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February 4, 2024

SENT VIA EMAIL

Ms. Carmen Heredia
Ms. Meggan LaPorte
Arizona Health Care Cost Containment System (AHCCCS)
801 E. Jefferson St.
Phoenix, AZ 85034
Sent via email to:

Carmen.Heredia@azahcccs.gov
Meggan.LaPorte@azahcccs.gov
RFPYH24-0001@azahcccs.gov

Re: Expedited Request for Stay of Appeals Process for YH24-0001

Dear Ms. Heredia and Ms. LaPorte:

Banner seeks an expedited stay of the appeals process regarding this bid protest. The deadline to appeal is **Wednesday, February 7, 2024**.

At about 4:30 p.m. on Friday, February 2, 2024, Procurement Officer Meggan LaPorte issued her denial of all bid protests in a 42-page letter. Later that evening, AHCCCS counsel sent a seven-page letter and produced dozens of new public records documents—including many that were responsive to Banner's first public records request, submitted on December 8, 2023—along with a new privilege log. Moreover, we learned for the first time in that letter that AHCCCS has only now begun its search of messaging platforms for public records communications about the procurement. Counsel's letter confirmed that some such messages exist and will be produced in the future.

AHCCCS's decision to withhold responsive documents until after issuing its denial of the bid protests has prejudiced Banner, and Banner will be even further prejudiced if it is required to submit its appeal before the agency's production is complete. To avoid such additional prejudice in light of AHCCCS's pending public record production, we respectfully request that AHCCCS stay the fast-approaching appeals deadline until after AHCCCS has fully complied with public records requests—and Banner has had time to review those documents.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David B. Rosenbaum', written over a horizontal line.

David B. Rosenbaum