EXHIBIT G

Saul Ewing LLP

Nicholas C. Stewart
Phone: (410) 332-8616
Fax: (410) 332-8031
nstewart@saul.com
www.saul.com

November 13, 2013

Department of Veterans Affairs
General Counsel (024)
810 Vermont Avenue, NW
Washington, DC 20420

TRANSMITTED VIA EMAIL

RE: Freedom of Information Act Appeal
Assigned Request No. 13-04300-F

Dear General Counsel:

This letter is submitted on behalf of Medicasoft, LLC concerning the Department of Veteran Affairs' ("the Department") response to Medicasoft's request for documents under the Freedom of Information Act ("FOIA"). Medicasoft submitted its FOIA requests to the Department on May 2, 2013, and the Department transmitted the requested documents to MedicaSoft on September 16, 2013. FOIA Officer Richard Ha responded on behalf of the relevant departmental component—the Office of Procurement Policy Services—located at 425 I Street, NW, Washington, DC 20001.

The Department's production is replete with extensive redactions asserted primarily on the grounds found in 5 U.S.C. § 552(b)(3), (4), and (6). The following is a brief synopsis of these exemptions and how they were inappropriately used:

- § 552(b)(3) exempts information that is "specifically exempted from disclosure by statute . . . ." The Government must show that the statue absolutely forbids disclosure and sets forth specific criteria for withholding such information, or specifically refers to the kind of information prohibited from disclosure, thereby removing any discretion. *See Florida Ass'n, Inc. v. Dep't of Health, Ed. &* Welfare, 479 F. Supp. 1291 (M.D. Fla. 1979).

  Here, the Department does not cite the statute on which it is relying, let alone demonstrate that it satisfies the aforementioned standards. *See* **Exhibit A** hereto for representative examples.

- § 552(b)(4) exempts "trade secrets and commercial or financial information obtained from a person and privileged or confidential." This exemption is narrowly construed, pertains to information provided to the Government by private parties, and does not prevent disclosure merely due to the presence of some confidential information. Rather, it is meant to prevent unwarranted invasions of personal privacy resulting from the "indiscriminate release" of confidential information. *See Burke Energy Corp. v. Dept' of Energy*, 583 F. Supp. 507 (D.C. Kan. 1984); *Grumman Aircraft Engineering Corp. v. Renegotiation Bd.*, 425 F.2d 578, 580 (D.C. Cir. 1970).

  Here, the Department failed to notify Medicasoft before making its production that the request covered confidential information as required by the regulations governing the production. *See* 38 C.F.R. § 1.558(g). Once it did respond, the Department did not provide any explanation for its denial as required by 38 C.F.R. § 1.557(d)(2), making it impossible to determine whether the redacted information was from a private party and of such an extent that it would constitute an "indiscriminate release." *See* **Exhibit B** hereto for representative examples.

- § 552(b)(6) exempts "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The "presumption favoring disclosure . . . is at its zenith under Exemption 6," *Consumers' Checkbook Ctr. For the Study of Servs. v. HHS*, 554 F.3d 1046, 1057 (D.C. Cir. 2009), and necessitates the disclosure of files that have "an essentially business nature" or pertain to business relationships, *Yonemoto v. VA*, No. 06-328, 2007 WL 1310165, at *2 (D. Haw. May 2, 2007).

  Here, the Department again did not provide an explanation for its denial as required. *See* 38 C.F.R. § 1.557(d)(2). Moreover, MedicaSoft did not request any personnel or medical files and the vast majority of (b)(6) redactions appear to cover routine business information and communications. *See* **Exhibit C** hereto for representative examples.

These exemptions were inappropriately used for two additional reasons. First, the Department redacted information in communications between Medicasoft and the Department. *See* **Ex. C**. It is hard to understand the grounds upon which the Department redacted this information, given that both parties were involved in these communications and have complete, unredacted copies of them in their possession. Second, after thoroughly reviewing the Department's production, it is clear that the Department redacted (in many cases heavily) documents that are clearly reasonably calculated to lead to discoverable evidence under the Federal Rules of Civil Procedure, while leaving unredacted completely irrelevant documents. As examples, **Exhibits D** and **E** hereto contain heavy redactions and appear responsive, while **Exhibits F** and **G** hereto are unredacted and irrelevant. For other documents, the Department's excessive redactions make it impossible to determine the document's relevance and the Department's reason for including it in the production.

To appeal an adverse agency determination, a party must, among other things, "specify which part of the determination he or she is appealing." 38 C.F.R. § 1.559(d). However, due to the size and extent of the Department's redactions, it is impractical to specify just one or two adverse determinations. Rather, Medicasoft is appealing the Department's systemic redactions, which rendered the Department's production fundamentally unresponsive. Medicasoft requests that the Department review the whole of its production, in light of its excessive and unsupported redactions, and respond more fully to Medicasoft's document requests. Medicasoft is sending this letter as a good faith attempt to find a resolution before resorting to the judicial process.

Please note that Medicasoft's FOIA requests are attached as **Exhibit H** through **K** and the Department's response is attached **Exhibit L**.

Thank you for your attention to this matter.

