



# Accessibility for Web related ICT Procurements

Specifying Accessibility requirements in Procurement documentation – February 2013

Within the [Web Accessibility National Transition Strategy \(NTS\)](#), agencies are encouraged to review their procurement policies to ensure the purchase of more accessible goods and services. This aligns with government policies and initiatives for improved social inclusion.

Under the NTS, agencies should update ICT procurement processes, especially those relating to websites and web-based service delivery, to include specific web accessibility criteria, namely conformance to the Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) Level AA. The following advice is provided to assist in revising public procurement documentation and assessment criteria to contain specific references to universal design principles and WCAG 2.0 conformance as necessary.

Updating procurement processes can help agencies achieve Value for Money (VFM) by reducing the need for re-work or customisation in order for goods to meet the mandatory accessibility standards. Agencies will also benefit from reduced risk of *Disability Discrimination Act 1992* (DDA) complaints.

The guidance below is not intended to be a replacement for other procurement or legal advice, and only relates to the accessibility of ICT goods and services relating to websites. Additional advice to assist government procurement are provided in the [Resources section](#).

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## How to procure more accessible goods and services

Accessibility should be considered throughout the procurement/contract management cycle, especially in the following stages:

1. **Approach to Market:** may include RFT, EOI, RFQ or any other type of approach to market.
2. **Assessment:** the consideration and review of responses from the market against what was asked for in the approach to market.
3. **Development:** ensuring that what was sought in the procurement is now recognised in the contract or work order.
4. **Maintenance:** the continued monitoring and engagement with suppliers to ensure accessible goods and services are delivered throughout contract period.

### 1: Approach to Market

In this stage, you will need to:

- Consider the type of goods/services sought through the approach to market and how WCAG 2.0 applies.
- Consider how WCAG 2.0 conformance will be sought and evaluated.
- Use the correct terminology.

Accessibility work outsourced through an approach to market may include a range of goods or services such as:

- Testing and auditing, training and education, or consultancy services.
- Provision of tools, systems or software for the creation or maintenance of web content (such as a content management system or quality assurance tool).
- Provision of web-based service delivery for staff or the public.

WCAG 2.0 is primarily intended for websites and web-based service delivery. The WCAG 2.0 principles can be applied to non-web ICT services, though WCAG 2.0 techniques may not be fully applicable in all circumstances. The World Wide Web Consortium (W3C) is developing [Guidance on Applying WCAG 2.0 to Non-Web ICT](#) which is expected to be useful in many other circumstances.

### ***Consider the type of goods/services sought through the approach to market and how WCAG 2.0 applies***

Consider WCAG 2.0 conformance when procuring the following types of goods/services (noting that this is not an exhaustive list):

- **Websites and web content**  
Must be WCAG 2.0 conformant (this will be relevant for site and content creation, maintenance, upgrades or testing).
- **Web applications and dynamic or complex web services, where rendered in web technologies (e.g. HTML)**  
Must be WCAG 2.0 conformant, but additional considerations regarding ownership, intellectual property and age of product or service will exist. They may also have non-web-based interfaces (back-ends) where the WCAG 2.0 principles, but not necessarily the techniques, should generally apply.

- **Services or products used to develop or manage web content or sites, such as content management systems (CMS), authoring tools, or testing tools**  
Should enable WCAG 2.0 conforming web content to be published. In some cases, the product or service may be subject to Authoring Tool Accessibility Guidelines ([ATAG](#)) conformance.
- **Digital documents** (typically used for government publications)  
Documents cannot claim WCAG 2.0 conformance unless the file format has [Sufficient Techniques](#) and the document's technology is 'accessibility supported' in 'user agents' including assistive technologies. Most can be optimized for accessibility, and should be published in at least two formats.
- **Multimedia**  
Has specific accessibility requirements under WCAG 2.0, including provision of alternatives for audio-visual content and keyboard access to the players' controls.
- **Training and consultancy on accessibility** (e.g. for web managers or content authors)  
Must be based on WCAG 2.0 and not on a derivative standard (of which several exist).

### ***Consider how WCAG 2.0 conformance will be sought and evaluated***

It is important to ensure that the tender documents clearly specify what level of accessibility is required, how accessibility is to be met and how claims of conformance will be evaluated. Agencies should be mindful of how and by whom accessibility conformance will be evaluated within a tender.

