generously shared their Pre-Purchase & Committee Review form. If adopted, give them credit: [Pre-Purchase & Committee Review Form](#)

Gathering Information

Include accessibility in pre-purchase documents/questionnaires.

Required

What it Means

Procurement request information forms and questionnaires, such as internal (e.g., internal communication) and external documents (e.g., an RFI), must include questions or statements regarding the accessibility of the product or service. This may include a statement reflecting the vendors' commitment to accessibility, conformance with technical accessibility standards, the process for their testing methodology, and established plans to improve the accessibility of the product or service.

Why it Matters

Understanding the vendors' commitment to accessibility can greatly aid the institution's decision to purchase, adopt, and renew EIT. Underscoring the importance of accessibility in the beginning of the decision-making process will ensure the product better meets the needs of campus community members and prospective visitors, and will influence vendors to make these adjustments proactively.

How to implement:

Add an accessibility section in pre-purchase forms and questionnaires.

Sample questions for vendors:

1. Do you have clients who require accessibility? If so, would you be willing to provide reference information for clients who can speak to the accessibility of your product?
2. What experience do developers on your team have coding for accessibility?
3. What standards are followed for coding of interfaces (if 508, what parts, if WCAG 2.0, which level)?
4. Do you do testing with users with disabilities? If so, can you explain the process and identify, roughly, the range of disabilities and access technologies used?
5. Does your company have a road map for accessibility going forward? If so, can you give us a general outline (goals, milestones)?
6. Have you tested and/or developed your mobile apps with accessibility in mind?
7. If we find that there are changes that need to be made to web/mobile interfaces/apps, what guarantee can we have that these will be implemented to our satisfaction prior to go-live/going forward?
8. Would your company indemnify [Campus] against legal action related to accessibility?

Source: [Procurement - Accessibility at University at Buffalo](#)

Commitment to accessibility is reflected in RFP language

Required

What it Means

A statement demonstrating and requiring commitment to accessibility is present in all procurement solicitations, using language approved by Counsel.

Procurement solicitations that aren't strictly EIT may have EIT components (e.g., mobile app to pay for campus parking), so it is necessary to include an accessibility statement in all procurement solicitations (e.g., RFP, IFB, and discretionary purchases).

Why it Matters

Highlighting accessibility criteria in purchasing decisions will have a positive impact on the final deliverable, and will continue to push vendors to proactively address accessibility features. The ultimate goal will be that vendors, seeing SUNY's commitment, will make these changes before, not after the purchase.

How to implement:

Include the following language (approved by the Office of General Counsel) for the procurement solicitation that underscores accessibility commitment. Note that this language can be revised, provided any revisions meet the minimum requirements of ADA/504 accessibility conformance standards, as applicable.

1. Electronic and Information Technology ("EIT") Accessibility

- a. SUNY is committed to providing an accessible, usable, and integrated experience for all its students, staff and community. Electronic and information technology ("EIT") consists of 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 that will be deployed in connection with such technology, equipment or systems. Further, EIT includes, but is not limited to, telecommunications products, information kiosks and transaction machines, Internet and Intranet websites, web-delivered content, software, electronic books and electronic book reading systems, search engines and databases, multimedia, classroom technology, and office equipment.
- b. By submitting a Proposal, Proposer warrants that (i) Web-based EIT products included in the Proposal shall conform to Web Content Accessibility Guidelines ("WCAG") 2.0 AA and (ii) non-web-based EIT products included in this Proposal shall meet or exceed the applicable 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. If selected for award, selected Proposer agrees to provide evidence of compliance with these requirements before an Agreement becomes effective and any other time upon reasonable request of University.

Collect documentation verifying EIT accessibility conformance (e.g., Voluntary Product Accessibility Template).

Required

What it Means

The most universally recognized accessibility conformance documentation for EIT is called a Voluntary Product Accessibility Template (VPAT). The [Information Technology Industry](#) (ITI) Council VPAT tool simplifies the accessibility assessment of products and services. An equivalent document may also be considered.

A VPAT is a blank template. When a VPAT is completed, it is called an Accessible Conformance Report (ACR).

The most accurate and reliable ACRs are created by companies that specialize in evaluating the accessibility of products. A skilled accessibility review company will include an automated evaluation, a manual evaluation and usability testing by a native assistive technology user (person(s) with a disability). Please note, most vendors do not employ a skilled accessibility analyst.

It is important to understand that receiving an ACR from a vendor does not guarantee that products will be accessible. Furthermore, it is possible that a vendor will conform to all relevant standards and technical specifications, and that accommodations for individuals with disabilities may still be needed.

