SENATE BILL 375

By: **Senators Zucker, Ellis, Gallion, Hershey, Jennings, Klausmeier, Nathan–Pulliam, Patterson, Peters, West, and Young**
Introduced and read first time: January 31, 2019
Assigned to: Education, Health, and Environmental Affairs

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.