Sincerely,

Nick Stewart

Enclosures

EXHIBIT A

From: Nostrant, David K.
To: Mann, Julie R. (SAIC/SPAWAR); Callaert, Kristine H.; Wilhite, Charles P. (SPAWAR); Varga, Jack (BITS); Edwards, James (Portland); Esten, Guy; MacDonald, Glen
Cc: Defazio, Joanne; Tereschuk, George B.
Subject: RE: FBO Posting Update
Date: Wednesday, July 13, 2011 4:37:00 PM
Attachments: image001.jpg
REQUEST IMMEDIATE ACTION VA118-11-RP-0429 (Surgery Quality and Workflow... (60.4 KB).msg

Julie/All,

5 U.S.C. § 552 (b) (3)

[redacted]

Thanks,

Dave

David Nostrant
Contracting Officer/Supervisory Contract Specialist
Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
260 Industrial Way West
Eatontown, New Jersey 07724
5 U.S.C. § 552 (b) (6)
[redacted]

From: Mann, Julie R. (SAIC/SPAWAR)
Sent: Wednesday, July 13, 2011 4:24 PM
To: Mann, Julie R. (SAIC/SPAWAR); Callaert, Kristine H.; Wilhite, Charles P. (SPAWAR); Varga, Jack (BITS); Nostrant, David K.; Edwards, James (Portland); Esten, Guy; MacDonald, Glen
Cc: Defazio, Joanne; Tereschuk, George B.
Subject: RE: FBO Posting Update

All,

5 U.S.C. § 552 (b) (3)

[redacted]

EXHIBIT A

5 U.S.C. § 552 (b) (3)

[redacted]

Julie

From: Mann, Julie R. (SAIC/SPAWAR)
Sent: Wednesday, July 13, 2011 3:13 PM
To: Callaert, Kristine H.; Wilhite, Charles P. (SPAWAR); Varga, Jack (BITS); Nostrant, David K.; Edwards, James (Portland)
Cc: Defazio, Joanne; Tereschuk, George B.
Subject: RE: FBO Posting Update

Kristine,

5 U.S.C. § 552 (b) (3)

[redacted]

Julie

From: Callaert, Kristine H.
Sent: Wednesday, July 13, 2011 3:10 PM
To: Mann, Julie R. (SAIC/SPAWAR); Wilhite, Charles P. (SPAWAR); Varga, Jack (BITS); Nostrant, David K.; Edwards, James (Portland)
Cc: Defazio, Joanne; Tereschuk, George B.
Subject: FBO Posting Update

Julie,

5 U.S.C. § 552 (b) (3)

[redacted]

Thanks,
Kristine

Kristine Callaert
Contract Specialist
Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724

5 U.S.C. § 552 (b) (6)

[redacted]

EXHIBIT A

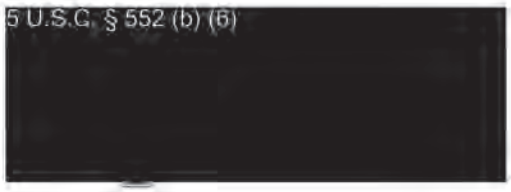

EXHIBIT A

EXHIBIT B

From: 5 U.S.C. § 552 (b) (6)
To: Calbert, Kristine H.
Cc: 5 U.S.C. § 552 (b) (6)
Subject: FW: Automated Integrated Perioperative Process
Date: Thursday, August 23, 2012 2:24:45 PM
Attachments: image001.jpg
Automated Integrated Perioperative Process (3.75 KB).msg

Good Afternoon Kristine,

In response to your attached e-mail, 5 U.S.C. § 552 (b) (4)

See the e-mail chain below:

5 U.S.C. § 552 (b) (6)
Contract Administrator
GE Global Research
One Research Circle, KW-C248
Niskayuna, NY 12309
5 U.S.C. § 552 (b) (6)

> On Apr 18, 2012, at 4:01 PM, DeRose, Lynn A (GE Global Research) wrote:
>
> Ok Mike,

5 U.S.C. § 552 (b) (4)

> From: O'Neill, Michael (VACO) (SES) 5 U.S.C. § 552 (b) (6)
> Sent: Wednesday, April 18, 2012 3:
> To: 5 U.S.C. § 552 (b)
> Subject: Re: PWS

5 U.S.C. § 552 (b) (4)

> Mike
>
> On Apr 18, 2012, at 12:55 PM, DeR 5 U.S.C. § 552 (b) wrote:
>
>
> Thanks Mike. Understood!
>

5 U.S.C. §

> From: O'Neill, Michael (VACO) (SES) 5 U.S.C. § 552 (b)
> Sent: Tuesday, April 17, 2012 6:11 PM
> To: D 5 U.S.C. § 552 (b)
> Subject: Re: PWS

5 U.S.C. §

5 U.S.C. § 552 (b) (4)

EXHIBIT B

5 U.S.C. § 552 (b) (4)

> Thanks,
> Mike

5 U.S.C. § 552 (b) (6)

From: Callaert, Kristine H. [m5 U.S.C. § 552
Sent: Thursday, August 23, 2012 11:33 AM
To: 5 U.S.C. § 552 (b)
Subject: Automated Integrated Perioperative Process

5 U.S.C. §

PWS paragraph 5.8 entitled Accreditation and Certification is an optional section. Could you please advise the total value and total percentage out of the proposed cost of $2,465,854 that is associated with the Accreditation and Certification effort?
Thanks,
Kristine

Kristine Callaert
Contract Specialist
Department of Veterans Affairs
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724
5 U.S.C. § 552 (b) (6)

EXHIBIT B

EXHIBIT C

From: Mann, Julie R. (SAIC/SPAWAR)
To: 5 U.S.C. § 552 (b) (6)

[redacted]

Subject: SQWM IPT Update from SQWM Red Flag meeting
Date: Thursday, February 02, 2012 11:50:54 AM

All,

Glen asked me to let everyone know that the Red Flag meeting's outcome was positive. SQWM is being supported in our need for prioritization at CDCO. We will be working to ensure that SQWM Increment 2 milestones align with RFCC dates, when it is approved.

