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John Normile  
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NYS Office of General Services  
ESP – Corning Tower – 38<sup>th</sup> Fl.  
Albany, NY 12242

May 31, 2018

Dear Mr. Normile:

Enclosed please find our application and service summary, with supporting materials, requesting the addition of Digital Accessibility and Usability Testing and Remediation Reporting Services ("DAUTRRS") to the procurement offerings afforded through OGS. This service is new and substantially different than any current Preferred Source offering. <sup>1</sup> Please see our proposed definition below and section D of current approved Preferred Source offerings in The OGS List of Preferred Source Offerings publication.

Summary for consideration by the Procurement Council for NYSPSP to include Digital Accessibility and Usability Testing and Remediation Reporting Services ("DAUTRRS"):

1. Service Description-Definition of DAUTRRS (New):

Definition: DAUTRRS is the evaluation of a customer's digital platforms, websites, mobile applications, software programs, PDFs, and other digital documents to ensure compliance with accessibility and usability regulations and standards to allow people who are blind, visually impaired, or print disabled to enjoy barrier-free use of, and access to, digitized communications and information. This service may include digital assessment, testing, and reporting of recommended remediation, as well as knowledge transfer but does not include implementation of the recommended remediation by the Preferred Source. DAUTRRS evaluations will reference the applicable regulations, standards, and policies against which the customer's media is tested, as set forth by federal, State, and local governments as well as the customer, such as Section 508 of the Rehabilitation Act of 1973, NYS Information Technology Policy, etc.

Evaluations/audits of digital platforms are performed using automated accessibility testing and manual usability testing procedures. DAUTRRS allows for the delivery and implementation of best practices and protocols that ensure frequently visited areas within New York State's digital offerings are designed so they are usable and functional to people who are blind or print disabled. Examples include, but are not limited to: Taxes and E-Filings, Voter Registration, New York DMV Registration and Services, Downloadable Electronic Forms and Applications, Agency Reservation Systems, Online Services, Job Boards and Employment Opportunities, and any digital communication or information made available to the public.

Feedback is delivered upon completion of all audits and testing in the form of a comprehensive report or Corrective Action Plan (CAP) that is shared with the respective individuals responsible for managing, maintaining and/or updating digital platforms and digital offerings. The final CAP, documents all accessibility violations and remediation suggestions to be implemented, with subsequent guidance, knowledge transference and instructions available to support the remediation effort necessary to remove any accessibility violation and maximize the user experience for individuals reliant on assistive technologies.

Guidance and remediation suggestions on removing violations are delivered by the DAUTRRS team via a clear and concise narrative report, explaining all aspects of the CAP, and guiding clients through the proper remediation implementation to achieve full compliance with all mandates, regulations and best practices governing digital inclusion. Any direct computer programming, coding or manipulation of any digitized platforms necessary to achieve digital compliance with said regulations or mandates is outside the scope of this application.

Providing accessible and usable barrier free Digital platforms is mandated under federal and state law, specifically, Titles II and III of the [Americans with Disabilities Act of 1990](#), Sections 508, 504 and 503 of the [Rehabilitation Act of 1973](#) and Best practices and protocols as outlined by the [Worldwide Consortium for Accessibility Governance](#).

For typical users accessing digitized communications, information and content there is no discernable difference between a compliant digital offering or platform and one that has not been optimized to comply with regulations, mandates and best practices for digital inclusion. In fact, many of the accessibility standards are best practices for general web development positively impacting the end user experience for people of all abilities equally. But when a platform is not coded or optimized properly, millions of people who are blind, severely visually impaired, aging or print disabled are barred from accessing and using the same. Consistency in headings, font sizes, and colors, Meta tags for pages, useful descriptions for images, and transcripts for audio and video features are important design considerations regardless of the potential audience, lending these practices to making all digital platforms and digitized documentation more accessible, usable and functional to all people.

[The New York State Information Technology Policy](#) mandates that digital platforms in New York conform with the Federal regulations. NYS Information Technology Policy for Accessibility of Web-Based Information and Applications applies to all State government entities as directed in NYS Executive Order No. 117. The policy is intended to allow increased availability to users accessing State websites, digital documents, software and systems.

[https://its.ny.gov/sites/default/files/documents/nys\\_p08-005\\_memo\\_09102010.pdf](https://its.ny.gov/sites/default/files/documents/nys_p08-005_memo_09102010.pdf)

What are Digital Accessibility and Usability Testing and Remediation Reporting Services and why are they important?

People with visual, physical, perceptual, developmental, cognitive, and or learning disabilities are collectively referred to as “print disabled.” This definition construes print disability as being unable to read standard printed material due to sensory limitations, such as blindness and visual impairment; physical limitations; organic dysfunction; and cognitive issues such as developmental delays, traumatic brain injury, and dyslexia.

The entire print disabled community rely on the use of assistive technologies. Unfortunately, because of digital platforms lacking the simple programmatic codes that bridge the digital divide, millions of individuals are barred from finding and keeping gainful employment or have that option eliminated, compromising their ability to live independent and fulfilling lives.

