



Karen E. Howell

E-mail: khowell@brunini.com
Direct: 601.973.8750

The Pinnacle Building, Suite 100
190 East Capitol Street
Jackson, Mississippi 39201
Telephone: 601.948.3101

Post Office Drawer 119
Jackson, Mississippi 39205
Facsimile: 601.960.6902

February 22, 2024

**NOTICE OF INTENT TO SEEK PROTECTIVE ORDER AND REASONS FOR
PROTECTIVE ORDER PURSUANT TO MISS. CODE ANN. § 25-61-9(7)**

TO: **FEI.com, Inc.**
Frank Persinger
9755 Patuxent Woods Drive, Suite 300
Columbia, MD 21046
frank.persinger@feisystems.com

Mississippi Department of Information Technology Services
c/o Kim White, ITS Public Records Officer
c/o Khelli Reed, ITS Technology Consultant
3771 Eastwood Drive
Jackson, MS 39211-6381
Kim.White@its.ms.gov
Khelli.Reed@its.ms.gov
open.records@its.ms.gov

FROM: **Conduent State Healthcare, LLC**
c/o Karen E. Howell (khowell@brunini.com)

**Re: *Public Records Request Related to Proposal for RFP No. 4243 for an
Interoperability, Data Lake, and APIs (IDA) Solution, including Optional Items
for the Mississippi Division of Medicaid (MDOM).***

Dear Ladies and Gentlemen:

On February 15, 2023, the Mississippi Division of Medicaid (MDOM) notified Conduent State Healthcare, LLC ("Conduent") of a public records request from FEI.com, Inc. d/b/a FEI Systems ("FEI") seeking the scoring sheets for Request for Proposal ("RFP") Number 4243, the notes of individual evaluators of the RFP and the technical proposals, cost proposals, and best and final offer requests from all responders.

Pursuant to Miss. Code Ann. § 25-61-9 and ITS's Public Records Policy, Conduent hereby gives notice ("Notice") to ITS and FEI, the requestor issuing the public records request, of its intent to seek a protective order from the Chancery Court of Hinds County, Mississippi, First Judicial District, protecting Conduent's confidential and proprietary information and trade secrets contained in its proposal and submissions related to the RFP, including all redacted

portions, and of its reasons for the protective order. Conduent will serve a copy of this notice on FEI by email to frank.persinger@feisystems.com, by mail to the above-referenced address, and by hand delivery to FEI's registered agent for service in Mississippi, Incorp Services, Inc., 302 Enterprise Drive, Suite A, Oxford, MS 38655.

The reasons Conduent intends to seek a protective order include the fact that portions of the proposal and submissions related to the RFP include confidential, proprietary, and trade secret information belonging to Conduent. More specifically, such information includes, but is not limited to: pricing and internal cost information, technical discussion and approaches and business plans and strategies; approaches to security; confidential data pertaining to customer contract information, services and lists, and tabulated data that is not publicly available (such as contract value, accounts transactions, number of locations, etc.); proposed staffing plans; the exceptions Conduent proposed; performance data and history; internal policies and procedures; and personal information, including names of key employees of Conduent. None of this information should be disclosed to FEI (or otherwise). The release of this information would cause Conduent competitive harm and permit an unfair commercial advantage to Conduent's competitors by allowing them to bid more effectively against Conduent for contracts, including without limitation contracts for the services contemplated by the RFP. Thus, Conduent hereby provides notice of its intent to request such information be treated as confidential and exempt from disclosure under Miss. Code Ann. §§ 25-61-1 and 79-23-1.

Unless FEI withdraws or modifies its request within fourteen days, Conduent will file its Petition for Protective Order in the Chancery Court of Hinds County, Mississippi, First Judicial District and, unless waived, will issue process to FEI, ITS, and MDOM. In accordance with the requirements of the applicable statutes and rules, this Notice, which includes the reasons for Conduent's request for a protective order, will be posted on the Mississippi procurement portal for a minimum of seven days before Conduent files its Petition.

Any questions related to this Notice, the reasons for the Petition, or the Petition itself, should be directed to the undersigned counsel for Conduent. Thank you.

Sincerely,

Conduent State Healthcare, LLC

/s/Karen E. Howell

Karen E. Howell