# Cal Maritime Accessible Electronic & I.T. Procurement Implementation Plan

October 10, 2007
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**Introduction**

The technical standards of Section 508 of the Rehabilitation Act of 1973 as amended 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, is not considered E&IT products that fall under Section 508 requirements.

California Government Code Section 11135 and California State University (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.

President Bill Eisenhardt has designated the Task Force on Accessible Electronics & I.T. to be responsible for ensuring Cal Maritime's compliance with Section 508 in all areas including the procurement of accessible Electronics & IT.

The purpose of this document is to set forth Cal Maritime's plan to address the elements and timelines for ensuring the procurement of accessible E&IT as contained in Coded Memoranda AA-2006-41 and AA-2007-04 issued by the CSU Office of the Chancellor.

**Element 1: Research, evaluation, documentation, verification and user testing where appropriate, and determination of exceptions related to E&IT.**

The following are considered core functions of accessible E&IT Procurement:

- o Create functional requirements for purchasing a product.
- o Conduct market research to determine the availability of a product to meet the functional requirements.
- o Evaluate products to determine the degree of compliance with Section 508 requirements and identify the one that best meets these requirements.
- o Require all vendors to submit Section 508 compliance documentation (e.g., a completed VPAT or vendor checklist).
- o Conduct user testing as needed to validate accessibility.
- o Verify Section 508 conformance and authorize exemptions, if any.
- o Document Section 508 accessibility evaluations and conclusions.

## *Outline of Procurement Process*

The requirements of applicable laws and regulations for the acquisition of goods and services by the CSU are defined within the CSU Policy Manual for Contracting and Procurement. The implementation of these requirements and policies are defined by campus specific procedures and business processes. In accordance with the parameters and timelines set out in this Procurement Plan, Cal Maritime procedures and business processes will be updated to include the requirements for the acquisition of E&IT products. In general Cal Maritime procurement activity falls into two broad categories: 1) Formal competitive procurements exceeding cost thresholds established by CSU policy, and 2) Procurements at costs that fall below the competitive threshold and are made via informal methods and adherence to best practice.

1) Formal Competitive Procurements

E&IT procurements subject to formal competition requirements will require the Campus 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 requirements for bidders to submit Section 508 compliance documentation.

The Campus Requestor , Office of Procurement & Information Technology will determine the information that firms will be required to submit to document the degree of compliance with Section 508 requirements and the criteria and its relative weighting 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 procurement requirements in reaching an award decision. All other requirements are still relevant and evaluated as well. The contract award will be made to the vendor proposing the commercial product that provides the greatest degree of compliance while satisfying other legal, policy and functional requirements.

2) Procurements below the formal competitive threshold

These E&IT procurements require the Campus Requestor to perform market research with assistance, as needed, from the E&IT Technical Advisor. Once conforming E&IT products have been identified or an exemption has been approved the Campus Requestor will submit the Section 508 documentation along with a Purchase Requisition to the Buyer to complete the purchase in accordance with applicable procurement policies and procedures.

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

- All products that meet the functional requirements are 508 conformant (meet all the applicable standards): The Buyer may purchase any of the products evaluated in accordance with applicable procurement policies and procedures.

- Products evaluated meet Section 508 requirements to varying degrees: The policies and procedures that will guide the purchase decision for when products meet requirements to different degrees will be finalized in compliance with the September 1, 2008 milestone for implementing Section 508 procedures for E&IT acquisitions equal to or below $50,000. When

completed these procedures will assure the incorporation of Section 508 standards with all other applicable procurement laws and regulations to determine which E&IT product will be procured.

- 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.

- The E&IT product has been approved for an exemption within one of the allowable categories:  The Buyer may purchase the product in accordance with applicable procurement policies and procedures.

## *Exemptions*

Exemptions from compliance with 508 standards may be authorized in certain situations, based on appropriate research, evaluation, documentation, review and approval.  Cal Maritime will handle the more common allowable exemptions as follows:

1) Net Cost Increase

The CSU has a specific exemption based 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 of the Gov. Code 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 Campus.  Specific CSU procurement policy for incorporating the Gov. Code Section 11135 (c) (2) exemption is not yet finalized, but will incorporate the following:

- Research – Will include a cost analysis to determine the net cost to the campus in procuring a product that conforms to Section 508 standards.

- Evaluation –The cost analysis must include an evaluation of present cost savings vs. the long-term cost likely to be incurred by SF State in the future to provide access or accommodations to persons with disabilities.

- Documentation – Cost analysis and supporting documentation.

