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**HOUSE BILL NO. 133**

Offered January 8, 2020

Prefiled December 17, 2019

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

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Patron—Miyares

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Referred to Committee on Communications, Technology and Innovation

**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 professional and information technology project services; required contract provisions.**

A. All state agencies shall include in every written contract for professional or information technology project services provisions requiring the contractor to use verification software to determine whether the hours billed for work under the contract that is performed on a computer are legitimate. Such provisions shall specify that the agency will not pay for hours worked on a computer unless those hours are verified as legitimate by the software or by the data collected by the software.

B. Software satisfying the contract provisions required by this section shall do the following:

1. Permit the agency or an auditor of the agency to have real-time or retroactive access to data collected or provided by the software;

2. Automatically gather verification data of state-funded activity by tracking total keystroke and mouse event frequency and taking a screenshot at least once every three minutes;

3. Provide to the agency or an auditor of the agency the automated real-time cost status of each task;

4. Provide to the agency professional biographical information;

5. Protect data collected by the software according to the terms of the contract between the contractor and the Commonwealth; and

6. Permit the agency to provide immediate feedback to the contractor on work in progress.

C. The data collected by the software shall be considered accounting records belonging to the contractor. The provisions of the contract shall require the contractor to store, or contract with another person to store, the data collected by the software for a period of seven years. The contractor shall provide access to such data to the contracting agency upon request.

D. The contractor shall not charge the agency or an auditor of the agency for access to or use of the work verification software or for access to or retrieval of data collected by the software.

E. Software used under this section shall be procured by the contractor from an independent entity.

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