



**MEMORANDUM**

**To:** New York State Procurement Council  
**From:** OGS Preferred Sources Team (as Staff to the New York State Procurement Council)  
**Date:** September 7, 2018  
**Subject:** New York State Preferred Source Program for People Who Are Blind (“NYSPSP”) Application to Add Digital Accessibility and Usability Testing and Remediation Reporting Services (“DAUTRRS”) to the List of Approved Preferred Source Offerings (the “List”)

**OVERVIEW**

NYSPSP submitted an application for preferred source designation to provide DAUTRRS to the New York State Office of General Services (“OGS”) and Empire State Development (“ESD”) on May 31, 2018 and amended on July 2, 2018 and September 4, 2018.

My Blind Spot Inc. (“My Blind Spot”) will be the lead member organization providing this service through NYSPSP. NYSPSP maintains that in order to meet potential future demands of New York State, they have other member agencies that may have the capability to offer DAUTRRS in the future, however they anticipate most, if not all testing will be performed through My Blind Spot at this time. The addition of DAUTRRS as an NYSPSP preferred source offering will help ensure that the blind workforce at My Blind Spot are provided with ongoing, meaningful, long-term employment.

**PROPOSED DEFINITION** – See Attachment A.

**LEGAL AUTHORITY**

State Finance Law § 162(3)(b) provides that the Procurement Council may recommend the addition of services to the List based upon a review of relevant factors as determined by the Procurement Council “including costs and benefits to be derived from such addition and shall include an analysis by the Office of General Services.”

In addition, the Preferred Source Guidelines adopted by the Procurement Council contain detailed requirements for applications to add commodities or services to the List, set forth in Section X.D., Application Requirements. Such requirements include, among other things: (1) Service Specifications, including a recitation as to how the service is new or substantially different from the services already offered by the preferred source; (2) Market Information, including information on the potential market for the new service; (3) Client Employment, including the nature of the tasks workers with disabilities will perform; (4) Preferred Source, identifying of the specific preferred source member organizations that will provide the service; (5) Value Added, identifying the value added by the preferred source client labor to the service; (6) Direct Labor Workforce, identifying the number and hours of direct labor to be performed by people with disabilities, including the percentage of direct labor to be performed by workers with disabilities; (7) Cost/Benefit Analysis, including a summary of projected costs and benefits expected to accrue to the State and the preferred source, as well as broader social and economic impacts on client employment and government costs; (8) Cost/Price Data, providing information sufficient for OGS to approve the price data and confirm that the price of the service will not exceed 15% above prevailing market price; (9) Current Suppliers, identifying the current suppliers or contract holders of the proposed service if known; and (10) Preferred Source Suppliers, providing the projected first year value of anticipated contracts, information on any proposed suppliers, and any information as to methods employed in selecting such suppliers.

**NYSPSP APPLICATION INFORMATION**

1. Service Specifications

NYSPSP has requested that DAUTRRS, as defined in Attachment A, be added to the List. The NYSPSP application provides an overview of the service proposed to be offered by the Preferred Source and includes a description of the labor and work processes proposed. This application contains job titles and descriptions, a proposed hourly bill rate, and private sector comparable pricing demonstrating price reasonableness.

2. Market Information

NYSPSP utilized the following sources in its research of the market place for DAUTRRS: The Office of the New York State Comptroller’s (“OSC”) Directory of Frequently Purchased Commodities and Services, OGS Centralized

Contracts (currently, there is no NYS centralized contract that offers this service), OCS's Open Book New York (no information was found for DAUTRRS or similar digital accessibility services), NYS Contract Reporter (no information was found for DAUTRRS or similar digital accessibility services), Google Search Engine and related articles, and consultation with subject matter experts in the DAUTRRS federal market. The OSC Directory of Frequently Purchased Commodities and Services values current State expenditures for Non-Classified IT Consulting Services at approximately \$304 million. The category of Non-Classified IT Consulting Services encompasses a broad range of services, and NYSPSP estimates State expenditures for DAUTRRS to be less than one percent of \$304 million. The less than one percent will be based on the need for these services by CUNY, SUNY, various community colleges as well as State agencies such as NYS Office of Information Technology Services ("ITS"). NYSPSP projected first year sales of \$760,000 from the addition of this new service.

