



CONFIDENTIALITY DETERMINATION

Task Order Number: YH26-0031

AI Call Center Integration

Offeror's Name: Deloitte Consulting

In accordance with Arizona state rules and regulations, it is determined that the following records are confidential and exemption from public disclosure as requested by the Offeror listed above:

For a list of specific records to be kept confidential, see the detailed legal analysis contained in the Offeror's Proposal and attached below.

The Offeror has supplied acceptable documentation identifying the portions of the bid along with the specific harm or prejudice which may arise if disclosed.

Signature:

DocuSigned by:

6720D03F007E4A8...

Title: Chief Procurement Officer

State of Arizona
Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
Task Order YH26-0031

Stop here or add blank page or page break



C1 Legal Analysis for Confidential/Proprietary Determination

State of Arizona
 Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
 Task Order YH26-0031

C1. Separate, Signed, Legal Analysis for Confidential/Proprietary Determination

C1. Separate, Signed, Legal Analysis for Confidential/Proprietary Determination (if any)

In accordance with Section 14 (Request for Confidential/Proprietary Determination) of the Task Order Instructions to Offerors in the above-referenced Task Order, this legal analysis serves to identify the information contained in Deloitte Consulting LLP's proposal (the "Deloitte Proposal") which it claims to be confidential and exempt from public disclosure (the "Protected Information").

Deloitte Consulting LLP ("Deloitte Consulting") provides professional consulting and advisory services to government entities and companies around the world. This services market is a dynamic market with many participants vying for a limited universe of clients. In this regard, Deloitte Consulting objects to the release of certain information included in the Deloitte Proposal on the basis, among other things, that it will cause competitive harm to Deloitte Consulting if it is released by the Arizona Health Care Cost Containment System ("AHCCCS").

Preliminarily, the Arizona Administrative Code at A.A.C. R2-7-103 provides a process whereby a bidder may assert that its solicitation response contains a trade secret or other proprietary information that should be withheld from public disclosure. A bidder is required to clearly designate any trade secret and other proprietary information in its bid and include with its submission a statement supporting its assertion that such information is confidential trade secret information. For purposes of this process the definition of trade secret is set out in A.A.C. R2-7-101(51).

"Trade secret" means information, including a formula, pattern, device, compilation, program, method, technique, or process, that is the subject of reasonable efforts to maintain its secrecy and that derives independent economic value, actual or potential, as a result of not being generally known to and not being readily ascertainable by legal means.

As set forth below, the Protected Information is exempt from disclosure pursuant to the exemption contained in A.A.C. R2-7-103, which permits an agency to withhold trade secrets or other proprietary information, for two independent reasons. *First*, the Protected Information is *not* the kind of information that Deloitte Consulting customarily discloses to the public, and was provided voluntarily to AHCCCS with the reasonable expectation that it would not be released. *Second*, disclosure of the Protected Information would cause substantial harm to Deloitte Consulting's competitive position by permitting its competitors to leverage Deloitte Consulting's innovative business strategies, solutioning methodologies and approach, business references, biographic information on key personnel, and other proprietary information that provides insight into the internal operations of Deloitte Consulting; all of which have significant commercial value and represent the investment of substantial time, effort and money.

The Supreme Court of Arizona in *Carlson v. Pima County*, 141 Ariz. 487, 491, 687 P.2d 1242, 1246 (Ariz. 1984) ruled that "[w]hile access and disclosure is the strong policy of the law, the law also recognizes that an unlimited right of inspection might lead to substantial and irreparable private or public harm; thus, where the countervailing interests of confidentiality, privacy or the best interests of the state should be appropriately invoked to prevent inspection, we hold that the officer or custodian may refuse inspection." *See also Judicial Watch, Inc. v. City of Phoenix*, 228 Ariz. 393, 395, 267 P.3d 1185, 1187 (Ariz. App. 2011).

1. Proprietary Methodologies, Tools, Assets, Processes, Solutions, and Approach.

The Protected Information in this category reflects confidential information regarding the overall approach, processes, tools, procedures, and methodologies that Deloitte Consulting employs when conducting Medicaid Eligibility solution projects; the compilation of which Deloitte Consulting deems trade secret and proprietary information. Disclosure of this information would impair Deloitte Consulting's ability to successfully compete for future work by relinquishing our approach to competitors who may then fashion future proposals to utilize a similar strategy when competing against us. *See Tribal Behav. Health LLC v. Reeves*, 2022 U.S. Dist. LEXIS 112186, *31, 2022 WL 2290563 (D. Ariz. June 24, 2022) (a

State of Arizona
 Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
 Task Order YH26-0031

trade secret may consist of a compilation of information that is continuously used or has the potential to be used in one's business and that gives one an opportunity to obtain an advantage over competitors who do not know of or use it.).