Accessible, usable and functional digitized communications and platforms are essential for all people in the 21<sup>st</sup> Century. Non-compliant digital offerings leave those with disabilities (particularly the blind and visually impaired) at a tremendous disadvantage. Approximately half a million New York residents have a visual disability (American Community Survey, 2015) and 5 million have a disability (National Council on Disability 2016 Annual Report). Unfortunately, millions of New Yorkers will become print disabled due to the increasing aging population, as well as those suffering from degenerative diseases such as diabetes and macular degeneration.

Making a digital platform accessible does not necessarily make it usable. For example, if an image contains a Meta tag that just says “image”, it will pass all automated accessibility tests and be qualified as accessible or compliant; however, that description, “image,” conveys no useful information to the screen reader navigating the page. Manual accessibility testing is the only way to determine if a digital platform is both accessible and usable to all end users reliant on assistive technologies. A more descriptive tag should convey information about the image and hyperlink if it’s a linked image. For example, a proper description of an image of an envelope would be: “image of envelope – click here for your messages”. If a site is both usable and accessible, users have a much better chance of being able to use a website or digital document to garner the information they need. Providing the best accessible user experience can be achieved by adopting the best practices for website design and development as specifically outlined by [WCAG 2.1 AA standards](#).

### Examples of Adaptive Technology

The variety of adaptive and assistive tools used by individuals with a severe visual impairment or a print disability include, [screen readers](#), magnifiers, [braille displays](#) and speech to text technologies. One of the most widely used tools, for the blind and print disabled needing to navigate the web is a screen reader. These devices and software convert printed text into an audio output reading the text aloud to the user. However, in and of themselves a screen reader is incapable of converting an improperly designed site into useful audio. Screen readers are unable to convert text in order to convey content to an end user, it can only convey the digital information when the platform is properly coded. So basic functions like navigating to the desired content must be organized and programmed in such a way that a user listening for audio cues can find their way around the site. Without properly coded design elements, even the simplest aspects of a site break down, and the site becomes impossible to use. Some of the popular screen readers are: NVDA, JAWS and Window-Eyes

## Examples of Inaccessible Digital Documentation or Communication:

- A town wishes to collect feedback from citizens regarding a potential change to their community programs, but the form fields cannot be read by a screen reader.
- A citizen with low vision wishes to look up their property tax record on their iPad, but the county's website does not allow the user to zoom in on the text; so, they cannot make the text large enough to read.
- A video is posted on a public facing website, but it does not include captioning, a transcript for constituents, audio description, or the video does not allow the end user to independently control the video or is not compatible with assistive technologies.<sup>i</sup>

## How are Accessibility and Usability testing services Performed (The Process)?

Digital assessments, audits or evaluations for compliance are performed through a combination of automated and manual testing procedures. First, specialized automated software will scan the desired website pages and documents, capturing approximately 30% of the accessibility errors or violations. Manual testing comprises the remaining 70% of the testing. It is the manual testing that is done by qualified employees who rely on and are proficient users of adaptive technology. A CAP is provided at the conclusion of the evaluation and testing service. Timeframes for testing and reporting will vary depending on scope, complexity of each service engagement and specific timeframes for execution of the same. Examples of the audit MBS CAPs are enclosed in this application.

### 2. Market Information

DAUTRRS is a procured service mandated and required by various agencies within State government, including local municipalities and educational institutions. According to the Census Bureau, 3.6% of the US Population have a sensory disability (hearing or visual), 8.2% have mobility impairment and 4.8% have a cognitive disorder. Collectively these individuals are print disabled and require accessible, usable and functional websites, mobile apps, downloadable documents, and other digitized offerings that comply with both federal and state regulations.

Determining the market for this service is somewhat challenging, but a recent uptick in litigation has caused governmental agencies to look closer at the regulations and mandates governing digital inclusion. Our Offices have experienced an increased interest and request for providing inclusive digital accessibility services, most recently from CUNY, SUNY, various community colleges as well as state agencies like NYS ITS and DMV. Two DAUTRRS engagements with NYSPSP and DMV and related CAPs are included as addendums to this application.

In March of 2017, an article entitled "Benchmarking U.S. Government Websites", was published by the [Information Technology and Innovation Foundation \(ITIF\)](#). The article reported that 92% of over 300 of the most frequently visited federal websites failed to meet the benchmarks and standards for speed, [mobile friendliness, security, and accessibility](#). [The ITIF reported that 42 percent of the websites evaluated were found to be out of digital compliance with federal regulations and mandates for users with disabilities.](#) [In early 2016, New York City enacted accessibility standards for public facing digital portals](#) for city and governmental agencies. With the growing awareness of digital inclusion and how accessible and usable digital platforms

impact people of all abilities, addressing these violations and breaches present within New York's digital infrastructures is critically important.

Many end users reliant on accessible, usable and functional digitized communications and information have filed lawsuits against corporations and governmental agencies that do not comply with the regulations and mandates governing digital inclusion. New York State digital portals and platforms, including many of our educational institutions, have suits filed against them due to the failure to comply with the regulations and mandates governing digital inclusion. In a suit brought against the [NYS DMV by the National Federation of the Blind \(NFB\\_\)](#), argued that the state agency's public facing digital platforms were inaccessible barring people with disabilities from accessing online voter registration .

Additionally, in 2017 8 New York Universities, including [Hofstra, Fordham and Long Island University](#), were named in a lawsuit brought against them by Emanuel Cruz. Emanuel is a student who is blind, and argued that these breaches and violations violated the ADA, compromising his access to a proper education and possible employment. Additional documents detailing the outcome of settlements over digital content and accessibility that demonstrate the demand for this service are included as addendums

The recent increase in demands for digital accessibility governance services from state and city agencies is due in part to stronger laws, Executive Orders and court ordered settlement or decisions, or perhaps it is due to state agencies, educational institutions and school districts taking a proactive role in working to adhere to the laws to avoid becoming a defendant in a needless lawsuit. As requests for Digital Accessibility and Usability Testing and Remediation Reporting Services continue to increase, we believe there will be a growing demand for subject matter experts in inclusive digital design and development, impacting the overall market for these services.

#### Sources Utilized to Determine the DAUTRRS's Marketplace

- OSC Directory of Frequently Purchased Commodities and Services
- <https://www.osc.state.ny.us/reports/fiscal/directorycommodities.pdf>
- OGS Centralized Contracts (no information was found for DAUTRRS)
- NYS Open Book (no information was found for DAUTRRS)
- NYS Contract Reporter (no information was found for DAUTRRS)
- Google Search Engine and related articles resulting in the Federal DAUTRRS awards
- Consultation with subject matter experts in the DAUTRRS Federal Market

Federally we know the market to be in the millions of dollars. Enclosed in this application are two Federal awards for Accessibility Compliance Services each valued over one million dollars. These awards are attached as addendums to this application.

NYSPSP estimates annual first year sales from the addition of this new services at approximately \$760,000.

Potential Client Engagements	Potential Value
Suffolk County Community College/ Monroe Community College	\$150,000
CUNY	\$500,000
NYS ITS	\$10,000
SUNY	\$100,000
Estimated First Year Value	\$760,000

We consulted the Directory of Frequently Purchased Commodities and Services by NYS Agencies published by the Office of the NYS Comptroller in order to provide an estimate. Current State expenditures for Non-Classified IT Consulting is valued at approximately \$304 million dollars. We anticipate DAUTRRS State expenditures to NYSPSP to be approximately less than one percent of that number.

To conclude- NYSPSP estimates the potential New York State market for DAUTRRS to be in the millions. The services described could be utilized by the State of New York government and its numerous political subdivisions: New York State: 62 county governments, 994 local governments, and 950 school districts. While the DAUTRRS annual expenditures are projected to be in the millions; NYSPSP affiliated member agencies would realistically only be utilized for a fraction of these potential procurement engagements.

### 3. Client Employment

My Blind Spot is a member agency recognized as a subject matter expert in Digital Accessibility and Usability Testing and Remediation Reporting Services. Once approved for inclusion in the OGS Preferred Source Vendor offerings, DAUTRRS will offer employment opportunities and career choices suitable for people who are blind, severely visually impaired or print disabled.

By harnessing the power of adaptive technologies and the drive and ambition of individuals who are blind, severely visually impaired or print disabled, we will be able to train and develop a team of professionals to meet the blind direct labor ratio for this service and anticipate using at minimum 75% direct blind labor for all DAUTRRS engagements.

Specific direct labor tasks related to the performance of DAUTRRS include compliance analysis and testing for digital platforms such as websites and mobile applications, knowledge transference regarding the development of accessible PDF's and electronic documentation and specialized knowledge transference regarding inclusive digital design and ongoing quality assurance supports centered around compliance with federal and state regulations governing digital inclusion. Our specialists access customer's website(s) and audit each page using the following direct labor tasks which are determinants for a digital platform's overall Accessibility and Usability per 508 and WCAG 2.1 AA Guidelines.

### **Use of automated testing software**

Usability testers implement multiple automated testing software tools against a representative set of individual pages of a website to locate and identify 508 compliance violations. The use of multiple automated testing software tools provides validity to the initial automated test and contrasts the differences between results for a more comprehensive automated accessibility testing approach. In this way, the testers and the project management team can verify false-negatives and false-positives. Each violation is then organized to be provided to and shared with the Certified CPACC Project Manager for analysis.

### **Review all content on every page for accessibility, usability and functionality**

Using screen readers, screen magnifiers, and brail display software, on desktop and mobile device operating systems, blind and visually impaired usability testers manually read and review entire web pages and their content to evaluate whether all components of a webpage are navigable, readable, operable, accessible, and usable. This means reviewing, using, and testing all digital user experience functions of a website, including but not limited to reviewing and testing if every website navigation table/links, any clickable links, and all buttons are usable, featuring accurate labels representative of their intended function, reviewing and testing check boxes, radial buttons, and drop down boxes for accessibility, usability, and functionality, ensuring all images, graphics, and pictures are attributed with functional alternative text, exploring all website content and information contained within tables for accessibility, usability, and functionality, ensuring color contrasts meet 508 and WCAG 2.1 standards, reviewing all headings, tables, website regions, and other navigation structures feature correct labels providing usable information, and verifying all form fields within contact requests, scheduling calendars, newsletter subscriptions, searchable content, etc., are accessible, usable, and labeled with usable information respective to their intended functions. This is an exhaustive manual review and test of every aspect of every mobile app or website. A representative number of high-traffic pages will be tested in lieu of all pages if the client website/application contains an exorbitant amount of individual unique pages.

