

NOTICE OF INTENT TO AMEND PETITION FOR 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)

Conduent State Healthcare, LLC
Rebecca S. Gohmann (rebecca.gohmann@conduent.com)
Shneen Cannady (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)

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

c/o Cody A. Smith
(cody.smith@medicaid.ms.gov)

FROM: FEI.COM, Inc. d/b/a FEI Systems, Inc. (“FEI”)
c/o John P. Sneed (jps@wisecarter.com)
Charles E. Cowan (cec@wisecarter.com)

Ladies and Gentlemen:

On November 17, 2022, Rose Law Firm, P.A. 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 contractors and/or subcontractors, as identified in 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 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.

On December 12, 2022, FEI served and had posted on the procurement portal its Notice of Intent to Seek Protective Order, a copy of which (without exhibits) is attached hereto as Exhibit 3. Thereafter, on December 20, 2022, FEI filed its original Petition for Protective Order in Civil Action No. G2022-1516 0/3, a copy of which (without exhibits) is attached as Exhibit 4.

On January 10, 2023, the Mississippi Division of Medicaid (“DMOM”), notified FEI that it had recently identified FEI Systems’ unredacted Best and Final Offer (“BAFO”) submitted in connection with the RFP as responsive to the public records request submitted by Conduent on December 2, 2022. *See* email from Cody A. Smith attached as Exhibit 5. DOM advised FEI that it would produce the unredacted BAFO within 21 days unless FEI filed a new Petition for Protective Order or amended its existing Petition to expressly include the BAFO.

Conduent has agreed that delivery of this Notice via email to its 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. This Notice will be delivered to Rose Law Firm, P.A. either by agreement or pursuant to Miss. R. Civ. P. 4.

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 and Rule 15(a) of the Mississippi Rules of Civil Procedure, FEI hereby gives notice to Requestors of FEI’s intent to amend its original Petition for Protective Order in Civil Action No. G2022-1516 0/3 in 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, expressly including FEI’s unredacted BAFO.

Further and pursuant to Section 25-61-9(7), FEI intends to amend its Petition for Protective Order regarding the redacted portions of the proposal and BAFO 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 contractors and/or 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:

- Confidential commercial and financial information
- Trade secrets
- Proprietary and confidential methods utilized in support and hosting the Medicaid Eligibility System
- Organization, staffing, key personnel and personnel personal data
- Privacy, data protection, recovery and cyber security information
- Project work plan and methodologies
- Eligibility data and tracking methods
- Testing and compliance strategies

- Training
- Issue resolution and communications
- Maintenance and operations processes
- Confidential cost information
- Customer and subcontractor data
- Acquisition and market information
- Historical performance data
- Scorecard metrics and data analytics
- FEI's unredacted response to DOM's request for BAFO


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 Amended Petition for 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 forthcoming Amended Petition for Protective Order itself should be directed to the undersigned counsel for FEI.

This the 17th day of January, 2023.

FEI Systems, Inc.

By: 

John P. Sneed
Charles E. Cowan
Wise Carter Child & Caraway
P. O. Box 651
Jackson, MS 39205-0651
jps@wisecarter.com
cec@wisecarter.com



mgoswami@roselawfirm.com
(501) 377-0313

NOVEMBER 17, 2022

Sent via Email To: 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.

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



By: _____
Michael K. Goswami

December 2, 2022

Via: E-mail to 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 or 808-563-9609 and/or legal counsel at Rebecca.Gohmann@conduent.com if you have any questions or concerns regarding this request.

Thank you,

Shneen Cannady

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)

Conduent State Healthcare, LLC
Rebecca S. Gohmann (rebecca.gohmann@conduent.com)
Shneen Cannady (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)

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 (ips@wisecarter.com)
Charles E. Cowan (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

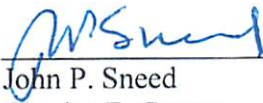
As the foregoing Information and any other related Information is protected, none of it may be disclosed to the Requestors (or otherwise) pursuant to the Mississippi Public Records Act exemptions, including those found in Sections 25-61-1 and 79-23-1(1) of the Mississippi Code of 1972.

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 12th 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
cec@wisecarter.com

FILED
DEC 20 2022

**IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

EDDIE JEAN CARR, CHANCERY CLERK

BY B. Johnson D.C.