Our proprietary methodologies, tools, assets, processes, solution, and approach derive independent economic value from not being generally known to the public and cannot be readily ascertained or derived from publicly available information. This information is the subject of strong efforts to maintain its secrecy. For example, we routinely require our personnel, teaming partners and subcontractors to: (a) sign non-disclosure agreements; (b) implement reasonable security measures to protect information at their offices and in their computer systems; (c) limit disclosure of sensitive marketing and proposal materials to a select group of individuals on a strict need-to-know basis; and (d) we have made the effort to identify those sections of our proposal that we deem confidential.

In developing the Deloitte Proposal, Deloitte Consulting was required to use its ingenuity and originality to determine how best to accomplish AHCCCS' objectives of modernizing and streamlining its Medicaid Enterprise Systems (MES) operations, which is reflective of our market strategy. For example, the Deloitte Proposal provides valuable insight into Deloitte Consulting's NextGen solution accelerators, including confidential details regarding the technical design, functional architecture, and key components, features, and functionalities of its proposed solution, the disclosure of which would cause substantial injury to our competitive position. The Deloitte Proposal also reflects Deloitte Consulting's overall implementation plan and delivery strategy for the MES SI, including details regarding its setup approach, system security approach, data management strategy, data migration approach, testing and acceptance approach and training approach. This individual strategy and the proprietary SI platform, tools, assets, and accelerators used to implement the strategy allow Deloitte Consulting to effectively compete in the market, and if disclosed, would reveal Deloitte Consulting's individual approach to system modernization, integration, and implementation services, which to date has distinguished Deloitte Consulting among others in the health care and Medicaid market and contributed to successful contract awards. This information is not the kind of information that we customarily disclose to the public and is being provided to AHCCCS with the reasonable expectation that it will not be released. Accordingly, its disclosure would seriously undermine Deloitte Consulting's competitive advantage by allowing competitors to have access to Deloitte Consulting's ideas, designs, processes, and solutioning methodologies, all of which have significant commercial value and represent the investment of substantial time, effort and money.

The Deloitte Proposal further highlights Deloitte Consulting's industry-leading and differentiated experience implementing similar SI solutions for other state government agencies across the country and reflects information regarding Deloitte Consulting's internal business practices, including details regarding its staffing model and strategy, project management methodology, best practices, lessons learned, guiding principles, critical success factors, key differentiators, value-added benefits, and how the key features of our proposed solution and approach directly align with AHCCCS' project requirements; the compilation of which constitutes Deloitte Consulting's trade secret and proprietary commercial information. These details have not been disclosed outside of Deloitte Consulting's team except on a limited basis and only for the limited purpose of furthering the development of the underlying strategic approach and solution. Disclosure of this information would provide our competitors with direct access to Deloitte Consulting's individual approach to work, internal operations, and proprietary thought processes and strategy. Therefore, Deloitte Consulting seeks to protect such information from public disclosure.

Much of the substantive discussion throughout the Deloitte Proposal refers to Deloitte Consulting's proven methodologies and unique processes for delivering the requested services. Deloitte Consulting's methodologies and approaches are proprietary and are used repeatedly in its consulting work. Deloitte Consulting developed and continues to enhance and maintain these methodologies at considerable expense. The methodologies facilitate both efficiency and enhanced service quality, which give Deloitte Consulting a significant competitive advantage in bidding on projects, both in the public sector and commercial arenas. Because these methodologies reflect the expertise and experience of Deloitte Consulting, they are not easily replicated by a competitor, except through improper means. The release of this information to Deloitte Consulting's competitors would do considerable harm to Deloitte Consulting's competitive

State of Arizona
 Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
 Task Order YH26-0031

position in this market by allowing its competitors to gain access to such content in order to mature their own capabilities and offerings in this space. Accordingly, such information is protected trade secret and proprietary information and should be withheld from public disclosure.

