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March 6, 2024

**Via Electronic Mail**

**Mississippi Division of Medicaid**

c/o Office of Procurement

Chief Procurement Officer ([MSCANCHIP@medicaid.ms.gov](mailto:MSCANCHIP@medicaid.ms.gov))

Public Records Officer ([RFI@medicaid.ms.gov](mailto:RFI@medicaid.ms.gov))

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

**Mississippi Department of Information Technology Services**

c/o Kim White, ITS Public Records Officer ([kim.white@its.ms.gov](mailto:kim.white@its.ms.gov))

**Optum State Government Solutions, Inc.**

(ITS Project File Number 48197)

c/o Teresa Drexler ([Teresa.drexler@optum.com](mailto:Teresa.drexler@optum.com))

Re: Notice of and Reasons for Filing Petition for Protective Order:

All:

Gainwell Technologies, LLC ("Gainwell") received notice from the Mississippi Department of Information Technology Services ("ITS") that a Public Records Act Request ("PRR") was submitted by Optum State Government Solutions, Inc. (referred to herein as "Requesting Party") in connection with ITS's Request for Proposal Number 4243 ("RFP").

After reviewing the PRR and the notice received from ITS that identified responsive information to the Requesting Party's PRR, Gainwell has determined that the information contains trade secrets, confidential and proprietary commercial information, and confidential and proprietary information that is protected by the Mississippi Public Records Act. *See* Miss. Code Ann. § 25-61-9(1). Examples of this information include, but are not limited to, the following:

- Confidential business plans and strategies
- Confidential pricing data
- Confidential and proprietary information regarding trade secrets
- Confidential market information
- Confidential performance data and history
- Confidential internal policies
- Confidential personnel data

- Confidential information concerning clients

This information is exempt from the Mississippi Public Records Act's presumption of accessibility and therefore may not be disclosed. *See* Miss. Code §§ 25-61-9(1), 79-23-1.

Accordingly, pursuant to Miss. Code Ann. § 25-61-9 (7), Gainwell hereby gives notice to the Requesting Party and to ITS that Gainwell intends to seek a protective order from the Chancery Court of Hinds County, Mississippi to prevent the release of its information protected by the Mississippi Public Records Act.

Gainwell respectfully requests that ITS, upon receipt of this notice, post it on the Mississippi procurement portal in accordance with Miss. Code Ann. § 25-61-9.

Best regards,

/s/ Timothy L. Sensing  
Timothy L. Sensing (MSB# 102575)  
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