The request for compliance by a vendor to meet or have expert knowledge on accessibility standards will in some tenders be essential (e.g. if they are building a new agency website), or highly valued (e.g. if they are providing website management training to staff). Try to ensure information sought on accessibility conformance is measurable to facilitate the assessment and comparison of offerings.

Use of subject matter experts (SMEs) to both assist in defining appropriate wording and in evaluating submissions is recommended. Some [sample points](#) for inclusion in a Statement of Requirements for procurement are provided below. These are a good starting point for agencies, although individual agencies may need to customise them and seek their own legal advice prior to use.

SMEs will typically come from web, usability, design, ICT, communications, or technical teams, but may also include legal, human resources, or learning and development teams. Involving SMEs to participate on only a portion of a tender that relates to their expertise will assist in managing team resources.

### ***Use correct terminology***

When referring to web accessibility in tender documents and contracts, it is essential to use the correct terminology.

- **ATAG:** Authoring Tool Accessibility Guideline
- **DDA:** *Disability Discrimination Act 1992*
- **NTS:** Web Accessibility National Transition Strategy
- **UNCRPD:** United Nations Convention on the Rights of Persons with Disabilities
- **W3C:** The World Wide Web Consortium
- **WAI:** The Web Accessibility Initiative, part of the W3C who develop the technical accessibility standards, including WCAG 2.0
- **WCAG 2.0:** Web Content Accessibility Guidelines version 2.0

Do not use 'WCAG' without specifying a version or refer to the 'W3C' or 'WAI' as the standard. As WCAG 1.0 has been superseded, it should not be cited in any tender documents or contracts for the Australian Government; the standard is now WCAG 2.0. If specifying levels, be sure to use the right terminology: WCAG 2.0 uses Level A, Level AA or Level AAA. For example, use "the W3C's Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) Level AA [or other required level]".

Note that under the NTS, Financial Management Authority (FMA) Act agencies were required to meet WCAG 2.0 Level A by December 2012 and need to be meeting WCAG 2.0 Level AA by December 2014.

Be sure to link back to official guidance – [WCAG 2.0](#) (technical standard), the [Web Guide](#) (for the accessibility mandate) or the [NTS](#) (for the strategy of how to implement).

## 2: Assessment

In this stage, you will need to:

- Recognise skills and knowledge, and
- Assess value for money (VFM).

### *Recognising skills and knowledge*

As a guide, agencies may use the following means to determine whether a tender submission meets relevant accessibility standards (you should seek this information as part of an applicant's tender submission):

- Recognition of prior work (examples should be sought and confirmed)
  - Claims of WCAG 2.0 conformance work **must** be through use of [Sufficient Techniques](#) (and avoidance of [Failure Techniques](#))
- References (should be confirmed)
- Statement of understanding or comprehension (awareness of NTS, WCAG 2.0 and other WAI standards)
- Memberships and participation in industry or standards groups
- Qualifications or certifications<sup>1</sup>
- Carefully consider the use of plug-ins, add-ons or software, services or tools (including assistive technologies) that claim to make websites and online services (fully) WCAG 2.0 conforming. Typically these services can help make web content more accessible, or may achieve some of the ways of implementing WCAG 2.0 Success Criteria, but this does not equate to conformance.

### *Assessing value for money*

While very important, accessibility will be only one of many factors to consider in a value for money assessment. Evaluate accessibility conformance against the whole of life contract value and associated risks, and ensure you are aware of how the tender applicant currently addresses, or plans to address, accessibility. One way to do this is by making accessibility a criterion for evaluation, requiring tender applicants to specify if they can meet or have met the applicable standards as well as following the NTS. The cost of accessibility is a complex issue. In some cases

<sup>1</sup> Note: web accessibility is relatively emergent skills set, and while many in the industry have years of experience, very few will have formal Australian qualifications or certifications. This is because, until recently, most university courses and accredited training organisations did not offer such certification.

it will fall to the agency to pay for more accessible services; in others cases the vendor will need to ensure products meet required standards in order to obtain contracts.

If in doubt, agencies should seek advice on the application of the *Disability Discrimination Act 1992* in the delivery of goods and services. Agencies should be wary of suppliers who charge less for “normal” (inaccessible) goods/services, and recognise this presents a risk to their agency.

