

**SECTION 3: CLIENT RELATIONS**

**SUBJECT: EVALUATOR NON-DISCLOSURE AGREEMENTS Procedure 3.4**

**POLICY:**The University of Washington Procurement Services frequently requests that campus stakeholders participate in the evaluation process for strategic contracts to improve the quality of Contractors selected by the competitive solicitation process.

Occasionally, a solicitation will contain a significant amount of bidder confidential information; require multiple phases of competition between bidders; or will, for another reason, require that evaluators avoid disclosing potentially proprietary information outside of the evaluation. In these situations, evaluators should be required to sign a Non-Disclosure Agreement (NDA)

**PROCEDURE:**

If the Solicitation Coordinator believes that the solicitation will be particularly complex and may require multiple phases of evaluation; or bidders may be asked to demonstrate their capabilities using University of Washington data; or bidders will be submitting a substantial amount of confidential and/or proprietary data that the University has determined is necessary to protect from unauthorized disclosure,<sup>1</sup> the Solicitation Coordinator shall require that all evaluators sign and return Evaluator Non-Disclosure Forms.<sup>2</sup>

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<sup>1</sup> The University is bound by the requirements of Chapter 42.56 RCW, which requires that most information submitted as part of public bidding be available for disclosure upon the announcement of the Apparent Successful Bidder (ASB). However, RCW 42.56.270(11) exempts trade secrets and other proprietary information from disclosure. If a Public Records request is made, the University will require that the Bidder or Contractor provide a valid court order enjoining disclosure; however, unauthorized disclosure of proprietary information not pursuant to a valid Public Records request could result in significant liability for the University. Signed Non-Disclosure Agreements reduce the likelihood of unauthorized disclosure of proprietary information.

<sup>2</sup> Attachment 3.4.a, available at: