

NON-DISCLOSURE AGREEMENT

CDL2003 Beneficial Reuse of Biosolids

WHEREAS, Section 252.049 of the Texas Local Government Code protects trade secrets and confidential information submitted by Respondents;

WHEREAS, The City Purchasing Office recognizes and follows the National Institute of Governmental Procurement's Code of Ethics and Guidelines; and

WHEREAS, the solicitation clearly specifies that submission of information relative to this agreement shall not be released by the City during the response evaluation process or prior to contract award. This requirement has been put in place for several reasons, including:

- preserving the privacy of evaluation committee members,
- ensuring your immunity from lobbying efforts by Respondents to favor their response,
- protecting the Respondent from breaching the terms of the Anti-Lobbying affidavit signed by them and having their response disqualified as a result of such breach, and
- generally protecting the overall integrity of the procurement process from challenge in a protest hearing or by way of legal proceedings in court; and

WHEREAS, the undersigned member of the evaluation committee has been selected by the City to participate in the evaluation process and desires to assist the City in meeting its above obligations;

NOW THEREFORE, the undersigned member of the evaluation committee agrees to:

1. not disclose any proprietary information or other details before, during, or after the evaluation process is completed;
2. refer any request for information under the Texas Open Records Act to the Purchasing Office for processing;
3. refer any contact from a Respondent to the authorized contact, hereinafter referred to as the Buyer, for appropriate action;
4. immediately notify the Buyer of any attempts that may constitute a breach of the Anti-Lobbying Ordinance (No. 20111110-052) found at <http://www.austintexas.gov/sites/default/files/files/Finance/Purchasing/anti-lobbying-ordinance.pdf>;
5. ensure that:
 - the response and evaluation documents will be physically secured;
 - the responses and their contents will be kept in strict confidence during the evaluation process until an award is made and a contract is executed;
 - any discussion of the responses, deliberation, process, or exchanges between committee members will only be made during meetings of the evaluation committee;

- any questions or requests for clarifications regarding the responses will be submitted to the Buyer or raised during a formal interview with the Respondent where other members of the committee are present; and
- all responses, notes, working documents, and materials in your custody related to the responses will be returned to the Buyer after the evaluation process is completed.

6. The undersigned member of the evaluation committee affirms they have no business interest or any other interests with any of the firms submitting responses under this solicitation, except for existing City contracts.

Judy Musgrove

Printed Name

Judy Musgrove

Signature

5/23/16

Date