S-0609.1 _____

SENATE BILL 5809

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State of Washington   **66th Legislature**   **2019 Regular Session**

By Senators Hunt, Takko, Sheldon, Braun, Fortunato, and Kuderer

Read first time 02/04/19. Referred to Committee on State Government, Tribal Relations & Elections.

1   AN ACT Relating to state government processes to verify hours
2 worked on computers for certain government contracts; adding a new
3 section to chapter 39.26 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5   NEW SECTION. **Sec. 1.** The legislature recognizes that an
6 increasing amount of government contracts require the use of
7 computers, a virtual office, or online activity. The legislature
8 further recognizes the difficulty in verifying hours worked on
9 computers for government contracts. Therefore, the legislature
10 intends to establish a secure and transparent process to verify hours
11 worked on computers for government contracts to prevent abuse and
12 overbilling.

13   NEW SECTION. **Sec. 2.** A new section is added to chapter 39.26
14 RCW to read as follows:
15   (1) This section applies only to contracts under this chapter for
16 professional or technical services in excess of one hundred thousand
17 dollars.
18   (2) A contract subject to this section must require a contractor
19 to use software to verify that hours billed for work under the
20 contract that are performed on a computer are legitimate. The

1 contract must specify that the agency will not pay for hours worked
2 on a computer unless those hours are verifiable by the software or by
3 data collected by the software. The software must do the following:
4   (a) Permit the agency or an auditor of the agency to have real-
5 time or retroactive access to data collected or provided by the
6 software;
7   (b) Automatically gather verification data of state-funded
8 activity by tracking total keystroke and mouse event frequency and
9 taking a screenshot at least once every three minutes;
10   (c) Provide to the agency or an auditor of the agency automated
11 real-time cost status of each task;
12   (d) Provide to the agency professional biographical information
13 that is not private or confidential on individuals performing state-
14 funded work;
15   (e) Protect all data that is private or confidential on
16 individuals consistent with state privacy laws; and
17   (f) Permit the agency to provide immediate feedback to the
18 contractor on work in progress.
19   (3)(a) Data collected by the software under subsection (2) of
20 this section are accounting records belonging to the contractor. The
21 contractor must store, or contract with another to store, the data
22 collected by the software for a period of seven years and provide the
23 access to the contracting agency or state auditors on their request.
24   (b) The contractor must not charge the agency or an auditor of
25 the agency for access to or use of the work verification software, or
26 for access to or retrievals of data collected by the software.
27   (4) The software required by subsection (2) of this section must
28 be procured by the contractor from an independent entity.

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