STATE OF NEW HAMPSHIRE

BUREAU OF PURCHASE AND PROPERTY
STATE HOUSE ANNEX
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6398

ADDENDUM #3 TO RFP NO. 2015-176

DATE OF BID OPENING: **9/23/2015*** TIME OF BID OPENING: 12:00 NOON
*Please note change in date of bid opening.

FOR: **Performance Contracting Services for 28 Buildings in Concord, NH**

CLARIFY THE FOLLOWING INFORMATION:

- **Section 4.4.2** *Proprietary Data* - The State would like to highlight the following section on confidentiality:

Any information submitted as part of a response to this request for proposal (RFP) may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F: 1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (http://www. nh.gov/transparentnh/).

Accordingly, business financial information and proprietary information such as trade secrets, business and financial models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to a request for proposal, bid or information should be kept confidential as financial or proprietary information, you must specifically identify that information in a letter addressed to:

Karen L. Rantamaki, P.E.
NH Department of Administrative Services
State House Annex, 25 Capitol Street, Room 102
Concord, NH 03301-6312

and mark the materials as such. ***Marking of the entire proposal or entire sections of the proposal (e.g. pricing) as confidential will neither be accepted nor honored.*** *Notwithstanding any provision of this RFP to the contrary, Vendor pricing will be subject to disclosure upon approval of the contract by Governor and Executive Council.*

Generally, all bids and proposals (including all materials submitted in connection with them, such as attachments, exhibits and addenda) become public information upon the effective date of a resulting contract or purchase order. However, to the extent consistent with applicable state and federal laws and regulations, as determined by the State, including, but not limited to, RSA Chapter 91-A (the "Right-to-Know" Law), the State will attempt to maintain the confidentiality of portions of a bid/proposal that are clearly and properly marked by a Vendor as confidential. Any and all

information contained in or connected to a bid or proposal that a Vendor considers confidential must be clearly designated in a manner that draws attention to the designation. The State shall have no obligation to maintain the confidentiality of any portion of a bid, proposal or related material, which is not so marked. Marking an entire bid, proposal, attachment or sections thereof confidential without taking into consideration the public's right to know will neither be accepted nor honored by the State notwithstanding any provision of this RFP/RFB to the contrary, pricing will be subject to public disclosure upon the effective date of all resulting contracts or purchase orders, regardless of whether or not marked as confidential. If a bid or proposal results in a purchase order or contract, whether or not subject to approval by the Governor and Executive Council, all material contained in, made part of, or submitted with the contract or purchase order shall be subject to public disclosure.

If a request is made to the State by any person or entity to view or receive copies of any portion of a bid or proposal, and if disclosure in not prohibited under RSA 21-1: 13-a, Vendors acknowledge and agree that the State may disclose any and all portions of the bid, proposal or related materials which is not marked as confidential. In the case of bids, proposals or related materials that contain portions marked confidential, the State will assess what information it believes is subject to release; notify the Vendor that the request has been made; indicate what, if any, portions of the bid, proposal or related material will not be released; and notify the vendor of the date it plans to release the materials. The State is not obligated to comply with a Vendor's designation regarding confidentiality.

By submitting a bid or proposal, the Vendor agrees that unless it obtains and provides to the State, prior to the date specified in the notice described in the paragraph above, a court order valid and enforceable in the State of New Hampshire, at its sole expense, enjoining the release of the requested information, the State may release the information on the date specified in the notice without any liability to the Vendor.

Due to anticipated confusion with this section, the State is requesting that all vendors use the following procedure for identifying materials that are truly confidential:

1. Within the body of the proposal, if information is deemed confidential, replace it with language that states, "Confidential information, please see section marked 'Confidential' at the back of the proposal."
2. Include a separate tab at the back of your proposal where all confidential information will be contained.
3. Include the text or information with the appropriate section labels within this "Confidential" section of the proposal.
4. Give an explanation for each confidential piece of information explaining why it should not be subject to the "Right-to-Know" law.

Please note that this disallows the following:

- A header and/or footer on each page of the proposal that states confidentiality
- A blanket statement/paragraph at the beginning of the proposal that states confidentiality

- <u>See new attachments:</u>
    - RFP, revised (PDF) – *please note new dates for question and proposal submittals*
    - RFP, revised (Word)

BID CONTACT: Karen Rantamaki, P.E.
TEL. NO.: 603/271-2698

NOTE: IN THE EVENT THAT YOUR BID INVITATION HAS BEEN SENT TO THIS OFFICE PRIOR TO RECEIVING THIS ADDENDUM, RETURN ADDENDUM WITHIN THE SPECIFIED TIME WITH ANY CHANGES YOU MAY WISH TO MAKE AND MARK ON THE REMITTANCE ENVELOPE BID INVITATION NUMBER AND OPENING DATE. RETURNED ADDENDA WILL SUPERSEDE PREVIOUSLY SUBMITTED BID.

BIDDER_____ ADDRESS _____

BY_____ _____
(this document must be signed)

_____TEL. NO._____
(please type or print name)