There are several versions of the VPAT to enable manufacturers and vendors to create Accessibility Conformance Reports focused on the standards relevant to specific markets and contract requirements. Institutions should no longer accept VPAT version 1. This version is outdated and conforms to the (1998) Section 508 standards. VPAT version 2 is the most current version, reflecting the [United States Access Board Section 508 Refresh](#), [WCAG 2.0 Guidelines](#), and [Standard - EN 301 549](#). Vendors should be submitting VPAT version 2 (X).

Characteristics of a reliable ACR:

- The salesperson knows what a VPAT is
- The vendor is using the most recent VPAT version (2.0+)
- VPAT was completed by a qualified 3rd party rather than self-completing
- Every Conformance Level is not "Supports"
- It is dated within the last year or two
- There are comprehensive Remarks and Explanations
 - Real examples are provided
 - Testing methodologies are referenced and described
 - Reference to a roadmap plan and/or specific remediation dates
- The vendor has a reputation/history of dedicating resources to accessibility

Why it Matters

Gathering documentation that demonstrates EIT accessibility conformance will enable institutions to better understand how accessible the EIT is, where the accessibility gaps may be, and work with the vendor to improve remediation of accessibility barriers.

How to implement:

Require the vendor to complete the Voluntary Product Accessibility Template, or equivalent document.

For existing EIT, request accessibility conformance documentation for High Impact EIT. Contract may be considered for termination if documentation is not provided and the contract contains a provision allowing for termination for convenience.

For renewals, include additional contract rider language with a timeframe (e.g., 60 days) to provide accessibility conformance documentation. If they fail to meet the minimum requirements of accessibility, that may be grounds for termination, depending on the specific circumstances and relevant contract language.

For new purchases, request documentation verifying accessibility conformance in the solicitation.

If the vendor does not have an updated, most recent version of the VPAT or equivalent, it may take time for them to complete and submit it. To avoid considerable delays in purchasing the EIT, include a VPAT or equivalent, Contract Rider requiring the documentation by X days of the date of the agreement.

Sample language for Contract Rider:

- Within X days of the Effective Date of the Agreement, Vendor shall complete and return a Voluntary Product Accessibility Template (VPAT) or equivalent accessibility conformance document for each unique product/service offered. Vendor will provide revised documentation upon request.

Sample email to vendor to request VPAT:

Dear _____,

[Campus] requires all electronic and information technology and online/web-based content to be fully accessible to persons with disabilities. A copy of the College's Web Accessibility Policy, which includes vendor and purchasing requirements, is available at: [X].

College policy requires us to obtain a completed Voluntary Product Accessibility Template (VPAT) or equivalent for any EIT or online/web-based products we are seeking to purchase. Please provide a copy of the VPAT or equivalent for [product]. We ask that accessibility conformance documentation be created or updated within the last year and be on version 2.X or higher of the VPAT template.

If you have not completed a VPAT or equivalent for this product, you can find more information on the template at the following government website: [Section 508: VPAT](#). Having accessibility conformance documentation will assist us in assessing whether this purchase is able to move forward.

Thank you for your assistance.

Sample email to vendor that responds they do not have a VPAT:

Dear _____,

Thank you for checking whether a VPAT is available for this product.

In the absence of a VPAT, can you provide us with any information regarding the accessibility of the product? For example, any known support for accessibility criteria, any known accessibility issues, and any plans you have to address known accessibility gaps or enhance the accessibility of the product. If you have a product support contact or resource that can assist with any accessibility issues encountered, please provide that information as well.

Additionally, is there a plan to create a VPAT or equivalent document for this product? We currently request and review accessibility conformance documentation at purchase and renewal, so if this purchase is permitted to move forward, we would request this at the next purchase/renewal. Thank you for your assistance.

Source: Suffolk County Community College

Obtain Accessibility Roadmap - document which addresses all [application] interface accessibility gaps, describe the timelines by which these accessibility gaps will be remediated, as well as recommendations regarding interim workarounds.

Required

What it Means

In the event that a vendors' product or service is not fully accessible, request an Accessibility Roadmap. This should entail accessibility barriers for users with disabilities, the vendors' plans and timelines to remediate these barriers, any rollout of new accessibility features, and methods for accessing the EIT in an alternate, accessible way or format.