In addition, the Deloitte Proposal includes Deloitte Consulting's proprietary graphics, figures, tables, charts, diagrams, dashboards, sample reports, plans, deliverables, templates, screenshots, and other artwork; some of which depict the proposed technical architecture and illustrate how Deloitte Consulting's solution and approach will deliver the business specifications. The proprietary graphics reflect a general creative direction and approach that could be used by Deloitte Consulting with another current or potential client. This information is part of Deloitte Consulting's creative body of work that may be used in other proposals/projects. Disclosure of this information would place Deloitte Consulting at a competitive disadvantage by allowing its competitors to have access to and the ability to utilize the graphics that it expended considerable time and resources to design. Deloitte Consulting has marked these graphical items for protection against disclosure because they contain confidential information and the format is proprietary to Deloitte Consulting. Disclosure of the confidential information and the format would provide an unfair advantage to Deloitte Consulting's competitors, as they would then be in a position to use Deloitte Consulting's graphical format in proposals when competing against us.

This information has application well beyond the instant proposal and reflects Deloitte Consulting's experience with similar projects. Accordingly, its disclosure would seriously undermine Deloitte Consulting's competitive advantage by allowing competitors to have access to Deloitte Consulting's ideas, processes, and methodologies that they would not have had or would have had to spend considerable funds to develop on their own. *See SMS Data Prods. Group, Inc. v. Dep't of the Air Force*, 1989 WL 201031 at *3-4 (D.D.C. 1989) ("proprietary technical information" in successful offeror's technical proposal is exempt from disclosure under the FOIA); *Landfair v. Dep't of the Army*, 645 F. Supp. 325, 328-29 (D.D.C. 1986) (same for "technical designs"); *Prof'l Review Org. of Fla., Inc. v. Dep't of Health and Human Servs.*, 607 F. Supp. 423 (D.D.C. 1985) (same for "review process with an outline of data capability and processes"); *Audio Technical Services LTD. v. Department of the Army*, 487 F. Supp. 779, 782 (D.D.C. 1979) (same for "design recommendations" and "design concepts including methods and procedures"). Accordingly, disclosure of this Protected Information would impair Deloitte Consulting's ability to successfully compete for future work by relinquishing our approach to our competitors who may then fashion future proposals to utilize a similar strategy.

Further, Protected Information in this category is exempt from disclosure for the additional and independent reason that its release would jeopardize AHCCCS' ability to conduct business by decreasing the willingness of Deloitte Consulting and other contractors to include novel ideas in their written proposals or other submissions to the Government. *See Orion Research, Inc. v. EPA*, 615 F.2d 551, 554 (1st Cir. 1980) (technical information in successful offeror's proposal was exempt from disclosure under the FOIA because its release would "induce potential bidders to submit proposals that do not include novel ideas").

Based upon this Section, the provisions of the Deloitte Proposal as listed in the Submittal Letter and as further set forth in the redacted copy provided should be withheld from disclosure by AHCCCS.

2. Identities and Qualifications of Personnel and Subcontractors.

The Deloitte Proposal includes confidential information and protected trade secrets concerning the identities, qualifications, and relevant experience of individual Deloitte Consulting personnel and proposed subcontractors, including team member names, signatures, photographs, contact information, short bios, relevant project references, and resumes. *See 1 MILGRIM ON TRADE SECRETS §1.09[8][g] (2020)* ("...[b]usiness information which can be protected under a trade secret theory...[includes]...[i]nformation concerning...effectiveness and good sales performance of key sales and other personnel..."). Deloitte Consulting holds the identity of its personnel and proposed subcontractors in the strictest confidence.

State of Arizona
 Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
 Task Order YH26-0031

Compilations or lists of Deloitte Consulting personnel and subcontractors, which often include details of specific, professional qualifications, included in the Deloitte Proposal are intended for use in Deloitte Consulting's business for the purpose of winning new business and these compilations have significant economic value. Disclosure of this Protected Information would injure Deloitte Consulting's competitive position by providing competitors with insight into the manner in which Deloitte Consulting assembles individuals with particular types of education, experience and talents into project teams. In addition, disclosure of such information would allow Deloitte Consulting's competitors with visibility into how we may position subcontracts for the potential engagement, and there is no public interest in the identity and qualifications of proposed subcontractors and teaming partners submitted in a proposal unless such information becomes part of a subsequent contract. Deloitte Consulting's competitors could use this Protected Information to free ride on its years of experience by assembling project teams virtually identical to those of Deloitte Consulting in terms of composition and qualifications. Deloitte Consulting's success as a professional services provider depends on the talent and skills of its professionals. Therefore, Deloitte Consulting has spent considerable resources recruiting, hiring, training, and retaining the employees whose names and qualifications are included in the Deloitte Proposal. Providing competitors with the identification of our firm's resources not only would result in placing Deloitte Consulting in a less competitive position in the future, but could also compromise our ability to perform in the present, should those resources be pirated by competitor.

