



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

December 5, 2013

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

Dear Administrator Tavenner:

Thank you for the update that your staff e-mailed to my office on November 19, 2013. Unfortunately, the response did not address the multiple requests that I sent forth in my initial letter to you, dated November 4, 2013.

For this reason, I write today to reiterate 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. I would further like to stress the importance of your timely response to the following requests, which were originally outlined in my November 4<sup>th</sup> letter:

- 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.

In addition, please provide:

- A detailed accounting of the fees and services billed to CMS to date.

It is imperative that you provide timely and detailed responses to the foregoing requests for information. Hundreds of millions of taxpayer dollars have been spent by CMS on behalf of Americans on this defective website. The people whose hard work financed this project deserve a full accounting for these dollars, and their representatives in Congress need the information necessary to ensure that those responsible are held liable. Especially during this time when so many Americans are facing the fear and reality of losing their health insurance, the public deserves to know that the Affordable Care Act's failings will be made right.

Again, it is extremely important that CMS provide the appropriate 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 your handling these requests with due urgency, and receiving your response to these concerns as soon as possible.

Sincerely,

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

Mike Kelly  
Member of Congress