Why it Matters

Institutions must reasonably balance business needs and accessibility compliance. Institutions have a responsibility to confirm, from the start, that prospective EIT is as accessible as possible. It is unlikely that EIT will be completely accessible or usable for individuals with disabilities. As such, acquiring non-conforming EIT may be necessary under certain conditions.

An Accessibility Roadmap is helpful in keeping a vendor on task with promises of accessibility. Furthermore, understanding workarounds or accommodations that may be necessary until the

vendor has resolved accessibility issues is essential for supporting individuals with disabilities. Remediation of EIT accessibility barriers may take time for the vendor to complete. Having written commitment from the vendor, with the persons responsible and dates identified for accessibility remediation, will provide the institution the appropriate assurances of compliance, should the institution be asked to show documentation of this.

How to implement:

Create or adopt an Accessibility Roadmap Template that allows vendors to document accessibility gaps associated with their products and their plans to remediate these gaps in the future.

Include a statement regarding the Accessibility Roadmap for all solicitations and contract documents.

Request the vendor to complete the Accessibility Roadmap.

Sample language for Accessibility Roadmap clause:

- Within a reasonable time of the Effective Date of the Agreement, Vendor shall complete and return an Accessibility Roadmap document which addresses all accessibility gaps. Each criterion on the Accessibility Conformance Document (ACR) that has a Conformance Level response of “Partially Supports” or “Does not Support” must be included on the Accessibility Roadmap. The roadmap will identify gaps, describe the timelines by which these accessibility gaps will be remediated, as well as recommendations regarding interim workarounds. Vendor will provide revised Accessibility Roadmaps whenever revised VPATs are submitted.

An example of an Accessibility Roadmap template may be found at the California State University Accessible Technology Initiative: [CSU Accessibility Roadmap](#).

Review Product/Service

High impact EIT products and services should be evaluated by an appropriately qualified individual or entity. This evaluation should be documented and can be performed by campus personnel or through third-party vendors. Cost for an external evaluation can be deferred to the prospective vendor(s).

Required

What it Means

This standard refers to the need to establish a workflow for evaluating accessibility of EIT.

An appropriately qualified individual or entity is knowledgeable about the general requirements of Title II of the ADA; accessibility and usability of web content, accessibility and usability of technology, including equipment and devices used in classrooms and laboratories; testing and evaluation of the accessibility of web and other technologies; be familiar with accessible document development and remediation; and auxiliary aids and services for individuals with disabilities in non-electronic formats.

Evaluation refers to assessing EIT accessibility conformance. This may include but is not limited to evaluating vendor accessibility-related documentation; conducting automated, manual, and functional testing of EIT; and observing demonstrations.

Why it Matters

A qualified individual or entity with extensive technical accessibility expertise will better inform the completeness and quality of the accessibility review. Thus, better positioning SUNY to provide equitable access to individuals with disabilities.

How to implement:

For High Impact EIT finalists, it is strongly recommended that evaluation be completed by a company that specializes in accessibility verification.

Add the following procurement solicitation requirement:

A comprehensive accessibility evaluation is required from an objective, independent, third party verifying the claims made on the product Accessibility Conformance Report (VPAT 2.X), or equivalent. Bidders may use a third party accessibility evaluation service of their choice.

For campuses that have knowledgeable staff in EIT accessibility evaluation:

- Minimally, conduct an ACR or equivalent conformance documentation evaluation. Establish a process to comprehensively review the ACR conformance levels (Supports, Partially Supports, Does not Support, or Not Applicable) for each prospective and renewed product or service. Each review should be documented, with explanations and comments regarding the accessibility of all functions, and agreed upon time frames for improving conformance of inaccessible functions. For additional information, view the

following webinar titled [Double Feature - Writing & Reading the VPAT, offered by Level Access](#).

- Ideally, conduct a comprehensive evaluation through automated, manual, and functional testing.
 - *Automated Testing* comprises of free or fee-based tools that crawl and scan websites for accessibility. Automated tools typically address only 30% of a websites accessibility and can create false positives. There are numerous free platform agnostic browser accessibility tools (e.g., Accessibility Insights, aXe)
 - *Manual Testing* requires human review to check for accessibility issues because automated tools cannot currently check for certain criterion. Check for captions on videos (e.g., automatically versus manually captioned, intelligibility of captions).
 - *Functional Testing* utilizes various assistive technology (e.g., screen reader, voice control) to check accessibility and usability of electronic and information technologies. Ideally, a native assistive technology user would test for accessibility at this step.

