

CSU Product Accessibility Documentation Guidelines

Background

The California State University (CSU) system is committed to ensuring that all of its programs and services are accessible and usable by all students, staff, and faculty, including those with disabilities. A critical component of this effort involves ensuring that all electronic and information technology (E&IT) products meet recognized accessibility and usability standards, including Section 508 of the Rehabilitation Act (<http://www.section508.gov/>), at the time of procurement or adoption.

The *CSU Product Accessibility Documentation Guidelines* are intended to assist vendors in preparing accessibility documentation for their E&IT products in a manner that meets CSU-specific requirements.

Accessibility-Specific Documentation

The CSU requires that vendors complete a Voluntary Product Accessibility Template (VPAT)¹ for all E&IT products covered under the Section 508 standards. The VPAT is the product of a partnership between the Information Technology Industry Council and the U.S. General Services Administration to develop an industry-standard rubric for documenting the extent to which E&IT products conform with Section 508 accessibility standards. The CSU website section on Accessible Electronic and Information Technology (E&IT) Procurement (http://www.calstate.edu/accessibility/EIT_Procurement/) contains a variety of information for vendors including guidance on when and how to complete a VPAT and links to additional information and best practices on documenting product accessibility.

Vendors should ensure that their **accessibility documentation** meets the following criteria:

- A VPAT is created for each unique E&IT product (rather than a single VPAT for a line of products).
- The VPAT is completed by a company representative with sufficient technical knowledge of the product to accurately and credibly complete the document.
- The VPAT is completely filled-out (indicating which subsections are applicable for the product as well as addressing every point of that subsection).
- The VPAT is descriptive (indicating not just whether a particular subpoint is met/not met but also providing specific examples and describing how this was determined).
- The VPAT is available on the vendor's website.
- The VPAT is available in an accessible, electronic format².
- The VPAT contains versioning information (including the document version number—if applicable—as well as the date completed, and identification of the document author).

¹ The “voluntary” part of the VPAT refers to the fact that only those vendors who wish to sell products to the federal or state government require a VPAT. For the CSU system, VPATs are required for all procurements.

² Examples of how to author electronic documents that meet this standard can be found at <http://www.calstate.edu/accessibility/resources/>.

General Product Documentation

Vendors should ensure that the **product documentation** meets the following criteria:

- All product documentation includes information regarding known accessibility features, limitations, and workarounds of the product (e.g. keyboard equivalent, display modification options, etc.).
- All production documentation is available in an accessible, electronic format³.
- Priority should be given to ensuring that the product documentation is accessible in its native (default) format. If the native format does not provide adequate support for accessibility, then the vendor may elect to provide a separate, alternative-format version of the product documentation.
- Any alternate-format version should provide access to the same information contained within the native format in its entirety as well as retain the same functionality as the native format (to the fullest extent possible).

Company Accessibility Commitment

The CSU encourages that vendors dedicate a portion of their company website specifically to accessibility information. This provides an opportunity not only to streamline the identification of accessibility information for customers, but also provides a comprehensive portal of accessibility information. Some suggested components of an effective accessibility web presence include:

- An aggregated list of all accessibility documentation including product VPATs.
- A company accessibility policy statement .
- Any additional accessibility-oriented documentation (e.g., white papers, case studies, tutorials, FAQs, best practices, links to external information).
- An indication that the company has dedicated specific resources to handling accessibility questions/concerns, including contact information for doing so.
- Information regarding support for accessible communications channels (e.g., TTY, relay services).
- An intuitive URL for the company accessibility site (e.g. <http://www.company.com/accessibility> or <http://access.company.com>).

In addition, vendors are encouraged to take meaningful steps to incorporate accessibility into corporate culture by targeting internal business practices and infrastructure (e.g., developer trainings and guidelines, partnering with disability organizations or individuals with disabilities to conduct beta testing, developing a disability advisory group, establishing a disabled employee group, and/or incorporating accessibility as a recognized support topic in the Knowledge Base and Discussion Forum).

Accessibility Testing

The California State University reserves the right to perform testing on a contractor's product or E&IT solution in order to ensure the accuracy of their documentation regarding its compliance with Section 508 standards and California State University Accessibility requirements.

For additional information regarding this document, please visit the Accessible Technology Initiative website at http://www.calstate.edu/accessibility/EIT_Procurement/ or send an email to the CSU Accessible Technology Initiative at ati@calstate.edu.

