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April 21, 2023

VIA EMAIL & HAND DELIVERY

Mississippi Division of Medicaid Office of Procurement Chief Procurement Officer Walter Sillers Building 550 High Street, Suite 1000 Jackson, Mississippi 39201 procurement@medicaid.ms.gov	Mississippi Division of Medicaid Public Records Officer 550 High Street, Suite 1000 Jackson, Mississippi 39201 RFI@medicaid.ms.gov
Cody Smith, Attorney II Mississippi Division of Medicaid 550 High Street, Suite 1000 Jackson, Mississippi 39201 Cody.Smith@medicaid.ms.gov	Medical Transportation Management, Inc. c/o D. Sterling Kidd Baker, Donelson, Bearman, Caldwell & Berkowitz, PC 100 Vision Drive, Suite 400 Jackson, Mississippi 39211 skidd@bakerdonelson.com and c/o CT Corporation 645 Lakeland East Drive, Suite 101 Flowood, Mississippi 39232 (via hand delivery only)

Re: Notice of Intent to Seek Protective Order by Modivcare

Everyone:

On April 13, 2023, Modivcare received notice from the Mississippi Division of Medicaid (“DOM”) that Medical Transportation Management, Inc. (“Medical Transport”) submitted a request to obtain records maintained by DOM related to IFB #20230113 and RFX #3160005602 (collectively referred to as “the IFB”). Specifically, Medical Transport requested copies of the information submitted by all bidding/responding parties in support of their bids for

April 21, 2023

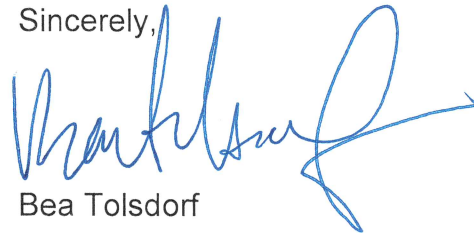
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the IFB. Modivcare submitted a bid in response to the IFB and was selected by DOM as the prevailing bid; therefore, Medical Transport's request seeks information submitted to DOM by Modivcare. A copy of the request is attached.

Upon review and examination of the request, Modivcare has determined that the information requested by Medical Transport, if produced by DOM, would include trade secret, confidential commercial and financial, and proprietary information for Modivcare including but not limited to internal policies and procedures and information concerning legal matters unrelated to the IFB process (collectively referred to as "the Confidential Information"). The Confidential Information is exempt from the Mississippi Public Records Act of 1983 and it should not be disclosed by DOM. See Miss. Code Ann. §§ 25-61-1 & 79-23-1.

Based upon the sensitivity of this information and Miss. Code Ann. § 25-61-9(7), Modivcare gives notice to DOM and to Medical Transport of its intent to seek a protective order from the Chancery Court of Hinds County, Mississippi, First Judicial District, to protect the Confidential Information from public disclosure. Modivcare respectfully requests that Medicaid immediately publish this notice on the Mississippi Procurement Portal as required by Miss. Code Ann. § 25-61-9(7) and Rule 1-301 of the Office of Personal Service Contract Review.

Sincerely,



Bea Tolsdorf

BMT:

Attachments

cc: Lucien Smith, Balch and Bingham, LLP
William L. Smith, Balch and Bingham, LLP

From: Cody A. Smith <Cody.Smith@medicaid.ms.gov>

Date: Thursday, April 13, 2023 at 3:56 PM

To: Marvin Lewis <Marvinl@modivcare.com>

Subject: Notice of Public Records Request

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DOM has recently been served with the attached public records request for records pertaining to your organization.

This request may be requesting documents that may contain confidential commercial or financial information that may be protected under MS Code § 25-61-9. DOM is required to provide notice of this request and to inform you that you would need to file for a protective order in accordance with MS Code §25-61-9 to prevent disclosure. Please inform DOM if you consider this information confidential or if you approve of its release.

If the information that is being requested is related to a state procurement, please be aware of the requirements under Rule 1-301 of the Office of Personal Service Contract Review Rules and Regulations.

If DOM does not hear from you regarding this matter within 21 days, DOM will be obligated to disclose the documents.

Cody Smith

Attorney II

Mississippi Division of Medicaid

550 High Street, Suite 1000 | Jackson, MS 39201

Phone: 601-359-6583

Email: Cody.Smith@medicaid.ms.gov

Website: <http://www.medicaid.ms.gov>

Confidentiality Note: This message and all attachments are confidential and/or proprietary to the Mississippi Division of Medicaid, and the use, disclosure or distribution to anyone other than the intended receiver without the prior written permission of the Mississippi Division of Medicaid is strictly prohibited. The information contained and attached to this message is intended for the exclusive use of the individual or entity named herein. If you have received this message in error, please notify the sender by replying to the e-mail or contact the telephone number above for instructions on how to delete or return the information without additional disclosure. Thank you for your assistance in the protection of confidential information

From: [Kidd, Sterling](#)
To: [Requests F. Information](#)
Subject: Request for Information -- the Division's IFB #20230113/RFX #3160005602
Date: Wednesday, April 5, 2023 3:47:09 PM

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I am writing on behalf of Medical Transportation Management, Inc. to request certain records related to IFB #20230113 and RFX #3160005602 (collectively "the IFB"). The records and documents requested are as follows:

1. The technical/business proposals of all bidders/responding parties, including all attachments and price proposals. This request specifically seeks, but is not limited to, Attachments A-F as referred to in the IFB.
2. Copies of any related interview presentation materials, clarifications, and best and final offers (BAFOs).
3. The evaluations, comments, and scoring sheets applicable to all bidders prepared by the agency evaluators.

D. Sterling Kidd

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Baker, Donelson, Bearman, Caldwell & Berkowitz, represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas, Virginia and Washington, D.C.

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