



State of Utah

GARY R. HERBERT  
Governor

GREGORY S. BELL  
Lt. Governor

Department of Administrative Services

KIMBERLY K. HOOD  
Executive Director

Division of Facilities Construction and Management

DAVID G. BUXTON  
Director

## Addendum No. 1

Date: October 24, 2012

To: Consultants

From: David G. Buxton - Director

Reference: Draper Prison Relocation  
Department of Corrections – Draper, Utah  
DFCM Project No. 11036100

Subject: **Addendum No. 1**

Pages	Addendum Cover Sheet	2	pages
	Revised Project Schedule	1	page
	<u>Attachment A - Claim of Business Confidentiality Form</u>	3	pages
	Total	6	pages

**Note:** This Addendum shall be considered part of the Request for Information issued October 1, 2012.

- 1.1 SCHEDULE CHANGES:** See attached Revised Project Schedule. Reference to "Announcement" in the Project Schedule on page 7 of the RFI has been removed. The information gathered by the committee will be reviewed and collated into a report that will be submitted to the Governor and the Legislature at a later date.
- 1.2 GENERAL ITEMS:** Responses to the Following Must be Non-Proprietary: Under this section on page 4, add the following: "Notwithstanding the above, there may be some submitted information that could be claimed to be business confidential. The following information is provided to assist responders to the RFI with directions on confidential information."

CONFIDENTIALITY:

- 1.2.1. All submissions pursuant to this RFI become the property of the Prison Relocation Committee and are generally subject to GRAMA (Government Records Access and Management Act).
- 1.2.2. GRAMA provides that if a person submits trade secrets, commercial information, or non-individual financial information to a governmental entity, the person may request that the information be classified as a protected record. A person making such a request must submit to the governmental entity a written claim of business confidentiality, which must contain the information required by Utah Code Ann. §§ 63G-2-305(1) and (2) and 63G-2-309 (the "Required Information").
- 1.2.3. **A Claim of Business Confidentiality Form is attached hereto as Attachment "A." To request that any portion of a submission be classified as a protected record, use Attachment "A" and provide a detailed explanation. Clearly identify the specific information for which the protected classification is requested. Failure to provide the required information risks having the entire submission be considered a public record. An entire submission may not be protected under a claim of business confidentiality.**
- 1.2.4. Cost proposals are not requested as part of the response to this RFI. Cost information that is submitted may be made public.
- 1.2.5. See GRAMA for additional information about Utah's government records laws.
- 1.2.6. It is the responsibility of each responder to the RFI to determine the risks associated with the disclosure of potentially confidential or sensitive information in its response or other submission.



STATE OF UTAH - DEPARTMENT OF ADMINISTRATIVE SERVICES

**Division of Facilities Construction and Management**

**DFCM**

**PROJECT SCHEDULE – REVISED PER  
ADDENDUM NO. 1 DATED OCTOBER 24, 2012**

<b>PROJECT NAME:</b>	<b>DRAPER PRISON RELOCATION DEPARTMENT OF CORRECTIONS</b>			
<b>DFCM PROJECT NO.</b>	<b>11036100</b>			
<b>Event</b>	<b>Day</b>	<b>Date</b>	<b>Time</b>	<b>Place</b>
Request for Information Issued	Monday	October 1, 2012	3:00 PM	DFCM web site*
Last Day to Submit Questions	Monday	October 22, 2012	3:00 PM	Gregg Buxton – DFCM E-mail <a href="mailto:gbuxton@utah.gov">gbuxton@utah.gov</a>
Addendum Deadline	Wednesday	October 24, 2012	3:00 PM	DFCM web site *
Response to RFI Due	Tuesday	November 6, 2012	12:00 NOON	DFCM Room 4110 State Office Building SLC, UT 84114
Evaluation of Responses including feasibility	Tuesday – Friday	Approx. November 13 - 16, 2012	TBA	TBA
Interviews (If necessary)	Tuesday – Wednesday	November 27 - 28, 2012	TBA	TBA

\* DFCM's web site address is <http://dfcm.utah.gov>.

**ATTACHMENT A**

**IMPORTANT INSTRUCTIONS TO CLAIM BUSINESS**  
**CONFIDENTIALITY**

Provided with this Addendum #1 is the Claim of Business Confidentiality Form. **To claim business confidentiality, this form must be submitted with the proposal or any other submitted documents.**

We have also provided some of the statutory references of the Utah Governmental Records Access and Management Act (GRAMA).

This explanation should be made for each provision, paragraph or section that meets the requirements for a Claim of Business Confidentiality.

Examples of what may qualify for a Claim of Business Confidentiality: client lists, non-public financial statements and certain reference information.

Example of what does not qualify for a Claim of Business Confidentiality: the amount of each offeror's cost proposal shall be disclosed after the contract is awarded. [Utah Administrative Code R23-1-15 (9)(b)]

You will be notified if there is a concern about your submitted Claim of Business Confidentiality, prior to any public release of such claimed information.

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**STATUTORY REFERENCES FOR CONFIDENTIALITY CLAIM:**

This provides some examples of protected records under GRAMA.

GRAMA, Utah Code Ann., Subsection 63G-2-305, provides in part that the following records are protected if properly classified by a government entity:

**UCA 63G-2-305. Protected records.**

- (1) **trade secrets** as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309 (Business Confidentiality Claims)

**[NOTE: Trade Secrets in 13-24-2 is defined as:**

"Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- (a) 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
- (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.];

- (2) **commercial information or nonindividual financial information** obtained from a person if:
  - (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;
  - (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
  - (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;
- (3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;
- (4) records the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);

**NOTE: this statute provides further examples of protected records]**

**UCA 63G-2-309. Confidentiality claims.**

**63G-2-309. Confidentiality claims.**

- (1)(a)(i) Any person who provides to a governmental entity a record that the person believes should be protected under Subsection 63G-2-305(1) or (2) or both Subsections 63G-2-305 (1) and (2) shall provide with the record:
  - (a) a written claim of business confidentiality; and
  - (b) a concise statement of reasons supporting the claim of business confidentiality.

**[Note: this is part of the statute]**

**CLAIM OF BUSINESS CONFIDENTIALITY FORM**

Pursuant to Utah Code Ann., Subsections 63G-2-305 (1) and (2), and in accordance with Section 63G-2-309, **(insert company name)** asserts a claim of business confidentiality to protect the following information submitted as part of a Request for Proposals.

Please see the Statutory References for Confidentiality Claim on the preceding page, especially in regard to the definition of trade secrets and other information that can be protected from public disclosure under GRAMA.

This statement of reasons supporting the claim of business confidentiality applies to the following information on this proposal:

<b>Page</b>	<b>Paragraph</b>	<b>Reason</b>

If more space is needed, please insert additional rows and provide additional pages.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title