

COPELAND  
COOK  
TAYLOR &  
BUSH

January 13, 2023

**VIA EMAIL:** [Cody.Smith@medicaid.ms.gov](mailto:Cody.Smith@medicaid.ms.gov)

Cody Smith, Esq.  
Mississippi Division of Medicaid  
550 High Street, Ste. 1000  
Jackson, MS 39201

RE: Tata Consultancy Services, Limited's Supplemental Notice pursuant to MISS. CODE ANN. § 25-61-9(7) and PPRB Rule 1-301 of Intent to seek Protective Order – BAFO records

Dear Mr. Smith:

I hope you are doing well. As you are aware, I have been retained to represent Tata Consultancy Services, Ltd.'s (TCS) in connection with the requests that have been made pursuant to the Mississippi Public Records Act, MISS. CODE ANN. § 25-61-1, *et seq.*, for all information related to the proposal submitted by TCS (TCS Proposal) in response to the Mississippi Division of Medicaid's (DOM) RPF No. 20220401.

I previously corresponded with you on December 14, 2022 to provide notice to DOM, pursuant to MISS. CODE ANN. § 25-61-9(7) and PPRB Rule 1-301, of TCS's intent to seek a Protective Order pursuant to MISS. CODE ANN. § 25-61-9(1)(a) to preclude the disclosure of any and all confidential commercial and financial information and trade secrets provided by TCS with its response to RFP No. 20220401. On December 21, 2022, TCS filed its Petition for Entry of Protective Order in the Chancery Court of Hinds County, Mississippi, First Judicial District, in Cause No. 25CH1:22-cv-01522 (Petition). The Attorney General's office was personally served with a copy of a summons and this Petition on December 27, 2022.

On January 10, 2023, TCS received notice from DOM that DOM did not produce or identify certain records responsive to the requests for records received by DOM related to TCS's response to RPP No. 20220401, specifying that the document that was not identified as responsive until January 10, 2022 was TCS's Best and Final Offer (BAFO) submitted to DOM.

The BAFO contains financial and other information that is proprietary and confidential, as well as are trade secrets as this term is defined under the Mississippi Uniform Trade Secrets Act, specifically MISS. CODE ANN. § 75-26-3(d). Pursuant to PPRB Rule 1-301 and MISS. CODE ANN. § 25-61-9(7), this letter serves as Notice of TCS's intent to amend its Petition to expand its request for a Protective Order pursuant to MISS. CODE ANN. § 25-61-9(1)(a) to preclude the disclosure of any and all confidential commercial and financial information and trade secrets provided by TCS in the BAFO.

While we believe that the prior Notice of Intent to seek Protective Order delivered to DOM on December 14, 2022 is broad enough to include the BAFO, this Supplemental Notice of Intent to

Cody Smith, Esq.  
January 13, 2023  
Page 2


amend TCS's pending Petition is submitted in an abundance of caution to make clear TCS's intentions. Additionally, please note that this Supplemental Notice is provided out of an abundance of caution pursuant to PPRB Rule 1-301 and MISS. CODE ANN. § 26-61-9(7) and without waiving any of TCS's rights to contest that either Rule 1-301 or Section 26-61-9(7) applies in this instance, since no procurement contract was awarded to TCS by DOM based on any documents TCS submitted in response to RFP No. 20220401.

Please post this Notice in the Mississippi procurement portal as set forth in MISS. CODE ANN. § 26-61-9(7).

Thank you in advance for your assistance, and please do not hesitate to contact me should you have any questions or need any additional information.

With kindest regards, I remain,

Sincerely,



MATTHEW D. MILLER

MDM/mmm