19104663D

1 **HOUSE BILL NO. 2804**
2 Offered January 18, 2019
3 *A BILL to amend the Code of Virginia by adding a section numbered 2.2-4311.3, relating to the*
4 *Virginia Public Procurement Act; professional and information technology project services contracts;*
5 *verification of work.*
6 _____

Patrons—LaRock and Davis; Senator: Vogel
7 _____
8 Referred to Committee on General Laws
9 _____
10 **Be it enacted by the General Assembly of Virginia:**
11 **1. That the Code of Virginia is amended by adding a section numbered 2.2-4311.3 as follows:**
12 *§ 2.2-4311.3. Verification of work for professional and information technology project services;*
13 *required contract provisions.*
14 *A. All state agencies shall include in every written contract for professional or information*
15 *technology project services provisions requiring the contractor to use verification software to determine*
16 *whether the hours billed for work under the contract that is performed on a computer are legitimate.*
17 *Such provisions shall specify that the agency will not pay for hours worked on a computer unless those*
18 *hours are verified as legitimate by the software or by the data collected by the software.*
19 *B. Software satisfying the contract provisions required by this section must do the following:*
20 *1. Permit the agency or an auditor of the agency to have real-time or retroactive access to data*
21 *collected or provided by the software;*
22 *2. Automatically gather verification data of state-funded activity by tracking total keystroke and*
23 *mouse event frequency and taking a screenshot at least once every three minutes;*
24 *3. Provide to the agency or an auditor of the agency the automated real-time cost status of each*
25 *task;*
26 *4. Provide to the agency professional biographical information;*
27 *5. Protect data collected by the software according to the terms of the contract between the*
28 *contractor and the Commonwealth; and*
29 *6. Permit the agency to provide immediate feedback to the contractor on work in progress.*
30 *C. The data collected by the software shall be considered accounting records belonging to the*
31 *contractor. The provisions of the contract shall require the contractor to store, or contract with another*
32 *person to store, the data collected by the software for a period of seven years. The contractor shall*
33 *provide access to such data to the contracting agency upon request.*
34 *D. The contractor shall not charge the agency or an auditor of the agency for access to or use of*
35 *the work verification software or for access to or retrieval of data collected by the software.*
36 *E. Software used under this section shall be procured by the contractor from an independent entity.*