³ If the documentation is delivered in an electronic document format, it should conform to Section 508 standards for Web-based Information (1194.22). If the product documentation is delivered as an executable application, it should conform to Section 508 standards for Software Applications (1194.21)

Accessibility Roadmap Template

Background

The CSU is committed to ensuring that its programs and services are accessible to everyone. As part of this commitment, the CSU's Accessible Technology Initiative gathers information regarding technology products to assess whether they are usable by persons with disabilities. Gathering this information is critical as it provides the CSU sufficient knowledge to plan for workarounds or accommodations that may be necessary until the vendor has resolved accessibility issues. This information also allows the CSU to select products that provide strong accessibility support and therefore reduce or eliminate the need to provide accommodations to work around accessibility gaps.

Instructions

The CSU recognizes that producing accessible technology products may require a significant commitment of resources and that accessibility remediation may require time to accomplish. Thus the CSU ATI has developed this template as means for vendors to document accessibility gaps associated with their products and to indicate their plans for addressing these gaps in the future.

We ask that you complete the roadmap provided on the next page as follows:

1. **Product/Vendor Information:** Provide the information requested
2. **Issue Description:** List each major accessibility issue for your product Including the following:
 - Gaps identified in the Voluntary Product Accessibility Template (VPAT)
 - Gaps identified in other product support documentation
 - Gaps identified by a third-party accessibility evaluation report (where available)
3. **Current Status:** Enter one of the following values:
 - Open: The issue has not yet been resolved
 - Closed: The issue has already been resolved
 - I/P: The issue is currently under investigation
 - Other
4. **Disposition:** Enter one of the following values:
 - Planned: The issue will be resolved
 - Deferred: The issue will not be resolved
 - I/P: The issue is currently under investigation
 - Other
5. **Remediation Timeline:** Enter when you anticipate that the issue will be resolved
6. **Available Workarounds:** Describe the business processes that your company will offer or third-party products that consumers or campuses should consider to work around the issue
7. **Comments (optional):** Provide details/description regarding the issue
8. **Additional Information (optional):** Provide any additional discussion regarding accessibility plans

Accessibility Roadmap

Vendor/Product Information

Vendor Name	
Product Name	
Product Version	
Completion Date	
Contact Name/Title	
Contact Email/Phone	

Specific Issues

Issue Description	Current Status (Open, Closed, I/P)	Disposition (Planned, Deferred, I/P)	Remediation Timeline	Available Workarounds	Comments
Images on the landing page lack equivalent alternate text	Open	Planned	Q3, 2004 release (v1.2)		Functional images will receive descriptive alternate text; decorative images will receive null alternate text.

Additional Information

APPENDIX A: California Government Code 11135

CALIFORNIA CODES

GOVERNMENT CODE

SECTION 11135-11139.8

11135. (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c) (1) As used in this section, "disability" means any mental or physical disability as defined in Section 12926.

(2) The Legislature finds and declares that the amendments made to this act are declarative of existing law. The Legislature further finds and declares that in enacting Senate Bill 105 of the 2001-02 Regular Session (Chapter 1102 of the Statutes of 2002), it was the intention of the Legislature to apply subdivision (d) to the California State University in the same manner that subdivisions (a), (b), and (c) of this section already applied to the California State University, notwithstanding Section 11000. 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).

(d) (1) The Legislature finds and declares that the ability to utilize electronic or information technology is often an essential function for successful employment in the current work world.

(2) In order to improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing persons, state governmental entities, in developing, procuring, maintaining, or using electronic or information

technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal **Code** of Regulations.

(3) Any entity that contracts with a state or local entity subject to this section for the provision of electronic or information technology or for the provision of related services shall agree to respond to, and resolve any complaint regarding accessibility of its products or services that is brought to the attention of the entity.

11136. Whenever a state agency that administers a program or activity that is funded directly by the state or receives any financial assistance from the state, has reasonable cause to believe that a contractor, grantee, or local agency has violated the provisions of Section **11135**, or any regulation adopted to implement such section, the head of the state agency shall notify the contractor, grantee, or local agency of such violation and shall, after considering all relevant evidence, determine whether there is probable cause to believe that a violation of the provisions of Section **11135**, or any regulation adopted to implement such section, has occurred. In the event that it is determined that there is probable cause to believe that the provisions of Section **11135**, or any regulation adopted to implement such section, have been violated, the head of the state agency shall cause to be instituted a hearing conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of this part to determine whether a violation has occurred.