Because Deloitte Consulting considers its staffing strategy and proposed team to be trade secrets, Deloitte Consulting does not customarily release its staffing arrangements to third parties and detailed staffing information is not publicly available on Deloitte's website or in marketing materials. The *specific* collection of Deloitte Consulting's proposed personnel and subcontractors submitted in the Deloitte Proposal along with their unique education, experience, and qualifications cannot be readily ascertained or derived from publicly available information. If the names and resumes for these professionals were released, they would be an ideal tool for competitors to use in poaching Deloitte Consulting's employees in this area. This would cause substantial harm to Deloitte Consulting via the loss of these skilled employees, and it would provide a resultant benefit to Deloitte Consulting's competitors, who could acquire the benefit of these employees without having to make substantial investments in their training and development.

Further, in order to protect the confidentiality of certain information, not all team members are provided access to all sections of Deloitte Consulting's proposals. To the extent Deloitte Consulting must disclose such information to its prospective clients as part of a bid proposal, Deloitte Consulting either requires a confidentiality agreement or endeavors to protect the confidentiality of the information to the fullest extent possible under the applicable open records laws. It would take a competitor a significant amount of time and effort to assemble this collection of information and therefore it should be protected from public disclosure as Deloitte Consulting's proprietary and trade secret information.

Deloitte Consulting is not aware of any public interest in the disclosure of this information. Certainly, Deloitte Consulting's personnel, including its proposed subcontractors, have a reasonable belief that the compilation of their names, photos, signatures, relevant project experience, references, contact information, and other qualifications would not be disclosed pursuant to the Arizona Inspection of Public Records Act and are entitled to protection of their privacy. Because the compilation of such information provides Deloitte Consulting with a competitive business advantage in winning solicitations, is not relevant to the ordinary work of AHCCCS, and the protection of this private information outweighs the public interest in disclosure, we request that such information be withheld from public disclosure pursuant as Deloitte Consulting's trade secret and proprietary commercial information. *See Prof'l Review Org. of Fla., Inc. v. Dep't of Health and Human Servs.*, 607 F. Supp. 423, 425 (D.D.C. 1985) (information regarding contractor's organizational structure and staffing was exempt from disclosure under the FOIA); *Audio Technical Services LTD. v. Department of the Army*, 487 F. Supp. 779, 782 (D.D.C. 1979) (same for "biographical data on key . . . employees").

Based upon this Section, the provisions of the Deloitte Proposal as listed in the Submittal Letter and as further set forth in the redacted copy provided should be withheld from disclosure by AHCCCS.

3. Past and Present Clients/Customers, Reference Information, and Experience.

The Deloitte Proposal contains confidential information pertaining to Deloitte Consulting's capabilities and non-public client qualifications which include client organization, client names, and details about the work performed for those

State of Arizona
 Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
 Task Order YH26-0031

clients. The identities of Deloitte Consulting's clients and the information about the projects completed for those clients, including key contact information are protected, proprietary commercial information and trade secrets. The release of the past performance material in the various documents would cause substantial competitive harm to Deloitte Consulting, and is also, therefore, exempt from disclosure. Past performance information necessarily discloses the identity of a contractor's clients/customers, both in the private and public sectors. Information relating to a company's customers is exempt from disclosure, because "disclosure of this type of information would threaten the competitive position of the submitter." *Audio Technical Services LTD. v. Department of the Army*, 487 F. Supp. 779 at 782 (D.D.C.

