4.0 Detailed Legal Analysis for Confidential Treatment

RFP Reference: Exhibit D: 13, 12.

Request for Confidential/Proprietary Determination

Request for Confidential/Proprietary Determination:

12.1 If an Offeror believes that a specific portion of its bid, proposal, offer, specification, or protest contains information that should be withheld from public inspection due to confidentiality, the Offeror shall submit to the Procurement officer a detailed legal analysis, prepared by legal counsel, which sets forth the bases for the requested non-disclosure and the specific harm or prejudice which may arise if disclosed. The analysis shall be presented to the Procurement Officer at the same time as the bid, proposal, offer, specification or protest.

12.2 An entire bid, proposal, offer, specification, or protest shall not be identified as confidential; only those very limited and distinct portions which are considered by the Offeror as confidential may be identified as such. Pricing shall not be considered as confidential.

12.3 In the event that AHCCCS receives a request for disclosure of the information, AHCCCS shall disclose the information in accordance with law. Prior to disclosure, AHCCCS will inform the Offeror of such request and provide the Offeror a period of time to take action it deems appropriate to support non-disclosure.
The Offeror shall be responsible for any and all costs associated with the nondisclosure of the information.

12.4 In addition to the required detailed legal analysis, the Offeror shall summarize in their Submittal Letter the distinct portions, including exact page numbers, of their document is requested to be kept confidential.

12.5 If any pieces of your proposal are being requested to be kept confidential, and withheld from public viewing, please submit an additional redacted copy of the proposal ON A SEPARATE CD. Our office does not require a hard copy of the redacted proposal, only an electronic copy. This will ensure that our office is crystal clear on which version of your proposal is acceptable for public viewing.

13. If any pieces of your proposal are being requested to be kept confidential, and withheld from public viewing, please submit an additional redacted copy of the proposal ON A SEPARATE CD. Our office does not require a hard copy of the redacted proposal, only an electronic copy. This will ensure that our office is crystal clear on which version of your proposal is acceptable for public viewing. An Offeror may only request confidential treatment for LIMITED DISTINCT portions of their proposal. It is at the discretion of AHCCCS to allow such confidential treatment based upon the legal analysis submitted.

In each of the following sections, we have highlighted specific text and figures and tables that we believe meet the State's definition of trade secret. These items detail specific process steps or tasks we use to carry out our current or proposed work on behalf of AHCCCS, discuss proprietary techniques (such as algorithms used to carry out our work), provide screen shots of proprietary HMS systems or describe unique features or functionalities of those systems, or furnish sample reports. These steps/tasks, proprietary techniques systems, and sample reports are the result of 28 years of refinement, and are based on results we have achieved for clients across the country. Disclosure of this information would cause substantial competitive injury to HMS, and provide an unfair business development opportunity and economic value to those obtaining such information.

Pages containing such text or items have the following text in the footer: "Confidential and Proprietary. Text and/or exhibits that we claim as being trade secret can be found below in **Table 4-1**:

Table 4-1. HMS Add-On Proposal Confidential Detailed Legal Analysis Table

Section	Subsection	Page Number	Detailed Legal Analysis
2.0 Add-on Services	All Subsections	2.0 – All Pages	This narrative provides specific confidential and proprietary details on HMS innovation services. Disclosure of this information could compromise the privacy of HMS's internal growth and strategic policies. We do not reveal the detail communicated in this page except under assurances or designations of confidentiality, and we maintain this information as a confidential and proprietary trade secret. Disclosure of this content would thus cause substantial injury to the competitive position of HMS.