



Contractor ‘Trade Secret’ Data Exclusion Request

HENNEPIN HEALTHCARE is considered a government entity and is subject to the Minnesota Government Data Practices Act (MGDPA).¹ As a potential contractor with HENNEPIN HEALTHCARE any data that you provide HENNEPIN HEALTHCARE may be subject to public disclosure and governed by the MGDPA. Please identify below what portions of your Request for Proposal (RFP) or contract you consider to be ‘trade secret’ data as defined in the MGDPA and should be excluded from a public data request.

Whether or not protected information is identified, you must sign and date this form and submit it with the required documentation. The final decision on what qualifies as redacted material remains with HENNEPIN HEALTHCARE.

RFP and Contract for Purple Parking Ramp Expansion Project, RFP 21-006

Responder/Contracting Company Name: _____

The following data contained in the named page(s) of the attached RFP or contract have been identified as ‘trade secret’ data (*list pages and identify specific provisions - if no information has been identified state ‘NONE’ add additional pages if necessary*):

The justification for the ‘trade secret’ designation is (*be specific, do not make general statements of confidentiality - include references to specific facts, licenses, trademarks, etc., and any relevant statutes or other law, such as how the data meets the requirements of Minn. Stat. §13.37, Subd. 1(b) (Add additional pages if necessary)*):

The Responder/Contracting Company acknowledges that, in accordance with Minn.Stat.§§13.591, upon completion of HENNEPIN HEALTHCARE’s contract negotiations with a select vendor, any and all materials submitted in response to an RFP are public record, with the exception of any portion(s) of an RFP or supporting data that are determined to be classified as nonpublic or private ‘trade secret’ data and further acknowledges that if they have contract negotiations with HENNEPIN HEALTHCARE, the contract will also become public record with the exception of any portion(s) of a contract that are determined to be classified as nonpublic or private ‘trade secret’ data.

- Responder/Contracting Company asserts that it has clearly marked every page of ‘trade secret’ data materials in the attached RFP or contract at the time the RFP or contract was submitted

¹ Minn.Stat.Chap.13, Minn.Stat.§383B.917

with the words “**TRADE SECRET**” in capitalized, underlined, and bolded type that is at least 20 pt.

- Responder/Contracting Company acknowledges that HENNEPIN HEALTHCARE is not liable for the use or disclosure of ‘trade secret’ data that has failed to be clearly marked as such.
- Responder/Contracting Company agrees to defend any action seeking release of the materials it believes to be ‘trade secret’ data and indemnify and hold harmless HENNEPIN HEALTHCARE, its agents and employees, from any judgments awarded against HENNEPIN HEALTHCARE in favor of the party requesting the materials, and any and all reasonable costs connected with that defense. This indemnification survives HENNEPIN HEALTHCARE’s award of a contract and remains as long as the ‘trade secret’ materials are in the possession of HENNEPIN HEALTHCARE.
- Responder/Contracting Company acknowledges that HENNEPIN HEALTHCARE is required to keep all the basic documents related to its contracts, including selected responses to RFPs, for a minimum of six (6) years after the end of the contract. Non-selected RFP Proposals will be kept by HENNEPIN HEALTHCARE for a minimum of one (1) year after the award of a contract, and may be kept for longer.
- Responder/Contracting Company acknowledges that pricing information will not be considered ‘trade secret’ data but HENNEPIN HEALTHCARE, in its sole discretion, may consider pricing information ‘competitive data’ under Minn. Stat. §383B.917.
- Responder/Contracting Company acknowledges that HENNEPIN HEALTHCARE reserves the right to reject a party’s claim of ‘trade secret’ data if HENNEPIN HEALTHCARE determines that the legal burden of establishing that the information constitutes ‘trade secret’ data has not been met.
- Responder/Contracting Company acknowledges that if certain information is found to constitute ‘trade secret’ and/or ‘competitive’ data, the remainder of the RFP or contract is still public and only the protected information will be redacted/removed and remain nonpublic or private data.

Signature
(Must be authorized to sign on behalf of
Company being represented)

Title

Date