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|  | **NORTH CAROLINA**  **DEPARTMENT OF INFORMATION TECHNOLOGY**  **STATEWIDE IT PROCUREMENT OFFICE**  <https://it.nc.gov/resources/statewide-it-procurement-office> |

**Request for Clarification**

**of Confidential Information**

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| **Solicitation Number:** | [Insert solicitation number] |
| **Solicitation Description:** | [Insert description] |
| **Solicitation Opening Date and Time:** | [Insert solicitation opening date and time] |
| **Addendum Number:** | [addendum number] |
| **Issue Date of Request for Clarification:** | [Issue date of this request for clarification] |
| **Purchasing Agent** or **Contract Specialist:** | [Name]  [Enter email address | Telephone number | Fax number] |

1. Return one signed copy of this clarification request via [email to xxxxx@xxx OR fax to ###-###-####].

**Clarification Response Due Date and Time: *[##:## am/pm ET, Weekday, Month Date, 20YY]***

1. *[Insert Vendor’s name]* has indicated in its response to the above referenced solicitation that *[(select one) its entire response* OR *Pages X, Sections X of its response]* is/are designated as “Confidential”.

In the solicitation document, Department of Information Technology Terms and Conditions, Paragraph *[(select one) 14, 16, 17 OR 18]*, Confidentiality states:

“In accordance with N.C.G.S. §143B-1350(e), 9 NCAC 06B.0103 and 06B.1001 and to promote maximum competition in the State competitive bidding process, the State may maintain the confidentiality of certain types of information described in N.C.G.S. §132-1 et seq. Such information may include trade secrets defined by N.C.G.S. §66-152 and other information exempted from the Public Records Act pursuant to N.C.G.S. §132-1.2. Vendor may designate appropriate portions of its response as confidential, consistent with and to the extent permitted under the Statutes and Rules set forth above, by marking the top and bottom of pages containing confidential information with a legend in boldface type “CONFIDENTIAL”. By so marking any page, the Vendor warrants that it has formed a good faith opinion, having received such necessary or proper review by counsel and other knowledgeable advisors that the portions marked confidential meet the requirements of the Rules and Statutes set forth above. *However, under no circumstances shall price information be designated as confidential.* The State may serve as custodian of Vendor’s confidential information and not as an arbiter of claims against Vendor’s assertion of confidentiality. If an action is brought pursuant to N.C.G.S. §132-9 to compel the State to disclose information marked confidential, the Vendor agrees that it will intervene in the action through its counsel and participate in defending the State, including any public official(s) or public employee(s). The Vendor agrees that it shall hold the State and any official(s) and individual(s) harmless from any and all damages, costs, and attorneys’ fees awarded against the State in the action. The State agrees to promptly notify the Vendor in writing of any action seeking to compel the disclosure of Vendor’s confidential information. The State shall have the right, at its option and expense, to participate in the defense of the action through its counsel. The State shall have no liability to Vendor with respect to the disclosure of Vendor’s confidential information ordered by a court of competent jurisdiction pursuant to N.C.G.S. §132-9 or other applicable law.”

Does *[Insert Vendor’s name]* warrant that the material in its bid proposal that is marked “Confidential” meets the requirements of Department of Information Technology Terms and Conditions Paragraph *[(select one) 14, 16, 17 OR 18]*, Confidentiality of the offer?  YES  NO

If yes, specify which pages need to remain confidential.

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If no, does *[Insert Vendor’s name]* agree to remove any and all confidentiality markings, labels, statements from its bid proposal?  YES  NO

**Sign Clarification:**

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| **Offeror:** |  |
| **Authorized Signature:** |  |
| **Name and Titled (Typed):** |  |
| **Date:** |  |