



Testimony of Roy A. Merritt, Jr, P.E.

On behalf of
**The Connecticut Society of Civil Engineers (CSCE) Section of the
American Society of Civil Engineers (ASCE)**

Before the Government Administration and Elections Committee

Regarding the following:

Bill: *Senate Bill No. 1037 – AN ACT CONCERNING VERIFICATION OF CONTRACTOR
EMPLOYEE ACTIVITY UNDER CERTAIN COMPUTER-RELATED STATE
CONTRACTS*

CSCE Position: **Opposed**

March 13, 2019

I am Roy Merritt, Jr., and I am a licensed Professional Engineer in the State of Connecticut. I am submitting this written testimony on behalf of the Connecticut Society of Civil Engineers (CSCE) Section of the American Society of Civil Engineers¹ (ASCE), where I serve as Chairman of their Legislative Affairs Committee. CSCE has over 1,600 members in Connecticut – civil engineers working in private practice, government, industry, and academia who are dedicated to the advancement of the science and profession of civil engineering. CSCE submits this testimony in **opposition to** Senate Bill No. 1037 – AN ACT CONCERNING VERIFICATION OF CONTRACTOR EMPLOYEE ACTIVITY UNDER CERTAIN COMPUTER-RELATED STATE CONTRACTS.

S.B. No. 1037 would require that private businesses who contract with any state agency to install tracking software on every employee's computer who works on a state project. The tracking software mandated by S.B. No. 1037 would track every employee's computer keystrokes, mouse clicks, browsing history, program usage and time spent on a computer – and would also require screenshots taken on each computer every 3 minutes. The bill states that the data gathered through the tracking software would then be provided to the contracting agency or the Auditors of Public Accounts under the guise of "preventing fraud". In short, the bill essentially mandates installation of spyware on every employee's computer who is working for a private company on a state project.

CSCE has significant concerns regarding S.B. No. 1037 as follows:

- The requirement to install tracking software (i.e., spyware) on every user's computer is a huge, big-brother style intrusion on individual civil liberties and privacy.

- The costs for procuring and installing the tracking software for every employee's computer is required to be borne by the private firm. In addition, the bill requires that all data gathered by stored by the private firm for a minimum of 7 years – adding additional storage and cyber-security costs on firms in order to protect this information. Many engineering firms, particularly smaller firms, struggling to maintain their profitability and have limited profit margins. The additional costs associated with the tracking software would likely be cost-prohibitive for many smaller firms, including DBE / MBE firms.
- Although the bill claims that protections for private or confidential data is required, CSCE has significant concerns with usernames, passwords, and proprietary company and personal information being gathered by a third party and placed in the hands of state agencies. Improper use or hacking of such information could result in undo harm to private firms and individuals if placed in the wrong hands.
- The practice of tracking computer usage doesn't come close to capturing the work that goes into performing professional and technical services such as engineering. A large percentage of work performed on engineering projects is not performed sitting in front of a computer, but involves working face-to-face with clients and other team members, working in the field, attending meetings or performing other valuable tasks necessary for successful completion of an engineering project.
- The government contracting process already has thorough accountability and oversight. Contracts typically include a scope of work and negotiated hours with not-to-exceed limits. State agencies closely scrutinize cost proposals and actively negotiate fees in the best interest of taxpayers. Typical state contracts for engineering services do not allow for additional fees or compensation without the scope of the project changing.
- The qualifications-based selection process employed on engineering contracts includes review of past performance and quality of work. Any instances of fraud would preclude that firm from seeking future state contracts. Our current system is designed to punish poor performers and penalize those who seek to defraud the state.

CSCE reiterates our strong **opposition to** S.B. No. 1037. CSCE is opposed to any legislation that would require private businesses who contract with state agencies to install tracking software on the computers or electronic devices of employees working on a state project. We urge members of the Government Administration and Elections Committee, and all members of the General Assembly, to **oppose** S.B. No. 1037. CSCE looks forward to working with the Legislature on this issue.

Thank you,



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Connecticut Society of Civil Engineers
Section of the American Society of Civil Engineers

Mr. Merritt serves as Chairman of CSCE's Legislative Affairs Committee

¹ ASCE was founded in 1852 and is the oldest national civil engineering organization. It represents more than 150,000 civil engineers (over 1,600 in Connecticut) in private practice, government, industry and academia who are dedicated to the advancement of the science and the profession of civil engineering. ASCE is a non-profit educational and professional society organized under Part 1.501(c)(3) of the Internal Revenue Code. CSE is a 100% volunteer organization.