### **Check all links for functionality and usability**

Checking all links for functionality and usability serves to: 1, locate a link; 2, determine if it has a label and, if it has a label, understand/determine what the label means; 3, click the given link to test for accessibility; 4, review and test if the clicked link executes a function reflective of its given label; 5, navigate back to the previous page and document any/all violations. For example, a usability tester who clicks a link labeled with, "download pdf here," should initiate the download process for the specific pdf and either open the pdf within the internet browser or ask the user where they would like to save this file, so it can be located on their device. If a link is labeled, "appointment scheduling," upon clicking this link, a user will review and test if the page they navigate to is indeed a page where the respective scheduling calendar can be located. The experience is documented, and violations are later reviewed for verification by a Certified CPACC Project Manager.

### **Review all digitized attachments for compliance**

To review all digitized attachments for compliance, a usability tester will: 1, locate a clickable link or button where an attachment may be located; 2, determine what its label means; 3, click the given link or button to test for accessibility and usability; 4, review and test if the clicked link or button initiates the download process for the digitized attachment; 5, begin reviewing and testing the file for accessibility within the internet browser or save it to a known location;

6, if saved, open the file and begin reviewing and testing the file for accessibility, usability, and functionality; 7, document all violations of accessibility for later review and verification by a Certified CPACC Project Manager.

Reviewing and testing digitized attachments for compliance and accessibility includes many of the aforementioned accessibility and usability features, but also includes paginated table of contents, ensuring alternative text attributes are available and representative of the images, graphics, or pictures within the files, tables are useful, navigable, and understandable, and links to other online content within the file or document are labeled, accessible, usable, and functional for users of assistive technology, such as screen readers, braille displays, or screen magnifiers.

#### **Audit the color contrast of each page**

A blind or visually impaired usability tester with extreme vision loss will use an automated accessibility testing tool to audit the color contrast of any given web page. If a violation is detected, the blind usability tester with extreme vision loss will manually navigate to this web page or website and use their assistive technology to review and test whether the given web page or website features a native color contrast tool to adjust the website's or web page's color contrast. If the tool is detected, this usability tester will use their screen reading software and attempt to adjust the color contrast, reviewing and testing the native software for accessibility, usability, and functionality. A legally blind or low-vision usability tester will execute a manual audit of color contrast of a web page, using their screen magnification software and use automated accessibility testing software to verify and validate their manual usability testing results. All violations are documented and provided to CPACC project managers for verification and review. When possible, the hexadecimal codes of the colors will be provided.

#### **Audit the font size and font style for readability/accessibility**

A blind or visually impaired usability tester with extreme vision loss will use an automated accessibility testing tool to audit the font size and font style for readability/accessibility of any given web page. If a violation is detected, the blind usability tester with extreme vision loss will document this violation and provide results to a CPACC project manager for verification and review. A legally blind or low-vision usability tester will execute a manual audit of font size and font style for readability/accessibility of a web page, using their screen magnification software and use automated accessibility testing software to verify and validate their manual usability testing results. All violations are documented and provided to a Certified CPACC Project Manager for review.

#### **Manually review all images, graphics and artwork are tagged properly for usability and accessibility**

Usability testers will manually review and test all images, graphics and artwork on each web page of a website by: 1, reviewing the web page in its entirety to ensure all images, graphics and artwork are detected; 2, review each image, graphic, and artwork for alternative text with screen readers, braille displays, and screen magnifiers; 4, determine what alternative text each image, graphic, and artwork has, if any, and determine whether this information is usable and functional; 5, review and test to ensure every image, graphic, and artwork detected in the initial "read all" review is navigable using navigation commands and keyboard shortcuts; and 6, document all violations for review and verification by a Certified CPACC Project Manager.



### **Ensure all icons and navigation buttons are in working order**

To ensure all icons and navigation buttons are in working order, a manual usability tester must: 1, review the entire web page of a website to identify all icons within and where navigation tables begin and end; 2, ensure each icon and navigation link has a label; 3, ensure the accessibility, usability, and functionality of each icon and link within a navigation table is indeed clickable; 4, review and test if the clickable icon or navigation link executes a navigation function respective to their label; 5, navigate back to the previous location/page; 6, document all violations for review and verification by a Certified CPACC Project Manager.

### **Assess any audio and video plug-ins, Flash or features**

If a website or mobile app contains any audio and video plug-ins, Flash or features, a manual usability tester will review and test their accessibility, usability, and functionality by: 1, review each clickable button of a player or flash content has a label respective to the intended function; 2, ensure those buttons with labels are clickable and execute functions respective to their labels i.e. "Play," "Pause," "Jump Forward," "Jump Back," etc.; 3, document all violations for review and verification by a Certified CPACC Project Manager.

### **Assess if usable for a range of hearing and visual adaptive assistive technology**

A deaf-blind manual usability tester will ensure the accessibility, usability, and functionality of audio and video plug-ins, Flash or features by ensuring either captioning or transcriptions are provided, and a TTY phone line or Video Relay Service line is provided in the instance these features are unavailable. (A Video Relay Service is a video conferencing tool for the deaf-blind and deaf to connect visually with a sign language user or interpreter.

