

Accessible Procurement Process Map.

The integration of accessibility into an ICT procurement process.

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Accessible Procurement Process Map Overview.

## Purpose.

This document explains how the use of the Technology Accessibility Selection Tool, developed by the Taskforce, can be used to remove the key perceived issues when including accessibility requirements into scope.

Key perceived issues during a procurement activity are;

1. What questions to ask,

2. How to evaluate the answers (without needing an accessibility subject matter expert),

3. How to easily contractualise the supplier’s response.

## Approach.

In addition to the development of the Technology Accessibility Selection Tool, key tasks, responsibilities and detailed process flows have been documented to provide guidance during the procurement process.

## Scope.

The approach and Technology Accessibility Selection Tool has been developed to assist in the purchasing of technology goods and services.

Processes have been developed for both tender and contract renewal activities.

The approach to renewals supports best practice ESG development i.e., first measure, then track progress.

# Procurement Process – Key Task Summary.

A procurement process will normally consist of four steps: scope definition, scope clarification, evaluation and contracting. Each of these four steps details the Process Order, Key Accessibility Assessment Activities of the Contract Owner, Key Supplier Activities and Key Procurement Actions.

## 1. Scope Definition.

• Process Order: If the engagement is via tender, then this activity occurs prior to tender release. If the engagement is directly with one supplier, then this activity normally occurs prior to initial supplier discussions.

• Key Accessibility Assessment Activities of the Contract Owner

a) Confirm that accessibility is relevant to scope.

b) Determine if all accessibility questions in the tool are relevant.

c) Agree minimum acceptable question scores (Policy).

d) Agree accessibility weighting in the scoring matrix (Policy).

• Key Supplier Actions: Be visible by publishing which accessibility standards, products and services meet e.g., VPAT. Know if products and services meet stated minimum accessibility requirements.

• Key Procurement Actions: Include accessibility questions identified by the Contract Owner into scope document. Finalise scoring matrix and minimum acceptable scores.

## 2. Scope Clarification.

• Process Order: If the engagement is via tender, then this activity occurs after the tender is released but prior to supplier submissions.

• Key Accessibility Assessment Activities of the Contract Owner

a) Run Q&A session for suppliers.

b) Resolve any specialist accessibility questions that are raised.

c) Internally discuss any policy conflicts raised, foror example, if it seems a supplier will not meet the minimum acceptable score.

• Key Supplier Actions: Clarify uncertainties. Internally agree the remediation approach to any “No” response.

• Key Procurement Actions: Formally release scope document and relevant questions to supplier(s). Coordinate Q&A.

## 3. Evaluation.

• Process Order: Upon receiving the supplier’s formal written response.

• Key Accessibility Assessment Activities of the Contract Owner

a) Resolve any policy conflicts i.e., discuss with stakeholders and remove suppliers who do not meet minimum accessibility scores.

b) Validate supplier’s response.

• Key Supplier Actions: Provide self-assessment on accessibility through formally responding to the accessibility scope questions, using the categories provided.

• Key Procurement Actions: Coordinate evaluation scoring. Confirm time/cost of remediating any gaps between policy and supplier solution. Supplier communication including clarification of responses. Initiate negotiations e.g., remediation costs.

## 4. Contracting.

• Process Order: This is the final negotiation step documenting the formal response to the accessibility questions in a contract.

• Key Accessibility Assessment Activities of the Contract Owner

a) Agree to the detail behind any remediation activity.

b) Test that supplier’s solution delivers the required accessibility requirements (as committed).

• Key Supplier Actions: Contractually commit to accessibility scope and any remediation actions. Maintain compliance.

• Key Procurement Actions: Include clauses to enshrine accessibility commitments.

Outcome communication to supplier(s).

# Accessible procurement process flow for technology contracts – tenders.

For a procurement tender the following workflows provide the steps to define the accessibility evaluation criteria and evaluate supplier’s responses.

## Pre-Tender Due Diligence

Due diligence should be done to help determine which suppliers should be invited to a tender.

The accessibility of the supplier’s goods or services should be one of the considerations on which suppliers to invite, however, determining this is not always easy.

