

State of South Carolina)
)
County of Richland) Non-Disclosure Agreement – Procurement Information

Solicitation Description: 5400011269 – LGOA Website Redesign & Marketing Services

Procurement Officer: Michael Dalton

Introduction: The proper custody, use, and preservation of official information related to procurements (proposals, proposal contents, evaluation, negotiations, selection proceedings, etc.) cannot be overemphasized. It is essential that all personnel associated with acquisitions strictly comply with the applicable provisions of the law and regulation. For reasons which include the foregoing, it is required that you execute this agreement. The original must be returned to me, the copy should be retained for your records.

Definitions: ▪ **Offeror** means any business that has submitted a bid or proposals in response to the solicitation, including any subcontractors identified in an offeror's proposal. ▪ **Procurement** means all aspects of the above referenced acquisition activity, including without limitation, description of requirements, solicitation and evaluation of offers, and any communications with offerors. ▪ **Source Selection Information** means any of the following information that is related to or involved in the evaluation of an offer (i.e., proposal) to enter into a procurement contract, if that information has not been previously made available to the public or disclosed publicly: (1) Proposed costs or prices submitted in response to an agency solicitation, or lists of those proposed costs or prices, (2) source selection plans, (3) technical evaluation plans, (4) technical evaluations of proposals, (5) cost or price evaluations of proposals, (6) information regarding which proposals are determined to be reasonably susceptible of being selected for award, (7) rankings of responses, proposals, or competitors, (8) reports, evaluations of source selection committees or evaluations panels, (9) other information based on a case-by-case determination by the procurement officer that its disclosure would jeopardize the integrity or successful completion of the procurement to which the information relates. Source Selection Information includes any information regarding or acquired during inspections, interviews, oral presentations, demonstrations, negotiations, and any exchanges with any offeror.

Overview: According to state law, a procurement officer shall not release a proposal to a person without first obtaining from that person a written agreement regarding restrictions on the use and disclosure of proposals. The law expressly provides that such agreements are binding and enforceable. By signing this agreement, you agree to abide by the following restrictions on the use and disclosure of any proposal or source selection information you receive regarding this procurement. In addition, you acknowledge that your failure to abide by these restrictions could irreparably damage the integrity of this procurement. Regulation 19-445.2010(E)

Obligations: ▪ Prior to award, I will not disclose to anyone either the number of offerors or their identities. ▪ I will maintain possession of any proposals and any source selection information that I receive. ▪ I will take reasonable precautions to secure all proposals and source selection information I receive against disclosure. ▪ Upon request by the procurement officer, I will deliver to the procurement officer all copies of proposals and source selection information in my possession. ▪ I will not reproduce a proposal, source selection information, or the contents of either except to the extent necessary to facilitate my official duties related to this procurement. ▪ I will not divulge, publish, or reveal by word, conduct, or any other means any proposal or source selection information, except as necessary to perform my official duties related to this procurement as assigned by the procurement officer. ▪ Except as authorized by the procurement officer, I will not reveal the names of individuals providing reference information about an offeror's past performance. ▪ I will use source selection information, a proposal, or the contents of either

only for my official duties regarding this procurement as assigned by the procurement officer and only in a manner consistent with the rules of conduct stated herein. ▪ I acknowledge that state law may prohibit the public release of some proposal information even after award. ▪ If anyone communicates with me, directly or indirectly, regarding this procurement prior to award, I agree to immediately report the time, place, manner, content, and originator of the communication to the procurement officer. Prior to award, I will forward or refer all requests for information regarding the procurement to the procurement officer. ▪ If any information or allegations concerning improper or illegal conduct regarding a procurement comes to my attention, I will give immediate notice of the relevant facts to the appropriate chief procurement officer.

Continuing Obligation: My obligations under this agreement are of a continuing nature. If I violate any of the above restrictions, I agree to inform the procurement officer immediately and to take no further action concerning the procurement pending receipt of the procurement officer's instructions.

Certification: I certify that I have read and understand the above agreement. I agree to the above terms.

Stephen F. Moir's
Printed Name

Stephen F. Moir's
Signature

2-9-17
Date