

	ATTACHMENT C: Designation of Confidential, Trade Secret and Proprietary Information		ARIZONA STATE RETIREMENT SYSTEM 3300 N Central Ave 14 th Floor Phoenix, AZ 85012
	ASRS Group Dental Services Solicitation Code: BPM001922 PART 2 of 2 - Attachments (Response Forms)	Page 1 of 2	

All materials submitted as part of a response to a Solicitation are subject to Arizona Public Records Law and will be disclosed if there is an appropriate public records request at the time of or after the award of the Contract. Recognizing there may be materials included in a Solicitation response that are proprietary or a trade secret, a process is set out in A.A.C. R2-7-103 (attached) that will allow qualifying materials to be designated as confidential and excluded from disclosure. For purposes of this process the definition of "trade secret" will be the same as that set out in A.A.C. R2-7-101(50).

This form must be completed and returned with the response to the Solicitation and any supporting information to assist the State in making its determination as to whether any of the materials submitted as part of the Solicitation response should be designated confidential because the material is proprietary or a trade secret and therefore not subject to disclosure.

All Offerors must select one of the following:

- ☒ My response **does not** contain proprietary or trade secret information. I understand that my entire response will become public record in accordance with A.A.C. R2-7-C317.
- ☐ My response **does** contain trade secret information because it contains information that:
1. Is a formula, pattern, compilation, program, device, method, technique or process; **AND**
 2. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; **AND**
 3. Is the subject of efforts by myself or my organization that are reasonable under the circumstances to maintain its secrecy.

Follow Uniform Instructions to Offerors, Section D(5) to clearly mark specific responses as "Confidential." In addition, review and follow Special Instructions to Offerors, Sections F(2.3) and G(1) to ensure items are correctly marked and attached in the Arizona Procurement Portal (APP) as part of Offeror's response.

List and provide an explanation for all parts of Offeror's response that are separately marked as "Confidential."

Please note that failure to include an explanation may result in a determination that the information does not meet the statutory trade secret definition. All information that does not meet the definition of trade secret as defined by A.A.C. R2-7-101(50) will become public in accordance with A.A.C. R2-7-C317. The State reserves the right to make its own determination of Offeror's trade secret materials through a written determination in accordance with A.A.C. R2-7-103.



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ARIZONA STATE
RETIREMENT SYSTEM
3300 N Central Ave
14th Floor
Phoenix, AZ 85012

If the State agrees with the Offeror's designation of trade secret or confidentiality and the determination is challenged, the undersigned hereby agrees to cooperate and support the defense of the determination with all interested parties, including legal counsel or other necessary assistance.

By submitting this response, Offeror agrees that the entire Offer, including confidential, trade secret and proprietary information may be shared with an evaluation committee and technical advisors during the evaluation process. Offeror agrees to indemnify and hold the State, its agents and employees, harmless from any claims or causes of action relating to the State's withholding of information based upon reliance on the above representations, including the payment of all costs and attorney fees incurred by the State in defending such an action.

Delta Dental of Arizona

Company Name


Signature of Person Authorized to Sign

5656 W Talavi Blvd

Address

Brad Clothier

Printed Name

Glendale

AZ

85306

Executive Vice President / Business Development

City

State

Zip

Title

R2-7-103. Confidential Information

- A. If a person wants to assert that a person's offer, specification, or protest contains a trade secret or other proprietary information, a person shall include with the submission a statement supporting this assertion. A person shall clearly designate any trade secret and other proprietary information, using the term "confidential". Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.
- B. Until a final determination is made under subsection (C), an agency chief procurement officer shall not disclose information designated as confidential under subsection (A) except to those individuals deemed by an agency chief procurement officer to have a legitimate state interest.
- C. Upon receipt of a submission, an agency chief procurement officer shall make one of the following written determinations:
 1. The designated information is confidential and the agency chief procurement officer shall not disclose the information except to those individuals deemed by the agency chief procurement officer to have a legitimate state interest;
 2. The designated information is not confidential; or
 3. Additional information is required before a final confidentiality determination can be made.
- D. If an agency chief procurement officer determines that information submitted is not confidential, a person who made the submission shall be notified in writing. The notice shall include a time period for requesting a review of the determination by the state procurement administrator.
- E. An agency chief procurement officer may release information designated as confidential under subsection (A) if:
 1. A request for review is not received by the state procurement administrator within the time period specified in the notice; or
 2. The state procurement administrator, after review, makes a written determination that the designated information is not confidential.

R2-7-101. Definitions

"Trade secret" means information, including a formula, pattern, device, compilation, program, method, technique, or process, that is the subject of reasonable efforts to maintain its secrecy and that derives independent economic value, actual or potential, as a result of not being generally known to and not being readily ascertainable by legal means.

R2-7-C317. Contract Award

- A. An agency chief procurement officer shall award the contract to the responsible offeror whose offer is determined to be most advantageous to the state based on the evaluation factors set forth in the solicitation. The agency chief procurement officer shall make a written determination explaining the basis for the award and place it in the procurement file.
- B. The agency chief procurement officer shall notify all offerors of an award.
- C. After contract award, the agency chief procurement officer shall return any offer security provided by the offeror.
- D. Within 3 days after contract award the agency chief procurement officer shall make the procurement file, including all offers, available for public inspection, redacting information that is confidential under R2-7-103.