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* ALSO ADMITTED IN TENNESSEE

February 21, 2024

22188-1

VIA EMAIL

Kim White
Public Records Officer
Mississippi Department of Information Technology Services
3771 Eastwood Drive
Jackson, Mississippi 39211
Kim.White@its.ms.gov
Open.Records@its.ms.gov

VIA EMAIL

Deirdre McCormick
CSRA State and Local Solutions LLC
a General Dynamics Information Technology Company
249 Covell Road
Fairfield, Maine 04937
Columbia, Maryland 21046
Deirdre.McCormick@gdit.com
Kathleen.Delaney@gdit.com

Re: Notice of Intent to Seek Protective Order – ITS Project File No. 48170

Dear All:

Cognosante, LLC (“Cognosante”) received notice from the Mississippi Department of Information Technology Services (“ITS”) that CSRA State and Local Solutions LLC, a General Dynamics Information Technology Company (“CSRA”) submitted a request to obtain records maintained by ITS related to RFP No. 4243 (the “RFP”). This firm has been retained by Cognosante to respond to this request. CSRA’s initial request sought “technical and cost responses – scoring and evaluation sheets – evaluator comments, if available.” Thereafter, CSRA clarified that it seeks “the complete proposal submitted by each bidder, as well as the documents completed by those who reviewed / evaluated each proposal, including comments / notes that might have been communicated.” Copies of CSRA’s initial and clarified requests, as well as of ITS’ notice of the requests to Cognosante, are attached.

Cognosante submitted a bid in response to the RFP. Therefore, its information is subject to CSRA’s request. Cognosante has reviewed CSRA’s request and determined that the information CSRA seeks includes Cognosante’s trade secret, confidential, and proprietary information, including without limitation sensitive financial information, information regarding legal matters, information regarding its internal policies and procedures, and technical information and personnel (collectively, the “Confidential Information”). The Confidential Information is

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Page 2

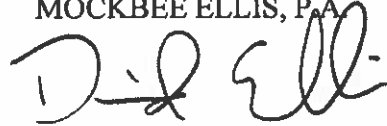
exempt from the Mississippi Public Records Act of 1983 and should not be disclosed by ITS. *See, Miss. Code Ann. §§ 25-61-9(1) and 79-23-1.*

Given the confidential and proprietary nature of the Confidential Information, Cognosante gives notice to ITS and CSRA that it intends to seek a protective order from the Hinds County Chancery Court preventing the disclosure of its Confidential Information.

Pursuant to *Miss. Code Ann. §§ 25-61-9(7)*, Cognosante respectfully requests that ITS immediately publish this notice on the Mississippi Procurement Portal.

Sincerely,

MOCKBEE ELLIS, P.A.

A handwritten signature in black ink, appearing to read "D. B. Ellis", written over the typed name.

David B. Ellis

DBE/kl

Enclosures

Kesta Long

From: Kim White <Kim.White@its.ms.gov>
Sent: Thursday, February 15, 2024 10:27 AM
To: Contracts
Cc: Delaney, Kathleen; McCormick, Deirdre
Subject: Project 48170 - Public Records Request RFP 4243 - Cognosante
Attachments: PRR RFP 4243.pdf; Cognosante Third Party Notification.pdf; Clarification to Request - Project 48170 RFP 4243 - Public Records Request.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Please see the attached Third Party Notification and public records request from CSRA State & Local Solutions LLC, a General Dynamics Information Technology company regarding information related to RFP 4243. A copy of this notification will be sent to you through USPS certified mail.

The following items have been requested; **Technical and Cost responses – scoring and evaluation sheets – evaluator comments (if available), Complete Proposal submitted by each bidder, as well as the documents completed by those who reviewed/evaluated each proposal, including comments/notes that might have been communicated.**

Pursuant to Miss. Code Ann. § 25-61-9(1) and the ITS Public Records Policy **you are hereby given notice**, that unless you file a petition seeking a protective order in accordance with Miss. Code Ann. § 25-61-9 and the ITS Public Records Policy, which includes filing the petition for protective order on or before **twenty-one days from the date of delivery of this notice as established by the United States Postal Service's records**; the information specified on the attached request **will be released** to the party requesting the information as required by law. ITS must also receive a copy of your filed petition for a protective order by the 21-day deadline.