11137. If it is determined that a contractor, grantee, or local agency has violated the provisions of this article, the state agency that administers the program or activity involved shall take action to curtail state funding in whole or in part to such contractor, grantee, or local agency.

11138. Each state agency that administers a program or activity that is funded directly by the state or receives any financial assistance from the state and that enters into contracts for the performance of services to be provided to the public in an aggregate amount in excess of one hundred thousand dollars (\$100,000) per year shall, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of this part, adopt such rules and regulations as are necessary to carry out the purpose and provisions of this article.

11139. The prohibitions and sanctions imposed by this article are in addition to any other prohibitions and sanctions imposed by law.

This article shall not be interpreted in a manner that would frustrate its purpose.

This article shall not be interpreted in a manner that would adversely affect lawful programs which benefit the disabled, the aged, minorities, and women.

This article and regulations adopted pursuant to this article may be enforced by a civil action for equitable relief, which shall be independent of any other rights and remedies.

APPENDIX B

Information to Vendors

CSU Accessibility Requirement

California Government Code 11135 requires the CSU to comply with **Section 508 of the Rehabilitation Act of 1973, as amended**, and to apply the accessibility standards published by the U.S. Access Board for **electronic and information technology (EIT)** products and services that it buys, creates, uses and maintains.

EIT is information technology (IT) and any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication of data or information. EIT includes:

- telecommunication products, such as telephones;
- information kiosks;
- transaction machines;
- World Wide Web sites;
- Software and Operating Systems
- Computers
- multimedia (including videotapes); and
- office equipment, such as copiers and fax machines.

EIT is defined by the Access Board at 36 CFR 1194.4 and in the FAR at 2.101

The CSU procurement and contract process for EIT acquisition is amended to include the Electronic and Information Technology Accessibility Standards at 36 CFR Part 1194. Vendors who wish to do business with the CSU must provide information about their product's conformance to applicable accessibility standards via the Section 508 Evaluation Template also known as the Voluntary Product Accessibility Template (VPAT). The CSU Guide to Voluntary Product Accessibility Template and the **templates** themselves are available to assist vendors in this process. http://www.calstate.edu/Accessibility/EIT_Procurement/

Completion and submission of the VPAT is a requirement for CSU contracts for products and services where electronic and information technology is involved. Proposals or bids without a completed VPAT may be disqualified from the competition.

APPENDIX C

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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.

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.

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:

Summary Table

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

Section 1194.xx Table

Column Name	Use
Criteria:	Describes a specific guideline that a Subpart is composed of.
Supporting Features:	To Enter information summarizing a product's "level-of-support" for a specific guideline.
Remarks/Explanations:	To Enter detailed information on how the product did or did not 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:

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

Remarks & Explanations (third column on 508 Evaluation Template)	
If 2nd column states...	Then...
Supports	List exactly what features of the product do meet and describe how they are used to support the Criteria.
Supports with Exceptions	List exactly what features of the product do meet and describe how they are used to support the Criteria. AND List exactly what parts of the product do not meet and describe how they fail to support the Criteria.
Supports through Equivalent Facilitation	List exactly what other methods exist in the product and describe how they are used to support the Criteria.
Supports when combined with Compatible Assistive Technology	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).

Does not Support	Describe exactly <u>how</u> the product does not support the Criteria.
Not Applicable	Describe exactly <u>why</u> the criteria is not applicable to the product.
Not Applicable -- Fundamental Alteration Exception Supplies	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 Software Applications and Operating Systems		
Section 1194.22 Web-based internet information and applications		
Section 1194.23 Telecommunications Products		
Section 1194.24 Video and Multi-media Products		
Section 1194.25 Self-Contained, Closed Products		
Section 1194.26 Desktop and Portable Computers		
Section 1194.31 Functional Performance Criteria		
Section 1194.41 Information, documentation, and support.		

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Section 1194.21 Software Applications and Operating Systems		
* Refer to (http://www.access-board.gov/sec508/guide/1194.21.htm) 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		

<p>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.</p>		
<p>(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.</p>		
<p>(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.</p>		
<p>(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.</p>		
<p>(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.</p>		
<p>(g) Applications shall not override user selected contrast and color selections and other individual display attributes.</p>		
<p>(h) When animation is displayed, the information shall be displayable in at least one non-animated presentation mode at the option of the user.</p>		
<p>(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.</p>		
<p>(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.</p>		

(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.		

