1   State of Arkansas

2   92nd General Assembly

A Bill

3   Regular Session, 2019

SENATE BILL 281

4

5   By: Senator M. Pitsch

6   By: Representative S. Meeks

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For An Act To Be Entitled

9   AN ACT TO AMEND THE ARKANSAS PROCUREMENT LAW; TO

10 REQUIRE VERIFICATION OF THE HOURS WORKED ON A

11 COMPUTER IN PERFORMING WORK UNDER CERTAIN CONTRACTS

12 OF A STATE AGENCY OR A POLITICAL SUBDIVISION; AND FOR

13 OTHER PURPOSES.

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Subtitle

17 TO REQUIRE VERIFICATION OF THE HOURS

18 WORKED ON A COMPUTER IN PERFORMING WORK

19 UNDER CERTAIN CONTRACTS OF A STATE AGENCY

20 OR A POLITICAL SUBDIVISION.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25   SECTION 1. DO NOT CODIFY. Legislative findings and intent.

26   (a) The General Assembly finds that:

27   (1) An increasing amount of public contracts require the use of

28 a computer, a virtual office, or online activity; and

29   (2) It is difficult to verify the hours worked on a computer as

30 part of a public contract.

31   (b) The General Assembly intends to establish a secure and transparent

32 process to verify the hours worked on a computer as part of a public contract

33 to prevent abuse and overbilling.

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35   SECTION 2. Arkansas Code Title 19, Chapter 11, Subchapter 2, is

36 amended to add an additional section to read as follows:

1   19-11-273. Work verification software required.

2   (a) This section applies to a contract awarded by or on behalf of a

3   state agency or a political subdivision that:

4   (1) Is for services; and

5   (2) Has an annual contract amount of at least one hundred

6   thousand dollars ($100,000).

7   (b) A contract subject to this section shall:

8   (1) Require a person to use software to verify the legitimacy of

9   the hours billed for work performed on a computer under a contract with a

10   state agency or a political subdivision; and

11   (2) Specify that the state agency or the political subdivision

12   will not pay for hours worked on a computer unless the hours are verifiable

13   by the software required under this section or by data collected from the

14   software required under this section.

15   (c) The software required under this section shall:

16   (1) Allow the state agency or the political subdivision or an

17   auditor of the state agency or the political subdivision to have real-time

18   and retroactive access to the data collected by the software;

19   (2) Automatically gather verification data regarding activity

20   performed under the contract awarded by or on behalf of the state agency or

21   the political subdivision by:

22   (A) Tracking total keystroke and mouse event frequency;

23   and

24   (B) Taking a screenshot at least one (1) time every three

25   (3) minutes;

26   (3) Automatically provide the real-time cost status of each task

27   to the state agency or the political subdivision or an auditor of the state

28   agency or the political subdivision;

29   (4) Protect all confidential data concerning individuals that is

30   protected under state law; and

31   (5) Allow the state agency or the political subdivision to

32   provide immediate feedback to the person that is performing work under a

33   contract awarded by or on behalf of a state agency or a political subdivision

34   regarding any work in progress.

35   (d)(1) Data collected by software required under this section is an

36   accounting record belonging to the person that is performing work under a

1   contract awarded by or on behalf of a state agency or a political

2   subdivision.

3   (2) A person that is performing work under a contract awarded by

4   or on behalf of a state agency or a political subdivision shall:

5   (A) Store or contract with another person to store the

6   data collected by the software required under this section for at least seven

7   (7) years; and

8   (B) Provide access to the data to:

9   (i) The state agency or the political subdivision

10   for which work is being performed under the contract; and

11   (ii) An auditor acting on behalf of the state or a

12   political subdivision.

13   (e) A person that is performing work under a contract awarded by or on

14   behalf of a state agency or a political subdivision shall not charge a fee to

15   the state agency or the political subdivision or to an auditor of the state

16   agency or the political subdivision for:

17   (1) Access to or use of the software required under this

18   section; or

19   (2) Access to or retrieval of data collected by the software

20   required under this section.

21   (f) The person that is performing work under a contract awarded by or

22   on behalf of a state agency or a political subdivision shall procure the

23   software required under this section from an independent third party.

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