### 3: Development

In this stage, you will need to:

- Build conformance tracking and milestones into the contract, and
- Consider upgrades and new releases

Accessibility conformance should be written into the contracts and work orders, and the agency may need to assume responsibility for checking ongoing accessibility progress (see the [Maintenance section](#)). By aligning all relevant business requirements as well as functional or technical specifications to WCAG 2.0, the implementation of the accessibility requirement is likely to be easier. This is more relevant in tenders for web services, software or products such as new website development or maintenance, and less so for training or consultancy work where accessibility can be addressed in a simpler manner within a statement of work and incorporated into contracts.

Agencies should consider, particularly for long contracts, how upgrades and new releases will meet conformance, and ensure this is clearly represented in contract documentation. For example, a tool that helps test conformance to WCAG 2.0 should be regularly updated as new Sufficient Techniques are released. Similarly, trainers or consultants should keep abreast of new techniques to provide the most current advice.

### 4: Maintenance

The initial impact of including accessibility conformance requirements within the procurement process should be realised through the delivery of the work order. Agencies should also include accessibility conformance requirements in any maintenance agreements.

In current contracts, agencies should note that variations or revised contracts can be costly. Consider expected whole-of-life contract costs versus risks before making adjustments to these.

## Points to incorporate in a Statement of Requirement for procurement documentation

These are recommended point and clauses to include in an approach to market.

### Conformance with Web Content Accessibility Guidelines 2.0

Having regard to the Web Accessibility National Transition Strategy (NTS), the Australian Government is committed to improved web accessibility. The Web Accessibility NTS:

- 1) promotes improved web services, including but not limited to: websites, web content, and web applications used for the dissemination of information and/or the delivery of government services and the design, development, maintenance or upgrade of these;

- 2) details the key milestones, scope and implementation plan for the <agency's> transition of its online information and services, for conformance with the Web Content Accessibility Guidelines (WCAG) version 2.0, developed by the World Wide Web Consortium (W3C); and
  - 3) encourages a more accessible and usable web environment that will more fully engage with, and allow participation by, more people within our society.
- X.1 Information regarding the [Web Accessibility National Transition Strategy](#) and the implementation of WCAG 2.0, and policies relating to accessibility are available from the [Australian Government Web Guide](#). Tenderers should note mandatory Web Accessibility requirements apply to this procurement. In particular:
- a) Websites, content, applications and services defined as within the scope of the NTS must conform to WCAG 2.0 at Level AA<sup>[1]</sup> by 31 December 2014 or delivery of contract material or other specified date<sup>[2]</sup>.
  - b) Claims of Conformance must comply with the [five conformance requirements of WCAG 2.0](#).
  - c) Assessments for WCAG 2.0 Conformance must be made through the use of Sufficient (and avoidance of Failure) Techniques, available via either: [WCAG 2.0 Techniques](#) or [WCAG 2.0 Quick Reference](#).
- X.2 Tenders are required to state at <schedule> whether their tender complies with the Web Accessibility NTS.
- X.3 Tenders are required to demonstrate conformance of their products, services and outputs to WCAG 2.0 (specifying Level A, AA or AAA), preferably through the use of Sufficient Techniques. <Third party validation of WCAG 2.0 conformance claims is optional.> This requirement is reflected in the <Evaluation Criteria or equivalent term> at <section X>.

## The legal and policy imperative

The sections below give the legal background for including accessibility in procurement requirements.

### Disability Discrimination Act 1992 (DDA)

#### “Section 24:

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's disability:

<sup>[1]</sup> AGENCY NOTE: Level A is the base level required by December 2012; Level AA is required by December 2014. Some agencies may progress to Level AA immediately – this is encouraged where practical as it minimises the rework. Agencies may determine appropriate Level AAA requirements relevant to content and anticipated user group.

<sup>[2]</sup> AGENCY NOTE: Agencies may seek to shorten the period of time for conformance or specify another time where it is not in conflict with the Web Accessibility NTS or other Australian Government requirements.

- a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or
- b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or
- c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.”

Source: [Disability Discrimination Act 1992](#) from comlaw.gov.au

### **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**

Australia a signatory to this international convention and is required to report regularly to the UN. The following extracts are reproduced from ‘articles’ that relate specifically to online delivery.

#### **Article 4**

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

#### **Article 9**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- b) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

## Article 21

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions

Source: [UNCRPD](#) from the United Nations

## Commonwealth Procurement Rules (CPRs)

### Division 1 - Rules for all procurements

The Australian Government promotes the proper use of Commonwealth resources. Proper use means efficient, effective, economical and ethical use that is not inconsistent with the policies of the Commonwealth.

