

March 5, 2024

**VIA EMAIL**

Ms. Kim White

Public Records Officer/Technology Consultant

Mississippi Department of Information Technology Services

3771 Eastwood Drive

Jackson, Mississippi 39211

[Kim.White@its.ms.gov](mailto:Kim.White@its.ms.gov)

[Open.Records@its.ms.gov](mailto:Open.Records@its.ms.gov)

**VIA EMAIL**

Ms. Teresa Drexler

Optum State Government Solutions, Inc.

11000 Optum Circle

MN101-W013

Eden Prairie, MN 55344

[teresa.drexler@optum.com](mailto:teresa.drexler@optum.com)

Re: Notice of Intent to Seek Protective Order – RFP No. 4243 (Optum Records Request)

Dear All:

FEI.com, Inc. d/b/a FEI Systems received notice on March 4, 2024 from the Mississippi Department of Information Technology Services (“ITS”) that Optum State Government Solutions, Inc. (“Optum”) submitted a request to obtain records maintained by ITS related to RFP No. 4243 (the “RFP”). This firm has been retained by FEI Systems to respond to this request. Specifically, Optum requested, “Copies of Technical & Cost Proposals, including pricing, submitted by each bidder re RFP 4243; & Each Evaluation Committee team members qualitative notes & quantitative scoring each bidder’s proposal.” A copy of ITS’s email notification to FEI Systems describing Optum’s request is attached.

FEI Systems submitted a bid in response to the RFP. Therefore, its information is subject to Optum’s request. FEI Systems has reviewed Optum’s request and determined that the


Ms. Kim White  
Ms. Teresa Drexler  
March 5, 2024  
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information Optum seeks includes FEI Systems' trade secret, confidential, and proprietary information, including without limitation sensitive financial and costs information, information regarding its internal policies and procedures, and technical, personnel and staffing information (collectively, the "Confidential Information"). The Confidential Information is 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, FEI Systems hereby gives notice to ITS and Optum that, within 14 days of the date of this letter, it intends to seek a protective order from the Hinds County Chancery Court preventing the disclosure of its Confidential Information unless the request for Confidential Information is withdrawn or modified.

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

Sincerely,



John P. Sneed

JPS/mmk

cc: Charles E. Cowan

enclosure

## John Sneed

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**From:** Scott Morrow <scott.morrow@feisystems.com>  
**Sent:** Monday, March 4, 2024 8:24 AM  
**To:** John Sneed  
**Cc:** Charles Cowan  
**Subject:** FW: Project 48197 - Public Records Request - RFP 4243  
**Attachments:** PRR - RFP 4243 - Optum State Government Solutions, Inc..pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

<<< EXTERNAL SENDER: This email is from someone outside WCCC's email system. Do not click links, open attachments, or provide your user ID/password unless you trust the source and know the contents are safe.>>>

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**From:** Frank Persinger <frank.persinger@feisystems.com>  
**Sent:** Monday, March 4, 2024 9:14 AM  
**To:** Scott Morrow <scott.morrow@feisystems.com>  
**Subject:** Fwd: Project 48197 - Public Records Request - RFP 4243

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**From:** Kim White <[Kim.White@its.ms.gov](mailto:Kim.White@its.ms.gov)>  
**Sent:** Monday, March 4, 2024 9:11:49 AM  
**To:** Frank Persinger <[frank.persinger@feisystems.com](mailto:frank.persinger@feisystems.com)>  
**Cc:** [teresa.drexler@optum.com](mailto:teresa.drexler@optum.com) <[teresa.drexler@optum.com](mailto:teresa.drexler@optum.com)>  
**Subject:** Project 48197 - Public Records Request - RFP 4243

**FEI Security Notice:** This email is from an **EXTERNAL** source. Do not click links or attachments unless you recognize the sender and know the content is safe.

Please see the attached Third Party Notification and public records request from Optum State Government Solutions, Inc. 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; **Copies of Technical & Cost Proposals, including pricing, submitted by each bidder re RFP 4243; & Each Evaluation Committee team members qualitative notes & quantitative scoring each bidder's proposal.**

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](http://www.its.ms.gov) [[its.ms.gov](mailto:its.ms.gov)]



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**Request Type:**

Custom Open Records Request - \$70

**RFP Code:**

4243

**Description:**

Copies of Technical & Cost Proposals, including pricing, submitted by each bidder re RFP 4243; & Each Evaluation Committee team members qualitative notes & quantitative scoring each bidder's proposal.

**First Name:**

Teresa

**Last  
Name:**  
Drexler

**Company:**

Optum State Government Solutions, Inc.

**Address:**

11000 Optum Circle

**Address 2:**

MN101-W013

**City:**

Eden Prairie

**State:**

MN

**Zip:**  
55344

**Phone:**

952-205-5555

**Fax:**

N/A

**Email:**

teresa.drexler@optum.com

*Report generated on 2/29/2024 at 3:44 PM*