NYSPSP's projection of first year sales specifically includes:

- \$150,000 spent by Suffolk County Community College/Monroe Community College for digital accessibility services. These contracts were awarded to private sector vendors but would have likely been awarded to NYSPSP if DAUTRRS was an approved Preferred Source service.
- \$500,000 potential spend by CUNY
- \$10,000 potential spend by ITS
- \$100,000 potential spend by SUNY

NYSPSP has also included two completed projects for DAUTRRS between NYSPSP (as a non-preferred source service or discretionary spend) and Department of Motor Vehicles ("DMV") in its application, however the value of these engagements (\$2,387.50) is not included in its projection of first year sales.

3. Client Employment

NYSPSP maintains that a successful application will provide NYSPSP and its Member Agencies with a basis to provide new opportunities for ongoing employment for people that are blind and visually impaired. Based on the estimated first year sales and its proposed hourly bill rate, NYSPSP estimates 5,067 direct labor hours will be created in the first year through the addition of this service, equating to approximately 2.7 Full-Time Equivalents ("FTEs"). According to NYSPSP, all DAUTRRS engagements will meet the required ratio for blind and visually impaired labor. NYSPSP maintains that DAUTRRS applications will utilize a blind direct labor ratio of at least 75%, which exceeds the Preferred Source Guidelines requirement for applications involving less than 10 FTEs. NYSPSP estimates that there will be six new My Blind Spot employees if this new service is approved; one Project Manager, two Usability Testers, one Software Engineer, one Knowledge Transference Specialist, and one Accessibility/Usability Support Specialist.

4. Preferred Source

My Blind Spot will be the primary Preferred Source providing DAUTRRS. NYSPSP states that My Blind Spot is a founding member of the International Association of Accessibility Professionals ("IAAP"), and as such, many of its staff are Certified Professionals in Accessibility Core Competencies ("CPACC") and Web Accessibility Specialists ("WAS"). According to the IAAP website, the CPACC credential certifies an individual as having broad, cross-disciplinary knowledge about 1) disabilities, 2) accessibility and universal design, and 3) accessibility-related standards, laws, and management strategies. Similarly, the IAAP website defines the WAS credential as the ideal credential for those who personally design, develop, implement, evaluate, or manage the technical details of accessible web solutions.

NYSPSP intends to work with traditional non-profit member agencies for the provision of this service, but would consider the possibility of corporate partnerships, should the opportunity arise to promote awareness of and need for compliant, accessible, usable, and functional digitized communications and information.

5. Value Added

NYSPSP has reported that blind and visually impaired individuals will perform functions, including, but not limited to:

- Use of automated testing software;
- Review all content on every page for accessibility, usability, and functionality;
- Check all links for functionality and usability;
- Review all digitized attachments for compliance;
- Audit the color contrast of each page;
- Audit the font size and font style for readability/accessibility;
- Manually review that all images, graphics, and artwork are tagged properly for usability and accessibility;

- Ensure all icons and navigation buttons are in working order;
- Assess any audio and video plug-ins, flash, or features;
- Assess if usable for a range of hearing and visual adaptive assistive technologies; and
- Generate a Corrective Action Plan (“CAP”) highlighting all issues or non-compliant aspects of a digital platform.

6. Direct Labor Workforce

As mentioned above, NYSPSP’s Member Agencies providing DAUTRRS will utilize a direct blind labor ratio of at least 75% on every service application. According to NYSPSP, the number of hours for each service application will vary by project. Based on the estimated first year sales and its proposed hourly bill rate, NYSPSP estimates 5,067 direct labor hours will be created through the addition of this service, equating to approximately 2.7 FTEs. The following job titles will be created through the addition of DAUTRRS as a Preferred Source Service offering (see NYSPSP’s application for the duties associated with each job title):

- Usability Tester
- CPACC Project Manager
- Software Engineer
- Knowledge Transference Specialist
- Accessibility/Usability Support Specialist

