

[Second Reprint]

**ASSEMBLY, No. 3989**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED MAY 17, 2018

**Sponsored by:**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

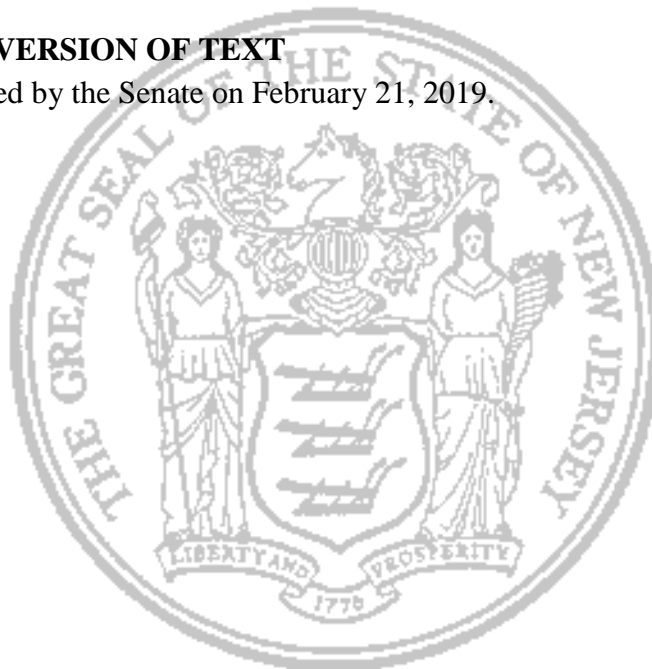
**Assemblyman Carroll and Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

Provides State information technology contracts will require use of software to document computer use by contractor.

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 21, 2019.



**(Sponsorship Updated As Of: 10/30/2018)**

1 AN ACT providing that State contracts require the use of software to  
2 document computer use by <sup>2</sup>**[a contractor]** information  
3 technology contractors<sup>2</sup> and supplementing Title 52 of the  
4 Revised Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Notwithstanding the provisions of any other law or rule or  
10 regulation to the contrary, any <sup>2</sup>information technology<sup>2</sup> contract  
11 entered into by any State agency <sup>2</sup>**[for the purchase of goods or**  
12 **services, or for the construction of any public work]**<sup>2</sup>, having a  
13 value in excess of \$100,000 shall require the contractor to use  
14 software to verify that all hours billed for work under the contract  
15 for services performed on a computer are eligible charges. Every  
16 such contract shall specifically provide that the State agency shall  
17 not pay for hours worked on a computer unless the hours are  
18 verifiable by software or by data collected by software.

19 The software required by this section shall:

20 permit the State agency to have real-time access to data collected  
21 or provided by the software;

22 automatically gather verification data of State-funded activity  
23 and <sup>1</sup>take a screenshot and<sup>1</sup> track total keystroke and mouse event  
24 frequency at least once every three minutes, and make that  
25 information available to the State agency in real-time and upon  
26 request;

27 provide automated real-time cost status of each task;

28 provide professional biographical information that is not private  
29 or confidential on individuals performing work funded by a State  
30 agency;

31 ensure appropriate privacy and confidentiality of any data for  
32 individuals; and

33 permit the State agency to provide immediate feedback to the  
34 contractor on work in progress.

35 A contractor shall store, or contract with another to store, data  
36 collected by the software for a period of seven years after payment  
37 is made to the contractor for services provided to the State agency.  
38 The contractor shall retrieve and make available data upon the  
39 request of the State agency in the format requested by the State  
40 agency at any time during the seven years as needed to comply with  
41 the provisions of this section or any other law which may require  
42 disclosure of such information.

43 A contractor shall not charge the State agency for access to, or  
44 use of, the work verification software or for access to or retrieval of  
45 data collected by the software.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ASL committee amendments adopted December 6, 2018.

<sup>2</sup>Senate floor amendments adopted February 21, 2019.

1       The provisions of this section shall apply to any auditor acting  
2 on behalf of a State agency to the same extent as it applies to the  
3 State agency.

4       As used in this section, <sup>2</sup>“information technology contract”  
5 means any contract for the purchase of software publishing, motion  
6 picture and video production, television production and post-  
7 production services, telecommunications, data processing, hosting  
8 and related services, custom computer programming services,  
9 computer system design, computer facilities management services,  
10 other computer related services including, but not limited to, coding  
11 and website development, and computer training; and<sup>2</sup>

12       "State agency" means any principal department in the Executive  
13 Branch of State government, and any division, board, bureau,  
14 office, commission or other instrumentality within or created by  
15 such department, and any independent State authority, commission,  
16 instrumentality or agency, other than in the Legislative or Judicial  
17 Branches of State government, which is authorized by law to award  
18 public contracts.

19

20       2. This act shall take effect immediately.