The following discusses two approaches that can be used to get a broad understanding of the accessibility of a supplier’s goods and/or services;

1. Some suppliers have published a Voluntary Product Accessibility Template (VPAT), and while this can provide good insight, VPATs can be complex to interpret and may not apply to the specific good or service you are looking to purchase.. OzeWAI are in the process of developing a database of reviewed VPATs that will greatly assist in this interpretation. Test usability with assistive technology users e.g., makeitfable.com. The link will be included once this database is live.
2. An alternative approach is to make a supplier’s participation in a tender conditional on their confirmation that their products and/or services comply with an organization’s Accessibility Policy/Standards. This approach, however, requires an organization to have a publishable Policy/ set of standards that are easy for a supply to self-assess as to if they comply. If your organization does not have a set of standards publicly available then an alternative could be to send out the questions included in the Technology Accessibility Selection Tool pre-tender.

# Tender Process.

## Scope Definition: Pre-Tender Release.

Process Order: This activity occurs prior to Procurement releasing the tender.

1. Contract Owner: Is there a user interface (for an employee or customer) included or developed through what is being purchased?

a) If No. Stop: No need to include accessibility questions.

b) If Yes, proceed to 2.

2. Contract Owner: Determine the type(s) of goods or services being purchased i.e., Software, Hardware, Web/External Hosting, Labour.

3. Contract Owner: Review the accessibility questions for the type(s) of good or services being purchased (use the Technology Accessibility Selection Tool).

4. Contract Owner: Are all accessibility questions relevant to the scope of what is being purchased?

a) If No remove non relevant questions and as part of the procurement, include applicable accessibly questions in tender response document.

b) If yes, Include applicable accessibility questions and evaluation methodology in the tender response document (use the Accessibility Selection Tool)

c) If Unsure, Contract Owner: Discuss with Sponsor. Accessibility Policy manager or your organisation’s Accessibility lead may also be called on here to assist (your Accessibility Policy may also help here)

d) Procurement: Include applicable accessibility questions in tender response (use the Technology Accessibility Selection Tool)

5. Contract Owner: Agree % of the total evaluation score that should be given to the accessibility question responses (as a total).

6. Contract Owner: Agree if a minimum score is to be set for any accessibility questions and confirm that if this score is not met then this disqualifies the supplier (your Accessibility Policy may also help here).

7. Contract Owner: Agree if the cost to remediate for any “Other” responses will be included in the pricing evaluation (your Accessibility Policy may also provide guidance on this).

8. Procurement: Include accessibility question weighting in the overall scoring matrix.

9. Procurement: Make clear in tender documentation questions that must have a positive response i.e. Yes or Other (No not being acceptable for the supplier continuing). Move to Scope Clarification: Post Tender release process.

## Scope Clarification: Post Tender Release.

Process Order: This activity occurs after Procurement has released the tender.

1. Procurement: Set up a Q&A session for suppliers (~45min) on the accessibility questions. It is suggested all suppliers are invited to the one session.

2. Contract Owner: Provide a brief overview on why accessibility is important in regard to this tender. Your company may also have content to present on why accessibility is important to the company.

3. Contract Owner: Explain the scoring mechanism –specifically the “Other” section and how if the solution currently has accessibility gaps, then it is strongly encouraged to use the other section to commit to closing those gaps.

4. Contract Owner: If it has been agreed that a “no” to any question or if there is a minimum score which will result in disqualification then this should be mentioned.

5. Contract Owner: Any specialist accessibility questions that cannot be answered should be noted and a response sent to all suppliers once an answer is received from the company’s accessibility SME. Move to Evaluation process.

## Evaluation.

Process Order: Upon receiving the supplier’s formal response.

1. Procurement: Did any suppliers respond “No” to an accessibility question, or score below a pre-agreed minimum score for any question?

2. Procurement: Yes. Was it agreed before the tender release that a “no” or a score below the minimum to this question would disqualify a supplier.

Either:

a) Yes. The supplier is removed from the tender process. Contract Owner: Sponsor should be advised. Continue evaluating other suppliers.