7. Cost/Benefit Analysis

NYSPSP maintains that having DAUTRRS as a Preferred Source service will not only preserve but will create additional employment opportunities for blind and visually impaired individuals. In the first year the service will allow for the creation of an estimated 5,067 direct labor hours, with projected sales of \$760,000, and with at least 75% of those hours being performed by blind or visually impaired workers. This equates to the addition of approximately 2.7 FTEs of disabled labor, with the expectation that employment opportunities will grow as DAUTRRS matures as a Preferred Source Offering. The benefits of DAUTRRS include, but are not limited to:

- Provide equal, barrier-free access to digitized information for blind and print disabled individuals. This will facilitate inclusion of nearly 5 million individuals with a disability;
- Decrease of the 70% unemployment and under employment rates amongst blind and visually impaired individuals;
- Reduced risk of litigation/citations for agencies who are currently non-compliant with federal and State laws; and
- Decreased demands on entitlement programs and need for public assistance through the creation of additional employment opportunities.

8. Cost/Price Data

In the absence of spending information from a New York State centralized contract, NYSPSP submitted private sector market comparisons as demonstration of the reasonableness of its proposed hourly bill rate for DAUTRRS. NYSPSP submitted two contracts to serve as market comparisons.

The first market comparison is a contract between T-Base Communications and Monroe Community College (“MCC”). MCC sought a contractor to assist in making its website fully accessible to individuals with disabilities, which included auditing both outward facing and internal pages to determine functionality and accessibility for individuals with disabilities. T-Base Communications’ billable rate was \$150.00/hour for digital accessibility services.

The second market comparison is a contract between Level Access, Inc. and Suffolk County Community College (“SCCC”). SCCC sought a qualified consultant to provide digital accessibility audit services in connection with its efforts to ensure the accessibility of its website and online content to individuals with disabilities. Level Access, Inc.’s billable rate was \$160.00/hour for digital accessibility services.

NYSPSP is seeking a billable rate of \$150.00/hour for the delivery of DAUTRRS, which is within 15% of prevailing market price in accordance with the OGS Guide to Prevailing Markets - Category D: Private Sector Pricing.

9. Current Suppliers

NYSPSP supplied a list of vendors currently providing digital accessibility services throughout the United States and abroad, from states such as New York, Colorado, Texas, Rhode Island, North Carolina, Tennessee, Massachusetts, New Hampshire, Virginia, Louisiana, and Indiana, as well as overseas in Nagpur, India. The two vendors mentioned above, T-Base Communications and Level Access, Inc, who have provided digital accessibility services for New York State agencies, are among this list of vendors.

10. Preferred Source Suppliers

As mentioned above, NYSPSP estimates first year sales of \$760,000 from the addition of DAUTRRS to its services catalog.

My Blind Spot will be the primary NYSPSP Member Agency providing DAUTRRS. My Blind Spot has two New York offices located in New York, NY and Babylon, NY. NYSPSP has also identified its Member Agencies VISIONS, located in Manhattan, NY and Olmsted Center for Sight, located in Buffalo, NY as potential providers of DAUTRRS.

**EMPIRE STATE DEVELOPMENT REVIEW:**

As of the date of this summary, OGS has not received ESD's recommendation regarding this application.

**STAFF FINDINGS:**

1. The OGS Preferred Source Team reviewed the NYSPSP application submitted to OGS and ESD on May 31, 2018, and revised on July 2, 2018 and September 4, 2018, together with supplemental information and has determined that the application meets the requirements of Preferred Source Guidelines, § X.B. and § X.D.
2. This application is to add Digital Accessibility and Usability Testing and Remediation Reporting Services (DAUTRRS) as a new service category to List D of the List of Preferred Source Offerings.

**STAFF RECOMMENDATION TO THE PROCUREMENT COUNCIL**

Based upon the foregoing, Staff recommends that the Procurement Council approve NYSPSP's application to add the new service category of DAUTRRS to Section D of the List, and grant NYSPSP preferred source status for DAUTRRS as referenced throughout this memorandum.

Staff also recommends that the Procurement Council approve the definition of DAUTRRS, as set forth in Attachment A.

Following such approvals, Section D of the List will be updated to include the approved definition of DAUTRRS and to add a checkmark (✓) to identify NYSPSP's Preferred Source Status for DAUTRRS as identified in this application.