

February 18, 2021

NOTICE AND REASONS FOR PROTECTIVE ORDER
PURSUANT TO MISS. CODE ANN. § 25-61-9(7) (REV. 2018)

TO: Marcy Scoggins
Mississippi Department of Finance and Administration
501 North West Street, Suite 1301
Jackson, MS 39201
marcy.scoggins@dfa.ms.gov

Catoria Parker Martin
Special Assistant Attorney General
Mississippi Attorney General's Office
Assigned to: Mississippi Department of Finance and Administration
501 North West Street, Suite 1403B
Jackson, MS 39201
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Market Analytics International
Attn: Karen Montecinos
60 Park Place, Suite 502
Newark, NJ 07102
kmontecinos@marketanalytics.com

FROM: Express Scripts, Inc.
c/o Roger Holland
Vice President of Sales, Public Sector
41 Saint Raphael
Laguna Niguel, CA 92677
roger_holland@express-scripts.com

RE: *Public Records Request Related to Proposal for Pharmacy Benefit Manager Services*

Ladies and Gentlemen:

Express Scripts, Inc. ("Express Scripts") has received written notice from the Mississippi Department of Finance and Administration (the "DFA") that the DFA received a public records requests

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from Market Analytics International ("Market Analytics"). More specifically, the DFA notified Express Scripts that Market Analytics requested "Contract, Scoring and Evaluation, Technical Proposals/Responses, [and] Attachments/Exhibits" related to Request for Proposal No. 31200001922 ("RFP") with "the contract effective date of 1/21/21 for the rests of bidders."

Pursuant to the provisions of Miss. Code Ann. § 25-61-9 (Rev. 2018), Express Scripts hereby gives notice ("Notice") to Market Analytics, the requestor issuing the public records request, and the other persons listed in the public records request, of its intent to seek a protective order from the Chancery Court of Hinds County, Mississippi, First Judicial District, seeking to protect Express Script's confidential and proprietary information and trade secrets contained in its proposal and any supplemental proposals and submissions to the DFA related to the RFP, and of its reasons for the protective order. This Notice is given in accordance with the Mississippi Rules of Civil Procedure to:

Market Analytics International
Attn: Karen Montecinos
60 Park Place, Suite 502
Newark, NJ 07102
kmontecinos@marketanalytics.com

Further, pursuant to the provisions of Miss. Code Ann. § 25-61-9, the reasons Express Scripts intends to seek a protective order include the fact that its unredacted proposal and any supplemental proposals and submissions to the DFA related to the RFP include confidential, proprietary, and trade secret information belonging to Express Scripts. More specifically, such information includes, but is not limited to: protected cost and pricing information; financial statements; business references; performance history; information about other contracts; Express Scripts' business plans and strategies; proposed staffing plans; key personnel resumes; excerpts of internal policies and procedures; sample electronic reporting; other excerpts and data from copyrighted software and online programs, which include proprietary algorithms, none of which should be disclosed to Market Analytics (or otherwise). The release of this information would cause Express Scripts competitive harm and permit an unfair commercial advantage to Express Scripts' competitors by allowing them to bid more effectively against Express Scripts for contracts to provide pharmacy benefit services, including without limitation the services contemplated by the RFP. Thus, Express Scripts 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.

Express Scripts has submitted, or will submit, a redacted version of its proposal. In those redacted documents, all confidential and proprietary commercial or financial information and/or trade secrets will be redacted. Express Scripts has no objection to the DFA releasing a copy of the redacted proposal and redacted supplemental responses to Market Analytics in response to its request.

Unless Market Analytics withdraws or modifies its respective requests within seven days, Express Scripts will file its Petition for Protective Order in the Chancery Court of Hinds County, Mississippi, First Judicial District. In accordance with the requirements of the applicable statutes and rules, this Notice, which includes the reasons for Express Scripts' request for a protective order, will be posted on the Mississippi procurement portal for a minimum of seven days before Express Scripts files its Petition.

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Any questions related to this Notice, the reasons for the Petition, or the Petition itself, should be directed to the undersigned counsel for Express Scripts.

THIS, the 18th day of February, 2021.

Respectfully submitted,

EXPRESS SCRIPTS, INC.

By: /s/ Amber L. Kipfmiller
AMBER L. KIPFMILLER

OF COUNSEL:

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Catoria Parker Martin via email
Market Analytics International (Karen Montecinos) via email