IN RE: FEI SYSTEMS' PETITION FOR PROTECTIVE ORDER TO PROHIBIT
DISCLOSURE OF CONFIDENTIAL INFORMATION SUBMITTED TO THE
MISSISSIPPI DIVISION OF MEDICAID

CAUSE NO. G2022-1516 0/3

PETITION FOR PROTECTIVE ORDER

Pursuant to the Mississippi Public Records Act of 1983 (Miss. Code. Ann. §§ 25-61-1, *et seq.*) (the "Act") and other applicable law, Petitioner FEI.com, Inc. dba FEI Systems ("FEI Systems") files this Petition for Protective Order ("Petition") seeking protection from disclosure of its trade secrets and confidential commercial and financial information, including that pertaining or belonging to FEI Systems' subcontractors (collectively "Confidential Information"). This Petition is filed in response to public records requests ("Requests") made to the Respondent Mississippi Division of Medicaid ("DOM") by Rose Law Firm, P.A. ("the Rose Firm") and Conduent State Healthcare, LLC ("Conduent") (collectively, "Requestors"). In support of this Petition, FEI Systems represents as follows:

PREFACE

1. On April 1, 2022, DOM issued RFP # 2022 0401 ("the RFP") in connection with the support and hosting of DOM's Medicaid Eligibility System. On September 13, 2022, FEI Systems, a foreign corporation which provides health information technology solutions and services, submitted its Proposal in response to the RFP ("Proposal").

2. On October 28, 2022, DOM issued its notice of intent to award a contract to Conduent State Healthcare LLC (“Conduent”) for the provision of services under the RFP. On November 11, 2022, FEI Systems submitted its protest of the proposed award to Conduent.

3. Shortly thereafter, Requestors each submitted separate Requests to DOM seeking disclosure of, among other things, information submitted by FEI Systems to DOM in its Response to the RFP. The Requests seek disclosure of FEI Systems’ Confidential Information, which is protected from disclosure under the Act and other applicable law.

4. FEI Systems files this Petition seeking protection of its Confidential Information, including but not limited to the Confidential Information contained in FEI Systems’ Response to the RFP. For the reasons shown below, FEI Systems is entitled to entry of a protective order by this Court, protecting it from DOM’s disclosure of its Confidential Information to the Requestors or otherwise, and other related relief.

PARTIES, VENUE AND JURISDICTION

5. FEI.com, Inc. is a foreign corporation organized and existing under the laws of Maryland, with its principal place of business located at 9755 Patuxent Woods Drive, Suite 300, Columbia, MD 21046.

6. DOM is a political subdivision of the State of Mississippi and, pursuant to Miss. R. Civ. P. 4(d)(5), may be served with process by service upon the Attorney General at 550 High Street, Suite 1200, Jackson, Mississippi 39205.

7. Notice of the filing of this Petition will be served upon Requestors pursuant to the Act, the Mississippi Rules of Civil Procedure, and/or by agreement.

8. This Court has subject matter jurisdiction over this action pursuant to Miss. Code Ann. § 25-61-9(1), which requires public bodies to release certain records furnished to them by

third parties unless “the third parties have filed in chancery court a petition seeking a protective order. . . .” as done by this Petition. A protective order, as sought in this Petition, is equitable relief and is therefore within the Court’s constitutional jurisdiction under Art. 6, § 159 of the Mississippi Constitution. This Court has personal jurisdiction over the parties to this action as each is located in and/or doing business in Mississippi.

9. Venue is proper under Miss. Code Ann. § 11-11-3 because, among other reasons, DOM is located at 500 High Street, Suite 1000, Jackson, Mississippi 39101, which is in the First Judicial District of Hinds County, Mississippi.

FACTUAL BACKGROUND

10. On or about September 13, 2022, FEI Systems submitted its Proposal in response to DOM’s RFP inviting bids for the support and hosting of the Medicaid Eligibility System.

11. FEI Systems submitted two versions of its Proposal. The first version is not redacted, and it therefore contains FEI Systems’ Confidential Information. The second version is redacted and does not contain FEI Systems’ Confidential Information. A true copy of FEI Systems’ Proposal (as redacted to prevent disclosure of its Confidential Information) is attached as **Exhibit A**.¹

12. DOM made available on its website the *redacted* version of FEI Systems’ Proposal (along with the redacted proposals of Conduent and other bidders).

13. Despite having access to FEI Systems’ redacted response, Requestors are nevertheless seeking disclosure of FEI Systems’ *unredacted* response, thereby seeking disclosure of FEI Systems’ Confidential Information.

