INTRODUCED BY MASTRIANO, GORDNER, PITTMAN AND J. WARD,
APRIL 30, 2020

REFERRED TO STATE GOVERNMENT, APRIL 30, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 duties of the Governor and other executive and administrative
10 officers, and of the several administrative departments,
11 boards, commissions, and officers; fixing the salaries of the
12 Governor, Lieutenant Governor, and certain other executive
13 and administrative officers; providing for the appointment of
14 certain administrative officers, and of all deputies and
15 other assistants and employees in certain departments, boards,
16 and commissions; providing for judicial administration; and
17 prescribing the manner in which the number and compensation
18 of the deputies and all other assistants and employees of
19 certain departments, boards and commissions shall be
20 determined," in powers and duties in general, providing for
21 information technology billing verification.
22
23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:
25
26 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
27 as The Administrative Code of 1929, is amended by adding a
28 section to read:

29 Section 531. Information Technology Billing Verification.--
(a) The Office of Administration shall submit to the General Assembly and post on the publicly accessible Internet website of the Office of Administration a report on any information technology project that is funded by an executive agency using only funds appropriated by the General Assembly and:

(1) that is more than one year behind schedule; or
(2) for which the amount spent on the project is at least one million dollars ($1,000,000) more than the original cost estimate for the project.

(b) To prepare the report, the Office of Administration shall send a request for information to executive agencies no later than July 1 of each year and shall require a response no later than September 30. The Office of Administration shall submit the report to the General Assembly and post it on the publicly accessible Internet website of the Office of Administration by November 31.

(c) The report shall, for each project included in the report, provide:

(1) A brief description of the project, including:
   (i) The purpose of the project.
   (ii) The location in which the project is carried out.
   (iii) The year in which the project was initiated.
   (iv) The Commonwealth's share of the total cost of the project.
   (v) The primary contractor and grant recipient of the project.

(2) An explanation of any change to the original scope of the project, including addition or narrowing of the initial requirements of the project.

(3) The original expected date for completion of the
(4) The current expected date for completion of the project.

(5) The original cost estimate for the project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics.

(6) The current cost estimate for the project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics.

(7) An explanation for a delay in completion or increase in the original cost estimate for the project.

(8) The amount and rationale, including terms and conditions to receive or be denied, for an award, incentive fee or any other type of bonus, if any, awarded for the project.

(d) For a project identified in the report that is more than one year behind schedule or for which the amount spent on the project is at least one million dollars ($1,000,000) more than the original cost estimate for the project, beginning January 1 of the year following the submission of the report, the executive agency may not pay for hours worked on a computer and billed by the hour to the Commonwealth unless the hours are verifiable by data generated by automatic billing verification software.

(e) The automatic billing verification software shall meet all of the following requirements:

(1) Permit the executive agency or an auditor of the executive agency to have access to data collected or provided by the software within fourteen (14) days of generation of the data.

(2) Automatically count the number of keystrokes and mouse events, but shall not record the actual keystrokes or mouse
(3) Automatically take a screenshot every three minutes.

(4) Meet all Federal and State privacy and confidentiality laws and protect all data that is private or confidential on individuals.

(f) Data collected by the automatic billing verification software shall be considered financial records belonging to the contractor. The contractor may not sell or transfer the data or use it in any other manner than to verify and manage hours worked on a computer and billed to the Commonwealth.

(g) The contractor shall provide access to the executive agency or an auditor of the executive agency on request for a period of time governed by law, regulation or as stated in the contract. The contractor may not charge the executive agency or an auditor of the executive agency for access to or retrievals of the data generated by the automatic billing verification software. The software shall be procured by the contractor from an independent entity.

(h) An executive agency that enters into a contract in excess of five hundred thousand dollars ($500,000) for technical services to be performed using a computer shall give preference to any contractor that uses computer software to automatically verify the hours worked on a computer and billed under the contract. The automatic billing verification software shall be required to meet the requirements of this section.

(i) This section shall not apply to any of the following:

(1) A State employee.

(2) An executive agency contracting with another executive agency.

(3) A law enforcement agency or contract with an executive agency.
agency that is the custodian of criminal justice information as defined by the Federal Bureau of Investigation Criminal Justice Information Services Security Policy.

(4) An individual who works for a contractor that performs work on a Commonwealth-owned device.

(j) As used in this section, the term "executive agency" shall mean an administrative governmental entity created by the Constitution or statutes of this Commonwealth under the executive branch or created to be independent, including any department, agency, board, bureau, council, commission or committee supported in whole or in part by State funds and a subdivision of such entity and any legally designated agent of such entity.

Section 2. This act shall take effect in 60 days.