

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2331**

BY DELEGATES FOSTER AND D. JEFFRIES

[Introduced February 12, 2021; Referred to the  
Committee on Workforce Development the  
Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §21-11-21, relating to requiring that contractors performing work for  
3 government contracts on computers use software to verify the hours the contractor worked  
4 on the computer.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.**

### **§21-11-21. Require the use of software to verify hours worked on government contracts.**

5 (a) The Legislature recognizes that an increasing amount of government contracts require  
6 the use of computers, a virtual office, or online activity. The Legislature further recognized the  
7 difficulty in verifying hours worked on computers for government contracts. Therefore, the  
8 Legislature intends to establish a secure and transparent process to verify hours worked on  
9 computers for government contracts to prevent abuse and overbilling.

10 (b) This section shall apply to a contract by or on behalf of any department, agency, or  
11 political subdivision of the state, for professional or technical services in excess of \$100,000.

12 (c) A contract subject to this section shall require a contractor to use software to verify that  
13 hours billed for work under the contract that are performed on a computer are legitimate. The  
14 contract must specify that the agency will not pay for hours worked on a computer unless those  
15 hours are verifiable by the software or by data collected by the software. The software must do  
16 the following:

17 (1) Permit the agency or an auditor of the state to have real-time or retroactive access to  
18 data collected or provided by the software;

19 (2) Automatically gather verification data of state-funded activity by tracking total keystroke  
20 and mouse event frequency and taking a screenshot at least once every three minutes;

21 (3) Provide to the agency or an auditor of the state automated real-time cost status of each  
22 task;

23 (4) Provide to the agency professional biographical information;

- 24           (5) Must protect all data regarding individuals that is private or confidential, consistent with
- 25 West Virginia and federal law; and
- 26           (6) Permit the agency to provide immediate feedback to the contractor on work in progress.
- 27           (d) The data collected by the software shall be considered accounting records belonging
- 28 to the contractor. The contractor must store, or contract with another to store, the data collected
- 29 by the software for a period of seven years and provide the access to the data to the contracting
- 30 agency or state Auditors upon request.
- 31           (e) The contractor must not charge the agency or an auditor of the state for access to or
- 32 use of the work verification software, or for access to or retrievals of data collected by the software.
- 33           (f) Software used under this section must be procured by the contractor from an
- 34 independent entity.

NOTE: The purpose of this bill is to require contractors using computers to complete government contracts have software that verifies the amount of hours worked on the computer or computers for the contract.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.