

Congress of the United States
House of Representatives
Washington, DC 20515-0902

Ms. Chiquita Brooks-LaSure
Administrator
Department of Health and Human Services
Centers for Medicare and Medicaid
200 Independence Avenue, SW
Washington, D.C. 20201

June 6th, 2024

Dear Ms. Brooks-LaSure:

I am writing today with concerns regarding the Center for Medicare and Medicaid Services' (CMS) notice of its intention of a full and open competition for the Contact Center Operations (CCO). As you are aware, the CCO supports inquiries from CMS' service population. The nine-year contract was signed in September of 2022 after a three-year diligence process by CMS. The procurement record, statements by the Administrator, separate requests for information, and sources sought requests published by CMS to interested parties indicate that CMS reopened competition to include a labor harmony agreement (LHA) clause.

I understand CMS' efforts to improve federal contract labor practices and acknowledge that promoting safe, equitable and productive working environments increases the likelihood of timely, predictable, and satisfactory delivery of services in support of a federal agency missions. To re-compete a contract that impacts the 75 million Americans who receive Medicare and the nearly 10,000 Americans who complete the work covered by the Service Contract Act (SCA), there must be clear, demonstrable evidence indicating the likelihood of a work stoppage.

Maximus has over 1,000 employees in my district working remotely in Lynn Haven and Bay County, Florida. The information I have received suggests that the agency lacks clear cause to re-compete this contract. Further, it is my understanding that CMS has given the current contract high performance ratings. This expensive action unfairly harms these individuals and exposes CMS to a number of risks associated with a rebid.

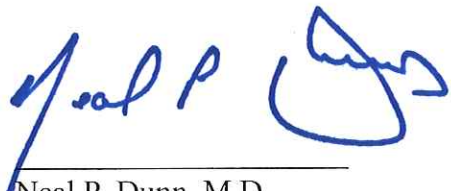
For oversight purposes, it is important that CMS apply FAR provisions as Congress intended. In the January 10, 2023, Memorandum M-23-08, Labor Secretary Walsh and OMB Director Young noted that the essential predicate for a labor harmony agreement is "where the agency has cause." FAR. 22.101-1 is clear that "agencies shall remain impartial" in disputes between labor and its contractors as long as the contract performance is not affected.

It is my understanding that the organizing actions that have taken place had no impact on service levels. In fact, the last CPAR (Contractor Performance Assessment Report) from November

2023 produced by the agency shows no project disruption, no labor issues, and further states that the “Marketplace and Medicare OEPs were overall considered a success due to the experience and quality of service provided by the contractor”.

I request that CMS provide my office by July, 1st, 2024, the basis for its decision to re-compete the CCO contract. Additionally, I request that CMS delay the re-procurement of this contract until it can provide evidence that service to Americans is at risk of disruption.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neal P. Dunn", with a stylized flourish at the end.

Neal P. Dunn, M.D.
Member of Congress