- Review – Cost analysis should be reviewed by other appropriate personnel to verify calculations and assumptions made when assessing short and long term costs.
- Approval - The Divisional Vice President will determine that the evidence of increased cost to the Campus to procure a conforming product is justifiable and supportable.

2) Commercial non-availability

When acquiring E&IT products or services, Cal Maritime is 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**. The campus need not acquire a noncommercial item in these cases solely to satisfy 508 standards. Commercial non-availability must be addressed on an individual standard basis, and the campus cannot claim a commercial product as a whole is non-available just because it does not meet all the applicable standards. In such cases the campus shall follow its applicable procurement policies and procedures to purchase the product that best meets 508 standards or best value criteria.

- Research – Campus Requester will conduct market research and product evaluation.

- Evaluation – Campus Requestor will review the viability of using alternative products that are accessible.

- Documentation - Maintain documentation of research performed and products evaluated.

- Approval – Chief Information Officer will approve the exemption for commercial non-availability.

3) Sole Brand

A sole brand is when only one product meets the functional specification required. A sole brand product should first be reviewed and approved in accordance with campus policy and procedure for sole brand requests. An approved sole brand product is exempt from Section 508 requirements.

- Research - Campus Requestor will conduct market research and product evaluation.

- Documentation - Campus Requestor will submit a completed Sole Brand/Sole Source Request Form with the Purchase Requisition.

- Approval – The Sole Brand request will be reviewed by the Director of Procurement followed by the VP of Administration and Finance as required by campus policy.

4) Back Office

This pertains to a group of products that do not interact with people except when maintenance is required such as products that reside in either a telecommunication closet or data center. For example if a server in a data center routinely operates without human interaction, then the server qualifies as a back office exemption. If there is software running on the server that does have human interaction (e.g., Oracle), then the software is not exempt.

- Research – Campus Requestor will determine location and function of product.

- Evaluation – Campus Requestor will review nature of interactions required by campus staff, faculty and students.

- Documentation – Campus Requestor will summarize the nature of the product's routine operation and the interaction required to maintain it.

- Approval – Chief Information Officer approves the back office exemption.

5) Fundamental Alteration and Undue Burden

These exemptions to Section 508 requirements are discussed in Element 2 below.

6) Other exemptions

In addition to the exemptions above, Section 508 provides for other types of exemptions that may be granted.  Request for these less common exemptions will be reviewed and approved on a case-by-case basis by the Divisional Vice President.

**Element 2: Process for determining Undue Burden and Fundamental Alteration**

*Process for Determining Undue Burden*

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

When determining if an E&IT product qualifies for an undue burden, the campus must consider the resources available to the entire campus, not only to the college, department or program 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 considerations, and the difficulty of integrating the product.

To initiate the determination of whether an E&IT product or service qualifies as an undue burden, the Campus Requester, in coordination with the Purchasing Department will submit a Purchase Requisition and accompanying documentation to the appropriate campus vice president.  After review the VP will forward the request to the Chief Information Officer for review and recommendation. The Chief Information Officer will convene a review committee consisting of the Director of Procurement, Academic Technologist, and other appropriate campus administrators depending on the source and nature of the exemption request.

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;

- o All funds available to the campus/ 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.

Upon recommendation of the review committee the Chief Information Officer will forward the undue burden request, along with their recommendation, to the campus President. The President 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 in the procurement file.  Campus officials shall make these records available upon request.

**If an undue burden is approved, it is important to note that by statutory obligations the California Maritime Academy <u>must</u> provide alternative access to persons with disabilities.**

### *Process for Determining Fundamental Alteration*

The California Maritime Academy 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 has been applied to hand-held devices.

Technology in this area is rapidly evolving and an exemption 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 Campus Requestor and the Office of Procurement must be cognizant of the technology in this field to ensure that the exemption is valid. The determination of fundamental alterations includes the following steps:

- Research – Campus Requestor will determine the functional requirements and the specific need for the E&IT product and will research potential accessible alternatives in the marketplace.
- Evaluation – Campus Requestor with assistance from the CIO and Director of Procurement will review the accessibility of the product and the impact of the accessible product to the functional requirements.

- Documentation - Vendor product documentation and specifications.

- Review - The request must be reviewed by a qualified/appropriate technical advisor.

- Approval – The Divisional Vice President approves the exemption for fundamental alteration.

**Element 3: A communication process and training plan to educate the campus community about Section 508 procurement requirements and the established procedures**

## *Communication Process*

Initial communication to the campus regarding accessible E&IT procurement will be a combination of general announcements and targeted meetings:

- A written general announcement will be circulated via e-mail, internet and intranet as widely as possible to the campus community. The general announcement will provide a brief overview of accessible E&IT procurement and how to get additional information.

