

HOUSE BILL 483

P2

9lr1325
CF SB 375

By: **Delegates Kipke, Bromwell, Chang, Crosby, Cullison, Krebs, McKay, Morgan, Sample-Hughes, and Szeliga**

Introduced and read first time: February 1, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Service Contracts – Work Verification Clause**

3 FOR the purpose of requiring that certain service contracts entered into by the State
4 contain a certain work verification clause; requiring the work verification clause to
5 require the contractor to use certain work verification software for a certain purpose,
6 specify that the State is liable only for the cost of certain work that is verified in a
7 certain manner, specify the requirements of the work verification software, provide
8 that certain data collected by the work verification software shall be considered as
9 accounting records belonging to the contractor, and require that certain data be
10 stored for a certain period of time and be provided to the State without cost under
11 certain circumstances; defining a certain term; and generally relating to the
12 inclusion of a work verification clause in service contracts entered into by the State.

13 BY adding to

14 Article – State Finance and Procurement

15 Section 13–228

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2018 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – State Finance and Procurement**

21 **13–228.**

22 (A) IN THIS SECTION, “SERVICE CONTRACT” MEANS A PROCUREMENT
23 CONTRACT FOR SERVICES THAT:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) WILL BE PROVIDED TO A UNIT IN THE EXECUTIVE BRANCH OF**
2 **STATE GOVERNMENT;**

3 **(2) WILL BE PERFORMED WITHIN A STATE-OPERATED FACILITY; AND**

4 **(3) IN THE ESTIMATION OF THE PROCUREMENT OFFICER, WILL**
5 **EXCEED AN ANNUAL COST OF \$200,000.**

6 **(B) EACH SERVICE CONTRACT SHALL CONTAIN A WORK VERIFICATION**
7 **CLAUSE AS PROVIDED IN THIS SECTION.**

8 **(C) THE WORK VERIFICATION CLAUSE SHALL:**

9 **(1) REQUIRE THE CONTRACTOR TO USE SOFTWARE TO VERIFY THAT**
10 **HOURS BILLED FOR WORK UNDER THE CONTRACT THAT ARE PERFORMED ON A**
11 **COMPUTER ARE LEGITIMATE;**

12 **(2) SPECIFY THAT THE STATE IS LIABLE FOR THE COST OF HOURS**
13 **WORKED ON A COMPUTER ONLY IF THOSE HOURS ARE VERIFIABLE BY THE WORK**
14 **VERIFICATION SOFTWARE OR BY DATA COLLECTED FROM THE WORK VERIFICATION**
15 **SOFTWARE;**

16 **(3) REQUIRE THE WORK VERIFICATION SOFTWARE TO:**

17 **(I) PERMIT THE STATE TO HAVE REAL-TIME OR RETROACTIVE**
18 **ACCESS TO DATA COLLECTED OR PROVIDED BY THE SOFTWARE;**

19 **(II) AUTOMATICALLY GATHER VERIFICATION DATA ON WORK**
20 **PERFORMED UNDER THE CONTRACT BY TRACKING TOTAL KEYSTROKE AND MOUSE**
21 **EVENT FREQUENCY AND TAKING A SCREENSHOT AT LEAST ONCE EVERY 3 MINUTES;**

22 **(III) PROVIDE TO THE STATE THE AUTOMATED REAL-TIME COST**
23 **STATUS OF EACH TASK;**

24 **(IV) PROVIDE TO THE STATE PROFESSIONAL BIOGRAPHICAL**
25 **DATA REGARDING INDIVIDUALS PERFORMING WORK UNDER THE CONTRACT THAT**
26 **IS NOT PRIVATE OR CONFIDENTIAL;**

27 **(V) BE CONFIGURED TO PROTECT ANY DATA THAT IS PRIVATE**
28 **OR CONFIDENTIAL REGARDING INDIVIDUALS PERFORMING WORK UNDER THE**
29 **CONTRACT; AND**

1 **(VI) PERMIT THE STATE TO PROVIDE IMMEDIATE FEEDBACK TO**
2 **THE CONTRACTOR ON WORK PERFORMED UNDER THE CONTRACT;**

3 **(4) PROVIDE THAT THE DATA COLLECTED BY THE WORK**
4 **VERIFICATION SOFTWARE SHALL BE:**

5 **(I) CONSIDERED ACCOUNTING RECORDS BELONGING TO THE**
6 **CONTRACTOR; AND**

7 **(II) KEPT BY THE CONTRACTOR FOR AT LEAST 7 YEARS; AND**

8 **(5) REQUIRE THE CONTRACTOR, ON WRITTEN REQUEST OF THE**
9 **STATE, TO PROVIDE ACCESS TO OR USE OF THE WORK VERIFICATION SOFTWARE**
10 **AND THE DATA COLLECTED BY THE SOFTWARE TO THE STATE AT NO CHARGE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2019.