Thank you

Have a great day,

5 U.S.C. § 552 (b) (6)

-----Original Appointment-----
From: 5 U.S.C. § 552
Sent: Tuesday, January 31, 2012 12:41 PM
To: 5 U.S.C. § 552 (b) (6)

[redacted]

EXHIBIT C

5 U.S.C. § 552 (b) (6)

Subject: SQWM IPT Update Meeting
When: Tuesday, January 31, 2012 2:00 PM-3:00 PM (GMT-06:00) Central Time (US & Canada).
Where: VANTS Line: 1-800-767-1750 Access Code: 43296

All,

Please find attached the agenda for today's IPT meeting.

5 U.S.C. § 552 (b) (6)

--

5 U.S.C. § 552 (b) (6)

Project Coordinator

Ray Group International

PMO Support Contractor, VA OIT

5 U.S.C. § 552 (b) (6)

<< File: Init8_SQW_Agenda-IPTMtg_20120131.docx >>

EXHIBIT C

EXHIBIT D

From: Nostrant, David K.
To: Callaert, Kristine H.
Subject: RE: VPS VA118-11-BP-0018 VA118-11-F-H001
Date: Monday, June 20, 2011 8:18:00 AM

Kristine,

Did our technical folks see and comment on the assumptions? You are correct, we do not incorporate proposals into contracts.

Thanks,

Dave

David Nostrant
Contracting Officer/Supervisory Contract Specialist
Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
260 Industrial Way West
Eatontown, New Jersey 07724
5 U.S.C. § 552 (b) (6)

From: Callaert, Kristine H.
Sent: Monday, June 20, 2011 7:50 AM
To: Nostrant, David K.
Subject: FW: VPS VA118-11-BP-0018 VA118-11-F-H001

Dave,
Could you please let me know when you are free to discuss this? I am not sure how you would like to handle this. I have attached Harris's cover letter which includes the referenced assumptions from Beth's email below. I was under the assumption that we should never incorporate proposals into the contract if possible as this would lead to contradicting information.
Thanks,
Kristine

From: 5 U.S.C. § 552 (b) (6)
Sent: Friday, June 17, 2011 2:39 PM
To: Callaert, Kristine H.
Subject: RE: VPS VA118-11-BP-0018 VA118-11-F-H001

Kristine – 5 U.S.C. § 552 (b) (3) Please advise. If you would like to address the assumptions differently, please let me know and we can discuss.

EXHIBIT D

Thanks – 5 U.S.C. § 552 (b) (6)
****
5 U.S.C. § 552 (b) (6)

Contract Manager
Harris Healthcare
5 U.S.C. § 552 (b) (6)

From: Callaert, Kristine H. 5 U.S.C. § 552 (b) (6)
Sent: Friday, June 17, 2011 8:48 AM
To: 5 U.S.C. §
Subject: RE: VPS VA118-11-BP-0018 VA118-11-F-H001

5 U.S.C. § 552 (b) (6)
Could you please let me know the status of your review. We were hoping to get this awarded today.
Thanks,
Kristine

From: 5 U.S.C. § 552 (b) (6)
Sent:
To: Callaert, Kristine H.
Cc: Nostrant, David K.; Wagner, Gregory; Rowland, Vance
Subject: RE: VPS VA118-11-BP-0018 VA118-11-F-H001

Kristine – thank you, we have received the email. We'll do a quick team review and I'll get back with you shortly on any issues or with a signed contract.

Thanks – 5 U.S.C. § 552 (b) (6)
****
5 U.S.C. § 552 (b) (6)

Contract Manager
5 U.S.C. § 552
(b) (6)

Callaert, Kristine H. 5 U.S.C. § 552 (b) (6)
Sent: Thursday, June 16, 2011 11:18 AM
To: 5 U.S.C. § 552 (b) (6)
Cc: Nostrant, David K.
Subject: VPS VA118-11-BP-0018 VA118-11-F-H001

Ms. 5 U.S.C. § 552 (b) (6)
Please see attached for your review and signature. Please confirm receipt of this email. If you have any questions please let me know.
Thanks,
Kristine

Kristine Callaert

EXHIBIT D

Contract Specialist
Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724
5 U.S.C. § 552 (b) (6)

EXHIBIT D

EXHIBIT E

From: Mann, Julie R. (SAIC/SPAWAR)
To: Mann, Julie R. (SAIC/SPAWAR); Callaert, Kristine H.; Wilhite, Charles P. (SPAWAR); Varga, Jack (BITS); Nostrant, David K.; Edwards, James (Portland); Esten, Guy; MacDonald, Glen
Cc: Defazio, Joanne; Tereschuk, George B.
Subject: RE: FBO Posting Update
Date: Wednesday, July 13, 2011 4:24:07 PM
Attachments: image001.jpg

All,

5 U.S.C. § 552 (b) (3)

[redacted]