### **Generate a CAP highlighting all issues or non-compliant aspects of the digital platform**

As the automated and manual usability testing is an exhaustive experience, usability testers document their results along the way. This ensures they are taking accurate notes for their final CAP to be delivered to the project management team. Upon completion of their usability testing, usability testers compile their notes into a final report document and forward this information to the project management team. The project management team will in turn provide the client a CAP outlining the accessibility issues categorized by severity level.

All DAUTRRS engagements will meet the required ratio for blind or visually impaired labor. Using the estimated first year value of \$760,000 and a bill rate of \$150 NYSPSP estimates approximately 5,067 project hours and approximately 2.7 FTE's; of which at least 75% would be blind labor. Of these hours NYSPSP estimates that there will be approximately six new employees; one CPACC Project Manager, two Usability Tester, one Software Engineer, Knowledge Transference Specialist and one Accessibility/Usability Support Specialist

#### **4. Preferred Source Members & Experience**

Our affiliate, [My Blind Spot](#) (MBS) will take the lead in providing this service. MBS's CEO Albert Rizzi lost his sight in 2006 and is completely blind. He is a strong advocate for bringing accessible digital inclusion to all.

MBS has two New York offices.

New York City Office  
90 Broad Street - 18th Fl.  
New York, New York 10004

&

Long Island Office  
175 West Main Street, Suite 3  
Babylon, N.Y. 11702

My Blind Spot has full and part time professionals, experienced and trained in providing Digital Accessibility and Usability Testing and Remediation Reporting Services. My Blind Spot intends on building on the relationships they have in place with governmental agencies, corporations and community based organizations by growing their client base to include contracts and engagements with agencies throughout New York State. My Blind Spot has many long term strategic relationships with their clients, which include NYS DMV, the County of Suffolk, Washington State, American Airlines, Pea Pod, Intuit, Stop and Shop, Bill.com, Air Canada, Toyota/Lexus and many others.

Digital Accessibility and Usability Testing and Remediation Reporting Services vary in scope and complexity determined on the needs of each customer. To meet future demands of New York State, we could work with other member agencies that have the capability to offer this service when needed. For example, if a State customer needs this service performed at their location(s), MBS can rely on and utilize affiliate member agencies in that customer's region, however we anticipate most, if not all, testing will be performed through MBS. NYSPSP member agencies such as VISIONS of Manhattan and Olmsted of Buffalo, New York have expressed interest in offering DAUTRRS.

Given the subject matter expertise of My Blind Spot as well as the nature of the work and resources available, we do not anticipate the need for a corporate partner, but welcome the opportunity of working with other industry peers who are preferred vendors to promote awareness of and need for compliant, accessible, usable and functional digitized communications and information.

(Examples of scope and support of costs is included in the attached invoice in this application.)

Why should DAUTRRS be offered as a Preferred Source?

This is a niche stand-alone specialized service where potentially 75-100% of the direct labor in each DAUTRRS engagement can be performed by a blind or visually impaired subject matter expert. My Blind Spot (MBS) is a founding member of the International Association of Accessibility Professionals, and as such, many of their staff are IAAP Certified Professionals in Accessibility Core Competencies (CPACC) and Web Accessibility Specialists (WAS). The CPACC credential certifies an individual as an accessibility professional with a broad, cross-disciplinary conceptual knowledge about disabilities, accessibility, usability and universally inclusive digital standards, laws, and management strategies. The WAS credential certifies an individual as a

professional with specific proficiencies in detailed technical knowledge on WCAG guidelines, standards, and other related web accessibility protocols and procedures.

Adding DAUTRRS as a Preferred Source offering is in keeping with NYS and Governor Cuomo's, "Employment First" initiative. "Governor Cuomo's Employment First Initiative, created through Executive Order 136, is tasked with establishing policies and practices for government, community agencies and advocacy organizations to increase the employment rate of New Yorkers with disabilities; decrease the poverty rate of New Yorkers with disabilities; and encourage businesses to establish formal policies to hire people with disabilities".<sup>ii</sup> NYSPSP and its affiliated member organizations can help advance these laudable goals by offering DAUTRRS and breaking down barriers to public information and online systems.

## 5. Value Added

This application is intended to establish DAUTRRS as a Preferred Source offering. The number of labor hours provided under any DAUTRRS engagements will vary by scope, complexity and overall needs of each customer. DAUTRRS contracts in excess of \$50,000 will be submitted to OGS for approval.

Blind Labor Ratio utilizing 75% Blind Labor will be met or exceeded in all work projects. Examples of testing tasks are outlined in #3-Client Employment and will vary based on the needs of the procuring agency. Please see #8 –Cost/Price Data for price reasonableness.

For DAUTRRS to be executed with proficiency and quality assurance, it is optimal for these services to be performed by stakeholders in the outcomes, professionals who also happen to be blind, severely visually impaired or print disabled, reliant on and proficient in adaptive technologies. Utilizing professionals who are blind or reliant on assistive technologies are themselves the added value for ensuring that digital platforms and portals across New York State not only comply with federal and state standards, but exceed them.

## 6. Direct Labor Workforce

NYSPSP's affiliate members providing DAUTRRS will utilize a direct blind labor ratio of at least 75%. The number of hours for each service agreement will vary by contract/project.

