



# Accessibility and Procurement

TITLE 1 TEXAS ADMINISTRATIVE  
CODE, PART 10, CHAPTER 213,  
SUBCHAPTER C.

PRESENTED BY EVAN PICKREL,  
EIRAC, TEXAS STATE UNIVERSITY



# What is an EIRAC?

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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.

# Section 508

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.



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# Texas State is not a Federal Agency

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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.

# Section 508 references WCAG 2.0 AA Standards

The Web Content Accessibility Guidelines explain how to make web content more accessible to people with disabilities.

Audience for WCAG:

- Web content developers
- Web authoring tool developers
- Web accessibility evaluation tool developers
- Anyone that needs standards for making electronic information resources (EIR) accessible

# 1 Texas Administrative Code 206 & 213

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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.

# 1 TAC 213 Rules for Procurement

(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 January 1, 2015, the institution **shall require** a vendor to provide all that apply:

- (1) accessibility information for the purchased products or services, where applicable, through one of the following methods:
  - (A) the URL to completed VPATs or equivalent reporting templates;
  - (B) an accessible electronic document that addresses the same accessibility criteria in substantially the same format as VPATs or equivalent reporting templates; or
  - (C) The URL to a web page which explains how to request completed VPATs, or equivalent reporting templates, for any product under contract;
- (2) 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.

# Voluntary Product Accessibility Template

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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.



# Exceptions to the Rules

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.

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

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Accessibility reviews of EIR are required by law.

For a smoother review process, contact the EIRAC early in your software search.

Request VPAT from software vendors.

Ask vendors to sign an accessibility warranty during negotiations.

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