

**NOTICE OF INTENT TO SEEK PROTECTIVE ORDER**

**(Pursuant to Section 25-61-9 of the Mississippi Code of 1972 and applicable law)**

**TO: Rose Law Firm, P.A.**  
c/o Michael K. Goswami ([mgoswami@roselawfirm.com](mailto:mgoswami@roselawfirm.com))

**Conduent State Healthcare, LLC**  
Rebecca S. Gohmann ([rebecca.gohmann@conduent.com](mailto:rebecca.gohmann@conduent.com))  
Shneen Cannady ([shneen.cannady@conduent.com](mailto:shneen.cannady@conduent.com))

and

c/o Karen E. Howell  
Brunini, Grantham, Grower & Hewes, PLLC  
190 East Capitol Street  
Jackson, Mississippi 39201  
([khowell@brunini.com](mailto:khowell@brunini.com))

**Mississippi Division of Medicaid**  
Mississippi Division of Medicaid  
550 High Street, Suite 1000  
Jackson, Mississippi 39201

**FROM: FEI.com, Inc. dba FEI Systems (“FEI”)**  
c/o John P. Sneed ([jps@wisecarter.com](mailto:jps@wisecarter.com))  
Charles E. Cowan ([cec@wisecarter.com](mailto:cec@wisecarter.com))

Ladies and Gentlemen:

On November 17, 2022, Rose Law Firm, P.A. (the “Rose law firm”) made a public records request (“PRR”) to Mississippi Division of Medicaid (“DOM”) seeking information (“Information”) relating to DOM’s Request for Proposal No. 2022 0401 (the “RFP”), including confidential information of, among others, FEI and its subcontractors, as identified in the Rose law firm’s letter to DOM, a true copy of which is attached hereto as Exhibit 1. DOM first notified FEI of the Rose law firm’s public records request on November 30, 2022.

On December 2, 2022, Conduent State Healthcare, LLC (“Conduent”) likewise requested that DOM produce “all information related to the evaluation of proposals submitted in response to the RFP, including “copies of all proposals submitted in response to this RFP (redacted and unredacted).” A true copy of Conduent’s letter to DOM is attached hereto as Exhibit 2. FEI was notified by DOM of Conduent’s public records request on December 5, 2022.

Rose Law Firm, P.A. and Conduent have agreed that delivery of this Notice via email to their designated representative(s) will suffice to satisfy the service requirements of Miss. Code Ann. § 25-61-9(7) and Rule 4 of the Mississippi Rules of Civil Procedure.

Rose Law Firm, P.A., Conduent and any other parties hereafter requesting copies of the confidential portions of FEI's response to the RFP and/or other FEI confidential information are collectively referred to below as "**Requestors.**"

**Please take notice** that pursuant to Section 25-61-9(7) of the Mississippi Code of 1972, FEI hereby gives notice to Requestors of FEI's intent to seek a protective order from the Chancery Court of Hinds County, Mississippi, First Judicial District, seeking to protect FEI's confidential and proprietary information and trade secrets contained in the Information responsive to the PRR.

Further and pursuant to Section 25-61-9(7), FEI intends to seek a protective order regarding the redacted portions of the proposal it submitted to DOM in response to the RFP. These redacted portions contain exempt "trade secrets" and "confidential commercial and financial information" pertaining or belonging to FEI and its subcontractors that is not subject to public disclosure pursuant to Miss. Code Ann. § 25-61-9(1). Examples include, but are not limited to, the following:

- Commercial and financial information
- Trade secrets
- Organization, staffing, key personnel and personnel personal data
- Privacy, data protection, recovery and cyber security information
- Project work plan and methodologies
- Testing and compliance strategies
- Training approaches
- Maintenance and operations processes
- Cost information
- Customer and subcontractor data
- Acquisition and market information
- Historical performance data
- Scorecard metrics and data analytics


As the foregoing Information and any other related Information is protected, none of it may be disclosed to the Requestors (or otherwise) pursuant to the Mississippi Public Records Act exemptions, including those found in Sections 25-61-1 and 79-23-1(1) of the Mississippi Code of 1972.

