

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 463

AN ACT

To amend chapter 34, RSMo, by adding thereto one new section relating to government processes to verify hours worked on computers for certain government contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Chapter 34, RSMo, is amended by adding thereto one new section, to be known as section 34.167, to read as follows:

34.167. 1. This section shall apply only to a contract in excess of one hundred thousand dollars entered into with a department for technical services to be performed using a computer.

2. The commissioner of administration or any agent of the state making contracts subject to the provisions of this section shall give preference to any contractor that uses a computer software program to verify the hours billed for work under the contract that are performed on a computer. The contract shall specify that the department shall not pay for hours worked on a computer unless those hours are verifiable by the software or by data collected by the software. Any work verification software program shall meet all of the following requirements:

(1) Permit the department or an auditor of the department to have real-time or retroactive access to data collected or

provided by the software;

(2) Automatically gather verification data of computer events by using best parameters to measure activity;

(3) Provide to the department or an auditor of the department automated real-time cost status of each task;

(4) Provide to the department professional biographical information that is not private or confidential on individuals performing publicly-funded work under subdivision (5) of this subsection;

(5) Meet all state and federal privacy and confidentiality laws and protect all data that is private or confidential on individuals; and

(6) Permit the department to provide immediate feedback to the contractor on work in progress.

3. The data collected by the work verification software program shall be considered accounting records belonging to the contractor. The contractor shall store, or contract with a third-party to store, the data collected by the work verification software program for a period of time to be determined by the contracting department and provide the access to the contracting department or an auditor on his or her request.

4. The contractor shall not charge the department or an auditor of the department for access to or the use of the work verification software program, or for access to or retrievals of data collected by the work verification software program.

5. The software shall be procured by the contractor from an independent entity.

6. This section shall not apply to:

- (1) State employees;
- (2) Departments contracting with other departments;
- (3) Law enforcement agencies;
- (4) Any individual who works for a contractor that performs
work on a state-owned device; and
- (5) Any architect or professional engineer.