- A general announcement will also be published in Currents Campus Memo and repeated on a regular basis during the initial months of implementation.

- The written general announcement will be included in packets distributed at the fall New Faculty Orientation as well as in orientation materials provided to new Department Chairs.

- Another targeted announcement and request will be made to Deans, VP's, academic department chairs and administrative department heads. The request will be to identify the individual(s) who may serve as technical advisor and which units the named individual(s) will support.

Ongoing communication regarding accessible E&IT procurement will include such elements as:

- Keeping an E&IT website up to date with current forms, policy, procedure, informational links and other useful resources to assist the campus in implementing accessible E&IT procurement.

- Establishing a focus group. During the first year of implementation a primary purpose of the focus groups will be to solicit input on practices and procedures to be developed to ensure a smooth and effective implementation of the next ATI milestone at September 1, 2008.

## *Training Plan*

- Each of the opportunities to meet with a targeted group will also be a training opportunity at a general level with respect to forms, checklists, and available resources.

- A more detailed training will be provided to the identified technical advisor. This training would include an introduction to the Section 508 standards, methods of obtaining vendor certification of conformance (VPAT, questionnaire, etc.), internal forms for documenting market research, process for determinations in cases of non or partially conforming products, and process for requesting review of exemptions.

- The Procurement Director will train buyers and contract staff in Section 508 requirements and serve as a resource for compliance questions relating to purchase orders and contracts.

- Appropriate personnel will attend CSU system wide training opportunities when they are made available.

- Other training models (e.g. handbook, web based presentation) will be reviewed for deployment in advance of the September 1, 2008 implementation milestone.

**Element 4: An evaluation process to measure the effectiveness of the plan**

The goal is for 100% of acquisition requests to comply with Section 508 requirements. This goal is met by enforcing the process outlined in Element 1, above.

In year one the evaluation process will include an annual review of all E&IT procurements that exceed the $50,000 threshold. In subsequent years the evaluation process will include an annual review of all E&IT procurements that exceed $50,000 and a semi-annual review of a representative sampling of all other E&IT procurements.

The review will verify that the proper Section 508 processes were followed, and that documentation of compliance with Section 508 and/or CSU policy has been completed and included in the procurement files. The evaluation will measure three criteria:

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

- Buyer is only accepting E&IT acquisition request that have the proper Section 508 documentation;

- Buyer is purchasing E&IT products as outlined by Section 508 and/or CSU policy.

**Element 5: The identification of roles and responsibilities associated with the above process**

Roles and Responsibilities for individuals associated with the accessible E&IT procurement process are listed below:

A. Campus Requestor **-** This is the individual who is initiating the request for the acquisition of an E&IT product or service. Campus Requestor is not to be confused with the term Requestor as applied to individuals designated to input requisitions in the PO module of the Financial Management System (FMS). Although Campus Requestors have primary responsibility to determine requirements, conduct research and document the process, they will be supported by the CIO, Director of Procurement, and technical advisors to ensure Cal Maritime's E&IT procurement processes are successfully followed.

- Develops functional requirements for the requested products or services.

- Conducts market research to identify sources that meet the functional requirements.

- Determines which accessibility standards 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 signature of designated department Approver (as defined in FMS) on all required Section 508 documentation.

- Obtains Divisional Vice President review and approval of exemptions to Section 508 requirements.

- Provides the acquisition request along with the approved Section 508 documentation to the Buyer.

- For acquisitions requiring formal competition assists in the development of specifications including 508 compliance standards and criteria by which the standards can be reviewed and evaluated.  Takes part in bid/proposal evaluation and award decision.


B.  Chief Information Officer

- Assists Campus Requestors and other staff and faculty to understand and comply with Section 508 requirements regarding E&IT acquisitions.

- Assists Campus Requestors in the review and documentation of the 508 conformance of E&IT products and services.

- Coordinates the efforts of the E&IT Technical Advisors; maintains a local database of 508 review and documentation efforts; acts as liaison for CSU system wide database and documentation program; researches and compiles external sources of 508 compliance information.

- Evaluates and approves exemption requests.

- Oversees the development, provision and coordination of Section 508 training programs for the campus community.

- Assists with the resolution of complaints regarding non-conformant E&IT products and services.

- Works with relevant offices to address accessibility issues for students, employees and members of the public.