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Section 1194.22 Web-based Internet information and applications		
* Refer to (http://www.access-board.gov/sec508/guide/1194.22.htm) for details on the guidelines listed below.		
Criteria	Supporting Features	Remarks and explanations
(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.

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Section 1194.23 Telecommunications Products

* Refer to (<http://www.access-board.gov/sec508/guide/1194.23.htm>) 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.		

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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.		

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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 touchscreens 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.		

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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 touchscreens 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		

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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.		

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Section 1194.41 Information, documentation, and support

Criteria	Supporting Features	Remarks and explanations
(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.		

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APPENDIX E

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&IT) covered by the Access-Board standards (http://www.access-board.gov/sec508/standards.htm):</p> <ul style="list-style-type: none"> a. Software Applications and Operating Systems; b. Web-based intranet and Internet Information and Applications; c. Telecommunications products, including telephone systems, voice response systems, and technologies involved with information transmission. 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; 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; f. Desktop and portable computers <p>If the acquisition is not E&IT, then Accessibility Standards DO NOT APPLY. Skip the remaining steps and continue with the normal purchasing process.</p> <p>See Appendix F: Sample E&IT Procurement Checklist</p>
Step 3	<p>Determine if the EIT acquisition falls under one of the following General Exceptions:</p> <ul style="list-style-type: none"> a. The EIT involves intelligence activities, military forces, weapons system, or cryptographic activities related to national security or military or intelligence missions. See 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) <ul style="list-style-type: none"> • See G.4 in http://www.section508.gov/index.cfm?FuseAction=Content&ID=92

	<p>c. The E&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"> • See G.5 in http://www.section508.gov/index.cfm?FuseAction=Content&ID=92 <p>If the E&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&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&IT standards developed by the U.S. Access Board.”</u></p> <p>See Appendix B: Information to Vendors & Appendix C: Guide to Filling Out the VPAT and Blank VPAT Templates. These documents are located on the ATI website: www.calstate.edu/accessibility</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> <ol style="list-style-type: none"> a. Request that the vendor describe their capacity to respond to and 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. b. For every E&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>	<p>Form an evaluation team.</p> <p>Ensure that at least one team member is knowledgeable about E&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>
<p>Step 6</p>	<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> <p>If none of the vendors supplied a VPAT, consider using Appendix I: No VPAT Form</p>
<p>Step 7</p>	<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>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>Guidance: See Appendix K “Best Value Trade-Off”</p>

	<p>Option B: Use the U.S. Access Board E-Learning Procurement Example at http://www.access-board.gov/sec508/e-learning.htm</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 http://www.treas.gov/offices/management/dcfo/procurement/508/standardseval.xls</p> <p>Option D: Other??</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>Additional language suggested for consideration: 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"> • E&IT Commercial Non-Availability Determination (There are no accessible products that met the technical and functional requirements.) • Fundamental Alteration (CSU is not required to purchase an accessible E&IT product that would not meet its needs.) • 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"> ○ See G.6. in http://www.section508.gov/index.cfm?FuseAction=Content&ID=92 • Long Term Cost Per Government Code 11135 (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.)

	<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> <p>See Appendix G: EIT Special Exemptions Documentation See Appendix J: Limitations</p>
Step 9	<p>Conduct verification/acceptance testing for system-wide or campus-wide acquisitions.</p> <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.</p>
Step 10	<p>Coordinate communication with vendors in response to accessibility complaints.</p> <p>See Appendix H: CSU Accessible Technology Complaint Form</p>

REFERENCES

Appendix A: California Government Code 11135

Appendix D: Sample Procedure

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

Sample EIT Procurement Checklist for Section 508 Compliance

Requestor _____	Requisition Number <input style="width: 100%;" type="text"/>
Department/Unit _____	E&IT Officer Review <input style="width: 100%;" type="text"/>
Product Description _____ (include purpose)	
Product Users _____ (who will be using & % of total for each type of users: students, employees, public)	
Product Usage _____ (how will the product be used)	
Cost _____ (estimate the amount of this acquisition)	

Initial all
appropriate
boxes

Pre-Award Action for EIT Procurements

General Exemptions to Section 508 Only E&IT Officer can authorize an exemption

Back-Office (Includes mostly data centers and comm closets type-equipment)	<input style="width: 100%;" type="text"/>
Fundamental Alteration (e.g., cell phones, PDAs, pagers, hand-held devices)	<input style="width: 100%;" type="text"/>

