EXHIBIT P

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 2 of 23 PageID #:64

Burrell, Leslie

From: Sent: Kittelson, Sheryl <Sheryl.Kittelson@va.gov>Wednesday, September 03, 2014 3:58 PM

To:

Burrell, Leslie

Cc:

Murphy, Janet P (SES)

Subject:

FOIA Request 14-07373-F Referral to VHA FOIA Office

Attachments:

14-07373-F Referral Letter pdf

Ms. Burrell:

Please see the attached letter regarding the referral of your FOIA Request 14-07373-F to the VHA FOIA Office for processing. No further action will be taken by the VISN 23 FOIA Office. You will receive further communication from Tracy Cephas in the VHA FOIA Office.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE " ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Kittelson, Sheryl

Sent: Tuesday, August 26, 2014 3:42 PM

To: 'Burrell, Leslie'

Subject: RE: FOIA Request 14-07373-F Ack Letter

Ms. Burrell:

Please see corrected letter attached. Corrected letter reflects date of 8/26/14 and contains my actual signature.

Regards,

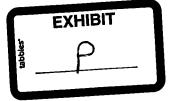
Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE" ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.



Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 3 of 23 PageID #:65

From: Kittelson, Sheryl

Sent: Tuesday, August 26, 2014 3:18 PM

To: 'Burrell, Leslie'

Cc: Murphy, Janet P (SES); Cork, Aaron L.

Subject: RE: FOIA Request 14-07373-F Ack Letter

Ms. Burrell:

Per my voice mail today, please see attached status update regarding your FOIA Request 14-07373-F to the VISN 23 FOIA Office. Please contact me with any additional questions.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE" ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Kittelson, Sheryl

Sent: Wednesday, August 13, 2014 2:59 PM

To: 'Burrell, Leslie'

Cc: Murphy, Janet P (SES); Cork, Aaron L. **Subject:** FOIA Request 14-07373-F Ack Letter

Ms. Burrell:

This is in follow-up to our telephone conversation earlier today where you clarified there are two separate requests for information regarding the same contract. (VA240C-13-R-0054).

Please see the attached Acknowledgement Letter with the corrected FOIA Request Number (14-07373-F) related to this request. I am also including the corresponding initial request annotating the correct FOIA Request Number as well.

This FOIA Request specifically refers to your request for:

All documents in your file relating to the following Department of Veterans Affairs Procurement:

Solicitation Number: VA240C-13-R-0054 issued by the United States Department of Veterans Affairs Service Area Office, Central Region ("D.V.A.").

- 1. RAS Enterprises LLC Past Performance Volume in response to the Solicitation;
- 2. Copies of any teaming agreements submitted to the DVA by RAS Enterprises LLC in response to the Solicitation;
- 3. Records indicating all suppliers and subcontractors identified in RAS Enterprises LLC's Proposal to the DVA;.

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 4 of 23 PageID #:66

- 4. Copy of the executed contract between the DVA and RAS Enterprises LLC as an awardee under the Solicitation;
- 5. Copies of all justifications, approvals, determinations, and any findings prepared for the procurement by the DVA to justify award to RAS Enterprises LLC;
- 6. DVA evaluations of proposal for RAS Enterprises LLC;
- 7. Documents and records related to RAS Enterprises LLC's transition plan and any revised transition plans tendered to the DVA; and
- 8. DVA records of documented rational and explanation regarding or relating to RAS Enterprises technical superiority and warranting paying price premium for the procurement

(I will be sending corrected correspondence related to FOIA Request 14-04594-F separately.)

Please let me know if you have any questions regarding this corrected correspondence.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE " ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Kittelson, Sheryl

Sent: Wednesday, August 13, 2014 9:57 AM

To: 'Burrell, Leslie'

Cc: Murphy, Janet P (SES); Cork, Aaron L.

Subject: FOIA Request 14-04594-F Acknowledement VISN 23

Ms. Burrell:

Per my phone message, I apologize for my delayed response to this request. Please see the attached acknowledgement letter for your request. I have initiated an expedited search for responsive records and will provide an update regarding status on or before 8/26/14.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE " ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient[s] and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 5 of 23 PageID #:67

From: Burrell, Leslie [mailto:lburrell@mcdonaldhopkins.com]

Sent: Wednesday, April 30, 2014 9:53 AM

To: VHA VISN 23 FOIA

Subject: [EXTERNAL] FOIA Request

Ms. Kittelson,

Attached please find a request for documents pursuant to the Freedom of Information Act.

