HB2127

101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2127

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

30 ILCS 500/35-45 new

Amends the Illinois Procurement Code. Provides that any contract entered into between a governmental entity and a contractor for the provision of professional or technical services in excess of $100,000 shall require a contractor to use software to verify that hours billed for work under the contract for services performed on a computer are legitimate. Provides that the contract shall specify that the governmental entity will not pay for hours worked on a computer, unless those hours are verifiable by the software or by data collected by the software. Provides for the required functions of the software to be used. Requires a contractor to store data collected by the software for 7 years, and to retrieve and make available that data to a governmental entity upon request. Provides that a contractor shall not charge the governmental entity, or an auditor of the entity, for access to or use of the work verification software, or for access to or retrievals of data collected by the software. Provides that the verification software shall be procured by the contractor from an independent entity. Provides that these provisions shall apply to all applicable contracts entered into on and after the effective date of this amendatory Act. Defines "governmental entity".

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1   AN ACT concerning finance.

2   **Be it enacted by the People of the State of Illinois,**

3   **represented in the General Assembly:**

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

5   increasing amount of government contracts require the use of

6   computers, a virtual office, or online activity. The General

7   Assembly further recognizes the difficulty in verifying hours

8   worked on computers for government contracts. Therefore, the

9   General Assembly intends to establish a secure and transparent

10   process to verify hours worked on computers for government

11   contracts to prevent abuse and over-billing.

12   Section 5. The Illinois Procurement Code is amended by

13   adding Section 35-45 as follows:

14   (30 ILCS 500/35-45 new)

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

16   (a) This Section shall apply to a contract by or on behalf

17   of a governmental entity that contracts for professional or

18   technical services in excess of $100,000. For the purposes of

19   this Section, "governmental entity" means the Governor, any

20   State agency or department thereof, and any political

21   subdivision of this State.

22   (b) Any contract entered into between a governmental entity

1   and a contractor under subsection (a) shall require a

2   contractor to use software to verify that hours billed for work

3   under the contract for services performed on a computer are

4   legitimate. The contract shall specify that the governmental

5   entity will not pay for hours worked on a computer, unless

6   those hours are verifiable by the software or by data collected

7   by the software. The software required under this subsection

8   (b) shall perform the following functions:

9   (1) permit the governmental entity, or an auditor of

10   the entity, to have real-time access to data collected or

11   provided by the software;

12   (2) automatically gather verification data of

13   State-funded activity, track total keystroke and mouse

14   event frequency, and take screenshots at least once every 3

15   minutes;

16   (3) provide to the governmental entity, or an auditor

17   of the entity, automated real-time cost status of each

18   task;

19   (4) provide to the governmental entity professional

20   biographical information that is not private or

21   confidential on individuals performing State-funded work;

22   (5) ensure appropriate privacy and confidentiality of

23   any data for individuals; and

24   (6) permit the governmental entity to provide

25   immediate feedback to the contractor on work in progress.

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

1   accounting records belonging to the contractor. A contractor

2   shall store, or contract with another to store, data collected

3   by the software for a period of 7 years after the governmental

4   entity has remitted payment to the contractor for services

5   provided to the governmental entity. The contractor shall

6   retrieve and make available data upon request of the

7   governmental entity, or an auditor of the entity, in the format

8   requested by the governmental entity or auditor, at any time

9   during the 7 years as needed to comply with the provisions of

10 this Section or any other law which may require disclosure of

11 such information.

12   (d) A contractor shall not charge the governmental entity,

13 or an auditor of the entity, for access to or use of the work

14 verification software, or for access to or retrievals of data

15 collected by the software.

16   (e) The verification software authorized for use under this

17 Section shall be procured by the contractor from an independent

18 entity.

19   (f) The provisions of this Section shall apply to all

20 applicable contracts entered into on and after the effective

21 date of this amendatory Act of the 101st General Assembly.