¹ Exhibit A will be provided electronically to the Clerk of Court.

14. FEI Systems' Confidential Information includes, but is not limited to, the following categories and kinds of information that is protected from disclosure:

- 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

See, **Exhibit B**. Affidavit of Scott Morrow. FEI Systems is reviewing its redacted Proposal to determine if additional portions may be disclosed and, if so, it will provide a revised redacted Response to DOM and the Requestors.

15. FEI Systems' Confidential Information, as described herein and as contained within its Response, includes "trade secrets or confidential commercial or financial information" as protected by Miss. Code Ann. § 25-61-9, §§ 75-26-1 *et seq.* and other applicable law. FEI Systems' Confidential Information is not public and has been protected from disclosure by FEI Systems and by its subcontractors. Disclosure of FEI Systems' Confidential Information would permanently and irreparably impair FEI Systems' ability to compete in the marketplace and would allow its competitors (including Requestors) to compete unfairly with FEI Systems and in a manner not permitted by law.

16. On or about November 30, 2022, FEI Systems received notice from DOM of the Request submitted by Requestor Rose Law Firm, P.A. seeking disclosure of documents and

information related to FEI Systems' Proposal and the RFP. The Rose Firm's Request seeks disclosure of the following records:

- The Cost Information Submission Section for each responding vendor proposal to MS DOM Request for Proposal #20220401.

See, Rose Firm's Request attached as part of **Exhibit C**.

17. On or about December 5, 2022, FEI Systems received notice from DOM of the Request submitted by Conduent seeking disclosure of documents and information related to FEI Systems' Proposal and the RFP. Conduent's Request seeks disclosure of the following records:

- 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.

See, Conduent's Request attached as part of **Exhibit C**.

18. Requestor Conduent submitted a competing and winning proposal in response to RFP #20220401, and it has likewise given notice of its intent to seek a protective order prohibiting DOM from disclosing certain portions of its proposal. There is a significant overlap between the type of information Conduent seeks to protect and the FEI Systems' Confidential Information it has asked DOM to produce. A true copy of Conduent's Notice of Intent to seek a protective order is attached as **Exhibit D**.

19. On December 12, 2022, and pursuant to Miss. Code Ann. § 25-61-9(7), FEI Systems served on DOM and Requestors' notice of its intent to seek a protective order in order to protect its Confidential Information from disclosure to Requestors. In that notice, FEI Systems also provided the reasons for the protective order sought herein. FEI Systems' Notice of Intent was served on DOM and Requestors pursuant to agreements. FEI Systems caused such Notice of Intent to be posted on the Mississippi procurement portal for a minimum of seven (7) days before

the filing of this Petition. *See*. Notice of Intent, a true copy of which is attached hereto as **Exhibit E**. Since receiving notice, Requestors have not withdrawn their Requests, and the seven (7) day time period for same has run. This Petition is filed “no later than twenty-one (21) days from the date [FEI Systems] given notice [by DOM] . . .” Miss. Code Ann. § 25-61-9(1)(a). This Petition is therefore timely filed and based on notice that was timely and properly provided to all interested parties.

CLAIM FOR RELIEF

20. FEI Systems incorporates herein by reference the content of paragraphs 1 through 19, inclusive.

21. Miss. Code Ann. § 25-61-9(1)(a) provides, in pertinent part, as follows:

Records furnished to public bodies by third parties which contain **trade secrets** or **confidential commercial or financial information** shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to third parties has been given, but the records shall be released no later than twenty-one days from the date the third parties are given notice by the public body unless the third parties shall have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one day time period. (Emphasis added.)

22. Under Miss. Code Ann. § 79-23-1, “[c]ommercial and financial information of a proprietary nature required to be submitted to a public body . . . shall be exempt from the provisions of the Mississippi Public Records Act of 1983.”

23. Information submitted in the form of a response to a state agency request for proposals that contains trade secrets and confidential commercial and financial information is protected from disclosure. *See Morgan v. XLK Int’l, LLC*, 255 So. 3d 1271, 1277 (Miss. 2018) (protecting from disclosure a responder’s “documents in the RFP response contain[ing] insurance

quotes, charts showing employee cost savings, and other marketing materials designed for the purpose of persuading [the agency] to award [the responder] the contract.”). Importantly, FEI Systems is not required to show that its Confidential Information rises to the level of a “trade secret,” but rather need only establish that its Confidential Information is confidential commercial or financial information. *See Caldwell & Gregory, Inc. v. Univ. of So. Miss.*, 716 So. 2d 1120, 1123 (Miss. Ct. App. 1998) (“Thus, the business should be able to reasonably resist disclosure of such information even if it is not unique as to rise to the high level of being a trade secret.”) (citing Miss. Code Ann. §§ 25-61-9(1) and 79-23-1). FEI Systems therefore seeks all protections of its Confidential Information afforded by law and in equity.

