

SENATE, No. 2960

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Brown and Cruz-Perez

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/1/2019)

1 AN ACT providing that State contracts require the use of software to
2 document computer use by a contractor and supplementing Title
3 52 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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

18 The software required by this section shall:

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

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

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

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

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

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

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

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

45 The provisions of this section shall apply to any auditor acting
46 on behalf of a State agency to the same extent as it applies to the
47 State agency.

1 As used in this section, "State agency" means any principal
2 department in the Executive Branch of State government, and any
3 division, board, bureau, office, commission or other instrumentality
4 within or created by such department, and any independent State
5 authority, commission, instrumentality or agency, other than in the
6 Legislative or Judicial Branches of State government, which is
7 authorized by law to award public contracts.

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9 2. This act shall take effect immediately.

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STATEMENT

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14 This bill provides that any contract entered into by a State
15 agency for the purchase of goods or services, or for the construction
16 of any public work, having a value in excess of \$100,000 will
17 require the contractor to use software to verify that all hours billed
18 for work under the contract for services performed on a computer
19 are eligible charges. Every such contract must specifically provide
20 that the State agency will not pay for hours worked on a computer
21 unless the hours are verifiable by software or by data collected by
22 software. The bill provides specific functions that this software
23 must perform in order to document computer use in performance of
24 a contract. It will apply to agencies in the Executive Branch of
25 State government and to independent State authorities,
26 commissions, instrumentalities, or agencies.

27 The bill is the same as Assembly No.3989 of 2018, except that it
28 requires that the software take a screenshot at least once every three
29 minutes.