

FREEDOM OF INFORMATION COMMISSION
STATEMENT IN SUPPORT OF HB 7147,
AN ACT CONCERNING COMPREHENSIVE REFORM OF THE STATE
CONTRACTING PROCESS.

This bill contains several provisions that will increase the accountability of entities that contract with government to perform public functions by extending the Freedom of Information Act (FOIA) provisions to cover more of these entities and increasing the amount of information that they are required to provide to the public.

HB 7147 is an expansion of a 2001 Public Act (P.A. 01-169, now codified as Conn. Gen. Stat. § 1-218) that was a response to *Envirotest Systems Corp v. FOI Commission*, 59 Conn. App. 753 (2000). The act amended the FOIA to require that certain contracts between a government agency and an entity for the performance of a governmental function shall provide that the records related to the performance of such function will be subject to the provisions of the FOIA. A “governmental function” is defined as the “administration or management” of a program of a public agency, which administration or management has been authorized by law. The term does not include the mere provision of goods or services to a public agency.

This bill increases the accountability of entities that contractually perform governmental functions on behalf of public agencies in several key areas:

The first area lowers the dollar amount of the contract that is required to trigger FOIA accountability from \$2.5 million to \$250,000. The lowering of the threshold amount will greatly expand the number of entities whose governmental functions can now be scrutinized under the FOIA.

The second area subjects subcontractors to the FOIA. Under current law, only the entity contracting directly with the public agency is subject to the FOIA. This provision closes that potential loophole by requiring subcontractors that are performing governmental functions to likewise be subject to the FOIA.

The third area is a new section that requires any for-profit or non-profit entity that contracts with a public agency for the performance of a governmental function to provide certain specified information to the agency, as a condition of the contract. This required information will be subject to the FOIA. The information required to be provided includes, among other items, financial information, the personnel compensation of the employees and professional staff engaged in providing the governmental function and the names and salaries of the three highest paid officials of the entity.

This bill represents an important step forward in increasing the openness and accountability of contractors and subcontractors who receive public funds to perform governmental functions.

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