

SENATE BILL 1420

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 12, Chapter 4, relative to state government processes to verify hours worked on computers for certain government contracts.

WHEREAS, the General Assembly recognizes that an increasing amount of government contracts require the use of computers, a virtual office, or online activity; and

WHEREAS, the General Assembly further recognizes the difficulty in verifying hours worked on computers for government contracts; and

WHEREAS, the General Assembly intends to establish a secure and transparent process to verify hours worked on computers for government contracts to prevent abuse and overbilling; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following new section:

(a) This section applies to a contract entered into by any department, agency, or political subdivision of this state for professional or technical services in excess of one hundred thousand dollars (\$100,000).

(b) A contract subject to this section must include a provision requiring a contractor to use software to verify that hours billed for work under the contract that are performed remotely on a computer are legitimate. The contract must specify that the department, agency, or political subdivision of this state will not pay for hours worked on a computer unless those hours are verifiable by the software or by data collected by the software. The software must:

(1) Permit the department, agency, or political subdivision of this state or an auditor of the department, agency, or political subdivision of this state to have real-time or retroactive access to data collected or provided by the software;

(2) Automatically gather verification data of state-funded activity by tracking total keystroke and mouse event frequency and taking a screenshot at least once every three (3) minutes;

(3) Provide to the department, agency, or political subdivision of this state or an auditor of the department, agency, or political subdivision of this state automated real-time cost status of each task;

(4) Provide to the department, agency, or political subdivision of this state professional biographical information;

(5) Protect all data that is confidential regarding individuals pursuant to § 10-7-504 or any other applicable law; and

(6) Permit the department, agency, or political subdivision of this state to provide immediate feedback to the contractor on work in-progress.

(c) The data collected by the software are accounting records belonging to the contractor. The contractor must store, or contract with a third party to store, the data collected by the software for a period of seven (7) years and provide the access to the contracting department, agency, or political subdivision of this state or state auditors upon request.

(d) The contractor must not charge the department, agency, or political subdivision of this state or an auditor of the department, agency, or political subdivision of this state for access to or use of the work verification software, or for access to or retrievals of data collected by the software.

(e) Software used under this section must be procured by the contractor from an independent entity.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to contracts entered into or renewed on or after the effective date of this act.