

Stevie F. Rushing

Associate
srushing@bradley.com
601.592.9938 direct



March 4, 2024

Via Electronic Mail and Certified Mail:

FEI Systems

c/o John Sneed

Wise Carter Child & Caraway, P.A.

401 East Capitol Street

Heritage Building, Suite 600

Jackson, MS 39201

jps@wisecarter.com

Gainwell Technologies, LLC

c/o Katie Lyons

Watkins & Eager PLLC

400 E Capitol Suite 300

Jackson, MS 39201

klyons@watkinseager.com

Conduent

c/o Karen Howell

Brunini Grantham Grower & Hewes, PLLC

190 E Capitol St Suite 100

Jackson, MS 39201

KHowell@brunini.com

Kim White

MS Dept. of Information Technology Services

3771 Eastwood Drive

Jackson, MS 39211-6381

Kim.White@its.ms.gov

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

All:

I represent General Dynamics Information Technology, Inc. ("GDIT"). On February 26, 2024, GDIT received written notice that individuals acting on behalf of FEI Systems and Gainwell Technologies, LLC submitted public records requests to the Mississippi Department of Information Technology Services ("ITS") seeking, generally, the technical proposals, cost proposals, BAFO documents, evaluation documents, and presentations of all responders to RFP 4243. GDIT subsequently received notice that Conduent has submitted a records request to ITS for similar materials.

GDIT hereby gives notice that it and/or its related or affiliated entities (including, but not limited to CSRA State and Local Solutions, LLC) intends to seek a protective order from the

Chancery Court of Hinds County, Mississippi that precludes its confidential and proprietary information from being publicly disclosed in response to the pending records requests. *See* Miss. Code § 25-61-9(7).¹

GDIT desires a protective order because the records requests, if fully responded to, would require the production of GDIT's proprietary and confidential commercial and financial information. Specifically, GDIT's technical proposal, cost proposal, BAFO, and other bid documents contain a wealth of GDIT's proprietary and confidential commercial and financial information, including, but not limited to, the following:

- name and background information about key personnel;
- identification of existing and former customers;
- confidential and proprietary financial information, including costs and expenses;
- confidential information regarding proprietary designs and processes; and
- confidential and proprietary plans and strategies, and the unique assets, services, and attributes of GDIT that make possible those plans and strategies.

This information is exempt from the Mississippi Public Records Act's presumption of accessibility. *See* Miss. Code §§ 25-61-9(1), 79-23-1. To protect this information from public disclosure, GDIT intends to file a petition for a protective order in the Chancery Court of Hinds County, Mississippi on or before March 18, 2024, as required by Mississippi Code § 25-61-9(1). GDIT intends to proceed with this plan unless it learns that the requestors have withdrawn or modified their respective records requests.

I request ITS immediately publish this notice on the Mississippi procurement portal in accordance with Mississippi Code § 25-61-9(7). Further, I request that any questions regarding this notice or the forthcoming petition be directed to me.

Best regards,

/s/ Stevie F. Rushing
Stevie F. Rushing (MS Bar #105534)
BRADLEY ARANT BOULT CUMMINGS LLP
188 East Capitol Street, Suite 1000
Post Office Box 1789
Jackson, MS 39215-1789
Telephone: (601) 948-8000
Facsimile: (601) 948-3000
srushing@bradley.com

*Attorney for General Dynamics Information
Technology, Inc.*

¹ GDIT provides this pre-petition notice out of an abundance of caution. In doing so, GDIT does not concede that the subject Request for Proposals or the responses to the same constitute a "procurement contract" for purposes of the Mississippi Public Records Act.