



CONFIDENTIALITY AND COMMITMENT TO DEFEND

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

BID SOLICITATION # AND TITLE: 22DPP00664 and T0641 – Meat and Poultry for NJ Department of Corrections Agri Industries

The Bid Solicitation advises Vendors {Bidders} (hereinafter “Company”) that the submitted “Quotes can be released to the public pursuant to N.J.A.C. 17:12-1.2(b) and (c), or under the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1.1 et seq., or the common law right to know.”

In the event that the Division receives a request for documents related to above referenced Bid Solicitation, in accordance with its statutory obligations under the New Jersey Open Public Records Act and/or the common law right to know, it is the Division’s intent to fulfill the request for records which may include a copy of the Company’s Quote.

If Company objects to the disclosure of any portions of the Quote, the Company must advise the Division and must attach a detailed statement clearly identifying those sections of the Quote that Company claims are exempt from disclosure. In requesting any exemption, Company must identify the specific statutory or other legal justification for each requested exemption and the factual basis that supports said exemption.

In addition, if Company requests any exemption to disclosure of the Quote based upon claims of confidential/proprietary information and trade secrets (setting forth the nature of the formula, process, pattern, device or compilation), Company must also indicate the following with respect to the requested exemption:

- (1) the extent to which the information is known outside the owner’s business;
- (2) the extent to which it is known by employees and others involved with your business;
- (3) the extent of the measures taken by your firm to guard the secrecy of the information;
- (4) the value of the information to your firm and your competitors;
- (5) the amount of effort or money expended by your firm in developing the information; and
- (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

[Ingersoll-Rand Co. v. Ciavatta, 110 N.J. 609 (1988)].

Further, if the Quote includes any copyright notices, within five business days, the Division will be permitted to release a copy of the Quote document(s) unless Company serves the Division with an order from a court of competent jurisdiction precluding such release.

The State reserves the right to make the final determination as to what is and is not subject to public disclosure under OPRA and/or the common law right to know, and will advise the Company accordingly. Please note that the State will not honor any claim of confidential, proprietary, trade secret, and/or copyright material that is not supported by a specific statutory or legal justification provided by the Company. The State will not honor any attempts by the Company to designate the entire Quote as proprietary, confidential and/or to claim copyright protection for its entire Quote.

Accordingly, in order to assist the Division with the fulfillment of potential document requests, please select **one** of the following:

☐

The Company's Quote **does not include** any confidential, proprietary and/or trade secrets; and therefore, the Company does not request any redactions be made prior to the release of the documents.

OR

☐

The Company's Quote **does include** confidential, proprietary and/or trade secrets; and therefore, the Company requests that certain portions of the Quote be redacted prior to the release of the documents.

The requested redactions are set forth in the attached statement which specifically identifies the portions of the Quote by section, page number, paragraph and or line; and identifies the specific statutory or other legal reason for each requested exemption.

In the event of any challenge to the Company's assertion of confidential/proprietary information, the Company shall be solely responsible for defending its designation.

Company agrees that it shall defend and cooperate in the defense of an action against the State of New Jersey arising from or related to the non-disclosure, due to the Company's request, of documents submitted to the State of New Jersey, and relating to a Quote submitted by the Company in response to the above referenced Bid Solicitation, which was the subject of a request for government records under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"), or the common law right to know.

The Company further agrees to indemnify and hold harmless the State against any judgments, costs, or attorneys' fees assessed against the State in connection with any action arising from, or related to, the non-disclosure, due to the Company's request, of documents submitted to the State, which are the subject of a request for government records under OPRA.

The Company makes the forgoing agreement with the understanding that the State may immediately disclose any documents withheld without further notice if the Company ceases to cooperate in the defense of an action against the State arising from or related to the above described non-disclosure due to the Company's request, and will disclose such documents withheld if so ordered by a court of competent jurisdiction.

The undersigned certifies that s/he is duly authorized to make this commitment on behalf of the Company.

Company Name

Signature

Date

Print Name and Title

DESCRIPTION OF VENDOR REQUESTED QUOTE REDACTIONS*	
1	Redacted
2	Redacted
3	Redacted
4	Redacted
5	Redacted
6	Redacted
7	Redacted
8	Redacted
9	Redacted
10	Redacted
11	Redacted
12	Redacted
13	Redacted
14	Redacted
15	Redacted
16	Redacted
17	Redacted
18	Redacted
19	Redacted
20	Redacted
21	Redacted
22	Redacted
23	Redacted
24	Redacted
25	Redacted
26	Redacted
27	Redacted
28	Redacted
29	Redacted
30	Redacted
31	Redacted
32	Redacted
33	Redacted
34	Redacted
35	Redacted
36	Redacted
37	Redacted
38	Redacted
39	Redacted
40	Redacted
41	Redacted
42	Redacted
43	Redacted
44	Redacted
45	Redacted
46	Redacted
47	Redacted
48	Redacted
49	Redacted
50	Redacted
51	Redacted
52	Redacted
53	Redacted
54	Redacted
55	Redacted
56	Redacted
57	Redacted
58	Redacted
59	Redacted
60	Redacted
61	Redacted
62	Redacted
63	Redacted
64	Redacted
65	Redacted
66	Redacted
67	Redacted
68	Redacted
69	Redacted
70	Redacted
71	Redacted
72	Redacted
73	Redacted
74	Redacted
75	Redacted
76	Redacted
77	Redacted
78	Redacted
79	Redacted
80	Redacted
81	Redacted
82	Redacted
83	Redacted
84	Redacted
85	Redacted
86	Redacted
87	Redacted
88	Redacted
89	Redacted
90	Redacted
91	Redacted
92	Redacted
93	Redacted
94	Redacted
95	Redacted
96	Redacted
97	Redacted
98	Redacted
99	Redacted
100	Redacted

[illegible]

** Home address and/or unlisted telephone/cell phone numbers must be listed on this form if they are to be redacted.*