SENATE, No. 1965

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.
AN ACT providing that State contracts require the use of software to
document computer use by information technology contractors
and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Notwithstanding the provisions of any other law or rule or
regulation to the contrary, any information technology contract
entered into by any State agency, having a value in excess of
$100,000 shall require the contractor to use software to verify that
all hours billed for work under the contract for services performed
on a computer are eligible charges. Every such contract shall
specifically provide that the State agency shall not pay for hours
worked on a computer unless the hours are verifiable by software or
by data collected by software.

The software required by this section shall:

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

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

provide automated real-time cost status of each task;

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

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

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

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

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

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

As used in this section, “information technology contract” means
any contract for the purchase of software publishing, motion picture
and video production, television production and post-production
services, telecommunications, data processing, hosting and related
services, custom computer programming services, computer system
design, computer facilities management services, other computer
related services including, but not limited to, coding and website
development, and computer training; and

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

2. This act shall take effect immediately but shall remain
inoperative until the 366th day following the date of enactment.

STATEMENT

This bill provides that any information technology contract
entered into by a State agency, having a value in excess of $100,000
will require the information technology contractor to use software
to verify that all hours billed for work under the contract for
services performed on a computer are eligible charges. Every such
contract must specifically provide that the State agency will not pay
for hours worked on a computer unless the hours are verifiable by
software or by data collected by software. The bill provides
specific functions that this software must perform in order to
document computer use in performance of a contract. It will apply
to agencies in the Executive Branch of State government and to
independent State authorities, commissions, instrumentalities, or
agencies.