

1 SENATE BILL 546

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PROCUREMENT; REQUIRING CERTAIN CONTRACTORS TO USE
12 VERIFICATION SOFTWARE.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Procurement Code is
16 enacted to read:

17 "[NEW MATERIAL] CONTRACTS REQUIRING VERIFICATION
18 SOFTWARE--SOFTWARE SPECIFICATIONS--RETENTION OF DATA.--

19 A. A contract with a state agency for more than one
20 hundred thousand dollars (\$100,000) that includes professional
21 or technical services to be performed using a computer and paid
22 by the hour shall require the contractor to use software that
23 verifies hours billed for the work performed on the computer
24 pursuant to that contract.

25 B. The software required pursuant to Subsection A

.213634.1

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1 of this section shall:

2 (1) permit the contracting agency or an
3 auditor of the agency to have real-time and retroactive access
4 to data collected or provided by the software to verify the
5 hours of work performed on the computer pursuant to the
6 contract;

7 (2) automatically track total keystroke and
8 mouse event frequency and make that information available to
9 the contracting agency or an auditor on behalf of that agency
10 in real time;

11 (3) automatically take a screenshot of the
12 state-funded activity at least once every three minutes and
13 make the screenshot available to the contracting agency or an
14 auditor on behalf of that agency in real time;

15 (4) allow the contracting agency or an auditor
16 of the agency to obtain an automated progressive status of the
17 real-time cost for each task being performed pursuant to the
18 contract;

19 (5) allow the agency to provide immediate
20 feedback to the contractor on the progress of the work being
21 performed on the computer under the contract;

22 (6) protect all data that is private or
23 confidential on the contractor or other individuals in a manner
24 that is consistent with state law; and

25 (7) be procured by the contractor from an

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1 independent entity.

2 C. The data collected by the software required
3 pursuant to this section shall be considered accounting records
4 owned by the contractor. However, the contractor shall retain
5 or provide for the retention of the data for at least seven
6 years and shall provide the contracting agency or an auditor of
7 the agency access to the data upon request and free of charge.

8 D. A contract with a state agency for more than one
9 hundred thousand dollars (\$100,000) that includes professional
10 or technical services to be performed using a computer and paid
11 by the hour shall include a provision that the contracting
12 state agency shall not pay for hours worked on a computer
13 unless those hours are verified by the software required
14 pursuant to this section.

15 E. The department of finance and administration
16 shall adopt rules to implement this section."

17 **SECTION 2. APPLICABILITY.**--The provisions of this act
18 apply to all contracts entered into by state agencies on or
19 after July 1, 2019.

20 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
21 provisions of this act is July 1, 2019.