Miss. Code Ann. § 25-61-9(7) requires that "any party seeking a protective order for a procurement contract awarded by state agencies shall give notice to and provide the reasons for the protective order to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. The notice and reasons for the protective order **must** be posted on the Mississippi procurement portal for a minimum of seven (7) days **before** filing the petition seeking the protective order in chancery court."

In accordance with ITS's Public Records Policy, you must provide ITS with **14 days'** notice of the petition for protective order, including the reasons for the petition, prior to filing your petition in Chancery Court.

Please call or email me if you have any questions.

Thank you,

Kim White
Technology Consultant
MS Department of Information Technology Services
601-432-8211 | www.its.ms.gov



Mississippi Department of
Information Technology Services

3771 Eastwood Drive | Jackson, Mississippi 39211-6381

DISCLAIMER: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Request Type:

Custom Open Records Request - \$70

RFP Code:

4243

Description:

MS Division of Medicaid - Interoperability, Data Lake, and APIs (IDA) Solution Requesting the following for all bidders: - technical and cost responses - scoring and evaluation sheets - evaluator comments, if available

First Name:

Deirde

Company:

CSRA State and Local Solutions LLC, a General Dynamics Information Technology Company

Address:

249 Covell Road

Address 2:**City:**

Fairfield

State:

ME

Phone:

2076490885

Fax:

N/A

Email:

kathleen.delaney@gdit.com

Last**Name:**

McCormick

Zip:

04937

Report generated on 2/13/2024 at 10:00 AM



Mississippi Department of
Information Technology Services

3771 Eastwood Drive
Jackson, MS 39211-6381
Phone: 601-432-8000
Fax: 601-713-6380
www.its.ms.gov

David C. Johnson, Executive Director

Third Party Notification Memorandum

To: Edward J. Russell, Vice President Contracts, Cognosante, LLC
From: David C. Johnson
CC: Deirde McCormick, CSRA State and Local Solutions, LLC, a General Dynamics
Information Technology Company
ITS Project File Number: 48170
Date: February 15, 2024
Subject: Request for Records Furnished by Third Parties Containing Trade Secrets or
Confidential Commercial or Financial Information under the Mississippi Public
Records Act

Contact Name: Kim White, ITS Public Records Officer
Contact Phone Number: 601-432-8211
Contact E-Mail Address: Kim.White@its.ms.gov

COPY SENT VIA EMAIL; ORIGINAL SENT VIA UNITED STATES POSTAL SERVICE

ITS has received a request from a third party for copies of information you previously submitted to ITS.

Party requesting your information: CSRA State and Local Solutions, LLC, a General Dynamics Information Technology Company, 249 Covell Rd, Fairfield, ME 04937

A copy of the request is enclosed for your review.

In accordance with Miss. Code Ann. § 25-61-9(1), "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 (21) days from the date the third parties are given notice by the public body unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure."

Further, Miss. Code Ann. § 25-61-9(7) also requires that "any party seeking a protective order for a procurement contract awarded by state agencies shall give notice to and provide the reasons for the protective order to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. The notice and reasons for the protective order **must** be posted on the Mississippi procurement portal for a minimum of seven (7) days **before** filing the petition seeking the protective order in chancery court." (Emphasis added).

In accordance with ITS's Public Records Policy, you must provide ITS with 14 days' notice of the

petition for protective order, including the reasons for the petition, prior to filing your petition in Chancery Court.

Pursuant to Miss. Code Ann. § 25-61-9(1) and the ITS Public Records Policy **you are hereby given notice**, that unless you file a petition seeking a protective order in accordance with Miss. Code Ann. § 25-61-9 and the ITS Public Records Policy, which includes filing the petition for protective order on or before **twenty-one days from the date of delivery of this notice as established by the United States Postal Service's records**; the information specified on the attached request **will be released** to the party requesting the information as required by law. ITS must also receive a copy of your filed petition for a protective order by the 21-day deadline.