Thank You,

Leslie Burrell

Leslie A. Burrell Senior Paralegal

McDonald Hopkins

A business advisory and advocacy law firm®



T: 312.642.2287 F: 312.280.8232

<u>Iburrell@mcdonaldhopkins.com</u> <u>businessadvocate.mcdonaldhopkins.com</u>

300 North LaSalle Street Suite 2100 Chicago, IL 60654

Chicago • Cleveland • Columbus • Detroit • Miami • West Palm Beach

IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments), was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding any penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction matter addressed herein.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY TELEPHONE AND PERMANENTLY DELETE THE ORIGINAL AND ANY COPY OF THIS E-MAIL AND DESTROY ANY PRINTOUT THEREOF.

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 6 of 23 PageID #:68



Department of Veterans Affairs VA Midwest Health Care Network Veterans Integrated Service Network 23

Veterans Integrated Service Network 23

2805 Dodd Road, Suite 250 Eagan, MN 55121 Phone: (651) 405-5600 Fax: (651) 452-0399



9/2/14

FOIA Request No.: 14-07373-F

Ms. Leslie A. Burrell McDonald Hopkins LLC 200 North LaSalle Street, Suite 2100 Chicago, IL 60654

Dear Ms. Burrell

This letter is in regard to your request dated 4/30/14 under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA) seeking copies of all documents in your file relating to the following Department of Veterans Affairs Procurement:

Solicitation Number: VA240C-13-R-0054 issued by the United States Department of Veterans Affairs Service Area Office, Central Region ("D.V.A.").

- 1. RAS Enterprises LLC Past Performance Volume in response to the Solicitation;
- 2. Copies of any teaming agreements submitted to the DVA by RAS Enterprises LLC in response to the Solicitation;
- 3. Records indicating all suppliers and subcontractors identified in RAS Enterprises LLC's Proposal to the DVA;.
- 4. Copy of the executed contract between the DVA and RAS Enterprises LLC as an awardee under the Solicitation;
- 5. Copies of all justifications, approvals, determinations, and any findings prepared for the procurement by the DVA to justify award to RAS Enterprises LLC;
- 6. DVA evaluations of proposal for RAS Enterprises LLC;
- 7. Documents and records related to RAS Enterprises LLC's transition plan and any revised transition plans tendered to the DVA; and
- 8. DVA records of documented rational and explanation regarding or relating to RAS Enterprises technical superiority and warranting paying price premium for the procurement

Your request was received in the VISN 23 FOIA Office on 5/5/14. Your FOIA request is assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request.

On 8/13/14, you were advised that the record search had been initiated. On 8/26/14, an update was provided, indicating the record search has been initiated with the Contracting Officer and Contracting Specialist in the Central Service Area Office. The Central Service Area Office is not aligned within the VA Midwest Health Care Network (VISN 23), therefore, I am issuing a "no records" response for the VA Midwest Health Care Network.

Per consultation with the VHA FOIA Officer, the VHA FOIA Office is responsible for processing requests for records within the Central Service Area Office. Therefore, I have referred your request to Tracy Cephas in the VHA FOIA Office for further processing and direct response to you. Ms. Cephas may be reached at 202-461-5879.

You may appeal this "no records" response to:

General Counsel
Department of Veterans Affairs
810 Vermont Avenue, N. W.
Washington, D.C. 20420

If you should choose to file an appeal, your appeal must be postmarked no later than sixty (60) calendar days after the date of the adverse determination. Please include a copy of this letter with your appeal and clearly indicate why you disagree with the determination.

Sincerely,

Sheryl Kittelson, MA

VISN 23 FOIA Officer (B10-106)

Dreryl Kittaloon

4801 Veterans Drive

St. Cloud, MN 56303

CC: VISN 23 Network Director

VHA FOIA Office

EXHIBIT Q

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 9 of 23 PageID #:71

Burrell, Leslie

From: Sent:

Kittelson, Sheryl <Sheryl.Kittelson@va.gov>Wednesday, September 03, 2014 3:56 PM

To:

Burrell, Leslie

Cc:

Murphy, Janet P (SES)

Subject:

RE: [EXTERNAL] RE: FOIA Request 14-04594-F Referral to VHA FOIA Office

Attachments:

14-04594-F Referral letter.pdf

Ms. Burrell:

Please see the attached letter regarding the referral of your FOIA Request 14-04594-F to the VHA FOIA Office for processing. No further action will be taken by the VISN 23 FOIA Office. You will receive further communication from Tracy Cephas in the VHA FOIA Office.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE " ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Kittelson, Sheryl

Sent: Tuesday, August 26, 2014 3:44 PM

To: 'Burrell, Leslie'

Subject: RE: [EXTERNAL] RE: FOIA Request 14-04594-F Ack Letter Corrected

Ms. Burrell:

Please see attached corrected letter. Corrections reflect the correct date of 8/26/14 and include my actual signature.

