

[MANUFACTURER'S LETTERHEAD]

[DATE]

Mr. Melbourne Noel
Senior Contract Attorney
Office of General Counsel
VA National Acquisition Center
P.O. Box 76
Hines, IL 60141

[Express address:
VA National Acquisition Center
Bldg. 37
First Ave., One Block N. of Cermak Rd.
Hines, IL 60141]

Re: Request for "Hold Harmless" Letter

Dear Mr. Noel:

I am writing to request a 'hold harmless' letter from the Department of Veterans Affairs (VA) pursuant to VA's letter of December 4, 1998, addressed to the Public Hospital Pharmacy Coalition (PHPC), and "Dear Manufacturer Letter" of July 8, 2004 (the letters). According to the letters, VA will exempt certain inpatient drug sales to covered entities participating in the 340B drug discount program from the non-FAMP calculations required by P.L. 102-585, Section 603. Additionally, VA will exempt these 340B-priced inpatient drug sales from consideration under the FSS Price Reduction and Most Favored Customer clauses.

I certify, on behalf of **[insert manufacturer's name]**, that the drugs set forth in the attached chart are currently offered for sale to 340B covered entities (DSHs) for inpatient use and that the offered prices are 340B ceiling prices. I further certify that these inpatient prices are available to all 340B hospitals. Because these prices comply with the conditions set forth in the letters, I hereby request that VA issue to **[insert manufacturer's name]** a 'hold harmless' letter stating that sales at these prices will be exempt from the company's non-FAMP calculations and FSS price negotiations.

Thank you in advance for your attention to this matter. Should you have any questions or comments about this contents of this letter, please do not hesitate to contact me at () - .

Sincerely,

cc: Jimmy Mitchell, Pharmacy Affairs Branch

Attachment