1979); *see also Fund for Constitutional Government v. Federal Trade Commission*, No. CA 79-0250, 1981 WL 2117, at *2 (D.D.C., July 10, 1981) (identity of customers and information concerning contracts with customers exempt under Exemption 4). Further, this information contains technical details and methodologies employed by Deloitte Consulting in performing other contracts for the design, development, implementation, and maintenance and operations of modernized integrated eligibility systems relevant to AHCCCS' project, and, as discussed above, such information is exempt from disclosure. The Court of Appeals of Arizona found in [*Calisi v. Unified Fin. Servs., LLC*, 232 Ariz. 103, 106, 302 P.3d 628, 631 \(Ariz. App. 2013\)](#) that "a customer list may be entitled to trade secret protection when it represents a selective accumulation of detailed, valuable information about customers — such as their particular needs, preferences, or characteristics — that naturally 'would not occur to persons in the trade or business.'"

The client information in the Deloitte Proposal contains a trove of valuable information. The clients' identities themselves are valuable, trade secret data. Additionally, the client key contact information, descriptions of the work performed for Deloitte Consulting's clients, and other nonpublic engagement details constitute trade secret data. The client list in these materials is not simply information related to a single or ephemeral event in the conduct of Deloitte Consulting's business. Many of these clients are repeat customers of Deloitte Consulting's services, and Deloitte Consulting seeks to engage these customers for more business opportunities in the future. Deloitte Consulting is actively working on ongoing business for some of these clients. Likewise, the descriptions of the work performed for these clients is not simply information about single, completed projects. Deloitte Consulting often applies similar methodologies in projects for the same client or for different clients. The descriptions (coupled with the client identities and key contact information) are a crucial part of Deloitte Consulting's business formula. Deloitte Consulting is seeking to protect traditional trade secret information: the compilation of its unique qualifications and project references, including client identities and key contact information, descriptions of work processes and project scope, and other contract information that may be used over and over again in Deloitte Consulting's business of delivering quality services. *See Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514 at *1522 (Cal. App. 1997) (customer list has economic value because disclosure would allow a competitor to direct its sales efforts to those customers who have already shown a willingness to use a unique type of service or product); *see also MAI Sys. Corp. v. Peak Computer, Inc.*, 991 F.2d 511 at *521 (9th Cir. 1993).

Deloitte Consulting has expended a substantial amount of time, effort, and money to develop its relationships with the clients revealed in the Deloitte Proposal submitted to AHCCCS. In addition, Deloitte Consulting performed specialized work for such clients and spent time developing processes to solve their special needs. Deloitte Consulting's competitors could use such information to undermine Deloitte Consulting's future efforts to develop business with new clients as well as maintain business relationships with their past clients. For example, if the client information was obtained by Deloitte Consulting's competitors, then the competitors could make targeted "pitches" that highlight the competitors differences with Deloitte Consulting to those businesses and government agencies. *See Calisi*, 232 Ariz. at 107 (a customer list may be entitled to trade secret protection where the claimant demonstrates it compiled the list by expending substantial efforts to identify and cultivate its customer base such that it would be difficult for a competitor to acquire or duplicate the same information).

There are many other ways in which Deloitte Consulting's competitors could make use of the valuable client and project information. For example, Deloitte Consulting's competitors could use the client identities and contact information to attempt to obtain negative reviews of Deloitte Consulting's work for those clients; such negative reviews could then be used against Deloitte Consulting when the competitors submit proposals in competition with Deloitte Consulting on

State of Arizona
 Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
 Task Order YH26-0031

future private and public projects.

Additionally, the *specific* compilation of client names, project descriptions, and lessons learned constitute Deloitte Consulting's demonstrated competence and qualifications to perform the services requested by AHCCCS. This information is not widely known outside of Deloitte Consulting. These clients are not identified in documents that are disseminated widely nor are they made known on Deloitte Consulting's internet website. Further, these clients and the details about the work performed for them are not known by all Deloitte Consulting employees or others involved in Deloitte Consulting's business. Therefore, this collection of information as a whole would take Deloitte Consulting's competitors significant time and effort to collect and disclosure of this information would certainly provide competitors with valuable insight on how to structure their qualifications for future bids. See [*Tribal Behav. Health LLC, 2022 U.S. Dist. LEXIS 112186 at 34-35*](#) (a customer list may qualify for trade secret protection if it provides a competitive advantage over others in the industry because it provides other information—such as the unique needs or points of contact for each customer that can be difficult to obtain).