Regards,

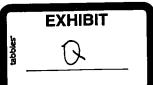
Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE" ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.



Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 10 of 23 PageID #:72

From: Kittelson, Sheryl

Sent: Tuesday, August 26, 2014 3:16 PM

To: 'Burrell, Leslie'

Cc: Murphy, Janet P (SES); Cork, Aaron L.

Subject: RE: [EXTERNAL] RE: FOIA Request 14-04594-F Ack Letter Corrected

Ms. Burrell:

Per my voice mail communication today, please see the attached update regarding the status of this request.

Please contact me with any additional questions.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE" ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Burrell, Leslie [mailto:lburrell@mcdonaldhopkins.com]

Sent: Monday, August 25, 2014 12:57 PM

To: Kittelson, Sheryl

Cc: Murphy, Janet P (SES); Cork, Aaron L.

Subject: [EXTERNAL] RE: FOIA Request 14-04594-F Ack Letter Corrected

Good Afternoon,

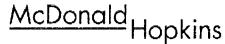
Would you please provide me with a status for both FOIA requests?

Thank you,

Leslie Burrell

Leslie A. Burrell Senior Paralegal T: 312.642.2287 F: 312.280.8232

<u>Iburrell@mcdonaldhopkins.com</u> <u>www.mcdonaldhopkins.com</u> Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 11 of 23 PageID #:73



A business advisory and advocacy law firm®



300 North LaSalle Street Suite 2100 Chicago, IL 60654

Chicago • Cleveland • Columbus • Detroit • Miami • West Palm Beach

From: Kittelson, Sheryl [mailto:Sheryl.Kittelson@va.gov]

Sent: Wednesday, August 13, 2014 3:47 PM

To: Burrell, Leslie

Cc: Murphy, Janet P (SES); Cork, Aaron L.

Subject: RE: FOIA Request 14-04594-F Ack Letter Corrected

Ms. Burrell:

Per our telephone conversation, I am submitting the attached corrected acknowledgement letter for your FOIA Request 14-04594-F. Per our conversation – you clarified that there were two separate requests regarding the same solicitation. This letter reflects the correct corresponding records identified in the first request forwarded to my office from the VHA FOIA office.

A record search has been initiated for the copies of documents outlined in your initial request as follows:

Solicitation Number: VA240C-13-R-0054 issued by the United States Department of Veterans Affairs Service Area Office, Central Region ("D.V.A.").

- 1. DVA Estimates of Cost of Performance;
- 2. Independent Government Estimates;
- 3. Records of any discussions or meetings between DVA and any interested party concerning the procurement;
- 4. Irish Oxygen Company Past Performance Volume in response to the solicitation;
- 5. Copies of any teaming agreements submitted to the DVA by Irish Oxygen Company in response to the solicitation;
- 6. Records indicating all suppliers and subcontractors identified in Irish Oxygen Company's Proposal to the DVA:
- 7. Copy of the executed contract between the DVA and Irish Oxygen Company as an awardee under the solicitation;
- 8. Copy of the DVA's source selection decision, including supporting documentation;
- 9. Copies of all justifications, approvals, determinations, and any findings, prepared for the procurement by the DVA;
- 10. DVA evaluations of proposal for Irish Oxygen Company;
- 11. Documents and record related to Oxygen Supply Company's transition plans and any revised transition plans tendered to the DVA;
- 12. DVA records of documented rational and explanation why any awardee's high priced proposal under the solicitation is superior to Progressive;
- 13. DVA records of documented rational and explanation why and awardee's technical superiority warrants paying a price premium; and
- 14. Documents reflecting market research performed to justify full and open completion.

