



ALEX P. HONTOS  
Partner  
(612) 492-6634  
FAX (612) 677-3403  
hontos.alex@dorsey.com

September 1, 2022

**VIA EMAIL & COURIER**

Mississippi Division of Medicaid  
Office of Procurement  
Chief Procurement Officer  
Walter Sillers Building  
550 High Street  
Suite 1000  
Jackson, MS 39201  
[MSCAN\\_CHIP@medicaid.ms.gov](mailto:MSCAN_CHIP@medicaid.ms.gov)

Mississippi Division of Medicaid  
Public Records Officer  
550 High Street  
Suite 1000  
Jackson, MS 39201-1399  
[RFI@medicaid.ms.gov](mailto:RFI@medicaid.ms.gov)

Cody Smith  
Attorney II  
Mississippi Division of Medicaid  
550 High Street  
Suite 1000  
Jackson, MS 39201  
[Cody.smith@medicaid.ms.gov](mailto:Cody.smith@medicaid.ms.gov)

Molina Healthcare of Mississippi, Inc.  
c/o Adams and Reese LLP  
Phillip Buffington Jr.  
1018 Highland Colony Parkway  
Suite 800  
Ridgeland, MS 39157  
[Phil.buffington@arlaw.com](mailto:Phil.buffington@arlaw.com)

Magnolia Health Plan  
c/o Watkins & Eager  
Timothy Sensing  
P.O. Box 650  
Jackson, MS 39205  
[tsensing@watkinseager.com](mailto:tsensing@watkinseager.com)

Amerigroup Mississippi, Inc.  
c/o Foley & Lardner LLP  
Robert Hosay  
106 East College Avenue  
Suite 900  
Tallahassee, FL 32301  
[rhosay@foley.com](mailto:rhosay@foley.com)

**Re: Public Procurement Review Board Rule 1-301 Notice of  
UnitedHealthcare of Mississippi, Inc.**

Dear Parties:

UnitedHealthcare of Mississippi, Inc. (“United”) is in receipt of Public Records Act Requests (the “Requests”) submitted by Molina Healthcare of Mississippi, Inc., Amerigroup Mississippi, Inc., and Magnolia Health Plan (collectively, the “Requesters”). We are informed by the Department of Medicaid (“DOM”) that these requests seek United’s unredacted Qualifications submitted in response to DOM RFQ No. 20211210. United received notice of the Requests on August 23, 2022 via two emails from Cody Smith.

September 1, 2022

Page 2

After reviewing the Requests and Mr. Smith's response that identifies possible information that might be released, United has determined that the Requests appear to encompass United's confidential, trade secret, and proprietary information included and redacted in United's Qualifications as well as clarification responses that are protected by the Mississippi Public Records Act.

The Requests seek Qualifications and clarification information that is a protected trade secret because it derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and that is the subject of efforts by United that are reasonable under the circumstances to maintain its secrecy. Miss. Code Ann. § 25-61-9(1); Miss. Code Ann. § 79-23-1(1). The information sought in the Requests is also "confidential commercial or financial information" that is protected from Public Records Request-related disclosure. *Caldwell & Gregory, Inc. v. Univ. of S. Miss.*, 716 So. 2d 1120, 1122 (Miss. App. 1998) (citing Miss. Code Ann. § 25-61-9(1)). The Requests appear to seek information otherwise exempt or privileged by law, which is protected from disclosure by Miss. Code Ann. § 25-61-11. Indeed, consistent with RFQ § 1.4.2, United provided copies of redacted versions of its Qualification materials to DOM in an effort to protect the confidentiality of United's Qualification information.

The redacted information that United has protected, and will seek to continue protecting, includes:

- Salary information for certain employees.
- Sanctions applied against United.
- Organizational and staffing information, including workforce statistics.
- Payment arrangements with United's proposed subcontractors and providers.
- Personally Identifiable Information, including home addresses and Social Security Numbers.
- Banking accounting and routing numbers.

For the reasons stated above, and in accordance with Public Procurement Review Board Rule 1-301, United hereby provides notice to the Requesters and to DOM of United's intent to seek a protective order from the Mississippi Chancery Court to prevent disclosure of its information exempt from disclosure under the Public Records Act.<sup>1</sup> United will seek the protective order after the seven-day waiting period prescribed in Rule 1-301 elapses.

---

<sup>1</sup> United provides this notice out of an abundance of caution only—and without concession that such notice is required—to provide the agency and requesters with notice even though United does not seek a protective order to prevent disclosure of any DOM "procurement contract."



September 1, 2022  
Page 3

United respectfully requests that DOM acknowledge receipt of this request and immediately post this notice on the Mississippi procurement portal. By issuance of this notice, United reserves all rights.

Cordially yours,

DORSEY & WHITNEY LLP

A handwritten signature in black ink that reads 'Alex Hontos'.

Alex P. Hontos  
Partner

AH:ew

cc: Mary Margaret Gay, Esq., Gay, Jones & Kuhn, PLLC ([mmgay@gayjoneslaw.com](mailto:mmgay@gayjoneslaw.com))

---

PPRB 1-301.