Julie

From: Mann, Julie R. (SAIC/SPAWAR)
Sent: Wednesday, July 13, 2011 3:13 PM
To: Callaert, Kristine H.; Wilhite, Charles P. (SPAWAR); Varga, Jack (BITS); Nostrant, David K.; Edwards, James (Portland)
Cc: Defazio, Joanne; Tereschuk, George B.
Subject: RE: FBO Posting Update

5 U.S.C. § 552 (b) (3)

[redacted]

Julie

From: Callaert, Kristine H.
Sent: Wednesday, July 13, 2011 3:10 PM
To: Mann, Julie R. (SAIC/SPAWAR); Wilhite, Charles P. (SPAWAR); Varga, Jack (BITS); Nostrant, David K.; Edwards, James (Portland)
Cc: Defazio, Joanne; Tereschuk, George B.
Subject: FBO Posting Update

Julie,

EXHIBIT E

5 U.S.C. § 552 (b) (3) [redacted]

Thanks,
Kristine

Kristine Callaert
Contract Specialist
Department of Veterans Affairs
Office of Acquisition and Logistics
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724
5 U.S.C. § 552 (b) (6) [redacted]

EXHIBIT E

EXHIBIT F

RxMedic ADS™

Automated Dispensing System

The only retail robotic dispensing system with photo verification. The RxMedic ADS packs high speed processing into a very small footprint. Its 256 cells enable you to fill as much as 80 percent of your daily processing, complete with verification, labeling and capping.

- Interfaces with any pharmacy management system
- Save 50% – 80% of time spent preparing orders
- Can pay for itself in pharmacies with as few as 150 prescriptions per day
- Fill up to 80% of your daily prescription volume
- Special HEPA filtration combined with vacuum technology helps reduce dust and cross-contamination
- Nationwide on-site service

← Previous Page

What They're Saying

RxMedic is a supplier of automated dispensing systems for pharmacies across the nation. Our medicati...

View Video

– *Nicole McNamee*

[View All Videos]

Press Releases

RxMedic and Rx Systems, Inc., Sign Preferred Business Partner Agreement

RxMedic® and Health Business Systems Sign Preferred Business Partner Agreement

Speed Script and RxMedic Combine Pharmacy Management System with Automated Dispensing

[View All]

From The Blog

Why Purchase Objections are the Reason We Buy

Importance of Automated Pharmacy Equipment in Busy Pharmacies

New Pharmacy Technology: Helping Pharmacies Manage Their Inventory

[View All]

Events

West Coast Pharmacy Exchange
Location: Monterey, California
Dates: March 15-18 2013
http://www.cpha.com/displaycommon.cfm?an=1&subarticlenbr=370
[more]

Ohio Pharmacists Association (OPA) Annual Conference
Location: Columbus, Ohio
Dates: Apr 12-14, 2013
http://associationdatabase.com/aws/OPA/pt/sp/Home_Page

EXHIBIT F

[more]

Health Connect Partners: Hospital Pharmacy Conference Spring
Location: Atlanta, Georgia
Dates: May 6 – 8, 2013
http://www.hlthcp.com/
[more]

[View All]

RxMedic Systems, Inc.
2701 Leighton Ridge Drive
Wake Forest, NC 27587
Phone: 800-882-3819
Fax: 800-882-3818

EXHIBIT F

EXHIBIT G

Department of Veterans Affairs

INTERAGENCY CROSS-SERVICING SUPPORT AGREEMENT

PAGE | | OF | | PAGES

NOTE: This form can also be used for 1VA+FUND.

1A. VA AGREEMENT NO.	1B. OGA AGREEMENT NO. (If applicable)	2. AGREEMENT PERIOD (Month and Year)
12 656 10 005		9/30/12 - 9/30/15

3. SUPPLYING ORGANIZATION (Name, Mail routing symbol, and complete address)

St Cloud VA Health Care System
4801 Veterans Drive
St Cloud, MN 56303

4. TYPE OF ACTION (Mark "X" as appropriate)

- [X] NEW
- [ ] REVISION
- [ ] OTHER (Specify)

5. RECEIVING ORGANIZATION (Name, Mail routing symbol, and complete address)

OALC Supply Fund 1VA+ Program
810 Vermont Avenue, NW
Washington, DC 20420

6. PROJECT TITLE

Additional Rehabilitation Therapy Equipment

7. SUMMARY OF SUPPORT SERVICES (Attach detailed description of specific support resources to be provided)

DESCRIPTION OF THE PROJECT: The St Cloud VA Health Care System operates a large Extended Care and Rehabilitation service to meet a variety of institutional care needs of the veterans we serve. In order to continue to provide the best possible care to our patients leadership determined that several physical plant and equipment improvements were needed. The rehabilitation therapy section requires improved equipment to serve the growing number of veterans presenting with balance and mobility issues. In the past the course of treatment was to train them to walk with the aid of a cane or walker device. Current technology offers the opportunity to observe the veteran's response to balance issues in a controlled environment. Rehabilitation therapy personnel will be able to determine the root cause of balance problems and treat the root cause.
(Continued on Page 2)

POC 1: Rick Boeckman, Accountant, 320-252-1670, ext 7508
POC 2: Holly Stang, Budget Analyst, 320-252-1670, ext 6428

As a "Responsible Official," I certify that there is a currently existing "bona fide need" for the goods, equipment, or services described in the summary of this agreement.