Please let me know if you have any additional questions regarding this correspondence.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 12 of 23 PageID #:74

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE " ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Kittelson, Sheryl

Sent: Wednesday, August 13, 2014 9:57 AM

To: 'Burrell, Leslie'

Cc: Murphy, Janet P (SES); Cork, Aaron L.

Subject: FOIA Request 14-04594-F Acknowledement VISN 23

Ms. Burrell:

Per my phone message, I apologize for my delayed response to this request. Please see the attached acknowledgement letter for your request. I have initiated an expedited search for responsive records and will provide an update regarding status on or before 8/26/14.

Regards,

Sheryl Kittelson, MA, VHA-CM: VISN 23 VA Midwest Health Care Network

Compliance and Business Integrity Officer: IntegratedEthics POC: Privacy/FOIA Officer

320-654-7605: 8891-7605: Fax 320-202-2325

Core Values: "I CARE " ~ Integrity Commitment Advocacy Respect Excellence

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Burrell, Leslie [mailto:lburrell@mcdonaldhopkins.com]

Sent: Wednesday, April 30, 2014 9:53 AM

To: VHA VISN 23 FOIA

Subject: [EXTERNAL] FOIA Request

Ms. Kittelson,

Attached please find a request for documents pursuant to the Freedom of Information Act.

Thank You,

Leslie Burrell

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 13 of 23 PageID #:75

Leslie A. Burrell Senior Paralegal

McDonald Hopkins

A business advisory and advocacy law firm®



T: 312.642.2287 F: 312.280.8232

<u>Iburrell@mcdonaldhopkins.com</u> <u>businessadvocate.mcdonaldhopkins.com</u>

300 North LaSalle Street Suite 2100 Chicago, IL 60654

Chicago • Cleveland • Columbus • Detroit • Miami • West Palm Beach

IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments), was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding any penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction matter addressed herein.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY TELEPHONE AND PERMANENTLY DELETE THE ORIGINAL AND ANY COPY OF THIS E-MAIL AND DESTROY ANY PRINTOUT THEREOF.

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 14 of 23 PageID #:76



Department of Veterans Affairs VA Midwest Health Care Network

Veterans Integrated Service Network 23

2805 Dodd Road, Suite 250 Eagan, MN 55121 Phone: (651) 405-5600 Fax: (651) 452-0399



9/2/14

FOIA Request No.: 14-04594-F

Ms. Leslie A. Burrell McDonald Hopkins LLC 200 North LaSalle Street, Suite 2100 Chicago, IL 60654

Dear Ms. Burrell

This letter is in regard to your request dated 4/23/14 under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA) seeking copies of all document in your file relating to the following Department of Veterans Affairs Procurement:

Solicitation Number: VA240C-13-R-0054 issued by the United States Department of Veterans Affairs Service Area Office, Central Region ("D.V.A.").

- 1. DVA Estimates of Cost of Performance;
- 2. Independent Government Estimates;
- 3. Records of any discussions or meetings between DVA and any interested party concerning the procurement;
- 4. Irish Oxygen Company Past Performance Volume in response to the solicitation;
- 5. Copies of any teaming agreements submitted to the DVA by Irish Oxygen Company in response to the solicitation;
- 6. Records indicating all suppliers and subcontractors identified in Irish Oxygen Company's Proposal to the DVA;
- 7. Copy of the executed contract between the DVA and Irish Oxygen Company as an awardee under the solicitation;
- 8. Copy of the DVA's source selection decision, including supporting documentation;
- Copies of all justifications, approvals, determinations, and any findings, prepared for the procurement by the DVA;
- 10. DVA evaluations of proposal for Irish Oxygen Company;
- 11. Documents and record related to Oxygen Supply Company's transition plans and any revised transition plans tendered to the DVA;
- 12. DVA records of documented rational and explanation why any awardee's high priced proposal under the solicitation is superior to Progressive:
- 13. DVA records of documented rational and explanation why and awardee's technical superiority warrants paying a price premium; and
- 14. Documents reflecting market research performed to justify full and open completion.

Case: 1:14-cv-08551 Document #: 1-6 Filed: 10/29/14 Page 15 of 23 PageID #:77

Your request was initially submitted to the VA FOIA Office and transferred to the VISN 23 FOIA Office on 4/29/14. Your FOIA request is assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request.

