



**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS**
16401 East Centretch Parkway
Aurora, Colorado 80011-9043

13-COD-009913

September 20, 2013

Department of Defense Pharmaco-economic Center
Fort Sam Houston
Building 1000
San Antonio, TX 78234

SUBJECT: Pharmacy and Therapeutics (P&T) Committee members' and/or the Pharmaco-economic Center (PEC) members' interaction with the pharmaceutical industry

To Whom It May Concern:

All Government business shall be conducted in a manner above reproach and, except as authorized by statute or regulation, with complete impartiality and with no preferential treatment for any individual pharmaceutical company or associates to include consultants. Transactions relating to the expenditure of public funds require the highest degree of public trust and impeccable standard of conduct.

The general rule is to strictly avoid any conflict of interest or even the appearance of a conflict of interest in Government/pharmaceutical company relationships. While many Federal laws and regulations place restrictions on the actions of Government personnel, their official conduct must, in addition, be such that they would have no reluctance to make a full public disclosure of their actions. (48 CFR Part 3.101-1) Specifically, members may not have any direct financial interest in any pharmaceutical company or competitor whose product is reviewed. (48 CFR 3.601(a) Also, as a member of the P&T Committee or Pharmaco-economic Center (PEC), members may not individually meet with pharmaceutical company representatives regarding a pending review of a company's product. (48 CFR 3.104 which implements section 27 of the Office of Federal Procurement Policy Act known as the Procurement Integrity Act, 41 USC 423).

The Federal Acquisition Regulation (FAR) provides the Contracting Officer with responsibilities and the authority to ensure all law, executive orders, regulations and applicable procedures are met. (48 CFR Part 1.602-1) The Contracting Officer is the only Government employee that can bind the Government. (48 CFR Part 1.602-1) The Contracting Officer ensures that contractors receive impartial, fair, and equitable treatment (48 CFR 1.602-2(b); and must ensure all quotes received are fairly considered and award is made in accordance with the basis for selection in the Request for Quotation (RFQ). 48 CFR Part 8.405-3(b) After seeking price reductions, the Contracting Officer will establish the BPA with Federal Supply Schedule contractor(s) that provides the best value. After release of the RFQ, the Contracting Officer shall serve as the focal point for inquiries from actual or prospective bidders. Based on the above, the P&T Committee and PEC members conduct shall be consistent with the above and shall follow

all instructions of the Contracting Officer. As such, the P&T Committee or the PEC members are not authorized to meet with company representatives or entertain clinical presentations by company representatives during the review of a company's product or evaluation of an RFQ unless it is authorized by the Contracting Officer. Authorization will not be granted unless all competing companies are afforded the same opportunity. The rule is all companies may participate in clinical presentations or no companies may provide clinical presentations (all or none). (48 CFR 3.104-7)

The PEC Director shall provide a copy of this letter to current and new members in the future.

If you have any further questions or concerns, please feel free to contact the undersigned at (303) 676-3812.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Mitterer", with a stylized flourish at the end.

Bruce Mitterer
Contracting Officer

cc: P&T Committee members (via the PEC)
PEC members