Without access to the client information contained in the Deloitte Proposal, including details regarding the specialized solutions and approaches, Deloitte Consulting's competitors would be unable to "properly acquire" that information. Deloitte Consulting does not customarily release this Protected Information to competitors or otherwise to the public. Therefore, because the release of such client information would give Deloitte Consulting's competitors an advantage, such information is protected from disclosure pursuant as a trade secret and/or proprietary commercial information. See [*Calisi, 232 Ariz. at 107*](#) ("a customer list may also be entitled to trade secret protection if the claimant demonstrates it compiled the list by expending substantial efforts to identify and cultivate its customer base such that it would be difficult for a competitor to acquire or duplicate the same information."); see also *Courtesy Temporary Service, Inc. v. Camacho*, 222 Cal. App. 3d 1278 at *1287 (Cal Ct. App. 1990.) (a customer list procured by substantial time, effort, and expense is a protectable trade secret . . . it is this very "work effort" or process of acquiring and retaining clientele, that constitutes a protectable trade secret).

Based upon this Section, the provisions of the Deloitte Proposal as listed in the Submittal Letter and as further set forth in the redacted copy provided should be withheld from disclosure by AHCCCS.

4. Other Proprietary Commercial Information.

The Deloitte Proposal contains information regarding Deloitte Consulting's breadth of capabilities and competencies relevant to the requested services, including project highlights, distinguishing factors regarding Deloitte Consulting's Government and Public Services (GPS) practice, its marketplace relationships and alliance partners, client testimonials, individual case studies, and its proposed project assumptions. Such information constitutes Deloitte Consulting's internal, confidential and proprietary commercial and financial information. This information is not publicly reported and is not publicly disclosed. Deloitte Consulting provided this information so that AHCCCS could evaluate its responsibility and its ability to perform the work required but with the expectations that it would not be publicly disclosed. Because this information is not publicly disclosed, Deloitte Consulting would be disadvantaged if its competitors were made aware of this information.

The Deloitte Proposal also includes Deloitte Consulting's proposed changes and exceptions to the terms and conditions contained in the Task Order and as such, constitute Deloitte Consulting's confidential commercial information and risk position. If this information were disclosed it would substantially harm Deloitte Consulting's competitive position as its competitors, by knowing the tolerance for certain terms and conditions to which Deloitte Consulting will agree and its preferred language, could unfairly exploit that knowledge by undermining and "under-bidding" Deloitte Consulting in future solicitations across the country. Hence, disclosure of this Protected Information would impair Deloitte Consulting's ability to successfully compete for future work by relinquishing our approach to our competitors who may then fashion future proposals to utilize a similar strategy with regard to risk tolerance and preferred terms language.

State of Arizona
Arizona Health Care Cost Containment System (AHCCCS) – AI Call Center Integration
Task Order YH26-0031

Furthermore, this information is not released to the public and is closely protected within Deloitte Consulting. Because this information is not publicly disclosed, Deloitte Consulting would be disadvantaged if its competitors were made aware of this information.

The Deloitte Proposal contains Deloitte Consulting's confidential and proprietary commercial information regarding its ability to meet AHCCCS' subcontracting requirements, including the identities and contact information of its proposed subcontractors. Such information constitutes Deloitte Consulting's internal, confidential commercial and proprietary information. This information is not publicly reported and is not publicly disclosed. Deloitte Consulting provided this information so that AHCCCS could evaluate its responsibility, its ability to perform the work required, and its inclusion and supplier engagement practices and program initiatives. Because this information is not publicly disclosed, Deloitte Consulting would be disadvantaged if its competitors were made aware of this information.

Based upon this Section, the provisions of the Deloitte Proposal as listed in the Submittal Letter and as further set forth in the redacted copy provided should be withheld from disclosure by AHCCCS.

5. Summary

For the reasons stated above, Deloitte Consulting objects to the disclosure of the redacted portions of the Deloitte Proposal concerning its proprietary methodologies, tools, assets, solutions, and technical approach; the identities and qualifications of its personnel and proposed subcontractors; its customers and client reference information; and other proprietary commercial information. Release of Deloitte Consulting's Protected Information would impair Deloitte Consulting's competitive position, undermine the integrity of the procurement process and may discourage Deloitte Consulting and other qualified firms from submitting proposals in the future.

Thank you for your consideration of this matter. In the event that AHCCCS disagrees with the information that Deloitte Consulting has identified as confidential and exempt from public disclosure, please contact me in advance of the release of any Deloitte Consulting-related information identified herein so that we can discuss the matter.

Sincerely,



Josh Nisbet, Principal
Deloitte Consulting LLP
jnisbet@deloitte.com
+1 916 718 8331