24. FEI Systems’ Confidential Information in its Response includes both trade secrets and confidential commercial or financial information that is exempt from disclosure under the Act. This includes, without limitation, the following: FEI Systems’ commercial financial information and statements; 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; and scorecard metrics and data analytics. *See*, Affidavit of Scott Morrow, **Exhibit B**.

25. FEI Systems’ Confidential Information is proprietary and protected from disclosure because it derives independent economic value from not being known generally, or in particular, by FEI Systems’ competitors (including Requestors). FEI Systems and its subcontractors have made reasonable efforts to maintain the secrecy and confidentiality of FEI Systems’ Confidential

Information, and such confidentiality is protected by Miss. Code Ann. §§ 25-61-9(1) and 79-23-1 *et seq.*

For these reasons, FEI Systems respectfully asks the Court to enter a protective order:


(a) Finding that the redacted Confidential Information contained within FEI Systems' Proposal constitutes trade secrets and/or confidential commercial or financial information of FEI Systems and its subcontractors, and is therefore protected from disclosure under Miss. Code Ann. §§ 25-61-9(1) and 79-23-1 and other applicable law;

(b) Directing that DOM or any other state agency not to publish, disclose or release said Confidential Information of FEI Systems and its subcontractors in connection with the Requests of the Requestors or otherwise; and

(c) Granting any other relief to FEI Systems, equitable or legal, as may be proper under the circumstances.

This the 20th day of December, 2022.

FEI.com Inc. dba FEI Systems

By: 
JOHN P. SNEED, MSB #7652
CHARLES E. COWAN, MSB #104478
WISE, CARTER, CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, Mississippi 39205
T: (601) 968-5500
F: (601) 944-7738
jps@wisecarter.com
cec@wisecarter.com

John Sneed

From: Cody A. Smith <Cody.Smith@medicaid.ms.gov>
Sent: Tuesday, January 10, 2023 3:09 PM
To: Scott Morrow
Cc: John Sneed
Subject: Additional Responsive Documents that may contain Confidential Information
Attachments: Conduent's Request for Information RFP 20220401.docx

<<< EXTERNAL SENDER: This email is from someone outside WCCC's email system. Do not click links, open attachments, or provide your user ID/password unless you *trust* the source and *know* the contents are safe.>>>

DOM has recently identified records responsive to the attached records requests that it did not produce or identify at the time of production and notice. The document that was not identified as responsive until now include the Best and Final Offer (BAFO).

This document may contain confidential commercial or financial information that may be protected under MS Code § 25-61-9. DOM is required to provide notice of this request and to inform you that you would need to file for a protective order in accordance with MS Code §25-61-9 to prevent disclosure. Please inform DOM if you consider this information confidential or if you approve of its release. Since this public records request is regarding a procurement, please bear in mind Rule 1-301 of the PPRB OPSCR Rules and Regulations

I understand that there is a current petition for a protective order pending regarding these requests, and I am CC'ing your local counsel. Please inform DOM if you will be seeking a new protective order or amending the current petition to encompass the BAFO. If DOM does not hear from you regarding this matter within 21 days, DOM will be obligated to disclose the documents.

Cody Smith

Attorney II
Mississippi Division of Medicaid
550 High Street, Suite 1000 | Jackson, MS 39201
Phone: 601-359-6583
Email: Cody.Smith@medicaid.ms.gov
Website: <http://www.medicaid.ms.gov>



Confidentiality Note: This message and all attachments are confidential and/or proprietary to the Mississippi Division of Medicaid, and the use, disclosure or distribution to anyone other than the intended receiver without the prior written permission of the Mississippi Division of Medicaid is strictly prohibited. The information contained and attached to this message is intended for the exclusive use of the individual or entity named herein. If you have received this message in error, please notify the sender by replying to the e-mail or contact the telephone number above for instructions on how to delete or return the information without additional disclosure. Thank you for your assistance in the protection of confidential information