WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2756

BY DELEGATE FOSTER, CRISS, WAXMAN, GRAVES,

JEFFRIES, D., PACK, HILL AND BUTLER

[Introduced January 30, 2019; Referred

to the Committee on Industry and Labor then

Government Organization.]

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

2   designated §21-11-21, relating to requiring contractors performing work for government

3   contracts on computers use software to verify the hours the contractor worked on the

4   computer.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§21-11-21. Require the use of software to verify hours worked on government contracts.

1   (a) The Legislature recognizes that an increasing amount of government contracts require

2   the use of computers, a virtual office, or online activity. The Legislature further recognized the

3   difficulty in verifying hours worked on computers for government contracts. Therefore, the

4   Legislature intends to establish a secure and transparent process to verify hours worked on

5   computers for government contracts to prevent abuse and overbilling.

6   (b) This section shall apply to a contract by or on behalf of any department, agency, or

7   political subdivision of the state, for professional or technical services in excess of $100,000.

8   (c) A contract subject to this section shall require a contractor to use software to verify that

9   hours billed for work under the contract that are performed on a computer are legitimate. The

10   contract must specify that the agency will not pay for hours worked on a computer unless those

11   hours are verifiable by the software or by data collected by the software. The software must do

12   the following:

13   (1) Permit the agency or an Auditor of the state to have real-time or retroactive access to

14   data collected or provided by the software;

15   (2) Automatically gather verification data of state-funded activity by tracking total keystroke

16   and mouse event frequency and taking a screenshot at least once every three minutes;

17   (3) Provide to the agency or an Auditor of the state automated real-time cost statues of

18   each task;

19   (4) Provide to the agency professional biographical information;

20   (5) Must protect all data regarding individuals that is private or confidential, consistent with

21   West Virginia and federal law; and

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

23   (d) The date collected by the software shall be considered accounting records belonging

24   to the contractor. The contractor must store, or contract with another to store, the data collected

25   by the software for a period of seven years and provide the access to the data to the contracting

26   agency or state Auditors upon request.

27   (e) The contractor must not charge the agency or an Auditor of the state for access to or

28   use of the work verification software, or for access to or retrievals of data collected by the software.

29   (f) Software used under this section must be procured by the contractor form and

30   independent entity.

NOTE: The purpose of this bill is to require contractors using computers to complete government contracts have software that verifies the amount of hours worked on the computer or computers for the contract.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.