

University of Nebraska Public Records Requests

Guide for Procurement Documents

This University of Nebraska Public Records Request Guide is implemented in order to provide a user-friendly means of complying with the Nebraska Public Records laws. Until a purchase or other contract is awarded, the University treats all bid and proposal submissions and other records as confidential. Once the successful bidder is announced, the public and the other bidders have an interest in ensuring that the award conforms with University processes and the law, and that the best interests of the University are served. Therefore, bid information becomes public information subject to a request for access or copies, once the award is announced.

1. A public records request is not required by law to be in writing; however, a written request will help the Purchasing Department know more precisely what documents the requester seeks. It will also help establish whether any denial to disclose a **specific** record is warranted. Sometimes a simple verbal or e-mail request to visit Purchasing and view bid documents will suffice; however, such requests may be granted only by the Director of Purchasing, the Associate Vice Chancellor for Business and Finance, or the Vice Chancellor for Business and Finance.
2. A request for copies of bid documents or contracts must be in writing. The written request may be sent to Purchasing electronically.
3. Upon receipt of a written request for access to or copies of a public record, Purchasing shall provide, within 4 business days of receiving the request, access to or copies of the public record. If the request cannot be fulfilled within 4 business days due to the complexity or size of the record, a written explanation must be sent to the requester within the required 4 business days. The explanation must include the estimated date for fulfilling the request, the cost of any copies, and the opportunity to modify the request. This written response may be delivered via email.
4. The requester shall be charged \$.25 per page with duplexed copies counting as 2 pages. The hourly rate of the staff member compiling the copies will also be charged to the requester as well as any other incidental expenses incurred in fulfilling the request. The same \$.25 per page rate will apply to scanned copies that are sent to the requester electronically.
5. Information that a bidder believes to be confidential or proprietary must be clearly marked by the bidder in all public bids and requests for proposal documents **prior to submission** of the bid or proposal. Bidder's financial statements, unless they are otherwise disclosed or filed for public review (e.g, publically traded companies), will be treated as confidential. Trade secrets. Unpublished research, and other proprietary information, marked by the bidder, may also be treated as confidential, if Purchasing determines the information would genuinely provide an advantage to business competitors and serve no public purpose. Bidders should be reminded of the public's interest in a transparent, fair and legal bid process. **Therefore, the entire bid/proposal, or general business approaches which are not particularly unique, will not be treated by Purchasing as confidential, proprietary information.** See [Neb. Rev. Stat. Sec. 84-712.05](#) for a list of records which may be withheld from the public. -- July 15, 2009