

20103004D

HOUSE BILL NO. 680

Offered January 8, 2020

Prefiled January 6, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4311.3, relating to Virginia Public Procurement Act; information technology project services contracts; behind schedule; verification of work.*

Patrons—LaRock, Cole, M.L. and Fowler

Referred to Committee on General Laws**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 2.2-4311.3 as follows:****§ 2.2-4311.3. Verification of work for information technology project services; required contract provisions.**

A. All state agencies shall include in every written contract for information technology project services provisions providing that the agency shall not be required to pay for hours worked on a computer and billed by the hour on a project that (i) is more than one year behind on any scheduled contract performance dates or actual completion dates or (ii) has accrued costs in excess of \$1 million over the initial contract price, unless such hourly work is verified as legitimate by automatic billing verification software that:

1. Automatically counts and reports the number of keystrokes and mouse events without recording any actual keystrokes or mouse events;

2. Automatically takes screenshots on a regular basis, but not less than once every six minutes;

3. Meets all state and federal privacy and confidentiality laws and protects all data that is private or confidential to contractors and individual users; and

4. Is procured by the contractor from an independent third-party vendor.

B. Any data collected by automatic billing verification software required under subsection A shall be considered accounting records belonging to the contractor; however, no contractor shall sell or transfer such data or use it for any purpose or in any manner other than to verify and manage the hours worked on the associated contract and billed to the agency.

C. The provisions of this section shall not apply to:

1. Work performed by a state employee;

2. Work performed on a state-owned device;

3. Contracts between state agencies; or

4. Contracts with any law-enforcement agency or with any agency that is the custodian of criminal justice information as defined in the Federal Bureau of Investigation's Criminal Justice Information Services Division's Security Policy, as amended from time to time.

INTRODUCED

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