Unless Requestors withdraw or modify their PRRs within seven (7) days, FEI will file its petition or complaint for a protective order in the Chancery Court of Hinds County, Mississippi (First Judicial District) and, unless waived, will issue process to both Requestors and DOM. This Notice of Intent with supporting reasons will be posted on the Mississippi procurement portal (MAGIC) for a minimum of seven (7) days before FEI files its petition or complaint for a protective order in accordance with the requirements of the applicable statutes and rules.

Any questions related to this Notice of Intent or the petition for protective order itself should be directed to the undersigned counsel for FEI.

This the 12<sup>th</sup> day of December, 2022.

**FEI Systems**

By:  \_\_\_\_\_  
John P. Sneed  
Charles E. Cowan  
**Wise Carter Child & Caraway**  
P. O. Box 651  
Jackson, MS 39205-0651  
[jps@wisecarter.com](mailto:jps@wisecarter.com)  
[cec@wisecarter.com](mailto:cec@wisecarter.com)



[mgoswami@roslawfirm.com](mailto:mgoswami@roslawfirm.com)  
(501) 377-0313

**NOVEMBER 17, 2022**

Sent via Email To: [RFI@medicaid.ms.gov](mailto:RFI@medicaid.ms.gov)

State of Mississippi Division of Medicaid  
Attn: Public Records Officer  
550 High Street, Suite 1000  
Jackson, MS 39201-1399

*Re: Freedom of Information Act Request*

Dear Sir or Madam:

Under the Mississippi Public Records Act (Miss. Code Ann. §§ 25-61-1 et seq.) and in alignment with MS Division of Medicaid (MS DOM) Policy, we are respectfully requesting to obtain copies of the Cost Information Submission Section for each responding vendor proposal to MS DOM Request for Proposal #20220401 - Support and Hosting of the Medicaid Eligibility System. Specifically, we understand the responding vendors to this RFP to be:

- 1) Conduent State Healthcare;
- 2) Gainwell Technologies;
- 3) FEI Systems;
- 4) Tata Consultancy Services; and
- 5) RedMane Technology LLC

It is our understanding that the cost information section of a vendor proposal may not be protected from disclosure under Miss. Code Ann. §§ 25-61-9(7). We further understand that MS DOM policy requires that MS DOM respond to this public records request within seven working days of the date of this request. If MS DOM is unable to produce the information requested within the 7-working days timeframe, please specify with particularity why the records cannot be produced so that a future date may be mutually-agreed upon for the record production.

**EXHIBIT**

**1**

If MS DOM will issue a denial for any or all of this request, please cite each specific exemption to Miss. Code Ann. §§ 25-61-1 et seq that justifies the denial to produce the information requested.

Thank you for your assistance with this matter.

Respectfully,

**ROSE LAW FIRM, A PROFESSIONAL ASSOCIATION**

A handwritten signature in blue ink, consisting of several loops and flourishes, is enclosed within a blue oval. The signature is positioned above a horizontal line that serves as a separator between the signature and the typed name below.

By: \_\_\_\_\_  
Michael K. Goswami

December 2, 2022

Via: E-mail to [RFI@medicaid.ms.gov](mailto:RFI@medicaid.ms.gov)

Mississippi Division of Medicaid  
Attn: Public Records Officer  
550 High Street, Suite 1000  
Jackson, MS 39201-1399

**Re: Request for Information**

To Whom it May Concern:

In accordance with the Mississippi Public Records Act of 1983 (Miss. Code Ann. § 25-61-1 et seq.), Conduent State HealthCare, LLC hereby submits a request for all information related to the evaluation of proposals submitted in response to the Request for Proposal (RFP) Number 20220401 for the Mississippi Division of Medicaid (DOM). This request included copies of all proposals submitted in response to this RFP (redacted and unredacted) as well as all documents associated with DOM's evaluation of those proposals.

Please contact me Shneen Cannady at [Shneen.Cannady@conduent.com](mailto:Shneen.Cannady@conduent.com) or 808-563-9609 and/or legal counsel at [Rebecca.Gohmann@conduent.com](mailto:Rebecca.Gohmann@conduent.com) if you have any questions or concerns regarding this request.

Thank you,

Shneen Cannady