On 8/13/14, you were advised that the record search had been initiated. On 8/26/14, an update was provided, indicating the record search has been initiated with the Contracting Officer and Contracting Specialist in the Central Service Area Office. The Central Service Area Office is not aligned within the VA Midwest Health Care Network (VISN 23), therefore, I am issuing a "no records" response for the VA Midwest Health Care Network.

Per consultation with the VHA FOIA Officer, the VHA FOIA Office is responsible for processing requests for records within the Central Service Area Office. Therefore, I have referred your request to Tracy Cephas in the VHA FOIA Office for further processing and direct response to you. Ms. Cephas may be reached at 202-461-5879.

You may appeal this "no records" response to:

General Counsel
Department of Veterans Affairs
810 Vermont Avenue, N. W.
Washington, D.C. 20420

If you should choose to file an appeal, your appeal must be postmarked no later than sixty (60) calendar days after the date of the adverse determination. Please include a copy of this letter with your appeal and clearly indicate why you disagree with the determination.

Sincerely,

Sheryl Kittelson, MA

VISN 23 FOIA Officer (B10-106)

4801 Veterans Drive

St. Cloud, MN 56303

CC: VISN 23 Network Director

VHA FOIA Office

EXHIBIT R

Burrell, Leslie

From: Sent:

Cephas, Tracy <Tracy.Cephas@va.gov> Friday, September 05, 2014 10:43 AM

To: Cc: Burrell, Leslie VHA FOIA

Subject:

VHA FOIA Request: Control #14-04594-F and 14-07373-F

Attachments:

Control 14-07373-F - Acknowledgment Letter.pdf; Control 14-04594-F - Acknowledgment

Letter.pdf

Good Morning Leslie Burrell,

Attached to this message is VHA's acknowledgment of your FOIA Requests. Mr. Jeffrey Parrillo will be processing your requests and his contact information is listed on the attached letters. Please let me know if you should have any questions.

I would kindly appreciate your confirmation of receipt of this email. A hard copy of the attached letter will not follow in postal mail unless specifically requested by you.

V/R,

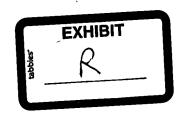
Tracy R. Cephas, Staff Assistant VHA Central Office FOIA Office (10P2C1) 810 Vermont Avenue, N.W. Washington, DC 20420

Office: 202-461-5879 Fax: 202-273-9387

Email: Tracy.Cephas@va.gov



"I am a Disabled Army Veteran, Navy Spouse and former Army Civilian and I CARE!"



Veterans Health Administration Washington DC 20420

of Veterans Affairs

In Reply Refer To:

September 5, 2014

FOIA Request: VHA-14-07373-F

Leslie A. Burrell McDonald Hopkins 300 North LaSalle Street Suite 2100 Chicago, IL 60654

Dear Leslie A. Burrell:

This letter acknowledges receipt of your April 30, 2014 request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA) Midwest Health Care Network requesting the following pertaining to Solicitation Number: VA240C-13-R-0054:

- 1. RAS Enterprises LLC Past Performance Volume in response to the solicitation;
- 2. Copies of any teaming agreements submitted to the DVA by RAS Enterprises LLC in response to the Solicitation;
- 3. Records indicating all suppliers and subcontractors identified in RAS Enterprises LLC's Proposal to the DVA;
- 4. Copy of the executed contract between the DVA and RAS Enterprises LLC as an awardee under the Solicitation;
- 5. Copies of all justifications, approvals, determinations, and any findings prepared for the procurement by the DVA to justify award to RAS Enterprises LLC;
- 6. DVA evaluations of proposal for RAS Enterprises LLC;
- 7. Documents and records related to RAS Enterprises LLC's transition plan and any revised transition plans tendered to the DVA; and
- 8. DVA records of documented rational and explanation regarding or relating to RAS Enterprises technical superiority and warranting paying price premium for the procurement

Your request was referred to the Veteran Health Administration (VHA) Central Office FOIA Office. Your FOIA request was received in my office on September 4, 2014. Your FOIA request was assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request. In addition, we have placed your request in the complex processing category.

FOIA Request: VHA-14-07373-F

We will search for records responsive to your FOIA request that were gathered or created by the VHA Central Office on or before September 4, 2014. When we have completed our search for records responsive to your FOIA request, we will send you another letter telling you the results of that search and our next step in processing your request.

Your request has been assigned to Jeffrey Parrillo of my staff. If you have any questions about your request, you may contact Mr. Parrillo at 202-461-5543.

