



## Attachment K CLAIM OF BUSINESS CONFIDENTIALITY

### Definitions

1. “**Confidential**” means confidential financial information concerning Offeror’s organization and data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act §§57-3-A-1 through 57-3A-7 NMSA 1978,. See also NMAC 1.4.1.45. The following items may **not** be labeled as confidential: Offeror’s submitted Cost response, Staff/Personnel Resumes/Bios (excluding personal information such as personal telephone numbers and/or home addresses), and other submitted data that is **not** confidential financial information or that qualifies under the Uniform Trade Secrets Act.
2. “**Redacted**” means a version/copy of the Offeror’s proposal with the information considered proprietary or confidential (as defined by §§57-3A-1 to 57-3A-7 NMSA 1978 and NMAC 1.4.1.45 and summarized herein and outlined in the RFP Overview (Section IV.A.7) and Attachment O (Section B.2.a) of this RFP) blacked-out **BUT NOT** omitted or removed.

### Disclosure of Proposal Contents

The contents of all submitted proposals will be kept confidential until the final award has been completed by the Lead State. At that time, all proposals and documents pertaining to the proposals will be available for public inspection, *except* for proprietary or confidential material as follows:

#### ***Proprietary and Confidential information is restricted to:***

1. confidential financial information concerning the Offeror’s organization; and
2. information that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, §§57-3A-1 through 57-3A-7 NMSA 1978.
3. An additional but separate redacted version of Offeror’s proposal, as outlined and identified in the RFP Overview (Section IV.A.7) and Attachment O (Section B.2.a) of this RFP, shall be submitted containing the blacked-out proprietary or confidential information, in order to facilitate eventual public inspection of the non-confidential version of Offeror’s proposal.

**IMPORTANT:** The cost of services proposed **SHALL NOT** be designated as proprietary or confidential information.

If a request is received for disclosure of proprietary or confidential materials, the Lead State shall examine the request and make a written determination that specifies which portions of the proposal should be disclosed. Unless the Offeror takes legal action to prevent the disclosure, the proposal will be so disclosed. The proposal shall be open to public inspection, subject to any continuing prohibition on the disclosure of proprietary or confidential information.

### **Offeror’s Claims of Business Confidentiality.** (Check one of the below.)

- ☐ Offeror is not claiming any information within Offeror’s proposal as confidential, proprietary, or protected. (Check box and skip to **Signature** section below.)
- ☐ Offeror claims the information set forth in the table below as confidential, proprietary, or protected and **will submit with Offeror’s proposal a redacted copy of Offeror’s proposal**, which must be clearly marked as such. Offeror understands, acknowledges, and agrees to comply with the following:
  - Each of the following fields **must** be completed for each claim asserted by Offeror:
    - **Proposal Section Reference:** The page, section, or paragraph in Offeror’s proposal containing the information claimed to be confidential, proprietary, or protected.
    - **Confidential Information:** A description of the information claimed to be confidential, proprietary, or protected.

**Request for Proposals for  
Temporary Employment Services**

Issued by the **State of New Mexico**  
**Solicitation Number 60-00000-26-00092**



- **Basis for Claim:** The basis for Offeror's claim, which in accordance with the **Uniform Trade Secrets Act §§57-3-A-1 through 57-3A-7 NMSA 1978 (see also NMAC 1.4.1.45)**, shall be one of the following:
  - The information is a trade secret, as defined in the **Uniform Trade Secrets Act §§57-3-A-1 through 57-3A-7 NMSA 1978**
  - The information constitutes confidential financial information concerning the offeror's organization, as described in **NMAC 1.4.1.45**
  - **IMPORTANT:** *The price of products offered or the cost of services proposed **SHALL NOT** be designated as proprietary or confidential information.*
- **Explanation:** Explanation of how the information claimed to be confidential, proprietary, or protected meets the definition of one of the bases above.
- **Offeror may not mark pricing or Offeror's entire proposal as confidential, proprietary, or protected.**

Proposal Section Reference	Confidential Information	Basis for Claim	Explanation

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**Signature**

By signing below, the undersigned certifies under penalty of perjury that the representations made and the information provided herein are true and correct and may be relied upon by the Lead State for purposes of determining the validity of Offeror's claim(s). Offeror understands that submission of a Claim of Business Confidentiality does not guarantee that information claimed by Offeror as confidential, proprietary, or protected will not be subject to disclosure in accordance with applicable public information laws, rules, and policies. Offeror further agrees that if Offeror fails to submit a redacted copy of Offeror's proposal, or fails to claim information as confidential, proprietary, or protected in compliance with this RFP, Offeror releases the Lead State, NASPO, NASPO members, and entities represented on the Multistate Sourcing Team from any obligation to keep the information confidential and waives all claims of liability arising from disclosure of the information.

**OFFEROR:**

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**Signature**

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**Date**

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**Printed Name**

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**Title**

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**Email Address**

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**Phone Number**