There are many different positions that contribute to a DAUTRRS project/contract. Some engagements are small in nature and would only require the participation of one or more employees (as seen in MBS work done with the Department of Motor Vehicles billed at a rate of \$125.00). Other engagements are much more complex in scope (as seen in the contracts with T-Base/Monroe Community College as well as Level Access Inc./Suffolk County Community College with rates between \$150-160.00) and would likely need the expertise of additional staff such as project manager, knowledge transference specialists, usability testers, software engineers, etc.

In this application, NYSPSP is seeking to establish an hourly billable rate of \$150.00 for DAUTRRS considered to be a comparable industry standard. Job titles and hourly wages will vary per contract and will be detailed in Form 3 of the Preferred Source Service Application Service Cost Summary with the first DAUTRRS OGS contract submission.

All services will be performed by My Blind Spot employees; there will be no subcontracting of any services.

Examples of job titles and job descriptions that would contribute on large and small DAUTRRS projects are listed below:

#### Usability Tester

- Work with CPACC Project Managers and other usability testers to plan, create, and develop controls for inclusive digital design for effective use of assistive technology ensuring accessibility, usability and functionality.
- Conduct and execute structured testing of client websites, mobile apps, downloadable products, and digital offerings.
- Update and recommend proper maintenance of current accessibility software, technology, and hardware to properly and accurately adhere to accessibility and usability standards as set forth under Sections 508, 504 and 503 of the Rehabilitation Act and WCAG testing standards and protocols.
- Work with DAUTRRS Team members to enhance accessibility testing skills and technical knowledge.
- Know and understand the accessibility Test Team work plan, all federal and state standards, including Sections 508, 504 and 503 regulations and WCAG guidelines protocols and procedures.
- Leverage strong written and or verbal skills to document, report, and communicate all accessibility and usability results with clearly defined suggestions for improvements to ensure accessibility and usability.

#### CPACC Project Manager

- Develops and establishes digital design best practices and protocols, and WCAG project charters, scopes of work, goals, work plans, timelines, and implementation strategies.
- Identifies decision-making issues, negotiates multiple project and work demands effectively, and consistently manages project stakeholders successfully.
- Creates and implements the measurement methods to assess progress toward project goals and outcomes.
- Able to understand, interpret and explain federal and state guidelines and regulations as required by Sections 508, 504 and 503 of the Rehabilitation Act and WCAG protocols and procedures.
- Expertise in planning, development, implementation, and evaluation of large, complex projects.
- Experience supervising and managing CPACC Junior Project Managers with ability to provide direction to large and diverse teams.

Software Engineer: **Note:** Software Engineers may possess knowledge or skills that are not directly related to the service offering in this application. The scope of this services does not involve implementation of any recommended remediation. Additionally, the knowledge that a Software Engineer possesses may include the skill set required for accessibility/usability testing and related diagnostic procedures without actually performing any direct remediation.

- Create and use code enhancement, development programs and/or required fixes to production problems using functional and technical programming standards.

- Create and provide inclusive digital design protocols and procedures that adhere with federal and state regulations, WCAG guidelines and other content for operational documentation.
- Utilize standard industry tools, design tools, debugging tools, management programs and any other environment specific tools necessary to create, test, ensure and implement federal and state standards and WCAG guidelines and procedures.
- Implement and adhere to current and most up-to-date federal and state regulations and WCAG guidelines and protocols.
- Use of current and most up-to-date automated and manual testing methods, and ability to review, identify, and correct subsequent coding errors in adherence to federal and state standards and WCAG guidelines and protocols.
- Review and maintain industry standard processes to ensure adherence to current federal and state regulations and WCAG guidelines and protocols.
- Design applications and provide coding to meet the functional and technical programming federal and state regulations and most current WCAG guidelines and protocols.
- Interpret user testing results into design and coding specifications.
- Confers with other business and technical personnel to resolve problems of content, inaccuracy, or feasibility of computer processing.
- Leverages excellent written and verbal communication skills to develop business process and programming solutions as directed by business and technical stakeholders.
- Utilize deep modeling, design and coding skills.

Knowledge Transference Specialists enable organizations to maximize their effectiveness in accessibility knowledge transference and support staff by offering subject matter expertise in order for the organization to disseminate the acquired knowledge to internal stakeholders.

- Demonstrates proficiency in educating and facilitating the transference of knowledge to professionals through the communication of advanced technical language into understandable outcomes.
- Ability to understand, interpret and explain federal and state guidelines and regulations as required by Sections 508, 504 and 503 of the Rehabilitation Act and WCAG protocols and procedures.
- Introduces users to the Worldwide Consortium of Accessibility Guidelines (WCAG) 2.1 AA for meeting and exceeding current Federal and State accessibility standards and best practices.
- Provides instruction for labeling images with alternative text attributes, how to label buttons, headings, links, etc., review and repair inaccessible pdfs and how to make subsequent changes to meet compliance standards.
- Provides the framework and approach for accurately interpreting and incorporating feedback of hands-on accessibility and remediation assessments into actionable Corrective action plans and next steps.
- Provides individual information on accessibility standards, usability best practices, and how to meet or exceed the Worldwide Consortium of Accessibility Guidelines (WCAG) 2.1 AA.

