

Minnesota Board on Aging

Trade Secret/Confidential Data Notice-Grant RFP

Responder/Company Name: _____

It is the position of the above-named responder that certain data contained in the following page(s) of the attached proposal have been submitted in confidence and contain trade secrets and/or privileged or confidential information (list pages -- If no protected information has been submitted, state "NONE"):

The justification for the Trade Secret/Confidential data designation is (be specific, do not make general statements of confidentiality. Include reference to specific facts, licenses, trademarks, etc., and any relevant statutes or other law, such as how the data meets the requirements of Minnesota Statutes, section 13.37, subdivision 1(b). Add additional pages if necessary):

The responder acknowledges that, in accordance with Minnesota Statutes, sections 13.591 and 16C.06, subdivision 3, upon completion of contract negotiations, all materials submitted in response to this Request for Proposal (RFP) will become the property of the state and will become public record, with the exception of any portion(s) of an RFP or supporting data that are determined to be nonpublic "trade secret information."

The responder asserts that it has clearly marked every page of trade secret or confidential materials in the attached proposal at the time the proposal was submitted with the words "TRADE SECRET" or "CONFIDENTIAL" in capitalized, underlined and bolded type that is at least 20 point. Responder acknowledges that the state is not liable for the use or disclosure of trade secret data or confidential data that responder has failed to clearly mark as such.

Responder agrees to defend any action seeking release of the materials it believes to be trade secret or confidential, and indemnify and hold harmless the STATE, its agents and employees, from any judgments awarded against the STATE in favor of the party requesting the materials, and any and all reasonable costs connected with that defense. This indemnification survives the STATE's award of a contract and remains as long as the trade secret and/or confidential materials are in the possession of the STATE.

Responder acknowledges that the STATE is required to keep all the basic documents related to its grant contracts, including selected responses to RFPs, for a minimum of six years after the end of the grant contract. Nonselected RFP proposals will be kept by the STATE for a minimum of one year after the award of a grant contract, and may be kept for much longer. Responder acknowledges that prices submitted by the responder will not be considered trade secret materials.

The responder acknowledges that the state reserves the right to reject responder's claim of trade secret/confidential data if the state determines that the responder has not met the legal burden of establishing that the information constitutes a trade secret or is confidential. The responder also acknowledges that if certain information is found to constitute a trade secret or is confidential, the remainder of the proposal will become public; only the protected information will be removed and remain nonpublic.

Signature: _____

Printed Name: _____

Title: _____

Date: _____ * Whether or not protected information is provided, the responder must sign and date this form and submit it with the "Required Statements."

This information is available in accessible formats for individuals with disabilities by calling 651-431-3612 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.