Source: [CPRs](#) from the Department of Finance and Deregulation. This information is current as at December 2012.

## Resources

The following resources are provided as source documents or additional information in support of the guidance provided in this document.

1. Commonwealth Procurement Rules - Dept Finance and Deregulation
  - [Commonwealth Procurement Rules](#)  
<http://www.finance.gov.au/procurement/procurement-policy-and-guidance/commonwealth-procurement-rules/index.html>
  - [Procurement Policy and Guidance](#)  
<http://www.finance.gov.au/procurement/procurement-policy-and-guidance/index.asp>
  - [Procurement Process Considerations](#)  
<http://www.finance.gov.au/procurement/procurement-policy-and-guidance/buying/procurement-practice/process-considerations/practice.html>



- [ICT Procurement Guidelines](http://agimo.gov.au/policy-guides-procurement/)  
http://agimo.gov.au/policy-guides-procurement/
  - [Cooperative Agency Procurement](http://www.finance.gov.au/procurement/procurement-policy-and-guidance/buying/policy-framework/cooperative-agency/principles.html) opportunities (e.g. piggybacking or clustering)  
http://www.finance.gov.au/procurement/procurement-policy-and-guidance/buying/policy-framework/cooperative-agency/principles.html
2. Disability Discrimination Act 1992
    - [Disability Discrimination Act 1992](http://www.comlaw.gov.au/Details/C2010C00023) (ComLaw website)  
http://www.comlaw.gov.au/Details/C2010C00023
    - [A brief guide to the Disability Discrimination Act](https://www.humanrights.gov.au/our-work/disability-rights/guides/brief-guide-disability-discrimination-act)  
https://www.humanrights.gov.au/our-work/disability-rights/guides/brief-guide-disability-discrimination-act
    - [World Wide Web Access: Disability Discrimination Act Advisory Notes](http://humanrights.gov.au/disability_rights/standards/www_3/www_3.html)  
http://humanrights.gov.au/disability\_rights/standards/www\_3/www\_3.html
  3. Web Accessibility National Transition Strategy
    - [Web Accessibility National Transition Strategy](http://www.finance.gov.au/publications/wcag-2-implementation/index.html)  
http://www.finance.gov.au/publications/wcag-2-implementation/index.html
    - [Australian Government Web Guide](http://webguide.gov.au/)  
http://webguide.gov.au/
  4. W3C Web Accessibility Initiative
    - [Web Content Accessibility Guidelines 2.0](http://www.w3.org/WAI/intro/wcag.php) (WCAG 2.0)  
http://www.w3.org/WAI/intro/wcag.php  
http://www.w3.org/TR/WCAG20/
    - [WCAG 2.0 - Understanding Accessibility Support](http://www.w3.org/TR/UNDERSTANDING-WCAG20/conformance.html#uc-accessibility-support-head)  
http://www.w3.org/TR/UNDERSTANDING-WCAG20/conformance.html#uc-accessibility-support-head
    - [Guidance on Applying WCAG 2.0 to Non-Web ICT](http://www.w3.org/TR/wcag2ict/)  
http://www.w3.org/TR/wcag2ict/
    - [Authoring Tool Accessibility Guidelines](http://www.w3.org/WAI/intro/atag.php)  
http://www.w3.org/WAI/intro/atag.php
    - [Techniques for WCAG 2.0](http://www.w3.org/TR/WCAG20-TECHS/)  
http://www.w3.org/TR/WCAG20-TECHS/
  5. UN Convention on the Rights of Persons with Disabilities
    - [Convention on the Rights of Persons with Disabilities](http://www.un.org/disabilities/default.asp?id=259)  
http://www.un.org/disabilities/default.asp?id=259
  6. Additional resources
    - [Accessible procurement and promotion of equality in employment](http://www.hreoc.gov.au/disability_rights/speeches/2011/finance.html), presentation by Graeme Innes AM, Disability Discrimination Commissioner on 2 August 2011  
http://www.hreoc.gov.au/disability\_rights/speeches/2011/finance.html
    - [The price of exclusion: the economic consequences of excluding people with disabilities from the world of work](http://www.ilo.org/skills/pubs/WCMS_119305/lang-en/index.htm), International Labour Organization, 2009  
http://www.ilo.org/skills/pubs/WCMS\_119305/lang-en/index.htm