JOSEPH G SCHMITZ 191672 Digitally signed by JOSEPH G SCHMITZ 191672 Date: 2012.08.30 12:58:43 -05'00'

Joseph G. Schmitz, CFO, St Cloud VAHCS

8A. FUNDING AND REIMBURSEMENT ARRANGEMENTS (Give complete information)

656HT2005

8B. COST (Actual or estimated)	8C. ACCOUNTING AND APPROPRIATION DATA			
	Fund	CC	ACC	BOC
$99,636 + $996.36(fee) = $100,632.36	0160A1	824200	010024200	3131

8D. METHOD OF PAYMENT (Mark "X" and indicate billing cycle, e.g., Monthly, Quarterly, etc.)

- [ ] SF 1080
- [ ] SF 1081
- [ ] SF 1114

8E. DISBURSING OFFICE (Name, Mail routing symbol, and complete address)

9. ACCEPTANCE BY BOTH PARTIES TO THE AGREEMENT (Signature of authorized officials)

9A. SIGNATURE OF SUPPLYING ORGANIZATION	9B. SIGNATURE OF RECEIVING ORGANIZATION	
Christopher A. Stomberg 298567 Digitally signed by Christopher A. Stomberg 298567 DN: dc=gov, dc=va, ou=internal, ou=people, 0.9.2342.19200300.100.1.1=chris.stomberg@va.gov, cn=Christopher A. Stomberg 298567 Date: 2012.09.03 11:06:25 -05'00'	SIGN HERE	
TITLE OF SUPPLYING ORGANIZATION	TITLE OF RECEIVING ORGANIZATION	DATE
VISN 23 CFO	OALC Supply Fund, CFO	9/17/2012

VA FORM JUL 1993 (R) **2269**

AdobeFormsDesigner

EXHIBIT G

10. GENERAL PROVISIONS

(The following general provisions, as set forth below, apply to this agreement unless otherwise specified in the "Remarks" block below.)

a. The authority to provide reimbursable support services to Government departments and agencies is contained in the Economy Act of 1932, as amended, (31 U.S.C. 1535). When other authority is applicable, enter such data in Block 11 below.

b. The requesting organization has determined that the applicability of Office of Management and Budget Circular A-76, Revised, was considered, as well as the requirements of FAR 17.502 and 17.503(a)(1) and (2).

c. Direct and indirect actual costs will be charged for reimbursable work and services. If funds advanced to the supplying organization are more than the actual cost of performing the work or services, the difference will be returned. If an estimate is less than the actual costs incurred, the requesting organization agrees to pay for the actual costs incurred.

d. This agreement or any of its specific provisions may be revised or amended only by the signature approval of the parties signatory to the agreement or by their respective official successors. Cancellation may be made upon 30 days written notice by either party, or their successors, to the other.

11. REMARKS

DESCRIPTION OF THE PROJECT (Cont.):

The Extended Care and Rehab Service requires the following equipment items to improve service in the Rehabilitation Therapy section:

- Balance and Mobility System
- Adjustable Treatment Table

PROJECT TIME LINE:

SEP 2012: Establish Supply Fund Account
JAN 2013: Order Rehabilitation Equipment and obligation of funds
APR 2013: Delivery of Rehabilitation Unit Equipment
MAY 2013: Vendor payment and liquidation of funds
JUN 2014: Project Closeout

ATTACHMENTS:

A: Contracting Officer's Statement

EXHIBIT G

Department of Veterans Affairs

1358 OBLIGATION OR CHANGE IN OBLIGATION

NAME AND ROUTING SYMBOL OF ORIGINATING OFFICE	OBLIGATION NUMBER	DATE OF REQUEST
St Cloud VA Health Care System 4801 Veterans Drive St Cloud, MN 56303	656HT2005	08/30/2012
	NAME OF REQUESTOR JOSEPH G SCHMITZ 191672 Joseph G Schmitz, CFO Station 656	Digitally signed by JOSEPH G SCHMITZ 191672 DN: dc=gov, dc=va, ou=internal, ou=people, 0.9.2342.19200300.100.1.1=joseph.schmitz@va.gov, cn=JOSEPH G SCHMITZ 191672 Date: 2012.08.30 12:58:23 -05'00'

NAME AND ADDRESS OF VENDOR	CONTRACT NUMBER
Supply Fund, 1VA+ Program 810 Vermont Avenue Washington, DC 20420	12 656 10 005 Additional Rehabilitation Therapy Equipment

NAME AND TITLE OF APPROVING OFFICIAL	SIGNATURE OF APPROVING OFFICIAL	DATE SIGNED
Christopher Stomberg, VISN23 CFO	Christopher A. Stomberg 298567 Digitally signed by Christopher A. Stomberg 298567 DN: dc=gov, dc=va, ou=internal, ou=people, 0.9.2342.19200300.100.1.1=chris.stomberg@va.gov, cn=Christopher A. Stomberg 298567 Date: 2012.09.03 11:01:28 -05'00'	08/30/2012

FUND CERTIFICATION: The supplies and services listed on this request are properly chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof, and funds have been obligated.