Subparts and Categories for Section 508 Compliance

Subpart B - Technical categories of standards (may require more than one)	<input style="width: 100%;" type="text"/>
Software applications and operating systems (36 CFR part 1194.21)	<input style="width: 100%;" type="text"/>
Web-based internet and intranet information and applications (36 CFR part 1194.22)	<input style="width: 100%;" type="text"/>
Telecommunication products (36 CFR part 1194.23) (phone systems, voice mail systems)	<input style="width: 100%;" type="text"/>
Video and multimedia products (36 CFR part 1194.24) (videos, tv tuners & displays)	<input style="width: 100%;" type="text"/>
Self-contained, closed products (36 CFR part 1194.25) (printers, fax machines, kiosks, ITMs)	<input style="width: 100%;" type="text"/>
Desktop and portable computers (36 CFR part 1194.26)	<input style="width: 100%;" type="text"/>
Subpart C - Functional performance criteria	<input style="width: 100%;" type="text"/>
Subpart D - Information, documentation, and support documentation (always required)	<input style="width: 100%;" type="text"/>

Market Analysis for Section 508 Compliance

All products that meet the functional requirements are 508 conformant	<input style="width: 100%;" type="text"/>
One product meets more 508 standards than the others (attach supporting analysis)	<input style="width: 100%;" type="text"/>
Product previously purchased and is still conformant (e.g., desktop computer contract)	<input style="width: 100%;" type="text"/>
Only one product meets functional specifications (e.g., sole source)(attach justification)	<input style="width: 100%;" type="text"/>

Note: For an EIT 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** _____
Signature required to certify accuracy and completeness of the checklist and Section 508 compliance.

E&IT Officer _____ **Date** _____

m

APPENDIX G SAMPLE EIT 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.

<i>Requestor</i>	<i>Department</i>	<i>Phone</i>	<i>Email</i>	<i>Requisition #</i>
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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

Signature of EIT Official/ Printed Name/ Title/ Date

APPENDIX H

SAMPLE: CSU Accessible Technology Complaint Form

(To be used for complaints filed under California Government Code 11135 that concern electronic and information technology owned by CSU)

I. Complainant Contact Information

1. Name:
2. Address:
3. Home Phone/TTY Number: Mobile Phone:
4. Email address:
5. If applicable, person filling out this form on behalf of the complainant and relationship to complainant:
6. How do you wish to be contacted? phone email mail

II. Description of Problem with Access to Electronic and Information Technology

7. Please provide a detailed description of the electronic and information technology product or service that you have found to be inaccessible. (web site address; location of system or equipment; type of system or equipment)
8. Please provide a detailed description of the inaccessible features or functions, including exactly what happens and does not happen.
9. Please provide the date of when you encountered the problem described above and the campus location (room number) of where the problem occurred.
10. Please identify any assistive technology you use with this product or service, such as the name and version of your screen reading software.
11. Please provide any other relevant information (i.e. suggestions for improvement.)

Signature of Complainant

Print Name

Date

Alternative Means of Filing a Complaint: The CSU will provide appropriate assistance to complainants who may need assistance in filing their complaint, and will consider complaints filed in alternate forms. For example, a complainant with a disability may file a complaint electronically, by audiotape, in Braille, or in some other format. Electronic complaints should be sent to: [Insert Email Address] Additionally, oral complaints will be considered if the complainant is unable to write and cannot have someone write out the complaint for him or her. To file a complaint telephonically, complainants should call [insert phone/TTY].

APPENDIX J

Limitations of the Application of Section 508

Fundamental alteration is an appropriate exception for inclusion in the standards. It means a change in the fundamental characteristic or purpose of the product or service, not merely a cosmetic or aesthetic change. For example, a department intends to procure pocket-sized pagers for law enforcement personnel. Adding a large 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, that is to provide a communication device which fits in a shirt or jacket pocket. For some of these personnel, portability of electronic equipment is a paramount concern. Generally, adding access should not change the basic purpose or characteristics of a product in a fundamental way.

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. It is difficult to argue for an undue burden due to cost.

