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**COMMENTS ON PROPOSED RHODE ISLAND AIRPORT CORPORATION
PROCUREMENT REGULATIONS [800-RICR-0000-6]
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The ACLU of Rhode Island wishes to offer one comment on these proposed regulations, and that concerns Section 6.5.1, relating to “Confidentiality of Technical Data, Trade Secrets and Financial Information.”

This section requires bidders to provide a public copy of any bid. If the bid contains information which might be deemed confidential commercial or financial information under the Access to Public Records Act (APRA), the bidder is allowed to redact that confidential information from the public copy of the bid.

Our concern is that, as this regulation is worded, it is the bidder – not the state – that has the ultimate authority to decide what is and is not a public record in the bid proposal. We do not oppose allowing the bidder to advise the state what specific information it thinks should be withheld, or even submitting a redacted bid that is preliminarily accepted by the agency. However, the regulation should be revised to make clear that RIAC is independently obligated to make its own determination under APRA as to whether those redactions are appropriate. A private third party simply cannot be given the power to decide for itself what is or is not a public record under APRA.

We appreciate your attention to our views, and trust that you will give them your careful consideration. If the suggestions we have made are not adopted, we request that, pursuant to R.I.G.L. §42-35-2.6, you provide us with a statement of the reasons for not accepting these arguments.

Submitted by:
Steven Brown, Executive Director