NAME OF PERSON OBLIGATING FUNDS	DATE OBLIGATED
POC 1: Rick Boeckman, Accountant, 320-252-1670, ext 7508 POC 2: Holly Stang, Budget Analyst, 320-252-1670, ext 6428	09/30/2012

APPROPRIATION AND ACCOUNTING INFORMATION				ESTIMATED OBLIGATION AMOUNT
Fund	Cost Center	ACC	BOC	
0160A1	820700	010020700	3131	$99,636.00

ESTIMATED OBLIGATION INCREASE/DECREASE AMOUNT

CHANGE ORDER	INCREASE AMOUNT	DECREASE AMOUNT	BALANCE
1% Fee (Option 1 add fee)	$996.36		$100,632.36

PURPOSE *(Select the Purpose and complete the Description Field)*

1358 APPROVED USES (OFP VOL II CH 6, 1358 OBLIGATIONS, APP A): 20A - ONE VA PLUS FUND/STATE FEES FOR PROF MED CERT RVW/AGT CSHR BK SVC CHRGS

DESCRIPTION/JUSTIFICATION

DESCRIPTION OF THE PROJECT: The St Cloud VA Health Care System operates a large Extended Care and Rehabilitation service to meet a variety of institutional care needs of the veterans we serve. In order to continue to provide the best possible care to our patients leadership determined that several physical plant and equipment improvements were needed. The rehabilitation therapy section requires improved equipment to serve the growing number of veterans presenting with balance and mobility issues. In the past the course of treatment was to train them to walk with the aid of a cane or walker device.

(Continued on Page 2)

VA FORM SEP 2011 **1358**

EXHIBIT G

DESCRIPTION/JUSTIFICATION *(Continued)*

DESCRIPTION OF THE PROJECT (Cont.):

Current technology offers the opportunity to observe the veteran's response to balance issues in a controlled environment. Rehabilitation therapy personnel will be able to determine the root cause of balance problems and treat the root cause.

The Extended Care and Rehab Service requires the following equipment items to improve service in the Rehabilitation Therapy section:

- Balance and Mobility System
- Adjustable Treatment Table

EXHIBIT G

EXHIBIT H

MedicaSoft
100 Ashley Drive, Suite 1700 | Tampa FL 33602
Tel: (813) 739-8730 | Fax: (813) 228-7710

May 2, 2013

U.S. Department of Veterans Affairs
Veterans Health Administration
Attention: Timothy Graham
(19F2) VACO
810 Vermont Avenue, NW
Washington, DC 20420

vhafoia2@va.gov

RE: Freedom of Information Act Request
Bed Management Solution (BMS) and Bed Hold (BH) Project
Prime Contracts: VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004
Contracting Agency: Department of Veterans Affairs
Contracting Office: Technology Acquisition Center (TAC)
TAC No.: TAC-11-0837

Dear Mr. Graham:

This request is made by MedicaSoft, LLC under the Freedom of Information Act, 5 U.S.C. §552 ("FOIA"), to obtain copies of the documentation referenced below concerning the U.S. Department of Veterans Affairs (VA) Solicitation TAC-11-0837, and subsequent Prime Contracts awarded to vendor Harris Patriot Healthcare Solutions, LLC, Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004. Specifically, MedicaSoft requests VA provide the following:

1. A copy of the TAC's entire Acquisition Package (including, but not limited to, the Performance Work Statement (PWS), Acquisition Plan, financial documentation, and any other documentation concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

2. Any and all emails (including, but not limited to, emails sent or received by contracting officer David Nostrant), correspondence, facsimiles, and communications concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

3. Any and all invoices, bills, payments, and proof of payment for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

4. Any and all contractual documentation for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

EXHIBIT H

5. Any and all documents, records, reports, contracts, agreements, technical documents, administrative records, financial information, bills, payments, and any other materials concerning, regarding, or referencing the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

6. Copy of any and all Software License Agreements, Master Software License Agreements, and any other documentation between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

7. Any and all documents, information, bills, invoices, payments, pay schedules, and any other records between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

8. Any and all emails, correspondence, facsimiles, and communications concerning the software product InFlow and/or the Master Software License Agreement between S.C. Info World SRL and VA entered into on or about June 10, 2011.

As you know, the FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all nonexempt portions of the records which we have requested and explain any deletions by reference to specific exemptions of FOIA. As a matter of standard procedure, we reserve the right to appeal your decision to withhold any materials.

We will pay reasonable search and duplication fees in connection with this request. However, if you estimate that the total fees will exceed $100, please notify us so that we may authorize expenditure of a greater amount.

Please contact me if you have any questions concerning the above FOIA request.

Sincerely,

MEDICASOFT, LLC

Alexander V. Ray
President

AVR/dmw

EXHIBIT H

EXHIBIT I

MedicaSoft
100 Ashley Drive, Suite 1700 | Tampa FL 33602
Tel: (813) 739-8730 | Fax: (813) 228-7710

May 2, 2013

U.S. Department of Veterans Affairs
Central Office FOIA/Privacy Act Office
Attention: Laurie Karnay
(005RIC) VACO
810 Vermont Avenue, NW
Washington, DC 20420

vacofoiaservice@va.gov

RE: Freedom of Information Act Request
Bed Management Solution (BMS) and Bed Hold (BH) Project
Prime Contracts: VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004
Contracting Agency: Department of Veterans Affairs
Contracting Office: Technology Acquisition Center (TAC)
TAC No.: TAC-11-0837

Dear Ms. Karnay:

This request is made by MedicaSoft, LLC under the Freedom of Information Act, 5 U.S.C. §552 ("FOIA"), to obtain copies of the documentation referenced below concerning the U.S. Department of Veterans Affairs (VA) Solicitation TAC-11-0837, and subsequent Prime Contracts awarded to vendor Harris Patriot Healthcare Solutions, LLC, Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004. Specifically, MedicaSoft requests VA provide the following:

1. A copy of the TAC's entire Acquisition Package (including, but not limited to, the Performance Work Statement (PWS), Acquisition Plan, financial documentation, and any other documentation concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

2. Any and all emails (including, but not limited to, emails sent or received by contracting officer David Nostrant), correspondence, facsimiles, and communications concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

3. Any and all invoices, bills, payments, and proof of payment for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

4. Any and all contractual documentation for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

EXHIBIT i

5. Any and all documents, records, reports, contracts, agreements, technical documents, administrative records, financial information, bills, payments, and any other materials concerning, regarding, or referencing the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

6. Copy of any and all Software License Agreements, Master Software License Agreements, and any other documentation between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

7. Any and all documents, information, bills, invoices, payments, pay schedules, and any other records between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

8. Any and all emails, correspondence, facsimiles, and communications concerning the software product InFlow and/or the Master Software License Agreement between S.C. Info World SRL and VA entered into on or about June 10, 2011.

As you know, the FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all nonexempt portions of the records which we have requested and explain any deletions by reference to specific exemptions of FOIA. As a matter of standard procedure, we reserve the right to appeal your decision to withhold any materials.

We will pay reasonable search and duplication fees in connection with this request. However, if you estimate that the total fees will exceed $100, please notify us so that we may authorize expenditure of a greater amount.

Please contact me if you have any questions concerning the above FOIA request.

Sincerely,

MEDICASOFT, LLC

Alexander V. Ray
President

AVR/dmw

EXHIBIT i

EXHIBIT J

MedicaSoft
100 Ashley Drive, Suite 1700 | Tampa FL 33602
Tel: (813) 739-8730 | Fax: (813) 228-7710

May 2, 2013

U.S. Department of Veterans Affairs
Office of Assistant Secretary for Information
and Technology
Attention: Laurie Karnay vacofoiaservice@va.gov
(005RIC) VACO
810 Vermont Avenue, NW
Washington, DC 20420

RE: Freedom of Information Act Request
Bed Management Solution (BMS) and Bed Hold (BH) Project
Prime Contracts: VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004
Contracting Agency: Department of Veterans Affairs
Contracting Office: Technology Acquisition Center (TAC)
TAC No.: TAC-11-0837

Dear Ms. Karnay:

This request is made by MedicaSoft, LLC under the Freedom of Information Act, 5 U.S.C. §552 ("FOIA"), to obtain copies of the documentation referenced below concerning the U.S. Department of Veterans Affairs (VA) Solicitation TAC-11-0837, and subsequent Prime Contracts awarded to vendor Harris Patriot Healthcare Solutions, LLC, Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004. Specifically, MedicaSoft requests VA provide the following:

1. A copy of the TAC's entire Acquisition Package (including, but not limited to, the Performance Work Statement (PWS), Acquisition Plan, financial documentation, and any other documentation concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

2. Any and all emails (including, but not limited to, emails sent or received by contracting officer David Nostrant), correspondence, facsimiles, and communications concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

3. Any and all invoices, bills, payments, and proof of payment for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

4. Any and all contractual documentation for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

EXHIBIT J

5. Any and all documents, records, reports, contracts, agreements, technical documents, administrative records, financial information, bills, payments, and any other materials concerning, regarding, or referencing the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

6. Copy of any and all Software License Agreements, Master Software License Agreements, and any other documentation between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

7. Any and all documents, information, bills, invoices, payments, pay schedules, and any other records between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

8. Any and all emails, correspondence, facsimiles, and communications concerning the software product InFlow and/or the Master Software License Agreement between S.C. Info World SRL and VA entered into on or about June 10, 2011.

As you know, the FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all nonexempt portions of the records which we have requested and explain any deletions by reference to specific exemptions of FOIA. As a matter of standard procedure, we reserve the right to appeal your decision to withhold any materials.

We will pay reasonable search and duplication fees in connection with this request. However, if you estimate that the total fees will exceed $100, please notify us so that we may authorize expenditure of a greater amount.

Please contact me if you have any questions concerning the above FOIA request.

Sincerely,

MEDICASOFT, LLC

Alexander V. Ray
President

AVR/dmw

EXHIBIT J

EXHIBIT K

MedicaSoft
100 Ashley Drive, Suite 1700 | Tampa FL 33602
Tel: (813) 739-8730 | Fax: (813) 228-7710

May 2, 2013

U.S. Department of Veterans Affairs
Office of Acquisition & Logistics
Attention: Phillip E. Wood
(001AL-A1-1) VACO
810 Vermont Avenue, NW
Washington, DC 20420

VA_OAL_FOIA@va.gov

RE: Freedom of Information Act Request
Bed Management Solution (BMS) and Bed Hold (BH) Project
Prime Contracts: VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004
Contracting Agency: Department of Veterans Affairs
Contracting Office: Technology Acquisition Center (TAC)
TAC No.: TAC-11-0837

Dear Mr. Wood:

This request is made by MedicaSoft, LLC under the Freedom of Information Act, 5 U.S.C. §552 ("FOIA"), to obtain copies of the documentation referenced below concerning the U.S. Department of Veterans Affairs (VA) Solicitation TAC-11-0837, and subsequent Prime Contracts awarded to vendor Harris Patriot Healthcare Solutions, LLC, Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004. Specifically, MedicaSoft requests VA provide the following:

1. A copy of the TAC's entire Acquisition Package (including, but not limited to, the Performance Work Statement (PWS), Acquisition Plan, financial documentation, and any other documentation concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

