

# BUTLER | SNOW

April 27, 2023

## VIA HAND DELIVERY & EMAIL

Mississippi Division of Medicaid  
Office of Procurement  
550 High Street, Suite 1000  
Jackson, Mississippi 39201  
Procurement@medicaid.ms.gov

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

Medical Transportation Management, Inc.  
c/o D. Sterling Kidd  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
100 Vision Drive Suite 400  
Jackson, MS 39211  
skidd@bakerdonelson.com

### **RE: Notice of Intent to Seek Protective Order**

All:

Verida, Inc. (“Verida”) received notice from the Mississippi Division of Medicaid (“DOM”) that Medical Transportation Management, Inc. (“MTM”) submitted a request to obtain records maintained by DOM related to IFB #20230113 and RFX #3160005602 (collectively “the IFB”). Among other things, MTM requested the technical/business proposals of all bidders/responding parties, including all attachments and price proposals. A copy of MTM’s request and notice of the request from DOM to Verida is attached.

Verida submitted a bid in response to the IFB. Therefore, its information is subject to MTM’s request. Verida has reviewed MTM’s request and determined that the information MTM seeks includes Verida’s trade secret, confidential, and proprietary information, including without limitation sensitive financial information, information regarding legal matters, and information regarding its internal policies and procedures (collectively, the “Confidential Information”). The Confidential Information is exempt from the Mississippi Public Records Act of 1983 and should not be disclosed by DOM. *See* Miss. Code Ann. §§ 25-61-9(1) and 79-23-1.

Given the confidential and proprietary nature of the Confidential Information, Verida gives notice to DOM and MTM that it intends to seek a protective order from the Hinds County Chancery Court preventing the disclosure of its Confidential Information.<sup>1</sup>

<sup>1</sup> Compliance with Miss. Code Ann. § 25-61-9(7) is not required of Verida because it was unsuccessful in its bid and not awarded a contract by DOM. Nevertheless, Verida provides this notice out of an abundance of caution based on its understanding that DOM requests that all parties subject to a records request provide this notice. Verida does not waive its rights to argue that Miss. Code Ann. § 25-61-9(7) is inapplicable and that this notice is not required of Verida.

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BUTLER SNOW LLP

Mississippi Division of Medicaid (Office of Procurement)  
Mississippi Division of Medicaid (Public Records Officer)  
Cody Smith, Attorney II  
Medical Transportation Management, Inc.  
April 27, 2023  
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Verida respectfully requests that DOM immediately publish this notice on the Mississippi Procurement Portal.

Respectfully submitted,

BUTLER SNOW LLP



Haley F. Gregory

HFG:fsw

**From:** Cody A. Smith <[Cody.Smith@medicaid.ms.gov](mailto:Cody.Smith@medicaid.ms.gov)>  
**Sent:** Thursday, April 13, 2023 2:57 PM  
**To:** Rebecca Weisberg <[rweisberg@verida.com](mailto:rweisberg@verida.com)>  
**Subject:** Notice of Public Records Request

You don't often get email from [cody.smith@medicaid.ms.gov](mailto:cody.smith@medicaid.ms.gov). [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

DOM has recently been served with the attached public records request for records pertaining to your organization.

This request may be requesting documents that 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.

If the information that is being requested is related to a state procurement, please be aware of the requirements under Rule 1-301 of the Office of Personal Service Contract Review Rules and Regulations.

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  
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*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*

**From:** [Kidd, Sterling](#)  
**To:** [Requests F. Information](#)  
**Subject:** Request for Information -- the Division's IFB #20230113/RFX #3160005602  
**Date:** Wednesday, April 5, 2023 3:47:09 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing on behalf of Medical Transportation Management, Inc. to request certain records related to IFB #20230113 and RFX #3160005602 (collectively "the IFB"). The records and documents requested are as follows:

1. The technical/business proposals of all bidders/responding parties, including all attachments and price proposals. This request specifically seeks, but is not limited to, Attachments A-F as referred to in the IFB.
2. Copies of any related interview presentation materials, clarifications, and best and final offers (BAFOs).
3. The evaluations, comments, and scoring sheets applicable to all bidders prepared by the agency evaluators.

**D. Sterling Kidd**

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Baker, Donelson, Bearman, Caldwell & Berkowitz, represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas, Virginia and Washington, D.C.

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