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1   AMENDMENT TO HOUSE BILL 2127

2   AMENDMENT NO. _____. Amend House Bill 2127 by replacing

3   everything after the enacting clause with the following:

4   "Section 1. Purpose. The General Assembly recognizes that

5   an increasing amount of government information technology

6   contracts require the use of computers, a virtual office, or

7   online activity. The General Assembly further recognizes the

8   difficulty in verifying hours worked on computers for

9   government contracts. Therefore, the General Assembly intends

10   to establish a secure and transparent process to verify hours

11   worked on computers for government contracts to prevent abuse

12   and over-billing.

13   Section 5. The Illinois Procurement Code is amended by

14   adding Section 35-45 as follows:

15   (30 ILCS 500/35-45 new)

1   Sec. 35-45. Automatic work verification software.

2   (a) An information technology contract with a State agency

3   for more than $500,000 that includes professional or technical

4   services to be performed using a computer and paid by the hour

5   shall require the contractor to use software that verifies

6   hours billed for the work performed on the computer under that

7   contract. The provisions of this subsection (a) shall not apply

8   to any hours billed that are not performed on the computer.

9   This Section shall not apply to the following entities:

10   (1) State employees;

11   (2) State agencies contracting with State agencies;

12   (3) any individual who works for a contractor that

13   works on a State-owned device; and

14   (4) law enforcement agencies.

15   (b) An information technology contract subject to this

16   Section shall require a contractor to use software to verify

17   that hours billed for work under the contract that are

18   performed on a computer are legitimate. The contract must

19   specify that the agency will not pay for hours worked on a

20   computer unless those hours are verifiable by the software or

21   by data collected by the software. The software must do the

22   following:

23   (1) permit the agency or an auditor of the agency to

24   have real-time access to data collected or provided by the

25   software, and at any time after the data is generated as

26   required by the agency, during the term of the contract;

1   (2) automatically gather verification data of

2   State-funded activity by tracking total keystroke and

3   mouse event frequency, but shall not record actual

4   keystrokes or mouse events, and taking a screenshot at

5   least once every 3 minutes;

6   (3) provide to the agency or an auditor of the agency

7   automated real-time cost status of each task;

8   (4) protect all data that is private or confidential,

9   consistent with federal and State law; and

10   (5) permit the agency to provide immediate feedback to

11   the contractor on work in progress.

12   (c) The data collected by the software shall be considered

13 accounting records belonging to the contractor. The contractor

14 must store, or contract with another to store, the data

15 collected by the software per State law or for a period of no

16 more than 7 years, and provide access to the contracting agency

17 or State auditors upon request. The contractor may not sell or

18 use the data generated by the software for any other purposes

19 than to manage and verify hours worked on a computer and billed

20 to the State.

21   (d) The contractor must not charge the agency or an auditor

22 of the agency for access to or use of the work verification

23 software, or for access to or retrievals of data collected by

24 the software.

25   (e) Software used under this Section must be procured by

26 the contractor from an independent entity. The independent

1   entity shall not have access to any screenshots generated by

2   the software used to comply with this Section.

3   (f) Any agency subject to the provisions of this Section

4   shall adopt rules to implement this Section no later than 6

5   months after the effective date of this amendatory Act of the

6   101st General Assembly.".