Accessibility/Usability Support Specialist

- Maintains knowledge proficiency and education of current federal and state regulations and WCAG guidelines and protocols.
- Provides support to clients requiring guidance and ongoing direction for protocols and procedures for ensuring compliance for the design, development, and implementation of digital platforms and portals according to Sections 508, 504 and 503 of the Rehabilitation Act and WCAG guidelines.

- Checks websites, mobile apps, and downloadable documents to ensure benchmarks for WCAG 2.1 AA standards and regulations are met.
- Answers specific post-knowledge transference questions on accessible design or remediation efforts including how to label images with alternative text attributes, label buttons, headings, links, and or review and repair inaccessible pdfs.
- Escalates issues and concerns to the appropriate subject matter experts.
- Provides expert support on accessible platforms and courses, pdfs, website content updates, or other accessible digital offerings.

Using the estimated first year value of \$760,000 and a bill rate of \$150 NYSPSP estimates approximately 5,067 project hours and approximately 2.7 FTE's, of which at least 75% would be blind labor. Of these hours NYSPSP estimates that there will be approximately six new employees; one CPACC Project Manager, two Usability Tester, one Software Engineer, Knowledge Transference Specialist and one Accessibility/Usability Support Specialist.

## 7. Cost Benefit Analysis

The benefits for offering DAUTRRS as a Preferred Source are many. Here are a few:

1. Reduced risk to litigation, citations for various lawsuits leveled against county seats and states will be attached as an addendum. "Most of these lawsuits have been filed in federal court (primarily in New York, Florida, and California), and many are styled as class actions. The relief sought is primarily injunctive, prohibiting any additional alleged discriminatory activity, and requiring website remediation to allow people with various disabilities to access the content therein, in addition to awards of attorneys' fees and costs (there are no monetary damages available in Title III cases)."<sup>2</sup>
2. Social capital realized through digital inclusion of the nearly 5M residents with a disability.
3. Digital inclusive work environments which open pathways to employment for blind and print disabled people.
4. Decreased demands on state entitlement programs and public assistance due to improved digital work environments.
5. Increased revenues from new contingents of tax payers not currently included in the workforce.
6. Decrease the 70% unemployment and under employment rates amongst blind and visually impaired residents.
7. Improved access to digitized communications and information to ensure an educated and informed electorate.
8. Ensure equal barrier free access to digitized information.
9. Ensure equal access to education for students, and to parents needing to rely on digitized information to track their child's progress, including elementary, secondary and post-secondary educational institutions.

All of the benefits provided above would be realized by New York's State and county agencies, it's political subdivisions, community based organizations, state schools, including K thru 12, colleges and universities, the NYSPSP and New York residents of all ages and abilities. There are broad social and economic impacts to be realized. Having DAUTRRS as a Preferred Source

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<sup>2</sup> <https://www.jdsupra.com/legalnews/ada-website-accessibility-lawsuits-on-16925/>

offering will not only maintain but add to Client Employment with the addition of direct blind labor hours. With this addition comes the potential to reduce the exceedingly high unemployment and underemployment rate of the blind and visually impaired. In addition, DAUTRRS direct blind labor hours are professional positions where specialized knowledge transference is required quite different than most of our positions that utilized blind and visually impaired employees in manufacturing and assembly settings. DAUTRRS is an opportunity for the underserved community of blind and visually impaired individuals to use their innate abilities and the assistive technologies that promote their independence to not only ensure compliance with Federal and State regulations and policies for inclusive digital accessibility, but creates avenues of gainful employment for themselves and their peers and colleagues within the disability community across New York State. As note above there is a potential for the addition of 2.7 full time employees (~2 blind or visually impaired full time employees at 75% of 2.7 FTE's) based on potential engagements with anticipated staff additions based on year over year growth as DAUTRRS matures as a Preferred Source Offering.

## 8. Cost/Price Data

Digital Accessibility and Usability Testing and Remediation Reporting Services are needed in various forms for legal, law enforcement, health & social services, insurance, education, and other government capacities. In our application you will find two contracts that will serve as market comparisons. The first contract is between T-Base Communications and Monroe Community College. The hourly rate for this contract is \$150.00. The second contract, with a billable hourly rate of approximately \$160 per hour, is between Level Access, Inc. and Suffolk County Community College. Both contracts are for Digital Accessibility and Usability Testing Services with the same approximate rate of \$150.00-\$160.00 per billable hour. The bill rate includes all employee wages (direct and indirect), fringe benefits, insurance, equipment costs, supplies and overhead.

NYSPSP is seeking a billable rate of \$150.00 for the delivery of Digital Accessibility and Usability Testing and Remediation Reporting Services which is within 15% of the prevailing comparable market rates.

### Prevailing Market Resource Search:

- a. Centralized contracts were searched and requested via FOIL. The applicable rate information was redacted citing an unwarranted invasion of privacy and constituting trade secrets.
- b. N/A
- c. We have included two contracts in our application for competitively awarded DAUTRRS contracts to commercial vendors by NYS Community Colleges.
- d. We have included non-preferred source private sector pricing in our application.

## 9. Current Suppliers

This service is already being purchased by State and county agencies, political subdivisions, community based organizations and statewide educational institutions. Our application includes two contracts that NYS community colleges have entered with providers of Digital Accessibility and Usability Testing and Remediation Reporting Services.

