

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 281

By: Senator M. Pitsch
By: Representative S. Meeks

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS PROCUREMENT LAW; TO REQUIRE VERIFICATION OF THE HOURS WORKED ON A COMPUTER IN PERFORMING WORK UNDER CERTAIN CONTRACTS OF A STATE AGENCY OR A POLITICAL SUBDIVISION; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE VERIFICATION OF THE HOURS WORKED ON A COMPUTER IN PERFORMING WORK UNDER CERTAIN CONTRACTS OF A STATE AGENCY OR A POLITICAL SUBDIVISION.

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

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

(a) The General Assembly finds that:

(1) An increasing amount of public contracts require the use of a computer, a virtual office, or online activity; and

(2) It is difficult to verify the hours worked on a computer as part of a public contract.

(b) The General Assembly intends to establish a secure and transparent process to verify the hours worked on a computer as part of a public contract to prevent abuse and overbilling.

SECTION 2. Arkansas Code Title 19, Chapter 11, Subchapter 2, is amended to add an additional section to read as follows:



19-11-273. Work verification software required.

(a) This section applies to a contract awarded by or on behalf of a state agency or a political subdivision that:

- (1) Is for services; and
- (2) Has an annual contract amount of at least one hundred thousand dollars (\$100,000).

(b) A contract subject to this section shall:

- (1) Require a person to use software to verify the legitimacy of the hours billed for work performed on a computer under a contract with a state agency or a political subdivision; and
- (2) Specify that the state agency or the political subdivision will not pay for hours worked on a computer unless the hours are verifiable by the software required under this section or by data collected from the software required under this section.

(c) The software required under this section shall:

(1) Allow the state agency or the political subdivision or an auditor of the state agency or the political subdivision to have real-time and retroactive access to the data collected by the software;

(2) Automatically gather verification data regarding activity performed under the contract awarded by or on behalf of the state agency or the political subdivision by:

(A) Tracking total keystroke and mouse event frequency;

and

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

(3) minutes;

(3) Automatically provide the real-time cost status of each task to the state agency or the political subdivision or an auditor of the state agency or the political subdivision;

(4) Protect all confidential data concerning individuals that is protected under state law; and

(5) Allow the state agency or the political subdivision to provide immediate feedback to the person that is performing work under a contract awarded by or on behalf of a state agency or a political subdivision regarding any work in progress.

(d)(1) Data collected by software required under this section is an accounting record belonging to the person that is performing work under a

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

(2) A person that is performing work under a contract awarded by or on behalf of a state agency or a political subdivision shall:

(A) Store or contract with another person to store the data collected by the software required under this section for at least seven (7) years; and

(B) Provide access to the data to:

(i) The state agency or the political subdivision for which work is being performed under the contract; and

(ii) An auditor acting on behalf of the state or a political subdivision.

(e) A person that is performing work under a contract awarded by or on behalf of a state agency or a political subdivision shall not charge a fee to the state agency or the political subdivision or to an auditor of the state agency or the political subdivision for:

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

(2) Access to or retrieval of data collected by the software required under this section.

(f) The person that is performing work under a contract awarded by or on behalf of a state agency or a political subdivision shall procure the software required under this section from an independent third party.