MAXIMUS

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March 13, 2018

Alice McLain
Procurement Manager
Arizona Healthcare Cost Containment System
701 E. Jefferson, MD5700
Phoenix, Arizona 85034

Re: **Legal Analysis** for Special Instructions 12.4 Request for Confidential / Proprietary Determination
Arizona Solicitation # YH18-0033 Provider Management System

Dear Ms. McLain:

I am in-house counsel for MAXIMUS Human Services, Inc. (MAXIMUS). MAXIMUS is submitting a proposal for the Provider Management System for AHCCCS/Med-QUEST. Our proposal contains information that should be withheld from public inspection and disclosure due to confidentiality. In accordance with the *Special Instructions to Offerors, Section 12.4 Request for Confidential / Proprietary Determination*, MAXIMUS requests that certain confidential and proprietary information and trade secrets in the proposal be withheld from public inspection and disclosure. Additional details are provided below.

Trade Secrets

The Arizona courts have recognized an exception to the disclosure required under the Public Records Act for trade secrets as defined under the Arizona Trade Secrets Act at A.R.S. 44-401. See, *Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 351 (Ariz. Ct. App. 2001).

Sections 4.1 and 4.2 on pages 4-1 through 4-43 of our proposal provide non-public information including screen shots and descriptions of the systems architecture of the MAXIMUS proprietary Provider Management System.

Section 2.4 on pages 2-16 through 2-32 of our proposal provides non-public information including resumes of MAXIMUS personnel.

As required by the Trades Secrets Act, this information (i) 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 (ii) is the subject of efforts by MAXIMUS that are reasonable under the circumstances to maintain its secrecy, such as, but not limited to, proprietary markings, confidentiality and non-disclosure agreements, and confidentiality and non-disclosure terms in licenses, contracts, and employment agreements. MAXIMUS has invested significant resources to develop the MAXIMUS Provider Management System and to recruit, hire and train its personnel. Disclosure of the information would confer substantial economic value to MAXIMUS competitors and potential competitors. MAXIMUS requests that this information be protected from disclosure in accordance with Arizona law.

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Procurement Sensitive Information

Section 4.3 on pages 4-44 through 4-55 of our proposal provides competitive information about our proposed project schedule. MAXIMUS requests that this information be protected from disclosure in accordance with A.R.S. 41-2534(D) until after a final contract award is made so as to ensure a fair procurement process.

If you have any questions or require any clarifications, please contact me at 303.285.7557 or CharlesKSweeney@maximus.com. I will be happy to assist you.

Sincerely,

Charles K. Sweeney

Charles K. Sweeney II
Vice President – Contracts
Assistant General Counsel

cc: MAXIMUSHumanSvProposals@maximus.com
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