D.  Director of Procurement: The staff person in the Purchasing Department with delegated authority to process the actual procurement of the E&IT product or service based on purchase

requests made in accordance with standard campus procedures. Under the supervision and management of the Director of Procurement the Buyer:

- Ensures that complete and approved compliance documentation is submitted with the purchase request.

- Except in cases of approved exemptions and when no product is fully conformant, considers only vendors, products and services for acquisition that conform to Section 508 requirements.

- For procurements where available products meet 508 requirements to varying degrees ensures that the purchase decision incorporates Section 508 standards with all other applicable procurement laws and regulations.

- Assists Campus Requestor to develop formal solicitation documents for E&IT that include Section 508 compliance requirements and evaluation criteria.

- Ensures that Section 508 requirements are contained in contracts awarded.

E. Technical Advisors: The Technical Advisor is a person or persons that have knowledge and technical expertise in one or more aspects of electronic and information technology. The E&IT Technical Advisors provide the interface between Section 508 requirements and technical specifications, assisting Campus Requestors to develop criteria for solicitations and evaluate vendor responses. The colleges and functional units on campus that are major users of E&IT will identify an employee to serve as E&IT Technical Advisor for the college or unit. Based on specific areas of expertise E&IT Technical Advisors may be tasked to assist Advisors or Campus Requestors from other colleges or units. The E&IT Technical Advisor's roles and responsibilities may include:

- Assist the Campus Requestor to develop functional requirements and evaluate market research.

- Assist the Requestor with evaluating vendor Section 508 documentation.

- Serve as a technical resource to the Campus Requestor, CIO, and Office of Procurement when developing plans to provide alternative access or accommodation for non-conformant E&IT.

**Element 6: Milestones and timelines that conform to dates required by Coded Memo AA-2007-04**

| Required Timeline | Due |
|---|---|
| Submission of E&IT Procurement Plan | 8/10/07 |
| Develop and Implement E&IT Procurement Procedure for acquisitions greater than $50,000. | 9/1/07 |
| Develop and Implement E&IT | 9/1/08 |

| Required Timeline | Due |
|---|---|
| Procurement Procedure for acquisitions greater than $2,500. Procard purchases exempted | |
| Develop and Implement E&IT Procurement Procedure for all acquisitions greater than $2,500. | 9/1/09 |
| Develop and Implement E&IT Procurement Procedure for acquisitions less than or equal to $2,500. | 9/1/10 |

September 1, 2007 Milestone

Develop and Implement E&IT Procurement Procedure for acquisitions greater than $50,000.

| Task | Timeline |
|---|---|
| Submission of E&IT Procurement Plan | 8/10/07 |
| Communication Process. | 8/15/07 and ongoing |
| Training of Procurement Staff  in policy and requirements | 08/31/07 |
| Identify E&IT Technical Advisors | Ongoing through 12/07 |
| Implement E&IT Procurement Procedure for acquisitions greater than $50,000 | 9/1/07 |
| Training of E&IT Technical Advisors | 09/30/07 and ongoing |

September 1, 2008 Milestone

Develop and Implement E&IT Procurement Procedure for acquisitions greater than $2,500. Procard purchases exempted

| Task | Timeline |
|---|---|
| Solicit focus groups input on policy and practice for the 09/01/08 implementation | 11/01/07 |
| Based on lessons-learned from 9/1/07 and focus group input process, start developing pilot | 02/15/08 |
| Start pilot | 03/30/08 |
| Evaluate pilot | 06/15/08 |
| Fine tune process develop forms, procedures, training and communication materials | 07/30/08 |
| Communication Process. | 8/1/08 |

| | |
|---|---|
| Announcements to campus. | |
| Training of key people in processes | 8/15/08 |
| Milestone implementation date | 9/1/08 |

September 1, 2009 Milestone

Develop and Implement E&IT Procurement Procedure for all acquisitions greater than $2,500.

| Task | Timeline |
|---|---|
| Work with CO, credit card holders and CFO on process | 5/15/09 |
| Create proposed process | 6/15/09 |
| Conduct focus groups | 7/1/10 |
| Evaluate comments from focus groups | 7/15/09 |
| Fine tune process based on pilot | 7/15/09 |
| Start working on forms, procedures, instructions, training, and communications | 7/15/09 |
| Communication Process.  Start working on centralized data base of conforming products | 8/1/09 |
| Training of key people in processes | 8/15/09 |
| Milestone Implementation Date | 9/1/09 |

September 1, 2010 Milestone

TBD

Develop and Implement E&IT Procurement Procedure for acquisitions less than or equal to $2,500.