[First Reprint]

ASSEMBLY, No. 702

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Provides State information technology contracts will require use of software to document computer use by contractor.

CURRENT VERSION OF TEXT

As amended by the General Assembly on February 24, 2020.

AN ACT providing that State contracts require the use of software to document computer use by information technology contractors and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Notwithstanding the provisions of any other law or rule or regulation to the contrary, any information technology contract entered into by any State agency, having a value in excess of $100,000 shall require the contractor to use software to verify that all hours billed for work under the contract for services performed on a computer are eligible charges. Every such contract shall specifically provide that the State agency shall not pay for hours worked on a computer unless the hours are verifiable by software or by data collected by software.

The software required by this section shall:

permit the State agency to have real-time access to data collected or provided by the software;

automatically gather verification data of State-funded activity and take a screenshot and track total keystroke and mouse event frequency at least once every three minutes, and make that information available to the State agency in real-time and upon request;

provide automated real-time cost status of each task;

provide professional biographical information that is not private or confidential on individuals performing work funded by a State agency;

ensure appropriate privacy and confidentiality of any data for individuals; and

permit the State agency to provide immediate feedback to the contractor on work in progress.

A contractor shall store, or contract with another to store, data collected by the software for a period of seven years after payment is made to the contractor for services provided to the State agency. The contractor shall retrieve and make available data upon the request of the State agency in the format requested by the State agency at any time during the seven years as needed to comply with the provisions of this section or any other law which may require disclosure of such information.

A contractor shall not charge the State agency for access to, or use of, the work verification software or for access to or retrieval of data collected by the software.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly floor amendments adopted February 24, 2020.

The provisions of this section shall apply to any auditor acting on behalf of a State agency to the same extent as it applies to the State agency.

As used in this section, “information technology contract” means any contract for the purchase of software publishing, motion picture and video production, television production and post-production services, telecommunications, data processing, hosting and related services, custom computer programming services, computer system design, computer facilities management services, other computer related services including, but not limited to, coding and website development, and computer training; and

"State agency" means any principal department in the Executive Branch of State government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency, other than in the Legislative or Judicial Branches of State government, which is authorized by law to award public contracts.

2. This act shall take effect immediately [1]but shall remain inoperative until the 366th day following the date of enactment[1]