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# U.S. House of Representatives

## COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED TWELFTH CONGRESS

335 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

June 5, 2012

The Honorable Eric K. Shinseki  
Secretary  
Department of Veterans Affairs  
810 Vermont Ave., NW  
Washington DC 20005

Dear Secretary Shinseki:

In response to post-hearing questions for the record associated with the Committee's February 15, 2012, hearing on VA's Fiscal Year 2013 budget submission, VA confirmed details surrounding delays in the leasing of seven Health Care Centers (HCCs) authorized in Public Law 111-82. Those details, first brought to light in a March 22, 2012, briefing provided by VA staff, suggested that the over two year delay in opening the HCCs was primarily attributable to senior VA leadership blocking movement on them. The post-hearing question responses confirmed that the decision to move the HCC projects forward occurred in January of 2011, a full 15 months after they were authorized in law.

Mr. Secretary, the fact that this is only coming to light now is unacceptable for two reasons. First, the Obama Administration requested authorization and funding for these leases. Both were provided by Congress in legislative enactments signed by the President. Absent any reasoned justification, it is unacceptable not to fully and expeditiously carry out the requirements of law. Second, during the period these projects were being blocked by senior VA leadership, the Administration, at best, was not forthcoming about the true status of the HCC leases. At worst, the Administration deliberately misled Congress, offering fabricated timetables of completion in response to official requests for updates on the HCCs from Congressional Committees. Again, this too is unacceptable.

In light of my tremendous concern with the handling of the HCC leases, and the highly questionable and suspicious manner VA has kept the Congress abreast of their status, I ask you to provide the following information to me within 30 days of your receipt of this letter:

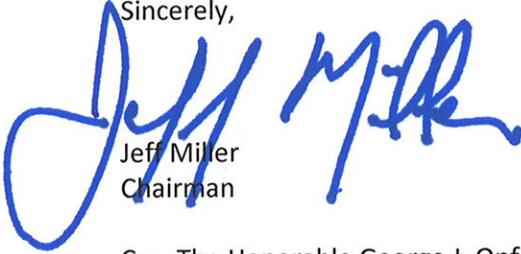
- 1) The complete contract files associated with each of the 7 HCCs authorized in Public Law 111-82, submitted according to the attached guidelines.
- 2) A detailed account of the status of each of the 7 HCCs, to include all actions taken to date, costs incurred on each to date, updated estimates associated with leasing and activation costs going forward, updated prospectus information justifying the need for each HCC, and revised estimated completion dates for each.
- 3) All briefing documents, information papers, memos, and electronic mail between the period of October 1, 2009, and January 31, 2011, to, from, or copying any of the following individuals regarding any or all of the HCCs, or the validation of the concept of HCCs: VA Assistant Secretary of Congressional and Legislative Affairs, Joan Mooney; VA Under Secretary for Health, Robert A. Petzel; VA Principal Deputy Under Secretary for Health, Robert L. Jesse; VA Chief of Staff, John

R. Gingrich; VA Deputy Secretary W. Scott Gould; VA Acting Director of the Office of Construction and Facilities Management, Robert L. Neary, Jr.; VA Deputy Under Secretary for Health Operations and Management, William C. Schoenhard; and you.

My staff is available to discuss the search parameters associated with the email document request above.

Thank you for your prompt attention to my request. I look forward to the timely receipt of all requested information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Miller". The signature is stylized and cursive.

Jeff Miller  
Chairman

Cc: The Honorable George J. Opfer, VA Inspector General

Attachment (1)

JM/jt

## Guidelines for Submission of Contract Files for the House Committee on Veterans' Affairs

### Submission Contents

The Department shall assemble and transmit to the House Committee on Veterans' Affairs a comprehensive file consisting of all documents pertinent to the specific procurement action requested, accompanied by an executive summary, as follows:

1. An executive summary providing:
  - a. A history/background of the procurement action, the authorization, acquisition strategy, and cost benefit analysis
  - b. An overview of procurement action, including the current state of the contract as of the submission date
  - c. Initial Independent Government Estimate Amount, Contract Award Amount with separately priced options (if any), Current Contract value with detailed modification/amendment amounts, and contractor invoiced outstanding and VA disbursed amount to date.
  - d. The names, titles, reporting line, locations, and summary of responsibilities of the acquisition team and contractors and its personnel information, including subcontractors, associated with the procurement action.
  
2. A comprehensive procurement file consisting of:
  - a. The contract, pre- and post award, including relevant specifications, subcontracts, amendments, plans, and drawings;
  - b. All ancillary actions related to the subject procurement action; related procurement actions; transcripts of any testimony taken during the course of any proceedings, and affidavits or statements of any witnesses; dispute proceedings and statuses; state, local, or federal meeting; or other legal instances
  - c. All correspondence between the parties related to the procurement action including the letters, emails, faxes, phone logs;
  - d. All contracting officer determinations and notices, progress and meeting minute minutes; site inspections, contract/contractor reviews and;
  - e. Any additional information or nomenclature considered relevant to the procurement action.

Only relevant documents and tangible things should be provided as part of the comprehensive file. File documents may be originals or true, legible, and complete copies or facsimiles.

An overall, general index shall accompany the procurement action submission describing and identifying the contents and contact information for the individual responsible for the assembly of package. This individual shall certify and attest to the accuracy of the procurement action submission.

### **Submission Organization**

The executive summary shall be provided under in a three ring binder and sectionalized, pursuant to the requirement under "Submission Contents," Item 1. The comprehensive file shall be organized as follows:

The file shall be arranged in chronological order with the earliest documents first; bound in a 3-ring binder (or binders) or similar loose-leaf binder(s) no larger than 4 inches in width, except where size or shape makes such binding impracticable; numbered; tabbed; and indexed.

Numbering of pages shall be consecutive and continuous from one page to the next (i.e., "Bates" numbered or equally consistent), so that the complete file, including any supplements, will consist of one set of consecutively numbered pages. Preceding each Bates number (or equivalent) shall be a designation "K" for contractor, "A" for ancillary, or "G" for Government, indicating the originating or party.

Multiple binders shall be consecutively numbered and include references on the outside cover and binding that state the range of tab numbers and Bates numbers (or equal) contained therein.

Within each binder, tabs shall separate each document; multiple documents shall not be placed behind a single tab, unless each document is separated by a divider.

Each file binder shall include an individual index identifying each document included in the file binder by date, brief description of the document, and the tab and Bates numbers where the document can be located in the file.

Excessively large documents (i.e. drawings, manuals) may be placed on a DVD in a readable format, labeled with a clear summary of the contents and inserted in the appropriate place in the binder. Provide one file per DVD only.

The VA has a continuing duty to supplement the record with relevant documents and tangible things to the VA Oversight and Investigations Subcommittee until the matter is closed.

In cases where a hearing is requested, these supplements shall be provided in advance of the hearing. All supplements to the comprehensive file or executive summary shall be organized as above.