The term "undue burden" is based on case law interpreting section 504 of the Rehabilitation Act (*Southeastern Community College v. Davis*, 442 U.S. 397 (1979)), and has been included in agency regulations issued under section 504 since the *Davis* case. See, e.g., 28 CFR 39.150. The term undue burden is also used in Title III of the ADA, 42 U.S.C. 12182 (b)(2)(A)(iii). The legislative history of the ADA states that the term undue burden is derived from section 504 and the regulations thereunder, and is analogous to the term "undue hardship" in Title I of the ADA, which Congress defined as "an action requiring significant difficulty or expense." 42 U.S.C. 12111(10)(A). See, H. Rept. 101-485, pt. 2, at 106.

Title I of the ADA lists factors to be considered in determining whether a particular action would result in an undue hardship. 42 U.S.C. 12111(10)(B)(i)-(iv). However, since title I of the ADA addresses employment and the individual accommodation of employees, not all of the factors are directly applicable to section 508 except for the financial resources of the covered facility or entity which is necessary to a determination of "significant difficulty or expense." Unlike title I, section 508 requires that agencies must procure accessible electronic and information technology regardless of whether they have employees with disabilities. Requiring agencies to purchase accessible products at the outset eliminates the need for expensive retrofitting of an existing product when requested by an employee or member of the public as a reasonable accommodation at a later time.

The provision states that "agency resources available to a program or component" are to be considered in determining whether an action is an undue burden. Because available financial resources vary greatly from one agency to another, what constitutes an undue burden for a smaller agency may not be an undue burden for another, larger agency having more resources to commit to a particular procurement. Each procurement would necessarily be determined on a case-by-case basis. Because a determination of whether an action would constitute an undue burden is made on a case-by-case basis, it would be inappropriate for the Board to assess a set percentage for the increased cost of a product that would be considered an undue burden in every case.

Installation of specific accessibility-related software not required except as required to comply with the provisions in these standards. Section 508 does not require the installation of specific accessibility-related software or the attachment of an assistive technology device at a workstation of a CSU staff or student who is not an individual with a disability.

Specific accessibility related software means software that has the sole function of increasing accessibility for persons with disabilities to other software programs (e.g., screen magnification software). The purpose of section 508 and these standards is to build as much accessibility as is reasonably possible into general products developed, procured, maintained, or used by agencies. It is not expected that every computer will be equipped with a refreshable Braille display, or that every software program will have a built-in screen reader. Such assistive technology may be required as part of a reasonable accommodation for an employee with a disability or to provide program accessibility. To the extent that such technology is necessary, products covered by these standards must not interfere with the operation of the assistive technology.

When campuses provide access to the public to information or data through electronic and information technology, **campuses are not required to make products owned by the campus available for access and use by individuals with disabilities at a location other than that where the electronic and information technology is provided to the public**, or to purchase products for access and use by individuals with disabilities at a location other than that where the electronic and information technology is provided to the public.

For example, if an agency provides an information kiosk in a Post Office, a means to access the kiosk information for a person with a disability need not be provided in any location other than at the kiosk itself.

APPENDIX K

BEST VALUE AND OTHER SECTION 508 ACQUISITION Q&As

<http://section508.gov/index.cfm?FuseAction=Content&ID=75> (for entire Q&A section)

E.2. Where an agency uses a best value "trade-off" source selection process, may it trade off applicable technical provisions of the Access Board's standards where an offer provides strong technical merit, strong past performance, or a lower price?

The Access Board's technical provisions are mandatory requirements that must be met (directly or through equivalent facilitation) unless (a) the product or service (if it is a commercial item) is not available, (b) an exception applies (such as undue burden), or (c) meeting the applicable provisions would require the agency to alter its requirements to the point where the procured EIT would not meet its needs. For example, if a product is available that meets the technical provisions of the Access Board's standards, the agency would not be required to make the purchase if significant difficulty or expense made the purchase an undue burden for the agency. Note that undue burden cannot be established simply by demonstrating that, as between products that could meet the agency's need, the cost of a product that meets the technical provisions is higher than that for a product that does not. Instead, an agency must consider all resources available to its program or component for which the supply or service is being acquired (see section G.6.iii, below).

Where no offered products meet all of the technical provisions, the Access Board's standards require an agency to "procure the product that best meets the standards" (see 36 CFR 1194.2(b)). This may be the product that meets the most applicable technical provisions, but alternatively could be one that meets fewer technical provisions but which better addresses the accessibility needs of the intended end users.