You may review the ITS Public Records Policy and associated guidelines adopted in compliance with this act in Section 019-010 of the ITS Procurement Handbook, available at:

<https://www.its.ms.gov/sites/default/files/ProcurementPDFs/ISS%20Procurement%20Manual.pdf>

If you do not wish to file a petition seeking a protective order to prevent the release of the requested information, please sign below and return this memo via email to: open.records@its.ms.gov

Your signing and returning this memo gives ITS permission to release your information prior to the above deadline.

Printed Name

Signature

Date

PLEASE NOTE:

- (1) Mississippi Accountability and Transparency Act of 2008 (MATA) and Confidential Information:** The following language is included in each ITS contract, within the contract articles titled "Transparency" and "Confidential Information" and generally provides:

TRANSPARENCY – "In accordance with the Mississippi Accountability and Transparency Act of 2008, § 27-104-151, et seq., of the Mississippi Code of 1972, as Amended, the American Accountability and Transparency Act of 2009 (P.L. 111-5), where applicable, and § 31-7-13 of the Mississippi Code of 1972, as amended, where applicable, a fully executed copy of this Agreement and any subsequent amendments and change orders shall be posted to the State of Mississippi's accountability website at: <https://www.transparency.mississippi.gov/>. Prior to ITS posting the Agreement and any subsequent amendments and change orders to the website, any attached exhibits which contain trade secrets or other proprietary information and are labeled as "confidential" will be redacted by ITS. Notwithstanding the preceding, however, it is understood and agreed that pursuant to § 25-61-9(7) of the Mississippi Code of 1972, as amended, the contract provisions specifying the commodities purchased or the services provided; the price to be paid; and the term of this Agreement shall not be deemed a trade secret or confidential commercial or financial information and shall thus not be redacted."

CONFIDENTIAL INFORMATION – “With the exception of any attached exhibits which are labeled as “confidential”, the parties understand and agree that this Agreement, including any amendments and/or change orders thereto, does not constitute confidential information, and may be reproduced and distributed by the State without notification to vendor. ITS will provide third party notice to vendor of any requests received by ITS for any such confidential exhibits so as to allow vendor the opportunity to protect the information by court order as outlined in ITS Public Records Procedures.

The parties understand and agree that pursuant to § 25-61-9(7) of the Mississippi Code of 1972, as amended, the contract provisions specifying the commodities purchased or the services provided; the price to be paid; and the term of this Agreement shall not be deemed confidential information.”

As stated above, with the exception of any contract exhibits labeled as “confidential” at the time of contract execution, contracts executed between the state of Mississippi and a Contractor and any subsequent amendments and change orders shall be posted to the Internet in compliance with MATA and may be reproduced and distributed by the state without notification to vendor, and the contract provisions specifying the commodities purchased or the services provided; the price to be paid; and the term of the contract shall not be deemed a trade secret or confidential commercial or financial information and shall be available for examination, copying or reproduction. ITS will, as stated in the contract provisions set forth above, provide third party notice to vendor of requests received by ITS for any contract exhibits properly labeled as “confidential”, so as to allow vendor the opportunity to protect the information by court order as outlined in the ITS Public Records Policy. Contractors are directed to review the above applicable provisions within the ITS contract.

- (2) It is the responsibility of **Cognosante, LLC** to notify any sub-contractors, that may have jointly participated in submitting a response to ITS, that confidential information has been requested.

Any questions related to this notice should be directed to Kim White at 601-432-8211 or via e-mail at open.records@its.ms.gov.

Enclosure

From: Delaney, Kathleen
To: Kim White
Cc: McCormick, Deirdre; Manley, Cailey
Subject: Re: Project 48170 RFP 4243 - Public Records Request
Date: Wednesday, February 14, 2024 1:29:13 PM
Attachments: Outlook-2eph3ehw.png

Good afternoon, Kim -

I'm not sure what you mean when you say "the copies of the final evaluation documents for RFP 4243".

We are asking for the complete proposal submitted by each bidder, as well as the documents completed by those who reviewed / evaluated each proposal, including comments / notes that might have been communicated.

