



**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

November 4, 2013

Marilyn Tavenner, Administrator  
Centers for Medicare & Medicaid Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Administrator Tavenner:

I am writing to express my concern regarding the bidding process for the construction of the official website of the Patient Protection and Affordable Care Act, Healthcare.gov, as well as the project's oversight.

The roll-out of Healthcare.gov has been extremely troubling. Despite all of its sworn statements to Congress that the development of the website was on track and would be ready for public use on schedule, the Administration has not provided us with information as to whether any person has successfully received insurance after using the website. What is clear, however, is that the website has generally been unstable, unsecure, and unusable, even crashing during Secretary Sebelius's appearance before the House Energy and Commerce Committee on October 30, 2013. We have been informed that there is a "tech surge" and that new contractors are being brought in to fix the website. Beyond the fact that these problems should have been addressed prior to the roll-out, there is concern over how these new contractors were chosen and how much more American taxpayers will pay.

Therefore, I respectfully request the following information:

- The original Request for Proposal, including the specifications provided, and any amendments thereto;
- The number and names of the respondents;
- Details on the review process, including the criteria used and who chose the winning bidder;
- A copy of any bid bond, performance bond, or other performance guarantee measure provided by the winning contractor against failure to fulfill the contract;
- Details regarding who within the Centers for Medicare & Medicaid Services (CMS) was responsible for overseeing the construction and testing of the website and whether this oversight was actually performed;
- How often progress reports were provided to you and Secretary Sebelius regarding construction and testing of the website;

- The date on which CMS became aware that actual costs were above the anticipated costs and were likely to keep rising;
- Who authorized these additional expenditures;
- Details regarding the process for employing the additional “tech surge” contractors, including whether there was a bidding process, how it was conducted, and who chose the winning bidders;
- Copies of the contracts with the “tech surge” contractors as well as any performance guarantee measures or bonds provided by them; and
- Details regarding what authority Jeff Zients is working under and how he is being paid.

It is imperative that CMS provide information regarding its mishandling of the Healthcare.gov roll-out and acknowledge the stress and uncertainty it is causing the American people. I look forward to receiving your response to these concerns within 14 days.

Sincerely,

A handwritten signature in black ink that reads "Mike Kelly". The signature is written in a cursive, flowing style.

Mike Kelly  
Member of Congress