Best value trade-offs are still possible (and in fact required) if the products being compared meet the technical provisions to the same degree (e.g., the products being compared fully meet applicable technical provisions; or the products being compared partially meet the applicable technical provisions to the same extent). For example, if two of three proposals offer products that fully meet the technical provisions and the third proposal partially meets them, traditional trade-offs between the two offers that fully meet the applicable provisions as to technical merit, price, and past performance are required. However, absent a determination of undue burden, the agency could not make trade-offs between the proposals that fully meet the applicable provisions and those that only partially meet them.

C.1. Who within the agency is responsible for ensuring EIT purchases comply with section 508?

Acquisition of EIT that meets the applicable technical provisions of the Access Board's standards is the shared responsibility of requiring activity officials and contracting officials.

- Requiring activity officials (i.e., officials in the program office or organization that is funding and acquiring the EIT) are responsible for --
 - a. identifying applicable technical provisions of the Access Board's standards in their requirements documents (see FAR 11.002 and section B.2.ii, above);

- b. conducting market research to identify what products, if any, are available to meet those provisions or whether an exception applies;
 - c. drafting specifications; and
 - d. documenting nonavailability and undue burden determinations.
- It is expected that agencies will designate requiring activity officials in their organizations to carry out these responsibilities at an appropriately accountable level.
 - Contracting officials are expected to pursue effective acquisition strategies for acquiring EIT.

Thus, successful implementation of section 508 requires the cooperation and coordination of requirements and contracting officials within the agency.

Each agency has a Section 508 Coordinator. This person is often someone in the Chief Information Officer's office. He or she can provide additional information on agency procedures and the steps being taken within his or her agency to implement section 508. For more information, see [Agency Section 508 Coordinator List](#).

C.2. If EIT is acquired through another agency's contract, which agency is responsible for section 508 compliance?

The requiring agency (i.e., the agency with the need for EIT) is responsible for ensuring that the acquisition complies with section 508. See FAR 39.203(b)(3). This responsibility remains with the requiring agency irrespective of the vehicle used to complete the transaction -- e.g., the requiring activity has this responsibility when its agency is acquiring EIT under a multi-agency contract pursuant to the Economy Act procedures under FAR Subpart 17.5, a government-wide acquisition contract (a so-called "GWAC"), or GSA's Federal Supply Schedules.

This notwithstanding, contracting offices that award indefinite-quantity (IDIQ) contracts (such as those mentioned above) also have responsibilities. They must inform the requiring and ordering activities of the requiring agency which supplies and services the contractors indicate meet (either fully or partially) the applicable technical provisions of the Access Board's standards. They must also provide the source of vendor information regarding section 508 (e.g., the vendor's or other exact web site location). See FAR 39.203(b)(2) (which imposes this requirement on all contracting offices that award IDIQ contracts). In addition, if the servicing agency places the order on the requiring agency's behalf, the servicing agency needs to take necessary management steps before placing the order to ensure that the requiring activity (its customer) has appropriately considered its section 508 obligations with regard to that order.

C.3. Vendor Responsibilities

i. Does section 508 require contractors to manufacture EIT that meets the applicable Access Board's technical provisions?

No. Section 508 requires the government to purchase EIT that meets the applicable technical provisions of the Access Board's standards, with certain exceptions. By doing so, section 508 provides an incentive for EIT manufacturers and designers to ensure that their products are usable by everyone -- including people with disabilities.

Agencies are responsible for ensuring that they undertake their acquisitions for EIT consistent with the requirements of section 508, as implemented in the Access Board's standards and the FAR -- which includes identifying applicable section 508 provisions to interested contractors. Similarly,

agencies – not contractors – are responsible for making determinations regarding whether any exceptions apply. (See section G.6.vi, below.)

In turn, contractors wishing to do business with the government must provide products and services that meet (either directly or through equivalent facilitation) an agency's stated requirements, including applicable technical provisions from the Access Board's standards as identified by the agency. Contractors (including manufacturers and designers) are under no obligation to consider either section 508 or the Access Board's standards if they do not wish to market their products to the Federal government.

ii. Do vendors have to provide product documentation in alternate formats?

Yes, if it is a deliverable under a contract. Section 1194.41 of the Access Board's standards provides that product support documentation that is provided to end-users must be made available in alternate format upon request. However, it is the agency's responsibility, not the vendor's, to comply with this provision. Typically, agencies will require such documentation from the vendor to be in an alternate format as part of the deliverables required under the contract. The format of the documentation requested from the vendor may vary. For example, an agency may request the documentation in an electronic format that will allow the agency to reprint information in Braille or alternate formats. Other agencies may request the information to be provided by the vendor in Braille, large print, audio cassette or other format as part of the procurement.