Many thanks,
Kathleen

Out of Office: N/A

Kathleen Delaney
Contracts Administrator Advisor
Federal Civilian Division
Office: (518) 545-2427
Cell: (518) 330-5293
kathleen.delaney@gdit.com
327 Columbia Turnpike
Rensselaer, NY 12144
www.gdit.com

From: Kim White <Kim.White@its.ms.gov>
Sent: Wednesday, February 14, 2024 10:38 AM
To: Delaney, Kathleen <Kathleen.Delaney@gdit.com>
Cc: McCormick, Deirdre <Deirdre.McCormick@gdit.com>; Manley, Cailey <Cailey.Manley@gdit.com>
Subject: Project 48170 RFP 4243 - Public Records Request

This Message Is From an External Sender

Please use caution with links, attachments, and any requests for credentials. We are requesting a clarification on your request. Your original request was for the following: Technical and cost responses – scoring and evaluation sheets – evaluator comments, if available. Please clarify if you are requesting for the copies of the final evaluation documents for RFP 4243.

Kim White
Technology Consultant

MS Department of Information Technology Services
601-432-8211 | www.its.ms.gov



Mississippi Department of
Information Technology Services

3771 Eastwood Drive | Jackson, Mississippi 39211-6381

DISCLAIMER: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Kim White <Kim.White@its.ms.gov>

Sent: Tuesday, February 13, 2024 10:38 AM.

To: Delaney, Kathleen <Kathleen.Delaney@gdit.com>; Khelli Reed <Khelli.Reed@its.ms.gov>

Cc: McCormick, Deirdre <Deirdre.McCormick@gdit.com>; Manley, Cailey <Cailey.Manley@gdit.com>; Benjamin Graham <Benjamin.Graham@its.ms.gov>; Shaundra Bennett <Shaundra.Bennett@its.ms.gov>

Subject: RE: RFP 4243 - Public Records Request

ITS has received your Public Records Request dated 02/13/24 for information related to RFP 4243, along with your initial payment of \$70.00. The \$70.00 payment is non-refundable if you decide not to proceed with the request. If you do proceed with the request, the \$70.00 will be applied toward the first hour of evaluation and research time and any additional administrative time required for producing the records and filling the request.

ITS will provide you a cost estimate of additional charges for fulfilling your public records request after the date for third parties to file a petition for protective order has passed and we know specifically what can be provided. Per Mississippi public records statute and the ITS Public Records Procedure, the third party will have twenty-one days to file a petition for protective order protecting any trade secrets or confidential commercial or financial information contained in these documents. After that time, ITS can release copies of any unprotected material to you as requested.

You can find additional documents related to RFP 4243 on the ITS website using the following link; [RFPs AND SOLE SOURCES CLOSED SEARCH | Mississippi Department of Information Technology Services \(ms.gov\)](#)

If you would like to review the ITS Public Records Policy and Procedures further, it is in the Procurement Handbook (Page 161) on the ITS website. [ISS Procurement Manual.pdf \(ms.gov\)](#). Please contact me if you have any questions.

Kim White
Technology Consultant
601-432-8211

From: Delaney, Kathleen <Kathleen.Delaney@gdit.com>

Sent: Tuesday, February 13, 2024 9:36 AM

To: Khelli Reed <Khelli.Reed@its.ms.gov>; Open Records <open.records@its.ms.gov>
Cc: McCormick, Deirdre <Deirdre.McCormick@gdit.com>; Manley, Cailey <Cailey.Manley@gdit.com>
Subject: RFP 4243 - Public Records Request

Good morning,

We submitted a Public Records Request, on behalf of CSRA State and Local Solutions LLC, a General Dynamics Information Technology Company (GDIT), for documents pertaining to RFP 4243 (Mississippi Division of Medicaid Interoperability, Data Lake, and APIs (IDA) Solution (Application Programming Interface)). The web site used was [Public Record Request Payment System \(ms.gov\)](http://PublicRecordRequestPaymentSystem.ms.gov)

Specifically, we requested for all bidders:

- Technical and cost responses
- Scoring and evaluation sheets
- Evaluator comments, if available

I am sending this email because once we navigated to the payment screen, we were unable to return to the prior screen where we thought we needed to complete the request.

If you would kindly let us know whether our request was completed, we would appreciate it. If the request is incomplete, please advise of our next steps.

For reference, our order number is 46566559.

Many thanks,
Kathleen

Out of Office: N/A

Kathleen Delaney
Contracts Administrator Advisor
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