

[Second Reprint]
ASSEMBLY, No. 3989

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 17, 2018

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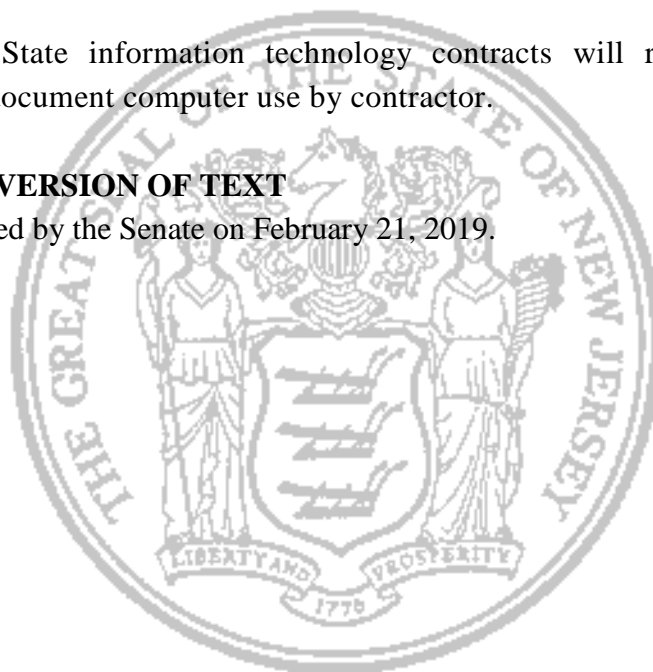
**Assemblyman Carroll, Assemblywoman Reynolds-Jackson, Senators
Brown and Cruz-Perez**

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: 1/14/2020)

1 AN ACT providing that State contracts require the use of software to
2 document computer use by ²**[a contractor]** information
3 technology contractors² 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 ²information technology² contract
11 entered into by any State agency ²**[for the purchase of goods or**
12 **services, or for the construction of any public work]**², 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 ¹take a screenshot and¹ 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:

¹Assembly ASL committee amendments adopted December 6, 2018.

²Senate 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, ²“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; and²

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.