C.4 Are subcontractors subject to Section 508?

Section 508 does not impose requirements on contractors or subcontractors. Instead, it only imposes requirements on the product specifications of EIT procured by federal agencies. Prime contractors may enter into subcontracts in the performance of a Federal contract for EIT, but the prime remains obligated to deliver what is called for under the contract (e.g., EIT that meets the Access Board's standards).

[Campus Name] Equally Effective Alternate Access Plan (EEAAP)

Purpose of the Equally Effective Alternate Access Plan

In compliance with California Government Code Section 11135 and Section 508 of the Rehabilitation Act of 1973, the University must apply accessibility standards to Electronic and Information Technology (E&IT) products and services that it buys, creates, uses and maintains. When systems, software or processes do not meet requirements of Section 508, an alternative access plan must be developed to address the accessibility issue. This form is used to describe the alternate access plan. Plan approval from the **[Campus executive responsible for EI&T approvals vary from campus to campus]** is required before the procurement can commence.

Instructions

1. Campuses may alter the bolded areas in brackets ([]) to reflect the titles of the responsible persons on their campus.
2. The requesting department is responsible for completing sections 1 through 3 below.
3. The requesting department must obtain the appropriate administrative approvals in section 4 and forward the signed form to the ATI Procurement Specialist to be reviewed by the ATI Exceptions Committee.
4. The EEAAP approval Committee will either a) approve the form and return it to the requesting department for processing or b) return the form unsigned. An unsigned form indicates the plan is not approved and must be revised for compliance to Section 508.
5. The **[Campus executive]** or designee is responsible for forwarding the approved original document along with all associated E&IT procurement documents to the Procurement Office, providing copies to those individuals identified in section 3, number 3 (Responsible Person(s) and maintaining a master archive of all EEAAP. Additional copies can be provided upon request based on need-to-know.

Section 1. Plan Creator Information

Name	Title	Department	College/Division
Office Extension	Office Location	Mail Code	Date

Section 2. Description of the Affected System, Software, Process, or Other EI&T Purchase

Affected product is a:	
Product Name:	
Product Description:	
Product Purpose:	

Section 3. How will “Equally Effective Alternate Access” be provided?

<p>1. Description of the issue: Describe specifically what part of the system, software, or process is a known accessibility issue and is not accessible per Section 508 and the CSU ATI standards. Further information on Section 508 and ATI standards can be found at CSU Accessible Electronic and Information Technology (E&IT) Procurement</p>	
<p>2. Persons or groups affected: List the person(s) or groups who may/will be affected by this issue, including the total number of affected persons. Groups may be specific (e.g., IT employees, Engineering students, etc?) or general (e.g., general public, visitors, students only, CSU employees, etc.).</p>	
<p>3. Responsible person(s): List the name(s) and titles of the campus employee(s) who will be responsible for providing equally effective alternate access for the specified known accessibility issue as described in Number 4.</p>	
<p>4. How will EEAA be provided: Describe in detail how the responsible department(s)/person(s) equally effective alternate access will be communicated and what will be provided. For example, “To access room availabilities, visitors can go to a different web page that contains the same information.” Attach a separate sheet – see EEAP attachment below</p>	
<p>5. EEAA Resources Required: List any resources required (including training, equipment, additional staff, etc.) to provide equally effective alternate access for the known issue.</p>	
<p>6. Repair Information: Include the following information in this section: a. Provide a brief description or any relevant information regarding repair of the issue by the vendor or Third Party Service Provider, as well as the completion date.</p>	
<p>7. Timeline for Unforeseen events: A timeline to plan create, implement, and follow up on plans for accommodation for access concerns/issues that are beyond campus policy and/or outside of the realm of the questions above.</p>	

Administrative Approvals

By signing this request, you affirm that the plan has been reviewed and is an acceptable solution that meets California Government Code 11135, Section 508, and CSU ATI compliance requirements.

Department Chair/Manager [or other responsible campus member]		Date:
Dean/Division Vice President [or other responsible campus executive]		Date:

EEAAP Approval

[Campus executive responsible for EI&T approvals vary from campus to campus]		Date:
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EEAAP attachment

4. How will EEAA be provided: (continue from item 4 in section 3)