

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1133 Session of
2020

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 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in powers and duties in general, providing for
22 information technology billing verification.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
26 as The Administrative Code of 1929, is amended by adding a
27 section to read:

28 Section 531. Information Technology Billing Verification.--

1 (a) The Office of Administration shall submit to the General
2 Assembly and post on the publicly accessible Internet website of
3 the Office of Administration a report on any information
4 technology project that is funded by an executive agency using
5 only funds appropriated by the General Assembly and:

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

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

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

19 (1) A brief description of the project, including:
20 (i) The purpose of the project.
21 (ii) The location in which the project is carried out.
22 (iii) The year in which the project was initiated.
23 (iv) The Commonwealth's share of the total cost of the
24 project.

25 (v) The primary contractor and grant recipient of the
26 project.

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

30 (3) The original expected date for completion of the

1 project.

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

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

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

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

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

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

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

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

29 (2) Automatically count the number of keystrokes and mouse
30 events, but shall not record the actual keystrokes or mouse

1 events.

2 (3) Automatically take a screenshot every three minutes.

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

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

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

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

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

27 (1) A State employee.

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

30 (3) A law enforcement agency or contract with an executive

1 agency that is the custodian of criminal justice information as
2 defined by the Federal Bureau of Investigation Criminal Justice
3 Information Services Security Policy.

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

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

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