OR

b) No. Continue evaluation.

3. Procurement: Review all responses to confirm if the impact of a response of “Other” to any question is clear.

For each question where there is a response from the supplier in the “Other” section of the scoring ask the following: is the remediation, including costs and effort clear?

Either:

4. No. Seek clarification from supplier before scoring.

If supplier cannot clarify e.g., when the release including the fix will occur then the supplier’s response should be revised down i.e. select an “Other” category which appropriately reflects what is certain about remediation effort.

Note that in some cases this may mean the supplier response is evaluated as a “No”. If this is the case then Step 1 needs to occur, confirm if the supplier meets the minimum requirements.

5. Yes. Include responses in pre agreed tender scoring matrix and move to Contracting process.

6. Procurement: Include all responses in the pre agreed tender scoring matrix and move to Contracting process.

7. Move to contracting process.

## Contracting.

Process Order: Final negotiation step during the documentation of the formal response to the accessibility questions in a contract.

1. Procurement: Include the supplier’s tender response to the accessibility questions into contracts Accessibility Schedule. It is suggested that the main body of the contract contains a clause that commits the supplier to delivering a product or service that meets the level of accessibility noted in their tender response. The table of questions and supplier’s tender response (including any clarifications e.g., cost) can then be pasted into an Accessibility Schedule.

2. Procurement: Does the supplier accept the concept of having clauses to hold the supplier to their specific commitment(s)?

a) No. Rework language with supplier. Can a compromise be agreed that maintains the intent of the commitment to an accessible product (as specifically noted in the supplier’s responses to the accessible questions)? If no move to point 3b)

3. Yes. Does the supplier accept wording of clause(s).

a) if yes, included clauses. End

b) if no. Contract Owner: escalate to policy owner.

c) Contract Owner: if not accepted, Sponsor & Policy Owner to resolve e.g., raise a formal step out from the company’s accessibility policy or standard(s), or have executive to executive conversation between the company and supplier in regard to the supplier’s commitment to accessibility.

# Accessible Procurement Process Flow for Technology Contracts - Direct Negotiations / Renewals.

For procurements via direct negotiations i.e., with a single supplier (including contract renewals) the following workflows provide the steps to define the accessibility evaluation criteria and evaluate supplier’s responses.

Direct negotiation often occurs when a product or service is already in an organization i.e. the discussions are around a contract renewal. In this case the focus is understanding the current accessibility of the product or service and formalizing this (assuming this is not already formally known).

It is rare that an organization will have the leverage in these cases to force the supplier to make large changes in their product or service before a new contract is signed, however, creating a formal baseline and gaining any commitment from the supplier to improve is a strong step forward.

If the product or service is significantly deficient then this process will create visibility in the organization which can be useful input into strategic lifecycle planning for the product or service i.e. if alternatives could/ should be looked for in the medium to long term.

## Scope Definition: Pre-Supplier Contact.

Process Order: This activity occurs prior to initial discussion by Procurement with the supplier.

1. Contract Owner: Is there a user interface (for employee or customer) included or being developed through what is being purchased?

If No. Stop: No need to include accessibility questions.

2. Yes. Contract Owner: Determine the type(s) of goods or services being purchased i.e., software, hardware, external hosting (web), labour.

3. Contract Owner: Review the accessibility questions for the type(s) of good or services being purchased (use the Technology Accessibility Selection Tool).

4. Are all accessibility questions relevant to the scope of what is being purchased?

a) If No, Contact Owner: Advise Procurement to remove non relevant questions from the document to be sent to the supplier.

b) If Unsure, Contract Owner: Discuss with Sponsor. The Technology Accessibility policy manager or your organisation’s Accessibility SME may also be called on here to assist (your Accessibility Policy may also help here)

5. Procurement: Include applicable accessibly questions in email to supplier via the Accessibility Selection Tool advising the status of the supplier’s product or service is required as part of the contracting process

## Scope Clarification: Post Initial Discussions.

Process Order: This activity occurs after Procurement has had initial discussion with the supplier and shared the scope, including accessibility scope.

