

STATE OF MINNESOTA
IN SUPREME COURT
C4-85-1848

IN RE INACCESSIBILITY OF SEALED BIDS

O R D E R

WHEREAS, the state court administrator's office has adopted a competitive bidding process for the service, purchase, and lease of micro processor computer systems to be installed at various judicial offices including appellate courts, trial courts, judicial district administration and court administration offices throughout the state, and

WHEREAS, the integrity of the bidding process requires that all sealed bids remain sealed until the time specified in the bid request for opening the bids, and

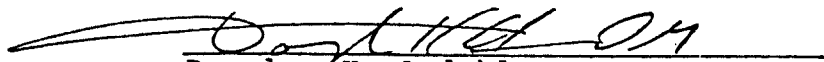
WHEREAS, sound public policy, reflected in Minn. Stat. § 13.37, requires that bona fide trade secrets, including but not limited to customer lists, that are submitted pursuant to a bid request remain unavailable to the public.

NOW, THEREFORE, pursuant to Rule 3, subdivision 2(s) of the Interim Rules on Access to Public Records, and by virtue of and under the inherent power and statutory authority of the Minnesota Supreme Court to regulate access to public records maintained by the judicial branch, IT IS HEREBY ORDERED that the following provisions apply to records submitted in response to a judicial branch bid request:

1. Sealed bids, including the number of bids received, shall be inaccessible to the public prior to the opening of the bids at the time specified in the bid request.
2. A common law trade secret or a trade secret as defined in Minn. Stat. § 325C.01, that is required to be submitted pursuant to a judicial branch bid request, shall be inaccessible to the public provided that:
 - a. the bidder marks the document(s) containing the trade secret "CONFIDENTIAL;"
 - b. the bidder submits as part of the bid a written request to maintain confidentiality; and
 - c. the trade secret information is not publicly available, already in the possession of the judicial branch, or known to or obtained by the judicial branch from third parties.

Dated: March 25, 1987

BY THE COURT:


Douglas K. Amdahl
Chief Justice

OFFICE OF
APPELLATE COURTS
FILED

MAR 25 1987

WAYNE TSCHIMPERLE
CLERK