Protection of Proprietary Information

The Arkansas Freedom of Information Act, generally found at Ark. Code Ann. §§ 25-19-101 to -107 (West 2004 & Supp. 2008), as amended by various acts of the General Assembly of Arkansas, is extremely broad in its scope. Any person(s), or organization(s), submitting a response to this RFP/RFQ, who wishes to include confidential or proprietary information with the submission, should be on notice that such submission may be deemed a public record subject to disclosure upon completion of the selection process. Any such information that is not intended for disclosure should be placed in a separate sealed envelope, and the respondent should note what part(s) of the RFP/RFQ requires reference to such information.

The envelope should note that this information is not intended for public disclosure, and it is being provided to CAW on loan by the party. Upon the receipt of any request for production of this information by any person or entity pursuant to the Arkansas Freedom of Information Act, CAW shall immediately notify the party providing the information not intended for public disclosure, but it shall be the obligation of such party to take appropriate legal steps for the protection of such information. Other than providing notice to such party, CAW shall have no duty or obligation to protect such information. When CAW is finished with the information not intended for public disclosure, CAW shall (i) return such information to the party submitting the information, or (ii) destroy the information.

Proposals to Become Property of CAW

Except as set forth in the Protection of Proprietary Information paragraphs above, all proposals shall become the property of CAW and may be used by CAW for any purpose. Information or exhibits provided in any interviews conducted by CAW, which only clarify or explain material contained in a response to this RFP/RFQ and do not provide new information, shall not be considered to be part of the RFP/RFQ, and shall not be deemed subject to this paragraph.