1. Procurement: Set up a Q&A session for supplier (~45min) on the accessibility questions.

2. Contract Owner: Provide a brief overview on why accessibility is important in regard to this tender. Your company may also have content to present on why accessibility is important to the company.

3. Contract Owner: Explain the evaluation mechanism –specifically the “Other” section. If the solution currently has accessibility gaps, then it is strongly encouraged to use the other section to commit to closing those gaps.

4. Contract Owner: If it has been agreed that a “no” to any question will be in conflict with your company standards or policies then this should be mentioned to the supplier

Contract Owner: Any specialist accessibility questions that cannot be answered should be noted and a response sent to the suppliers once an answer is received from your company accessibility SME. Move to Evaluation process.

## Evaluation.

Process Order: Upon receiving the supplier’s formal response.

1. Procurement: Did the supplier respond “No” to an accessibility question, or score below a pre-agreed minimum score for any question (as defined by a company standard or policy)?

2. If the answer is Yes, then the Contract Owner should contact the organisation’s Accessibility Lead or Accessibility Policy Owner to discuss a solution e.g., raise a formal step out from the company’s accessibility policy or standard(s), or have executive to executive conversation between the company and supplier in regard to the suppliers commitment to accessibility.

3. Procurement: Review the supplier’s response to confirm if the impact of a response of “Other” to any question is clear.

For each question where there is a response from the supplier in the “Other” section of the scoring ask the following: is the remediation, including costs and effort clear?

Either:

a) No. Seek clarification from supplier before finalizing the supplier’s response.

If supplier cannot clarify e.g., when the release including the fix will occur then the supplier’s response should be revised down i.e. select an “Other” category which appropriately reflects what is certain about remediation effort.

Note that in some cases this may mean the supplier’s response is re-evaluated as a “No”. If this is the case then Step 1 needs to be rereviewed i.e. confirm if the supplier meets the minimum requirements.

Or

b) Yes. Move to Contracting process.

## Contracting.

Process Order: Final negotiation step during the documentation of the supplier’s response to the accessibility questions in a contract.

1. Procurement: Include supplier’s response to the accessibility questions into contracts Accessibility Schedule.

2. It is suggested that the main body of the contract contains a clause that commits the supplier to delivering a product or service that meets the level of accessibility noted in their tender response.

The table of questions and supplier’s tender response (including any clarifications e.g., cost) can then be pasted into an Accessibility Schedule.

3. Does the supplier accept the wording of clause(s) to hold the supplier to their specific accessibility commitment(s)?

4. Yes. Include clauses. End

5. No. rework language with supplier.

6. If a compromise is agreed go to 4 include clauses and End.

7 If compromise is not reached. Contract Owner is to escalate to Accessibility Policy Owner.

If a resolution is still not reached then the Contract Owner, Policy Owner and Sponsor are to resolve e.g. raise a formal step out from the company’s accessibility policy or standard(s), or have executive to executive conversation between the company and supplier in regard to the supplier’s commitment to accessibility.

# Glossary of Terms.

## Contract Owner

The main beneficiary of the goods and/or services in the contract when finalized.

Often delegates activities in the procurement process flow within their team.

Is not in Procurement or normally the organisation’s Accessibility SME or policy owner.

## Policy

Is used as a general term to refer to an organisation’s formally stated intent in regard to accessibility e.g., acceptable minimum standards. In this process flow Policy refers to any relevant Procedures, Standards, or formal Policy document that an organisation has.

## Policy Owner

In most organisations any step out or deviation from policy/procedure/standards requires the formal approval of the owner. Ideally there is clear guidance regarding what would make an acceptable business case to step out from an Accessibility Policy.

## Sponsor

Normally the senior leadership role within the Contract Manager’s line who is escalated to for assistance in the resolution of any material issues e.g., conflicts with policy.

## Technology Accessibility Selection Tool

The set of accessibility questions and the evaluation mechanism included which have been developed by BDI and further enhanced by Australian Disability Network’s Accessible Procurement Taskforce.