House Bill 3002

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of Representative Jeff Barker)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Requires contracting agency to provide in certain public contracts that contracting agency will not pay invoice for work on public contract that contractor provides by means of information technology unless contractor verifies work by means of tracking software. Specifies features that tracking software must have. Requires contractor to retain and make available to contracting agency or designated person for period of six years after contractor completes performance on public contract information that tracking software generates. Prohibits contractor from charging or collecting costs related to contracting agency's or designated person's use of, or receipt of information from, tracking software.

Becomes operative on January 1, 2020.

Declares emergency, effective on passage.

1   **A BILL FOR AN ACT**

2 Relating to verifying work that contractors perform on public contracts using information technol-

3   ogy; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5   **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 279A.**

6   **SECTION 2. (1)(a) A contracting agency shall provide in a public contract with a contract**

7 **price of $100,000 or more that the contracting agency will not pay an invoice for work a**

8 **contractor performs on the public contract by means of information technology, unless the**

9 **contractor uses tracking software with the features described in subsection (2) of this sec-**

10 **tion to verify the contractor's work.**

11   **(b) A solicitation for a public contract described in paragraph (a) of this subsection must**

12 **require a prospective contractor to state in a bid or proposal for the public contract how the**

13 **prospective contractor will meet the requirement to verify the prospective contractor's work**

14 **on the public contract. A contracting agency may require a prospective contractor to identify**

15 **the specific software the prospective contractor intends to use to meet the requirement.**

16   **(2)(a) Software that a contractor may use to track the contractor's work on a public**

17 **contract described in subsection (1)(a) of this section must include, at a minimum, these**

18 **features:**

19   **(A) Automated tracking of input device activity that counts the number of uses of the**

20 **input device;**

21   **(B) Automated recording of screen output at least once every three minutes;**

22   **(C) Real-time cost tracking of the work, based on the hourly rate of the individual who**

23 **performs the work;**

24   **(D) Automated reporting that allows a contracting agency to track, in real time or by**

25 **means of an audit, the overall cost of the work, the cost of each task or deliverable, the cost**

26 **for each individual the contractor employs to perform the work and other relevant per-**

27 **formance measures that the contracting agency specifies by rule or by contract; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1   (E) Communication capabilities that allow the contracting agency to respond to or com-
2 ment on the contractor's work and on progress on the public contract.

3   (b) The software described in paragraph (a) of this subsection may not record data on
4 individuals that is private or confidential under the laws of this state.

5   (3) A contractor shall retain the records that the software described in subsection (2) of
6 this section generates for a period of at least six years after completing performance on the
7 public contract and shall make the records available to the contracting agency, to the Sec-
8 retary of State and to federal authorities upon demand.

9   (4) A contractor may not charge or collect from a contracting agency, or a person the
10 contracting agency designates, any cost associated with the contracting agency's or the
11 designated person's use of, or receipt of information from, the software described in sub-
12 section (2) of this section.

13   SECTION 3. Section 2 of this 2019 Act applies to procurements that a contracting agency
14 advertises or otherwise solicits or, if the contracting agency does not advertise or otherwise
15 solicit the procurement, to public contracts into which the contracting agency enters on and
16 after the operative date specified in section 4 of this 2019 Act.

17   SECTION 4. (1) Section 2 of this 2019 Act becomes operative on January 1, 2020.

18   (2) The Attorney General, the Director of the Oregon Department of Administrative
19 Services, the Director of Transportation and a contracting agency that adopts rules under
20 ORS 279A.065 or 279A.070 may adopt rules and take any other action before the operative
21 date specified in subsection (1) of this section that is necessary to enable the Attorney
22 General, the director or the contracting agency, on and after the operative date specified in
23 subsection (1) of this section, to exercise all of the duties, functions and powers conferred
24 on the Attorney General, the director or the contracting agency by section 2 of this 2019 Act.

25   SECTION 5. This 2019 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
27 on its passage.

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