

By: Capriglione

H.B. No. 1352

A BILL TO BE ENTITLED

AN ACT

relating to requirements for vendors providing certain services involving computers to governmental entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.909 to read as follows:

Sec. 2252.909. REQUIREMENTS FOR CERTAIN CONTRACTS INVOLVING COMPUTERS. (a) In this section, "governmental entity" has the meaning assigned by Section 2252.001.

(b) This section applies only to a contract with a value of \$100,000 or more.

(c) A governmental entity that contracts with a vendor at an hourly rate for professional or technical information technology services performed using a computer shall require the vendor to use software that verifies the work performed during the hours billed.

(d) Software required by Subsection (c) must:

(1) allow the governmental entity or an auditor of the entity to have real-time and retroactive access to data to verify the hours of work performed under the contract by the vendor using a computer;

(2) automatically track total keystroke frequency and computer mouse movement;

(3) capture an image of the computer screen at least once every three minutes;

1           (4) provide continuous, automated updates of the  
2 real-time cost for each task being performed by the vendor using a  
3 computer;

4           (5) allow the governmental entity to provide immediate  
5 feedback to the vendor on the progress of the work being performed  
6 by the vendor using a computer;

7           (6) protect all data that is private or confidential;  
8 and

9           (7) be purchased by the vendor from a third-party  
10 entity.

11          (e) Any data collected by the software system is considered  
12 accounting records of the vendor. The vendor shall retain the data  
13 for at least seven years and shall provide the contracting  
14 governmental entity or an auditor of the entity access to the data  
15 on request free of charge.

16          SECTION 2. The change in law made by this Act applies only  
17 to a contract for professional or technical services that is  
18 entered into on or after the effective date of this Act. A contract  
19 entered into before the effective date of this Act is governed by  
20 the law in effect on the date the contract was entered into, and the  
21 former law is continued in effect for that purpose.

22          SECTION 3. This Act takes effect September 1, 2019.