Sincerely,

Timothy H. Graham, J.D., LL.M., CIPP/G

Findly Traham

Director, VHA FOIA Office

Veterans Health AdministrationWashington DC 20420

In Reply Refer To:

September 5, 2014

FOIA Request: VHA-14-04594-F

Leslie A. Burrell McDonald Hopkins 300 North LaSalle Street Suite 2100 Chicago, IL 60654

Dear Leslie A. Burrell:

This letter acknowledges receipt of your April 23, 2014 request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA) Midwest Health Care Network requesting the following pertaining to Solicitation Number: VA240C-13-R-0054:

- 1. OVA Estimates of Cost of Performance;
- 2. Independent Government Cost Estimates;
- 3. Records of any discussions or meetings between the OVA and any interested party concerning the procurement;
- 4. Irish Oxygen Company Past Performance Volume in response to the Solicitation;
- 5. Copies of any teaming agreements submitted to the OVA by Irish Oxygen Company in response to the Solicitation;
- 6. Records indicating all suppliers and subcontractors identified in Irish Oxygen Company's Proposal to the DV A;
- 7. Copy of the executed contract between the OVA and Irish Oxygen Company as an awardee under the Solicitation;
- 8. Copy of the OVA's source selection decision, including supporting documentation; {4835866:2}
- 9. Copies of all justifications, approvals, determinations, and any findings prepared for the procurement by the DV A;
- 10. OVA evaluations of proposal for Irish Oxygen Company;
- 11. Documents and records related to Oxygen Supply Company's transition plans and any revised transition plans tendered to the OVA;

FOIA Request: VHA-14-04594-F

- 12. OVA records of documented rational and explanation why any awardee's high priced proposal under the Solicitation is superior to Progressive;
- 13. OVA records of documented rational and explanation why any awardee's technical superiority warrants paying a price premium; and
- 14. Documents reflecting market research performed to justify full and open completion.

Your request was referred to the Veteran Health Administration (VHA) Central Office FOIA Office. Your FOIA request was received in my office on September 4, 2014. Your FOIA request was assigned the tracking number at the top of this letter. Please include the tracking number in all future communications concerning this FOIA request. In addition, we have placed your request in the complex processing category.

We will search for records responsive to your FOIA request that were gathered or created by the VHA Central Office on or before September 4, 2014. When we have completed our search for records responsive to your FOIA request, we will send you another letter telling you the results of that search and our next step in processing your request.

Your request has been assigned to Jeffrey Parrillo of my staff. If you have any questions about your request, you may contact Mr. Parrillo at 202-461-5543.

Sincerely,

Timothy H. Graham, J.D., LL.M., CIPP/G Director, VHA FOIA Office

Findly Walan

EXHIBIT S

Burrell, Leslie

From:

Burrell, Leslie

Sent:

Friday, September 05, 2014 12:00 PM

To:

'Cephas, Tracy'

Subject:

RE: VHA FOIA Request: Control #14-04594-F and 14-07373-F

Hi Tracy,

Confirming receipt.

Thanks

Leslie A. Burrell Senior Paralegal

McDonald Hopkins

A business advisory and advocacy law firm®

Business Advocates
a community for collaboration

T: 312.642.2287 F: 312.280.8232

<u>Iburrell@mcdonaldhopkins.com</u> <u>www.mcdonaldhopkins.com</u>

300 North LaSaile Street

Suite 2100 Chicago, IL 60654

Chicago • Cleveland • Columbus • Detroit • Miami • West Palm Beach

From: Cephas, Tracy [mailto:Tracy.Cephas@va.gov]

Sent: Friday, September 05, 2014 10:43 AM

To: Burrell, Leslie Cc: VHA FOIA

Subject: VHA FOIA Request: Control #14-04594-F and 14-07373-F

Good Morning Leslie Burrell,

Attached to this message is VHA's acknowledgment of your FOIA Requests. Mr. Jeffrey Parrillo will be processing your requests and his contact information is listed on the attached letters. Please let me know if you should have any questions.

I would kindly appreciate your confirmation of receipt of this email. A hard copy of the attached letter will not follow in postal mail unless specifically requested by you.

V/R,

Tracy R. Cephas, Staff Assistant VHA Central Office FOIA Office (10P2C1) 810 Vermont Avenue, N.W. Washington, DC 20420

Office: 202-461-5879 Fax: 202-273-9387

Email: Tracy.Cephas@va.gov