

20103008D

HOUSE BILL NO. 685

Offered January 8, 2020

Prefiled January 6, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4328.1, relating to Virginia Public Procurement Act; preference for contractors using automatic billing verification software.*

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 2.2-4328.1 as follows:

§ 2.2-4328.1. Preference for contractors using automatic billing verification software.

A. Notwithstanding the provisions of § 2.2-4324 or 2.2-4328, for any bid on a contract (i) in excess of \$500,000 and (ii) requiring work to be performed using a computer, all state agencies shall give preference to responsive and responsible bidders that agree to verify the hours worked on the associated contract and billed to the agency by using 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 such automatic billing verification pursuant to a contract with a state agency shall be considered accounting records belonging to the contractor; however, no contractor shall sell or transfer such data or use it for any other purpose or 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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