The grid below is a snapshot of those corporations and firms that bid on the Monroe Contract for Digital Accessibility and Usability Testing and Remediation Reporting Services. We do not know if all of these companies are responsible bidders or if any companies except T-Base and Level Access, Inc. are being utilized for NYS procurement opportunities for Digital Accessibility and Usability Testing and Remediation Reporting Services.

Company	Contact	City	State
Meeting the Challenge, Inc.	Kent Kelley	Colorado Springs	Colorado
BrightLeaf Group, Inc.	Rachel Hindman	Austin	Texas
Bureau of Internet Accessibility	Joe Kaskie	East Greenwich	Rhode Island
Beacon Technologies, Inc.	Kent Dickinson	Greensboro	North Carolina
Phu Concepts	Latrell Liptrot	Rochester	New York
School Wholesale Supplies LLC	JP Das	NASHVILLE	Tennessee
RDW Group Inc	Sean Sweeney	Boston	Massachusetts
T-Base Communications USA, Inc.	Deanna White	Ogdensburg,	New York
The Paciello Group	Brian Landrigan	Nashua	New Hampshire
Siteimprove, Inc.	Liz Wieser	Minneapolis	Minnesota
Level Access, Inc.	Rachael Edenbaum	Vienna	Virginia
Heinemann & Co., Inc.	David Heinemann	Reston	Virginia
BrainSurface LLC	Omar Farooq	Dallas	Texas
Government Vine	Alysia Holgate	Baton Rouge	Louisiana
Whittaker Brothers	Roland Whittaker	New York	New York
HTI Visions	Omar Sangurima	Yorktown Heights	New York
Infojini, Inc.	Sandeep Harjani	Linthicum Heights	Maryland
GH, LLC	WUNJI LAU	Lafayette	Indiana
Niki Jones Agency, Inc	Niki Jones	Port Jervis	New York
AM Associates	Aman Jain	Nagpur	
Floral Park Consulting LLC	Jack Brownes	Floral Park	New York
NYSPSP	Tim Fiori	Albany	New York
Finger Lakes Technology Group	Scott Thompson	Victor	New York



## 10. Preferred Source Suppliers

As mentioned in the Client Employment section of this application; My Blind Spot will take the lead on DAUTRRS projects at NYSPSP.

My Blind Spot Inc.  
<https://myblindspot.org/>

NYSPSP estimates annual first year sales from the addition of this new services at approximately \$760,000.

Potential Client Engagements	Potential Value
Suffolk County Community College/ Monroe Community College*	\$150,000
CUNY	\$500,000
NYS ITS	\$10,000
SUNY	\$100,000
Estimated First Year Value	\$760,000

\*Competitively bid but not awarded

### Overview

People in New York State who are severely visually impaired or print disabled are under employed and unemployed at a rate of 70%. My Blind Spot’s mission is to inspire access for people of all abilities. We advocate for authentic inclusion ensuring that Ability is included alongside gender, race, orientation and religion in both our social and corporate cultures. My Blind Spot believes that New Yorkers with disabilities are entitled to gainful employment, access to a barrier free education and to independence. This can only be realized by providing accessible and usable products and services to all the residents of New York, by requiring community based organizations, including most public authorities, municipalities, state agencies and educational institutions to implement authentic inclusion. Through these efforts, we will be able to help people with a disability execute in life.

Over the past 3 years, NYSPSP has enjoyed significant growth in sales and direct labor hours for people who are blind, primarily through new product and service offerings approved by NYS. State purchases through our program have led to significant increases in employment hours and wages paid to over 450 employees who are blind across the State. Our primary focus is adding new services to our offering. “Service” based employment provides a higher average wage for employees, more labor hours and more FTEs.

### NYS Small Business Impact

Regarding impact on NYS small business, Empire State Development is currently viewing our materials for approval. NYSPSP believes that our small non-profit member agencies that would

perform this service are inherently limited by economic and operational challenges that would preclude them from having significant effects on the market.

In addition, our market comparisons illustrate that when Digital Accessibility and Usability Testing and Remediation Reporting Services have been put out to bid, procurement was awarded to two companies that are not MWBE certified (T-Base and Level Access, Inc.) Lastly, a keyword database search of the 8,251 companies listed in the NYS Directory of Certified MWBE Firms generated zero returns. Sample keywords and phrases searched were, “508 service”, “compliance” and “website accessibility”.

Lastly, rather than compete for business opportunities, My Blind Spot and NYSPSP welcome the possibility of working with small business, MWBE and SDVOB vendors. Together we may avail ourselves to new opportunities that spread the message of accessibility and inclusion, create awareness, increase digital compliance and usability and demonstrate how adhering with laws, Executive Orders and best practices we collectively strengthen our value for those who procure our services.

We look forward to providing this service to New York State and welcome any questions or clarifications you might require as you perform your review.

Sincerely,



Colleen Franchini  
NYSPSP Program Manager- Administration  
(518) 621-0640

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<sup>i</sup> <https://www.levelaccess.com/industries/state-local-government/>

<sup>ii</sup> <https://www.governor.ny.gov/news/governor-cuomo-announces-24-million-funding-support-employment-individuals-disabilities>