The following is an example of an approach to accessibility testing:

1. Automated: Siteimprove and WAVE
2. Manual: Keyboard-only navigation, checking for captions, alt text, links, color contrast
3. Functional: NVDA, JAWS Inspect, Voiceover

For manual and functional testing, consider using a Strategic Web Accessibility Technique (SWAT) approach. The following four concepts cover most accessibility issues (>60%)

- Keyboard-only navigation
- Images & colors
- Document structure
- Form interactions

Basic keyboard navigation of web pages include use of the following keys:

- Tab
- Shift + Tab
- Arrow keys
- Escape keys
- Space bar
- Enter key

For keyboard-only navigation, check the following:

- Skip repetitive navigation
- All links and interactive elements are available using keyboard alone
- Tabbing order is logical
- Keyboard focus is visible
- No keyboard traps

Conduct Exceptions on a case-by-case basis.

Required

What it Means

There may be instances where procuring accessible products and services is extremely difficult. Therefore, a process to request and determine exceptions must be created.

In rare circumstances, the following factors may qualify as exceptions:

1. Where an accessible alternative does not exist commercially.
2. Where compliance is not technically possible or may require extraordinary measures due to the nature or intent of the information resource, application or service, a request for exception must be made. Lack of sufficient funding for any particular college, department, program, or unit of the University would not be considered for an exception.
3. Where compliance would result in a fundamental alteration of the information resource, application, or service, and not satisfy the original intent.
4. Where, in the case that information resources, applications and services that are procured through third party vendors or contractors; and that no alternative accessible products are available from other third party vendors or contractors, procurement can be made of a non-compliant product.
5. Where the product is not currently in compliance, but efforts are underway to fix the defects by a defined date.

When an institution asserts an undue burden or fundamental alteration defense, such an assertion may only be made by an individual designated by the institution's President or designee who has budgetary authority after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion, including the cost of meeting the technical standard and the available funding and other resources. The written statement will be certified by the determining official. If such a determination is made, the certifying official will describe in the written statement how it will provide equally effective alternate access, i.e., other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services provided by the institution as their nondisabled peers.

Why it Matters

There may be fundamental business needs of the institution where the existing or desired EIT to provide this function will deny access to or pose significant barriers to users with disabilities. Nevertheless, accessibility conformance challenges do not relieve the institution from meeting EIT accessibility obligations. As such, campuses should carefully conduct exceptions on a case-by-case basis to analyze meeting the needs of prospective users with disabilities.

How to implement:

Consider establishing a process for requesting, receiving and reviewing Exceptions for EIT.

The process should document an explanation as to how or why the product or resource meets the rationale for an exception, and describe the reasonable accommodations which could be made to provide equal and equitable access to individuals with disabilities affected.

Each review should be documented, with a signature from the determining official authorizing a full approval, conditional approval, or a denial.

Suffolk County Community College has generously shared their Request for Accessibility Exception form. If adopted, give them credit: [Request for Accessibility Exception Form](#)

Prepare an Equally Effective Alternate Access Plan for non-conforming EIT.

Required

What it Means

Equally Effective Alternate Access is an alternative mode of access or format that communicates the same information in as timely a fashion as does the original EIT. For interactive applications and hardware devices, “equally effective” means that the user action (e.g., registration) is accomplished in a comparable time and with comparable effort on the part of the requester.

An Equally Effective Alternate Access Plan is a strategy to provide EIT in an alternate mode of access or format.

Why it Matters

There may be a request for an accommodation for EIT that is not fully accessible to various individuals with disabilities. Departments should have a proactive plan in place to provide equitable access. Waiting until someone requests an accommodation may potentially exclude individuals with disabilities and delay their participation in programs, services and activities that the institution offers.

How to implement:

Campuses should create an Equally Effective Alternate Access Plan (EEAAP) to address accessibility issues for non-conforming EIT. Purchase Requestors, who understand the essential components of the EIT they seek to procure and maintain, should consult a qualified individual(s) or entity to assist with creating a plan to ensure comparable access to individuals with disabilities.

An example EEAAP templates may be found at the [California State University Accessible Technology Initiative](#).

Suffolk County Community College has generously shared their Alternate Access Plan form. If adopted, give them credit: [Alternate Access Plan](#).

Evaluate RFP EIT finalists through live accessibility demonstration.

Strongly Recommended

What it Means

Ask the vendor to demonstrate the accessible nature of their product to the institution. Webinar demonstrations, or site visits, is a common tool in sales and asking them to demonstrate the accessibility is not an unreasonable request during this event.