2. Any and all emails (including, but not limited to, emails sent or received by contracting officer David Nostrant), correspondence, facsimiles, and communications concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

3. Any and all invoices, bills, payments, and proof of payment for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

4. Any and all contractual documentation for Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

EXHIBIT K

5. Any and all documents, records, reports, contracts, agreements, technical documents, administrative records, financial information, bills, payments, and any other materials concerning, regarding, or referencing the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, VA118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

6. Copy of any and all Software License Agreements, Master Software License Agreements, and any other documentation between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

7. Any and all documents, information, bills, invoices, payments, pay schedules, and any other records between VA and S.C. Info World S.R.L. and/or concerning the software product InFlow;

8. Any and all emails, correspondence, facsimiles, and communications concerning the software product InFlow and/or the Master Software License Agreement between S.C. Info World SRL and VA entered into on or about June 10, 2011.

As you know, the FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all nonexempt portions of the records which we have requested and explain any deletions by reference to specific exemptions of FOIA. As a matter of standard procedure, we reserve the right to appeal your decision to withhold any materials.

We will pay reasonable search and duplication fees in connection with this request. However, if you estimate that the total fees will exceed $100, please notify us so that we may authorize expenditure of a greater amount.

Please contact me if you have any questions concerning the above FOIA request.

Sincerely,

MEDICASOFT, LLC

Alexander V. Ray
President

AVR/dmw

cc: Josyl Barchue
Summer Spalliero

EXHIBIT K

EXHIBIT L

DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

MedicaSoft, LLC
Mr. Alexander Ray
100 S. Ashley Drive
Suite 1700
Tampa, Florida 33602

Dear Mr. Ray:

42 RH

This is in response to your Freedom of Information Act (FOIA ID No.13-03400-F) request dated May 2, 2013 for a copy of the following:

1. The TAC's Acquisition Package (including but not limited to, the Performance Work Statement (PWS), Acquisition Plan, financial documentation, and any other documentation concerning the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, V118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

2. Any and all emails (including, but not limited to, emails sent or received by contracting officer David Nostrant), correspondence and communications concerning the TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, V118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

3. Any and all invoices, bills, payments, and proof of payment for Prime Contracts VA118-11F-H001, V118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

4. Any and all contractual documentation for Prime Contracts VA118-11F-H001, V118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

5. Any and all documents, records, reports, contracts, agreements, technical documents, administrative records, financial information, bills, payments, and any other materials concerning, regarding, or referencing the BMS/BH Project Solicitation, TAC-11-0837, and subsequent Prime Contracts VA118-11F-H001, V118-11F-H002, VA118-11F-H003, and VA118-11F-H004;

6. Copy of any and all Software License Agreements, Master Software License Agreements, and any other documentation between VA and S.C. Info World SRL. and/or concerning the software product InFlow;

7. Any and all documents, information, bills, invoices, payments, pay schedules, and any other records between VA and S.C. Info World SRL and/or concerning the software product InFlow; and

EXHIBIT L

8. Any and all emails, correspondence, facsimiles, and communications concerning the software product InFlow and/or the Master Software License Agreement between S.C. Info World SRL and VA entered into on or about June 10, 2011.

With regards to the emails, correspondence, and copies of contractual documentation, we are providing you with a copy of the documents as requested. Some of the information and/or communications have been redacted because they contain information appropriate to the stated exemptions which are protected by the Freedom of Information Act, (FOIA) 5 U.S.C. § 552, as amended.

With regards to the records that you seek regarding the TAC's entire Acquisition Package, Acquisition Plan, financial documentation and all other documentation concerning the BMS/BH Project Solicitation, TAC-11-0837, we are denying you access to these documents under FOIA Exemption 3 [5 U.S.C. § 552 (b)(3)] which prohibits disclosure of information protected by other statutes.

The winning proposal was not incorporated into the contract by reference, and as such, it is prohibited from release per FOIA Exemption 3 [5 U.S.C. § 552 (b)(3)] which prohibits the disclosure of information protected by other statutes. Federal Statute 41 U.S.C. §423(a)(1) which prohibits the discloser contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

Segregable information contained in the emails and contracts has been withheld under Exemption 4 of the FOIA, which protects privileged or confidential trade secrets and commercial or financial information obtained from a person. Release of this information is expected to cause competitive harm to the submitter.

Segregable information contained in the emails and contracts have also been withheld under Exemption 6 of the FOIA, which protects personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

With respect to your request for invoice, bills, and proofs of payments under the aforementioned Contracts, there is not specific document or set of documents which specify this information. The VA is a decentralized Agency, and there have been several purchase orders issued against each respective contract, issued across various individual offices. However, the total amount of monies obligated/ spent on each contract is publicly available at www.usaspending.gov.

Your request was processed by the undersigned. Should you disagree with these findings, you may administratively appeal in writing to:

EXHIBIT L

General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420

You must file your appeal within 60 days from the date of this letter. Please include a copy of this letter with your appeal, and clearly state why you disagree with this determination. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

In accordance with VA Regulations, the total fee for this request was assessed at **$1,367.80.** You may remit the fee assessment by check or money order, payable to the Department of Veterans Affairs, at the following address:

Department of Veterans Affairs
Office of Procurement Policy Services
ATTN: FOIA Officer
425 I Street, NW
Room 3E.405
Washington, DC 20001

Sincerely,

Richard Ha
FOIA Officer

EXHIBIT L