

In the United States Court of Federal Claims

NOT FOR PUBLICATION

No. 10-877C

(Filed September 19, 2011)

TECH SYSTEMS, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

The Court has reviewed the parties' joint notice of proposed redactions to the March 1, 2011 hearing transcript in this closed case. As explained below, only some of the requested redactions have been accepted.

The parties requested that the Court redact names of particular individuals, all but one of whom were involved in the procurement. As the Court found when similar redactions were proposed for the opinion in this matter, *see Tech Systems, Inc. v. United States*, 98 Fed. Cl. 228, 229 n.1 (2011), the redaction of the names of the individuals involved in the procurement is not justified. Moreover, these names are already publicly available in that opinion. The one individual mentioned by name in the transcript who was not involved in the procurement cannot rely on the protective order to conceal her identity and thus should not be treated differently from any other individual mentioned in a proceeding that is not under seal – privacy protection does not generally extend over the individual's name. *See* Rules of the United States Court of Federal Claims, Rule 5.2. These proposed redactions are not accepted.

The parties further requested that the Court redact references to Tech Systems' evaluation scores, contending that these constitute non-public source selection information. This request is not accepted. The evaluation ratings of an unsuccessful offeror filing a bid protest are not the sort of "information that must be protected to safeguard the competitive process," under the protective order. *See* Protective Order (Dec. 30, 2010) ¶ 1. This information is obviously not proprietary information of the plaintiff, such as a solution to a particular requirement, but rather comes from the government. Nor is it the type of source selection information which must be kept in confidence, such as, perhaps, an evaluation approach spelled out in a source selection plan for an on-going procurement. In any event, these evaluation ratings are already in the

public domain, in the opinion released to the public May 11, 2011. *See, e.g., Tech Sys.*, 98 Fed. Cl. at 238-41.

The one remaining category of requested redactions concerns the prices proposed by unsuccessful offerors. This is proprietary information that should be protected. The parties, however, have gone beyond this and also requested that the price of the offeror awarded the contract be redacted. This price is not kept in confidence, and appears in the aforementioned opinion. *See id.* at 240-41, 264. Accordingly the redactions proposed by the parties (Document 50, Exhibit 1) are accepted as they concern pages 7, 27, 73, 75 and 121, with the following exceptions: the words “one at two” shall remain on page 7, line 9; the number “2.07” shall remain on page 73, line 10; the words “So, now they’re saying” shall remain on page 75, line 5; and page 75, lines 6 and 7 shall have no redactions. Heritage Reporting Corporation shall otherwise redact the portions of pages 7, 27, 73, 75 and 121 of the March 1, 2011 hearing transcript as the parties proposed.

IT IS SO ORDERED.

s/ Victor J. Wolski

VICTOR J. WOLSKI

Judge