**Form A - Trade Secret/Confidential Proprietary Information Notice**

Instructions:

The Commonwealth may not assert on behalf of a third party an exception to the public

release of materials that contain trade secrets or confidential proprietary information

unless the materials are accompanied, at the time they are submitted, by this form or a

document containing similar information.

It is the responsibility of the party submitting this form to ensure that all statements and

assertions made below are legally defensible and accurate. The Commonwealth will not

provide a submitting party any advice with regard to trade secret law.

**Name of submitting party:**

**Contact information for submitting party:**

**Please provide a brief overview of the materials that you are** submitting (e.g. bid

proposal, grant application, technical schematics):

**Please provide a brief explanation of why the materials are being submitted to the**

**Commonwealth** (e.g. response to bid #12345, application for grant XYZ being offered

by the Department of Health, documents required to be submitted under law ABC)

**Please provide a list detailing which portions of the material being submitted you**

**believe constitute a trade secret or confidential proprietary information, and please**

**provide an explanation of why you think those materials constitute a trade secret or**

**confidential proprietary information. Also, please mark the submitted material in**

**such a way to allow a reviewer to easily distinguish between the parts referenced**

**below.** (You may attach additional pages if needed)

**Note:** The following information will not be considered a trade secret or confidential

proprietary information:

 Any information submitted as part of a vendor’s cost proposal

 Information submitted as part of a vendor’s technical response that does not pertain to specific business practices or product specification

 Information submitted as part of a vendor’s technical or small diverse business response that is otherwise publicly available or otherwise easily obtained

 Information detailing the name, quantity, and price paid for any product or

service being purchased by the Commonwealth

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**Acknowledgment**

The undersigned party hereby agrees that it has read and completed this form, and has

marked the material being submitted in accordance with the instructions above. The

undersigned party acknowledges that the Commonwealth is not liable for the use or

disclosure of trade secret data or confidential proprietary information that has not been

clearly marked as such, and which was not accompanied by a specific explanation

included with this form.

The undersigned agrees to defend any action seeking release of the materials it believes

to be trade secret or confidential, and indemnify and hold harmless the Commonwealth,

its agents and employees, from any judgments awarded against the Commonwealth in

favor of the party requesting the materials, and any and all costs connected with that

defense. This indemnification survives so long as the Commonwealth has possession of

the submitted material, and will apply to all costs unless and until the undersigned

provides a written statement or similar notice to the Commonwealth stating that it no

longer wishes to exempt the submitted material from public disclosure.

The undersigned acknowledges that the Commonwealth is required to keep all records for

at least as long as specified in its published records retention schedule.

The undersigned acknowledges that the Commonwealth reserves the right to reject the

undersigned’s claim of trade secret/confidential proprietary information if the

Commonwealth determines that the undersigned has not met the burden of establishing

that the information constitutes a trade secret or is confidential. The undersigned also

acknowledges that if only a certain part of the submitted material is found to constitute a

trade secret or is confidential, the remainder of the submitted material will become

public; only the protected information will be removed and remain nonpublic.

If being submitted electronically, the undersigned agrees that the mark below is a valid

electronic signature.

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Signature Title Date