Why it Matters

The institution is ultimately responsible for the accessible nature of their offerings. Do not rely solely on written assurances or documented statements. Having the vendor actually show the core features - student facing and administrative interfaces - through the use of a keyboard alone and with various assistive technology, will give assurance that their product/service is accessible.

How to implement:

Request the vendor to demonstrate the accessibility of their product or service. The vendor representative needs to be able to demonstrate the actual accessibility functionality of the product. Alternatively, provide the institution access to a demo site.

Sample Vendor Accessibility Demonstration Script:

1. Demonstration of functionality without a mouse, using a keyboard only. For reference, see the [no mouse challenge](#). Install and utilize a Force Focus Bookmarklet such as [Paul Adam's Force Focus Bookmarklet](#) to enhance focus as necessary during the demonstration.
2. Demonstration of user experience navigating and interacting with a variety of product functions using a desktop screen reader such as [JAWS](#) and/or [NVDA](#).
3. Demonstration of user options for selection of color contrast and styles. Provide demonstration of the free pre-installed tool [Paciello Colour Contrast Analyser](#) during conversation about color contrast.
4. Demonstration of user interface response to screen magnification assistive technologies such as [ZoomText](#). Include a demonstration, as appropriate, of the product's response to 200% zoom using the browser's zoom function.
5. Install the [WebAIM WAVE Browser Tool](#) and walk through the user interface.
6. Provide information about the accessibility of interfaces for system administrators.

Source: [Five College Consortium](#), handout by Rob Eveleigh

Place Order

Include accessibility assurances in product license agreements; add milestones to remediate accessibility gaps identified in accessibility roadmap.

Required

What it Means

Incorporate accessibility clauses with relevant definitions, warranties, evidence of compliance, timeframes to remediate accessibility gaps, and indemnification in the master license agreement negotiated by the certifying campus official or campus legal signatory.

Why it Matters

Such assurance language will validate that the vendor will guarantee accessibility features and remedies to the institution, and provides latitude to make necessary changes should the vendor fail to comply.

How to implement:

SUNY's Office of General Counsel has approved the following Electronic and Information Technology ("EIT") Accessibility language for contracts:

Electronic and Information Technology ("EIT") Accessibility.

(a) University is committed to providing an accessible, usable, and integrated experience for all its students, staff and community. Electronic and information technology ("EIT") consists of 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 that will be deployed in connection with such technology, equipment or systems. Further, EIT includes, but is not limited to, telecommunications products, information kiosks and transaction machines, Internet and Intranet websites, web-delivered content, software, electronic books and electronic book reading systems, search engines and databases, multimedia, classroom technology, and office equipment.

(b) Contractor warrants that (i) Web-based EIT products provided under this Agreement shall conform to Web Content Accessibility Guidelines ("WCAG") 2.0 AA and (ii) non-web-based EIT products provided under this Agreement shall meet or exceed the applicable 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.

(c) Contractor agrees to provide evidence of compliance with these requirements before this Agreement becomes effective and any other time upon reasonable request of University. Contractor will provide accessibility testing results and written documentation verifying accessibility, and to promptly respond to and resolve accessibility complaints. In the event EIT provided under this Agreement does not fully conform to the standards set forth above, the Contractor will promptly advise University in writing of the non-conformance and provide detailed information regarding the plans to achieve conformance, including but not limited to an

intended timeline. Contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services.

(d) Failure to comply with these accessibility standards shall constitute a breach of this Agreement. Contractor agrees to indemnify and hold harmless University from any claims arising out of its failure to comply with the foregoing accessibility standards. With respect to remediation milestones and accessibility improvements, work with campus counsel to tailor language for the product license agreement rider. The language should reflect the agreement of the Accessibility Roadmap. For example: “Vendor agrees to be WCAG 2.0 compliant by January 30, 20XX”.

Set a calendar date to check in with vendor regarding accessibility improvements (e.g., annually)

Strongly Recommended

What it Means

Institutions should establish time frames (e.g., every six months, annually, major updates) for following up and reviewing accessibility improvements with vendors. Set calendar reminders for the time agreed upon in the Accessibility Roadmap and subsequent solicitation documents, contracts and any amendments.

Why it Matters

This task is crucial for monitoring accessibility and holding vendors accountable in accordance with the institution’s accessibility obligations.

How to implement:

Once the institution concludes when they will follow up with the vendor regarding progress towards accessibility conformance, the designated campus department or individual set a calendar reminder to follow up with the vendor and document progress with the procurement office or EIT Accessibility Officer.