Accessibility and Procurement
What is an EIRAC?

EIRAC stands for Electronic Information Resources Accessibility Coordinator.

This is a state mandated position responsible for monitoring website accessibility at State agencies or institutions of higher education.

An EIRAC reviews software purchases for compliance with Section 508 and WCAG 2.0 AA standards. These standards are enshrined in 1 Texas Administrative Code, Chapters 206 & 213.

EIRAC help determine if software requires an exception to the rules presented in TAC 206 & 213.
Definition of Terms

EIR – Electronic Information Resource
EIT – Electronic and Information Technology
TAC – Texas Administrative Code
IHE – Institution of Higher Education
FAR – Federal Acquisitions Regulations
WCAG – Web Content Accessibility Guidelines
VPAT – Voluntary Product Accessibility Template
EIRAC – Electronic Information Resources Accessibility Coordinator
In 1998, Section 508 was made part of the Workforce Rehabilitation Act of 1973 by Congress.

It requires all Federal agencies to make their electronic and information technology (EIT) accessible to individuals with disabilities.

Section 508 requires that agencies give disabled employees and the public access to information comparable to access available to others.

Section 508 Standards are part of the Federal Acquisitions Regulations (FAR) and address access for people with physical, sensory, or cognitive disabilities.
Texas State is not a Federal Agency

True, but the State of Texas adopted Section 508 as a legal standard for protecting people with disabilities against discrimination via electronic resources.

1 Texas Administrative Code (TAC) rule 206.70 references Section 508 for website accessibility standards.

1 TAC 213 references "the standards and specifications of Chapter 206 and/or 213" when addressing EIT.

Thus, Section 508 is the law in the State of Texas.
The Web Content Accessibility Guidelines explain how to make web content more accessible to people with disabilities.

Audience for WCAG:
- Web content developers (Gato Editor)
- Web authoring tool developers (Gato or TRACS)
- Web accessibility evaluation tool developers
- Anyone that needs standards for making electronic information resources (EIR) accessible
1 Texas Administrative Code 206 & 213

Institutions of higher education follow Subchapter C for Chapters 206 & 213.

1 TAC 206 contains rules for making websites accessible. It references Section 508 and WCAG 2.0 AA as compliance standards.

1 TAC 213 contains rules for procuring electronic information resources (EIR) and includes provisions for making exceptions to the TAC rules for EIR that do not comply with Section 508 & WCAG 2.0 AA content standards.

Texas State University is required to include rules from both chapters in their accessibility policy.
(b) For the procurement of EIR made directly by an institution of higher education or through the department's commodity procurement contracts for which the solicitation is issued on or after April 18, 2020, the institution shall require a vendor to provide accessibility information for the purchased products or services, where applicable, through one of the following methods:

- (1) inclusion of or URLs to manufacturer pages of completed VPATs or accessibility conformance reports for applicable Commercial Off the Shelf products / or services;
- (2) other documents / forms requested by the institution that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results;
- (3) The URL to a web page which explains how to request completed ACRs or VPATs for any product under contract; or
- (4) If credible accessibility documentation cannot be provided, then EIR shall be considered noncompliant.
VPAT allow a vendor to showcase their product's level of compliance with Section 508 & WCAG 2.0 A, AA and AAA standards.

TAC 213.38 requires that State agencies and IHE collect VPAT from vendors during the procurement process.

VPAT accuracy is not consistent and changes when vendors update their EIR.

VPAT can assist EIRAC and disability services staff when creating reasonable accommodations for individuals with disabilities.
1 TAC, Rule 213.37, gives instruction on how to procure EIR that does not meet the standards set forth in TAC 206 & 213 for accessibility.

It is required that an institution of higher education (IHE) include standards and processes for handling exception requests for all EIR in their accessibility policy.

These exceptions must be approved in writing by the president or chancellor of an institution of higher education for all EIR materially developed or procured by the IHE.

This includes EIR procured by sub-contractors on behalf of the IHE.

Exception requests must include all the following:

◦ (A) a date of expiration or duration of the exception;
◦ (B) a plan for alternate means of access for persons with disabilities;
◦ (C) justification for the exception including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and
◦ (D) documentation of how the institution of higher education considered all institution resources available to the program or program component for which the product is being developed, procured, maintained, or used. Examples may include, but are not limited to, agency budget, grants, and alternative vendor or product selections.
Requesting an Exception

The highest authority in the department requesting an exception must assist in creating the request.

If the EIR will affect students, the Office of Disability Services must be contacted when creating an accommodation plan.

If faculty and staff are affected, Dr. Sherri Benn, ADA Coordinator, must be contacted when creating an accommodation plan.

Once the request form is completed, EIRAC will review it prior to sending it to the VP for Information Technology for a decision.

Information about exceptions, including the request form template, can be found on the DoIT Accessibility website:

https://doit.txstate.edu/accessibility/procurement.html
Guidance for Requisitioners

Accessibility reviews of EIR are required by law.

Contact the EIRAC early in your software search for a smoother review process.

Request VPAT from software vendors.

Ask vendors to sign an accessibility warranty during negotiations.

Exceptions will not be granted when there are accessible alternatives to the software being reviewed.

Don’t be afraid to ask for help understanding the rules surrounding Section 508 procurement.

Contact Information: Evan Pickrel, EIRAccessCoord@txstate.edu